

throws very little light upon the Hayvern case, and does not add to the scientific value of Dr. Howard's communication; at all events, whether bad or mad, fool or knave, we retain sufficient respect for ourselves, our profession, and our Journal, to refrain from unbecoming and uncalled-for personal attacks.

Dr. Howard asserts that our "*very ingenious*" editorial contains misrepresentations and contradictions, and does Hayvern "*great injustice*." His criticisms are based entirely upon the report of the trial which appeared in the *Montreal Gazette*. Unfortunately, in the Montreal criminal courts, there is no authorized or official report of proceedings; we have to depend solely upon the newspaper accounts, which are always more or less imperfect. In this case the *Gazette*, *Herald*, *Star*, and *Witness* have reports, none of them perfect, yet collectively giving a fair idea of the evidence. The *Gazette* report is, on the whole, the most complete and accurate, except in the matter of Dr. Howard's own evidence. When Dr. Howard entered the witness box, he held in his hand a voluminous document, which was promptly challenged by Mr. Davidson and disallowed by the Court. The *Gazette* account may be a faithful report of that document, and may contain the evidence which Dr. Howard *intended* to give; but most certainly it is not an accurate report of the evidence which Dr. Howard *actually did* give in open Court. A glance at the reports of the four papers will readily demonstrate many differences, both in matter and manner, especially in the cross-examination. We will examine Dr. Howard's criticisms *seriatim* :—

1. He discovers contradiction in our statement that the prisoner seemed indifferent and unconcerned, yet watched the proceedings closely, and darted furtive glances at the jury.

We fail to see the contradiction implied by *seeming* unconcern and close scrutiny. However, if he turns to the *Gazette* report of Dr. Vallée's evidence he will find:

"Witness had observed the appearance in court of the prisoner, and had found that he manifested a great indifference; but at moments when pointed remarks were made witness observed that prisoner paid greater attention."

Momentary flashes of interest and quick furtive glances, which were occasionally observed during the examination of witnesses, became most noticeable while Mr. Davidson was addressing the jury; these furtive glances were the subject of remark

among several gentlemen present, who, unlike Dr. Howard, were "*sharp enough*" to detect them. More than once the remark was made that the prisoner seemed to be more knave than fool. When Mr. Curran, in his address to the jury, graphically painted the prisoner's life of crime, and referred in touching terms to the grief of the poor heart-broken mother, prisoner's seeming indifference entirely broke down; he bowed his head upon the dock, and sobbed like a child. When the jury rendered their verdict of guilty, Mr. Curran quickly turned around to the prisoner and said to him: "When you are asked if you have anything to say for yourself, say nothing." "All right," was the quick reply; and when Mr. Schiller asked him the usual question, if he had anything to say why sentence of death should not be passed, prisoner replied quite unconcernedly, "I have got nothing to say." If time and space permitted, many more incidents of the trial might be given to bear out our statement that the prisoner *seemed* indifferent and unconcerned, yet watched the proceedings closely. Did it ever suggest itself to Dr. Howard that Hayvern's dogged and sullen indifference might have been feigned? In this connection it must not be forgotten that the prisoner's chances of life depended largely upon his bearing out Dr. Howard's diagnosis of imbecility, both by looks and actions.

2. While it is a well-known fact that the St. Vincent de Paul convicts dread being removed to Kingston, Dr. Howard cannot see where we have grounds for the assertion that "Hayvern suspected Salter of trying to secure his removal thither."

JEAN BUERE, a guard, (*vide Gazette*) says:—

"Prisoner subsequently told witness, in answer to his question, that he had used his knife on Salter at the end of the stairway leading to the Protestant chapel, and that he had done so, *because Salter wanted to send him to Kingston*; prisoner also said that there were other reasons behind, than that one."

REV. FATHER KNOX (*vide Gazette*) says:

"Referring to the *Kingston Penitentiary*, prisoner said *he would never go there*;" also, "The prisoner while in his cell acted very foolishly, talking to himself, and especially so about *Kingston*;" also, "Heard him mention *Kingston* several times, also the word *quiet*."

3. In support of our "gratuitous statement," that the knife was fashioned from an old file and