

SECOND DAY.

ANNAPOLIS, MD., December 5, 1871.

The proceedings to-day in the trial of Mrs. E. G. Wharton were marked by increased and more earnest interest. The court room was even more crowded than on yesterday, the large number of witnesses in attendance considerably augmenting the spectators. Judges Hammond and Hayden were on the bench to-day, and, as was anticipated, the counsel engaged have shown their determination to avail themselves of all the advantages they conceived the rules of evidence would allow. Hon. A. K. Syester arrived yesterday afternoon, and, together with a large number of the witnesses for the defence, is stopping at the Maryland Hotel. He qualified this morning before his Excellency Governor Bowie as Attorney General of Maryland, and has been actively engaged to-day with the State's Attorney.

The first business of the court was the completion of the panel. After some little delay the following four jurymen were selected, this completing the twelve: John H. Sellman, R. W. Sheckells, George W. Watkins and Robert H. Welch.

The Chief Judge then charged the jury, telling them that the trial would probably be long and tedious; that they must consider themselves set apart from the rest of men, and that no papers or any communications could be allowed them.

Mrs. Wharton, leaning on the arm of Deputy Sheriff Basil, then proceeded to the prisoner's box, her daughter following and seating herself at her side. Colonel Harwood, the clerk of the court, then said: "Elizabeth G. Wharton, stand up and hold up your right hand." She stood up, with the same composed look which had distinguished her conduct on yesterday, and gently removing her heavy veil, stood with her hand raised before the jury and court, awaiting the second reading of the indictment.

She seemed very calm, but, as on yesterday, it was evidently a struggle with her. Colonel Harwood then, in a loud and clear voice, read to the jury the lengthy indictment for the murder, by poisoning, of General William Scott Ketchum. The fearful issue was now made up between the State of Maryland and Mrs. Wharton, the law of the State declaring the crime of which she was thus formally accused to be punishable with death, and the jury being denied, by the law, the right to bring in a secondary verdict.

The Chief Judge now ordered the State's Attorney to proceed with his opening statement to the jury. Mr. Revell arose, amid profound silence, and said:

May it please the court, and you, gentlemen of the jury: The oath that you shall well and truly try, and a true deliverance make between the State of Maryland and the prisoner at the bar, has been so solemnly taken by you that I feel that I can add nothing to impress it upon you. Knowing you personally, and acquainted with your high character, I feel, too, that no word of admonition is necessary from me. While you will be called upon in the discharge of your high and solemn duty—solemn as the grave and as momentous as life—to extend the shield of the law to prevent wrong to the prisoner, you will be called upon to protect also the State of Maryland.

The State's Attorney then remarked to the jury that the case had been removed from Baltimore

city, and came before the jury as if it had occurred in the county of Anne Arundel, and briefly stated the four counts of the indictment. The law on the subject of the indictment is brief and simple. The 137th section of the Code of Maryland, chapter 2d, declares all murder by poisoning to be murder in the first degree. He then read from Wharton on Homicide, giving the legal definition of murder. The question between the State of Maryland and the prisoner was one of murder in the first degree, or nothing—liberty or death. He then proceeded to introduce to the attention of the jury the main facts of the case.

The State would show that Major Harry W. Wharton, the late husband of the accused, was an intimate associate of General Ketchum in the Sixth Regiment of the United States Army, and that the intimacy between General Ketchum and Major Wharton's family continued after the death of Major Wharton, and led to business relations. General Ketchum loaned Mrs. Wharton the sum of \$2,600, and took her note. The last interest paid on the loan was on the 25th of January last, and it was known to the accused that interest was again due on the 17th of June last. On the 16th or 17th of June last Mrs. Wharton went to Washington to see General Ketchum about the note, and assigned as a reason for not paying the interest that her bankers had disappointed her. On the Saturday previous to his death General Ketchum left Washington in perfect health, and in company with Mrs. Chubb, an intimate friend, and arriving in Baltimore, went immediately to the residence of Mrs. Wharton to take leave of her before her contemplated departure for Europe, and for the purpose, as he declared, of collecting the amount of the note he held. On the evening of the day Gen. Ketchum arrived at Mrs. Wharton's he was taken violently sick. The State would prove that Mrs. Wharton had, after administering medicines which made General Ketchum each time violently sick, administered a final dose to him before the hour named for him to take medicine by Dr. Williams, who was in attendance upon him, and exhibited an eager desire to administer it. Mrs. Wharton did not leave the scene of her tragic act until General Ketchum in his agony commenced to tear his throat and stomach. The stomach of General Ketchum was carefully analyzed by Prof. Aikin, and twenty grains of tartar emetic found, and there were no indications in the brain, liver or heart of any natural disease. Mrs. Wharton purchased two quantities of tartar emetic on the day of General Ketchum's death. The State would also prove that Mrs. Wharton made contradictory statements in reference to her movements, and that she went so far as to try to induce a witness for the State to make a statement to the Grand Jury in Baltimore that was not true.

The State would show by the testimony of the doctors who attended General Ketchum, and of experts, that General Ketchum could have died from nothing but poison. Mrs. Wharton was, at the time of General Ketchum's death, very much straitened, and she had been trying for some time to raise a letter of credit before leaving for Europe. A human life had been foully taken, and the testimony for the State would connect Mrs. Wharton, beyond a doubt, as the principal actor.

Mr. Steele informed the jury that the counsel for the defence would reserve their statement. If he might be allowed to use a homely phrase in