

2. The second great head of enquiry is, supposing the fact of the homicide by death be satisfactorily established, what is the crime which was committed? Was it murder, or manslaughter?

To determine this question, it became necessary to open for the purpose of discussion, not only that the fact of homicide has been proved, but also that it was committed by Dr. W.

Now although this fact is denied by Dr. W. & however confident his counsel that the evidence wholly fails to establish it, they cannot feel themselves at liberty in the discharge of their professional responsibility to determine that it cannot by possibility be otherwise the act of Dr. W.

But they must be beyond of any doubt as to the act of the Council - for should the Dr. be in no way to be responsible - his denial is total - & the mode of proceeding by Council must be distinguished from his speaking.

Council must also be considered as denying all participation of Dr. W. in any act which caused the death of Dr. P.

With these preliminary statements they proceed to consider 1. What is murder