

THE DEFENCE.

Dr. PHILBRICK, Yorkville, examined by Mr. Cameron, said—I have known the defendant for more than a year; that is all the time he has lived in the village. I identify the diploma from Apothecaries' Hall, London, granted to Richard Collier Hoare, to the effect that he is well qualified to practice as an apothecary. Dr. Hoare is licensed by the Hall to practise in England and Wales. I have ordered Dr. Hoare to make up prescriptions for myself and family. I believe my patients have had prescriptions made up at his shop. I know nothing about his skill in medicine. I have seen strychnine once in crystals. It was a pure white, and the crystals seemed smaller than the santonine now produced. I have seen santonine perfectly white. A man who has passed the Apothecaries' Hall has a legal right to dispense medicines, although he might not be qualified to do so. Some examinations for the practice of medicine in Canada are not examinations at all, and are paltry and low. (Laughter.)

To Mr. Dempsey—I remember Dr. Hoare on one occasion sent different medicines than those ordered, for a patient of mine. The medicines sent would not have done any harm. They were bitter, and if taken would have made the person sick, instead of giving him an appetite as was intended. (Laughter.)

To the Court—I decline answering whether he is a person of steady habits.

Re-examined by Mr. CAMERON.—I have dealt with Dr. Hoare since the time referred to about sending the wrong medicines to my patient.

Dr. BERRYMAN.—I am professor of materia medica in Victoria College. I have been often in Dr. Hoare's establishment, and have always found him very accurate in making up prescriptions. I advised him to change the position of the bottle of strychnine after the first day of the inquest. The strychnine was in a crystallized state. The vials containing strychnine and santonine, produced by Dr. Scott, are disproportionate to those in Dr. Hoare's store. I examined the santonine and strychnine, and they seemed much alike. The case in which the bottles were kept contained a large quantity of poison of various descriptions in bottles; and other medicines. The santonine and strychnine were on the same shelf, and after the accident I suggested their separation.

To Mr. Dempsey.—I had observed the position of the bottles before the death of the child, I did not notice that the strychnine was in a crystallized state until I examined it while the inquest was sitting. Santonine turns yellow on being exposed to light. It is white originally. I cannot swear the strychnine was marked "poison." I think it was not.

To the Court.—I could not have detected strychnine from santonine in Mr. Hoare's shop by candle light.

Mr. ALBERT PRINCE, barrister, said:—I reside in Yorkville, and have known the defendant for about a year and a half. I have always dealt with Dr. Hoare for drugs and medicines. I was recommended to deal with him by Dr. Arnoldi. I had every confidence in Dr. Hoare and had no reason to complain of him.

This finished the defence.

Mr. M. C. CAMERON, in addressing the jury, made a powerful and touching appeal on behalf of his client. He said he was an old man who had not many years to live, and that the only relative he had on this side the Atlantic was his partner in life, equally aged. He said a solemn responsibility rested on the jury, as in the event of their returning a verdict of guilty, the defendant in the dock might be consigned for life to the penitentiary. The parents of the little one, who had gone to another and a better world, had no animosity against his (Mr. Cameron's) client, and if they had their wish he would be removed from the dock, for they know well that no punishment which he might receive would bring back their little child. In a Christian spirit they forgave him, as they well knew that the death of the child had been the result of accident. He (Mr. Cameron) had presented the diploma, which had been issued in the year 1830, to defendant, by the Apothecaries' Hall of London. This he had held for thirty years, and it gave him the privilege to dispense medicines in England and Wales. Before he received