

the bed came near to the mantle piece; there are four windows; I think the shutters were open on Wednesday when I was there; I recollect that Dr. Williams opened the shutters; it is quite possible that I may be mistaken as to the hour I met General Ketchum on the stairway; I did not report to Mrs. Wharton that General Ketchum needed a physician; I did not tell her I had been for a physician until the next day; I saw Dr. Williams give General Ketchum what he told me was a dose of yellow jasmine; that was given in about an hour after we arrived.

The Court now adjourned until 10 A. M. to-morrow. As new features of the case are being developed the interest in the trial revives, and the Court-room was again crowded to-day.

NINTH DAY.

ANNAPOLIS, December 13, 1871.

The interest of the public in the great Wharton trial seems unabated, and the court room has been again crowded to-day. The attendance of ladies was as large as on any previous day, and they sat patiently during the entire proceedings. The medical testimony for the State having been exhausted, except for rebuttal, the trial reassumed the interesting character which most engages the attention of the general public.

Mrs. Wharton and her daughter were still heavily veiled; Mrs. Neilson and Miss Rosa Neilson still accompany them, and there was nothing sensational apart from the testimony of the witnesses.

Upon the opening of the Court, Mr. A. H. Hutton was recalled and testified, under cross-examination by Mr. Steele—I don't suppose I asked Dr. Williams to come, but left it to him to decide; I told him General Ketchum was in a bad condition; I described his position and breathing, and I think I told him that I had not let Mrs. Wharton know that I was coming; he said he had seen him in the morning, and that he was not then very sick; that he had been weakened by vomiting, and sleeping would do him no harm; that he did not care to go unless it was absolutely necessary; that I should return to General K., and if I still thought his symptoms unfavorable, I should return and let him know; I have stated all the reasons he gave me; he did not tell me General K. had been rude to him; he said he did not care to go to see General K. unless it was absolutely necessary; Dr. Williams said nothing but what I have repeated; quite a number of persons were about Mrs. Wharton's house at times during the days I was attending upon General Ketchum. Mr. Hutton now gave to Mr. Steele a larger and corrected diagram of the room in which Gen. Ketchum died, saying that the one he had submitted yesterday had been drawn, of necessity, in a hurry.

Mr. Syester now asked the witness if he meant to say that a number of persons were in Mrs. Wharton's house or in attendance with him upon General Ketchum.

The defence objected, but Mr. Steele said he

did not object if the witness would name all the persons. A tumbler which had been placed in a nursery refrigerator had been admitted in evidence, and it was right that the jury should know who were in the house. If the inquiry stopped there he would not object, but did not desire, of course, to go into the trial of another case.

The Court decided that the witness could state who were present in the house at the times he was there.

Mr. Hutton continued—Most of the persons in Mrs. Wharton's house were in attendance upon some one else; I went there to attend some one else; that person was not a member of Mrs. Wharton's family.

Professor Aikin desired to make an explanation in respect to his analysis, as reported to Mr. Knott, which was stated privately to the Court, and the Chief Judge decided that the explanation was not material to the case, and declined to allow it to be made. Some desultory discussion followed between Mr. Syester and Mr. Thomas in reference to the justice of allowing Dr. Aikin to make the desired explanation, and the Court still declined to admit it.

Mr. A. A. Kleinschmidt was now recalled, and testified that an entry on the blotter, on the 26th of June, was in his handwriting; he was then shown the day-book, and testified that the charges were copied on the bill made out in Mr. Gosman's handwriting.

Mr. Hagner said he proposed to show that the entries had not been regularly made, and that essence of peppermint was charged to Mrs. Wharton on the day she was alleged to have bought tartar emetic.

In support of the right of the defence to introduce the evidence, Mr. Hagner quoted from *Atwell vs. Miller*, 6 Md., and *Lewis vs. Kramer*, 3 Md.

Mr. Syester said that all that could be shown was that a mistake had been made in making the entry in the books.

Mr. Steele said the books had been brought that the memory of the witness might be refreshed, and they showed but one entry had been made of tartar emetic, and that another article had been charged on the day the witness had testified he had sold tartar emetic to Mrs. Wharton.

The Court said the witness could be asked to explain the mistakes that had occurred, but that the bill could not be offered as evidence.

Mr. Syester suggested that the witness had already stated that he did not make off the bill, and could not explain the mistake.

Mr. Kleinschmidt was then allowed to leave the stand.

Jacob Frey, Deputy Marshal of Baltimore, was next called, and testified—I reside at 271 South Sharp street; I am Deputy Marshal of Police at Baltimore; I know Mrs. Wharton; I first saw her on the 7th of July last at her own house in Baltimore; I called on her to make some inquiry in relation to the death of General Ketchum, which had been reported to the Police Department; I gave her my name, and told her I was there to get some information about the death of General Ketchum; she related to me the fact that Gen. Ketchum had