

the opportunity of glutting one of their most demoralized tastes. But to return to our subject.

We have stated that in Patterson's case there is a total absence of all intention. Now with regard to the crime of inducing abortion, the law stands as follows:—To attempt to produce an abortion, is a misdemeanor; if the attempt is successful, and a fœtus is born, whether living or dead, a felony has been committed, termed a murder in the former case, but with this difference, that whereas the penalty in the one case is death, in the other the criminal is sent to the Penitentiary for a longer or shorter period of time, according to the enormities associated with the offence. In the case before us, there is nothing to prove that the infant was born living, in fact there is the strongest ground for believing that it was born dead; and the conviction of Patterson was made to rest, not upon the abortion which he undoubtedly practised, but on the death of the unfortunate girl, which was attributed as a result of the abortion effected upon her, but which we think after serious reflection, might have been shown to have been due to other causes, and this very probably successfully too, had the prisoner confided fully in his counsel.

The law, in a case where the death of the mother is clearly the effect of the measures adopted on her person to produce an abortion, regards such a death, and very properly too, as a murder. But in this case was the puerperal affection, or the abdominal inflammatory effects under which the unfortunate girl succumbed, the direct or even indirect result of such attempts? Of this, it is our honest opinion, there may be entertained well grounded doubts. There was not the slightest evidence of personal injury suffered by the girl, except the laceration of the perineum, for which we cannot account, even had the infant attained the sixth month of its intra-uterine existence which is not probable. This variety of injury is by no means common, even in labours at full term, and has never proved fatal that we are aware of. It was found on Burn's daughter, and was one proof in the mind of Dr. Beaubien, who examined her, of her having borne a child; yet she was in the witness box to testify against her father, months after her delivery, and in good health. We must therefore dismiss from our minds all idea of the inflammation of the intestines and its consequences having been the effect of injuries committed upon her. Besides, she was in Patterson's house several days after the delivery had been accomplished, was enabled—her health and strength having been equal to the task—to accompany her mother home in Patterson's sleigh; rose from her bed for some time the day after, being the 6th or 7th at the earliest from her accouchement, and then took to her bed the following day, from which she never rose, having died after the lapse of a fortnight. If this puerperal fever, or inflammation of the intestines (Puerperal Peritonitis,) had been the result of direct injury, the symptoms would have declared themselves within a day or two, or most probably within a few hours after the abortion. This they did not do, and it is far more reasonable to suppose, and more in consonance with what we know of that disease, that it originated from an impression of cold contracted during the sleigh ride to her mother's house. Had she been labouring under it at Pat-