

Ans.—I think not.

Ques.—Would they in three months produce abortion in the early stage of pregnancy?

Ans.—Such a mode of medication would, to say the least, be very hazardous.

On a subsequent day a druggist's assistant was brought up to give oath that the samples of the pills served by Tumblety *he believed* were made from a prescription he had before compounded, which was for pills only, and contained but two of the ingredients, aloe- and capicum, mentioned by last witness, in addition to others not mentioned, but which are known to be at least equally virulent as the other "noxious things," viz: gamboge, colocynth, mandrake. The exact nature of the means used would appear to be of secondary moment to the *intent* with which they were prescribed,—if it be established that there was an intent to create a miscarriage, then, although the means were incompetent to effect this end, the accused stands legally as condemned as if they had been more successful. Taylor in commenting on the English statute against criminal abortion, says:—"Whether or not the substance would have the effect intended, i. e., of inducing abortion is perfectly immaterial." If this be admitted, a medical enquiry into the powers, doses, &c., of the remedies, declare it to be given, becomes a work of supererogation.

The case was tried before the Inspector and Superintendent of Police and on the 26th ultimo, he ordered the defendant to be committed to jail to await his trial. He declined receiving bail, because Tumblety was a stranger in the Province, therefore his appearance would be considered *perille*: if this privilege were granted. After the prisoner's commitment his Counsel brought him before Mr. Justice Aylwin, upon writ of *habeas corpus*, he praying that he might receive the liberty already denied him. The learned Judge, however, confirmed the Police Magistrates' decision, and in his comments upon the accusation said, as reported by one of our daily contemporaries.

"It was of the most serious character, and which the law must use every means to check and put down. Unfortunately it had been brought before the public, through the press, the evidence adduced before the Police Magistrate had gone out to the world, and truly or falsely this man Tumblety had been thus advertised as a person professing and practising a most horrible crime. To protect society, therefore, and to take care that such publicity should not be taken advantage of, he considered it his duty to keep the prisoner where he was until the day of his trial. If, indeed, his drugs and instruments could be seized, and the possibility of his repeating the offence wherewith he stood charged, could be thus made certain, or if a policeman could be stationed at his door to interrogate females seeking his aid, and see for what disease he treated them, the man might fitly be allowed to go at large. But as there was no law which would justify espionage, nor allow of such interference, the only way to