

# REPORT OF THE TRIAL.

## FIRST DAY.

ANNAPOLIS, MD., December 4, 1871.

As was anticipated, the commencement of the trial of Mrs. E. G. Wharton has occasioned much excitement in this city. The court room was crowded during the entire proceedings to day, and everything indicated the deep interest felt in the case. A large number of ladies were constant attendants. Many of the most prominent citizens of Annapolis were in the court room to-day, and the interest evidenced is earnest, but very calm and respectful.

At ten minutes before 10 o'clock Mrs. Wharton arrived in a hack in front of the court house, and was accompanied by her daughter, and Mr. and Mrs. J. Crawford Neilson. She entered the court room, leaning on Mr. Neilson's arm, without delay, and took a seat in the witness' box and to the right of the Judge's Bench. Her entrance was accomplished in a very quiet manner, and no particular excitement followed.

Upon the opening of the court Chief Justice Miller called cases No. 7 and 8 on the criminal docket, removed from Baltimore city, and inquired of the State's Attorney if the State was ready to proceed to trial. The State's Attorney replied that he had not called the list of the State's witnesses, and that he moved that the prisoner be first arraigned, as she had not been arraigned in the Criminal Court of Baltimore, and that it be on the first indictment, namely, for the murder of General Wm. Scott Ketchum. Mr. Steele, counsel for the defence, signified the assent of the prisoner's counsel, and the Chief Judge ordered the Sheriff to place the prisoner at the bar. Mrs. Wharton arose leisurely, and taking the arm of her counsel, Alex. B. Hagner, Esq., proceeded towards the prisoner's box, the crowd giving away as she passed. She removed her veil before leaving her seat, and for the first time revealed her countenance to the gaze of the crowd. Her daughter followed her closely, and Deputy Sheriff Basil followed at a pace. When she reached the prisoner's box she quietly took her stand, and her daughter, deeply veiled and with her head slightly bowed, stood close to her left, but outside of the box. Mr. Steele then requested the Chief Judge to allow the prisoner to take her seat, as the indictment was lengthy and her health feeble. Judge Miller said the Court would consent after the reading of the first count of the indictment. As Mrs. Wharton stood in the criminal box she wore a composed and sad expression. She showed no emotion, but seemed calm and resigned. Occasionally, however, a nervous movement of her lips and eyes showed that it was a painful and trying occasion to her. The crowd pressed toward her, and

stared with earnest curiosity. Some stood upon the benches that they might obtain a better view of her.

As soon as the court had consented to the request of Mr. Steele, Colonel Sprigg Harwood said to the prisoner, in the usual court formula, "Raise up your right hand." At these words she looked at him steadily, and drawing her right hand from her muff, raised it to her shoulder. The reading of the lengthy indictment, naming her as Elizabeth G. Wharton, then followed, and at the conclusion of the first count she was allowed to seat herself. A half hour was consumed in the reading of the indictment, and when the momentous question, "What say you, guilty or not guilty?" was asked, Mrs. Wharton answered in a clear voice, but little tremulous, "Not guilty."

She then left the prisoner's box and took her seat immediately in rear of her counsel, with her daughter to her left and Miss Rosa Neilson and Mrs. J. Crawford Neilson to her right. Without delay she drew down her veil and she and her daughter sat close to each other, both appearing much relieved at the change in their positions.

After the long list of witnesses had been called, the Judge ordered the names of the first twelve jurors on the regular panel to be called, and Colonel Harwood proceeded to obey the order.

At this moment Mrs. Wharton removed her veil aside and sat calmly awaiting the call of the jurors. She seemed less agitated than her daughter, who kept her veil down, and it was noticeable that she manifested none of the nervous interest in the proceedings which usually characterizes persons on trial for their lives.

The selection of the jury was then proceeded with, and after a number had been challenged, and several had been excused, the following eight were selected:

J. Franklin Deale, foreman; George M. Taylor, Jr., Stephen Beard, Benjamin R. Davidson, Jas. A. Bruce, Lloyd Brown, George Johnson, Jr., and Chas. C. Stewart.

The court then adjourned for the day. The trial, of course, excites intense interest. The management of the case will doubtless show much ability and skill on both sides, and the court will be called upon to decide many delicate questions as to the evidence offered. Judges Hammond and Hayden will be present to-morrow and until the conclusion of the case. As the character of the alleged crimes becomes developed by the testimony, the attendance upon the trial will probably be considerably increased. Many of the details have never been published, and the contradictory statements which have been given have served to heighten the curiosity of the public to learn the fullest particulars.