

The Court stated that if it allowed the subject to be opened again, the defence would have a right to bring up twenty or thirty witnesses if it liked. It overruled the application.

Mr. Johnson, on behalf of the prosecution, then proceeded to address the Jury, recapitulating the evidence, and speaking in very strong terms as to the discrepancy in the medical evidence. It was well known that no medical man could now be put into the witness box to make a deposition, without having a crowd of aspirants ready to contradict him, and depose to the exact contrary.

The Judge at three o'clock, proceeded to sum up in a most masterly manner, analysing the evidence very carefully. Observing in the course of his remarks, the theories of the medical men amounted absolutely to nothing, for he was sorry to say that medical men now came into the Court prepared to doubt of every thing; almost of their own existence. We have first the evidence of the medical gentleman who attended the deceased during her life time and performed the examination of her body after death. Then the evidence of another medical gentleman who had the next best opportunity, namely, that of being present at and assisting at that examination. Then of two other gentlemen who being here present in court and having heard the whole of the evidence, corroborating the evidence of the two principal medical witnesses, and agreeing with them in the opinion that death was caused by external violence. But then a most extraordinary line of defence is set up by prisoner's counsel, (whose duty it is to do all in his power for his client,) that deceased did not die of the injuries she received (one says they did not hurt her), but that she died in the ordinary course of nature, and that the disease which carried her off was apoplexy, and four medical men are brought here in support of that position. The counsel for the crown has well told you that no where but in England is such latitude allowed to prisoners counsel, as to summon any number of scientific witnesses, knowing nothing of the case, to give an opinion. It has there grown into an abuse, for no case, however trivial, can be there disposed of, without a host of aspirants for fame rushing to the court to throw doubts upon every thing.

It has there grown into an abuse; it is becoming a nuisance here to which it is high time to put a stop. I shall not dwell upon the evidence of the four medical men for the defence, for three of them were, as you observe, compelled to admit that death must have been accelerated by the ill treatment. All except one, Dr. Cralk, who says it did her no harm inasmuch as she was accustomed to it. Gentlemen, this is a point upon which you are as capable of judging as any medical man, and your common sense must be your guide.

It is much to be regretted that medical science has not attained a greater degree of precision, than, judging by the exhibitions of its votaries latterly in criminal courts, it seems to have attained, where technicalities and sophisms are indulged in to the exclusion, seemingly, of common sense, and where medical men so widely differ upon points where non professional persons would have no difficulty in arriving at some conclusion. Medical evidence of a proper character is of the highest value, and being of such value, its legitimate limits should be well defined; and medical men prevented from becoming the advocate of the prisoner: and if courts of law do not censure the unjust interference with the purity of medical evidence, the results to society would be terrible.

The Jury returned a verdict of "Guilty of Manslaughter," and prisoner was sentenced to 10 years imprisonment in the Penitentiary.

The evidence of the medical men for the defence, is perhaps, the best comment that could be offered, and the only comment which (considering the distance which separates some of them in professional experience and reputation from the writer,) prudence would suggest. Yet as no remark of mine will be penned in a spirit of harshness, ill-nature or disrespect, I may be permitted to follow some of the more remarkable statements to their legitimate conclusion.