

# THE MEDICAL CHRONICLE.

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## ORIGINAL COMMUNICATIONS.

ART. XXVII.—*Death from Uterine Hemorrhage.* By W. MARSDEN, M.D., Governor of the College of Physicians and Surgeons of Lower Canada.

The following case occupied a considerable portion of the time of the late term of "Oyer and Terminer," in September last, and probably possesses features sufficiently interesting to entitle it to publication.

### THE QUEEN vs. BURKE, FOR MURDER.

Patrick Burke was indicted for the murder of his wife, on the 17th March last (St. Patrick's Day), at St. John's, Port Joli. His trial commenced on the 21st of September, and after having occupied the Court the whole day, was adjourned till the following, when it was found, on the Jurors being called to answer to their names, that one of their number, James Fackney, was unable to come into court, having been attacked during the previous night with symptoms of gastric fever, with delirium, occasioned, in all probability, by fasting, excitement, and confinement. It therefore became necessary to discharge the jury and have a new trial.

On a new jury being empannelled, two entire days were occupied in hearing the evidence, which was in some points of a deeply interesting character. The whole gist of the case rested, as the learned Judge, (Aylwin) stated, on the medical testimony, on which his honor suggested the finding a verdict of simple assault only. This, under the present system of Canadian criminal jurisprudence, could be done, instead of the graver one for murder or manslaughter, although not contained in the indictment. The jury, however, after an absence of about half-an-hour, returned into court with an unanimous verdict of *not guilty*. In this report I shall confine myself chiefly to the medical testimony, for which I am indebted to the ample notes of Mr. Dunbar.

Seven medical gentlemen were summoned in this case, five on behalf