

FINES, JAIL TERM ARE IMPOSED UPON WILLIAM H. MAGILL

Ruled Guilty on Conspiracy Charge Under Criminal Code

Must Serve Two Months, Judge Schwenger Rules—Acquit- ted of Other Counts

Although the testimony of a physician was given in county judge's criminal court to-day that William H. Magill, aged 65, former stockbroker, of Markland street, was "in no fit condition to stand imprisonment," His Honour Judge William F. Schwenger sentenced Magill to two months in jail and ordered him to pay a fine of \$2,000 on a charge of conspiracy under the criminal code. His honour gave accused the option of paying fines of \$2,000 on each of two charges under the foreign exchange control order, or, in default, spending two periods of six months in jail. The convictions were based on evidence that Magill was involved in the illegal import and export of more than \$900,000 worth of securities.

Judge's Words

Magill faced six charges in all, five of them under the foreign exchange control order, as the result of investigations by the R.C.M.P. and officials of the foreign exchange control order into the illegal trading of stocks and bonds in Toronto and Buffalo. Before imposing the sentence His Honour told accused: "You knew what you were doing; you knew also that you were taking advantage of a national crisis to make great profits."

When the hearing reopened to-day, C. W. Reid Bowlby, K.C., special crown prosecutor, sought to withdraw charges which he referred to as "counts four and five." These were charges under the foreign exchange control order, alleging illegal import and export of currency. R. R. Evans, K.C., who was associated with H. A. F. Boyde, K.C., in defence of accused, opposed this request.

Acquittal Made

"If on the evidence the accused is not guilty, I think he is entitled to an acquittal," he said.

His Honour acquitted Magill on the sixth count which he faced. His Honour said that the circumstances surrounding this alleged offence were filled with suspicion. In the absence of specific identification of money accused was alleged to have exported, he said, he would have to acquit him.

After having acquitted accused on the last count, he advised counsel of his reasons for convicting on the conspiracy charge and on the two remaining charges under the foreign exchange control order.

Arthritis Sufferer

Mr. Boyde called Dr. A. Newton Brady, before sentence was passed. Dr. Brady testified that he had attended accused since 1937 and that he had "a bad case" of arthritis. He said accused's weight had dropped sharply in the last few years, and that his hands and feet were practically useless. He suffered also from arterio sclerosis, or hardening of the arteries, he said.

Mr. Boyde later told His Honour that any profit accused made was small. His Honour replied that the offence was not in making profit but in breaking the law.

"This was not an effort to obstruct the war effort," Mr. Boyde continued, "a person who does endeavour to impede the war effort merits severe and condign punishment."

"In this case, no one can say whether accused's acts have worked to the disadvantage of the war effort." Accused was a man who had suffered some "terrible misfortunes" in his lifetime, he said, and the offences represented "his

last desperate throw to make a living."

Mr. Bowlby pointed out that the Dominion now faces one of the most desperate situations in its history. "No offence can be worse than that of making profit at the expense of the country in time of war."

"With his eyes wide open and with all his knowledge of finance and brokerage, he committed these acts," Mr. Bowlby contended.

Before imposing sentence, His Honour reminded accused that Mr. Bowlby had not asked for a lengthy sentence.

"Having lost all else," Magill was told, "you have also lost the respect of those who knew you and they will probably hold you in contempt."

Handwritten notes and signatures, including "Magill" and "Bowlby".