

her niece, Mrs. Parsons swore that "Dr. Ferguson said she must have taken something or there must have been interference in some way.

... On account of her sister we did not want to have anything come out, but had we known *who* was to blame we would have been anxious for an investigation. I heard she got some medicine to take from Mr. Gamble." The fair and obvious meaning of this seemed to be that though an abortion had, in the opinion of the attending physician, been procured and death had followed, there was to be no investigation because it was not clear who was to blame in the matter. This evidence made a decided impression on the jury, a specially intelligent one selected with care in view of the serious nature of the case. Thereafter every witness who could be expected to throw light on the question of the certificate was sharply interrogated by its foreman or its members. An impression that there had been collusion to prevent inquiry was evidently present, as remarks to that effect reached me. I mention this simply to explain later events. Of course I did not believe one word of all that was being said in this way, but hoped to have it made clear by the doctor's own evidence, that he had simply overlooked or had been kept in ignorance of the suspicious circumstances. I would have so charged had he not sworn, "I told Mrs. Parsons I felt confident that there had been interference, by drugs or instruments, with the progress of the pregnancy. The rapid development of the collapse and high temperature so few hours after delivery led me to think this. During the illness Mrs. Parsons told me of her suspicions of Gamble."

In conversation with Dr. Ferguson since the inquest, I understand him to think that he included accidental causes with the others mentioned in this connection. The difference would have been material. I did not so hear or record him, nor did the jury or the gentlemen present, whom I have spoken to on the subject, so understand him. In no newspaper report can I find such additional words. Vindication of my course at the expense of an injustice to another would not be worth having. If that was his meaning, it is most unfortunate for all of us that it was not made distinct. Following the above statement, the foreman asked if it

was usual for medical men to give burial certificates, knowing what he had just sworn to. The reply was: "I suspected the interference, but gave the certificate on account of Mrs. Parsons' position, thinking it not likely that anything could be proved with regard to the cause of the abortion." Subsequently the other two medical witnesses were asked about the certificate, and neither one would directly justify its being granted. In summing up since, in view of all the evidence, I could not say that the decision to have no investigation was right, there was left me a choice between passing the subject in silence, and trying to present it in its true light to the jury. To have taken the first and easiest plan would have been a shirking of duty, and would have led to the certain condemnation of the doctor. Questions put by the foreman, the jurors, and the acting C. C. Attorney showed how serious a view was being taken of this matter. Deciding to consider the certificate-giving as a mistake, I charged that there was absolutely no evidence of intentional wrongdoing on the part of the doctor; that while the giving of the certificate was a most regrettable mistake, it was one which any medical man might have made; that we were no more infallible than other men, and that the doctor, more than any one else, would regret having written it, since it had given time for a man guilty of an awful crime to escape arrest. It was through a kindly wish to spare the feelings of the friends of the deceased that it had been given. If into the lives of any of them there had come the bitterness of such a family disgrace as this, they would understand how strong was the desire to avoid publicity and how great the temptation for the doctor to yield to the wishes of the friends. While there had been a want of care in this case, there was no wrong intent. The medical treatment had been entirely correct." The newspapers skipped all this, but put in all, and more than all, that I said reflecting upon the physician in attendance.

It was my expectation that at the most there would have been only a reference to the need for great care in connection with the giving of burial certificates. With the rider attached to the verdict I have never agreed. It was