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MURDER TO END PAIN.

In an article in the *Law Quarterly Review*, Mr. Herbert Stephen comments on a remarkable debate recently held by the New-York Medico-Legal Society, and reported in the Society's Journal. Dr. Thwing read a short paper entitled "Euthanasia in Articulo Mortis," in which he argued that in some cases of hopeless suffering a physician is morally justified in putting an end to his patient's life. Mr. Stephen says:—"The arguments for and against such a proceeding are obvious, but what makes Dr. Thwing's paper remarkable is the calmness of his avowals as to what he has himself done. He says that he once attended a lady, a relation of his own, who was stricken with apoplexy and hemiplegia. The age of the patient, a widow of sixty-six years, the severity of the attack and her plethoric habit, promised a fatal issue within a day or two. She lingered, however, five days, speechless from the first, and comatose. Details of the lady's condition follow, from which it appears that she was, in Dr. Thwing's opinion, unconscious. 'The reality of suffering I could not admit, but the appearance of it in actions, purely reflex, was painful to me. As her only surviving kinsman, I took the responsibility of administering a mild anæsthetic.' Dr. Thwing then caused his dying relation to inhale a mixture of chloroform and sulphuric ether. This treatment caused her death in a quarter of an hour. In Dr. Thwing's words, 'respiration became easy and a general quietude secured. Euthanasia was gained and an apparently painful dissolution avoided.' The boldness of this avowal is made particularly conspicuous by Dr. Thwing's express admission that the only person for whom the lady's death, if she had been allowed to die naturally, would have been in any degree painful was not the lady herself, but Dr. Thwing. It cannot be for a moment disputed that according to the law of England, and I presume, according to that of New-York, Dr. Thwing murdered his patient. He asserts that his reason was not that it was a saving of pain to her, but that it put an end to a spectacle which was 'painful to me.' He says he killed her purely for his own personal convenience, because she had lived some three days longer than his medical learning and experience had led him to expect. And he seems to think his example worthy of imitation.... The extracts from the discussion which I have given afford, I think, grounds enough for a very conclusive opinion as to whether doctors are to be morally commended when they seek to substitute their individual feelings and judgments for the plain and universal rule supplied by the criminal law." The editor of the *Law Quarterly Review* adds the following:—"English medical opinion and practice are, I believe, quite settled against using, for the sole purpose of neutralizing pain, any treatment that involves a new danger to the patient's life. Perhaps it ought to be added that Dr. Thwing's narrative is somewhat confused on the material question whether his treatment really did cause death or not. But if it did not, there was nothing to discuss."

FIRST DIVISION COURT.

PEMBROKE, July 3, 1889.

Coram DEACON, Co. J.

RATHWELL v. CANADIAN PACIFIC RAILWAY CO.

Railway—Cattle trespassing and getting on track from land not occupied by owner of cattle.

PER CURIAM.— This is an action against the defendant company to recover $60, the value of two cows of plaintiff killed by an engine and train of defendants on that part of their line which crosses lot No. 19 in the 3rd concession of Rolph, and came up for trial at the last May sitting of this Court, when the counsel for the parties agreed upon the following statement of facts, and arranged for a subsequent appointment to argue the question of law arising thereon:—

1. Plaintiff is the occupant of lot 18 in the 3rd concession of Rolph.

2. Said lot 18 does not touch the railway