

and occasionally *darted quick furtive glances at the Jury.*"

It appears to me that you contradict yourself in these few lines. At all events I fail to see what you as a medical journalist had to do in making such a statement. I suspect you were the only observer in the Court who was *sharp* enough to see those *quick furtive glances*. Strange that the Court did not observe them, nor Mr. Davidson, the learned Counsel for the Crown, did not observe these *glances*, for no doubt if they did they would have drawn the attention of the Jury to that important fact.

"The St. Vincent de Paul convicts dread being transferred to the Kingston Penitentiary. Hayvern *suspected Salter* of trying to secure his removal thither."

Where on earth did you obtain that information? Certainly not when the man was on his trial.

I have the *Gazette* before me, and I find no such evidence has been reported; moreover, neither his Honor Judge Monk, nor Mr. Davidson, ever made such a statement to the Jury; on the contrary, Mr. Davidson said: "True, there were some *minor circumstances which had not been clearly established.*" But this is a *major* circumstance, and instead of its being established, it was actually established by the evidence of the Crown that Hayvern and Salter were good friends.

Speaking of the knife you say, "An old file ground down to a fine point was fixed in a *rough wooden handle.*"

Another gratuitous statement. No one even *attempted* to prove that the knife was made from an old file, and instead of a rough wooden handle, the acting Warden distinctly stated that, seeing the handle was the handle of a shoe-maker's knife, he thought it was a shoe-maker's knife.

"He voluntarily told the Warden that he had stabbed Salter with a knife, and that he had done for Salter."

I never heard the Warden make such a statement, it is not reported, and it is not in the Warden's evidence before the Coroner's Jury. Neither his Honor Judge Monk, nor Mr. Davidson, Q.C., made such a statement to the Jury.

"When asked for the knife he *brandished* it in a threatening manner."

Again I ask, where or in whose evidence does the *brandishing* appear? Some said he attempted to conceal it in the sleeve of his coat, some that

he carried it in one position and some in another, but this is the first I have heard of *brandishing*.

Were I to go into the statements you have made respecting the evidence of the Rev. Father Knox and myself, I could just as easily show how absurdly you have represented both the one and the other. But I forbear. I will, however, relate you a little incident that occurred to me in early life, forty-two years ago—I was then two years in practice. The Criminal Court was opened in Carrick on Shannon, Co. of Leitrim, Ireland. The Presiding Judge was LORD CHIEF JUSTICE BALL. I was brought forward by the Crown to give evidence in a case, *The Queen versus ———*, for the murder of her child. I proved to the satisfaction of the Court and Jury that the child was born alive, had not been killed, but came to its death from want of proper care after birth. The woman instead of being, as she was accused of, found guilty of murder, was simply found guilty of concealment of the birth of a child under mitigating circumstances, and only got three months imprisonment. Now, through some busy person it came to the knowledge of the Attorney General that at the time of the inquest the woman had made some confession to me, and when under examination the Attorney General asked me if it was not true that the woman made a confession to me. I answered, "Yes." "Tell the Court and Jury, Dr. Howard, what was that confession." I refused; the Attorney General called upon his Lordship to compel me or imprison me for contempt of Court. His Lordship threatened me, I respectfully persisted in refusing. I said, "My Lord, I have proved that the child was born alive and how it came by its death. I have proved that the prisoner at the Bar on the day of the inquest had been very lately a mother. All that knowledge I obtained in my capacity of a professional man. After the inquest was over the poor woman consulted me as a professional man, she then became my patient. When I received my diploma, I swore to keep the secrets of my patients, therefore, your Lordship, I cannot and will not tell what that woman as such confessed to me." I was not sent to prison, but complimented by his Lordship for having acted as I did, and he said I was *right* maintaining my action, and his Lordship added: "I regret to say that too frequently I find medical men, when giving evidence on the part of the Crown, acting as if it were their duty to assist in having the accused *convicted*. Such is not the duty