

deed would have been heard, and unless there was proof of violent means having been taken at the delivery, there was no ground to bring in a verdict of guilty against the prisoner. Mr. Drummond then contended against the admissibility of that part of the evidence which had been submitted by the Crown as being the dying declaration of the deceased, since the two women who had repeated it had contradicted each other; and went on to say that they had no verbal evidence to shew that Patterson had anything to do with the girl's delivery; and as to the lacerated appearance exhibited on the post mortem examination of the body, he further contended that it might have been produced by an ordinary accouchement. He concluded by saying that he should call witnesses, though it might be a painful thing to see the grief of the mother as they had seen it the other day, still he felt it to be his duty to do so; he should shew that the mother of the deceased was not to be believed on her oath, and it was a melancholy sight to see the woeful ignorance and the want of religious instruction of her son, a boy of 13 years of age, brought up to give evidence on the day before, who could not be made to understand the nature and obligation of an oath.

Edward Billings was then sworn. He said that he could hardly believe Madame Savariat or Gobert on oath.

Mr. Johnson—Is it commonly reported that she has ever taken a false oath.

Witness—I do not know if she ever did, only in common business transactions she is not to be believed.

Uzziah Smith—I know Madame Savariat. I have been acquainted with her for the past three years.

Mr. Morrison—Would you from her general character believe her on oath.

Witness—I hardly know how to answer that question. If she had not much interest, perhaps I would not refuse to believe her. If she had not too much interest in the case, perhaps I might believe her.

Philip Derrick—I know Madame Savariat, and from her general character would not believe her on oath.

Mr. Johnson—Has she ever been known to have taken a false oath?

Witness—I do not know her to have ever been called into court.

Dr. Hall was then sworn, and examined at length on the medical testimony adduced for the prosecution. The gist of it went to prove that the appearances described by Drs. Beaubien and Beaudoin on the post mortem examination of the deceased, might have been caused by natural means, although he could not account in any satisfactory manner for the laceration of the perineum as described by Dr. Beaubien, which could hardly have occurred through any natural process.

This closed the case for the defence, and Mr. Johnson, in reply, proceeded to address the jury. The length of time which had been bestowed upon this case would be well repaid if the ends of justice were thereby forwarded. It was a melancholy task they had to perform, but they must not consult their feelings, for life itself was not a path strewn with roses. And first, there could be no doubt as to what was technically called the body of the offence, the medical men had no doubts reserved when they stated that Olive Savariat's death was brought about by premature labour, brought on by unnatural means. It was useless to speak of the age of the unfortunate prisoner, and he (the speaker) would nothing extenuate, and he dare not set down aught in malice. There could be no doubt that the deceased was pregnant, when was she delivered, and by what means was her deliverance brought about? This was not a mere matter of scientific investigation. It was a matter which was going on every hour in this world, and without it the world would not be peopled at all, and though men should speak with reverence of the mysteries of parturition, yet it was what, in cases like the present, they, fathers themselves, need not fear to speak about.

Mr. Johnson went on to contend that, on the night of the delivery, there were none with Olive Savariat who could have rendered her assistance, save Patterson and his wife. She was arrested for the crime, but he escaped across the frontier, and when visited by the witness Smith, put the hypothetical case which had been testified to. There was then no doubt, from his own words, that he had delivered a woman of a four months' child, and that it was Olive Savariat's case he alluded to when he thus spoke to Smith.

Again, when Patterson was told by her mother that she was seven or eight months gone with child, he scouted the idea, by indicating with his hands that the child was so small as to be only a few months fetus. If this child had been brought into the world in the natural way, would there have been all this concealment, would the child not have been seen? and the dying girl, when an unseen world was bursting on her, said, "would he not have done better, instead of having my child burnt, to have given me \$30 to let it live;" this was evidence of the fact that she knew the child had been burned. Undoubtedly the evidence, having to be translated did not reach the ears of the jury with the force it had struck his, yet the mother of the deceased had rendered