

been summoned by the State, appeared in Court to-day, and occupied a seat immediately to the left of Miss Wharton. E. O. McNear, a banker of Washington, has also been summoned by the State.

### ELEVENTH DAY.

ANNAPOLIS, December 15, 1871.

In many respects the great Wharton-Ketchum trial has become decidedly monotonous, and apart from the discussions of counsel, and the testimony of witnesses, there is but little to attract special attraction. The interest of the spectators has evidently been considerably subdued by the tedium of a great part of the proceedings, and the eagerness to see the prisoner and catch the slightest expression of counsel or witnesses, which was so marked during the first week, is no longer observable. The court room is, however, still crowded each day, and the public seem determined to learn all that is to be said on either side. The patience of the ladies is remarkable, and by the constant attendance they manifest the most earnest interest.

Mrs. Wharton's carriage arrives each morning in front of the Court House a few minutes before 10 o'clock, and Sheriff Chairs or Deputy Sheriff Basil, alighting, assists the prisoner, her daughter and Mrs. Nugent from the vehicle. Mr. and Mrs. J. Crawford Neilson and Miss Rosa Neilson then join them, and the party enter the court-room without attracting much attention, and quietly occupy the seats immediately in rear of Mrs. Wharton's counsel. Mrs. Wharton, Miss Wharton and Mrs. Nugent appear in black, and are deeply veiled, and the prisoner and her daughter remain veiled until their return to the carriage. Mrs. Nugent usually removes her veil after arriving in the court-room, and reveals a remarkably pleasant, though a rather sad, expression of countenance and a face that was doubtless beautiful in happier years. Her manners are very quiet, but she seems to keenly appreciate the sorrow which now surrounds her. Mrs. Wharton's manner is still very composed, and except when consulting with her counsel, or exchanging a few words with her daughter or Mrs. Neilson, she remains perfectly quiet. Her countenance cannot be seen through her heavy veil, and no changes of expression can, of course, be observed. Miss Wharton appears in much better spirits than during the first week of the trial, and frequently converses pleasantly with Miss Neilson, who sits near her, and her cousin, Mr. H. Moon Wharton, of Philadelphia, who sits to her left.

Upon the opening of the Court this morning, the Chief Judge said the question argued on yesterday had before been considered by the Court, and the Court did not think that further argument would change its opinion, as it had already considered the question fully. The general rule of evidence was that the testimony must be confined to the issue. The important rule is also laid down that the prosecution cannot go into the question of the prisoner's character, unless the way is opened to them by the defence. These are two well

defined rules. When the law allows the facts of another offence to be given in evidence, the pendency of another indictment makes no difference.

The Chief Judge then read from Roscoe, on Criminal Evidence, touching this point. It is not necessary to prove guilty knowledge in this case by the fact that tartar emetic is well known to be a deadly poison when given in overdoses. The Chief Judge then read from Archbald's Criminal Practice, touching the question of what constituted a whole transaction, and said the offence of attempting to poison Mr. Van Ness was a separate and distinct offence, and the testimony in his case was not admissible in the case at the bar.

During the delivery of the opinion of the Court the most respectful silence was observed, and both sides seemed to appreciate fully the importance of the decision.

After considerable consultation between the respective counsel, Mr. Syester submitted the following to the Court without reading it and without argument: "The State now offers to introduce evidence to show that whilst the deceased lay languishing in the prisoner's house certain articles of food and drink, to wit, milk and beef tea, were taken to the house; that when taken there these articles were free from all noxious or poisonous qualities; that after they had been a short time in the house, and in places where the prisoner had knowledge of them, these same articles were found to be impregnated with poison as far as that fact can be shown by the taste of the poison and the symptoms of those affected by it; and further, that the symptoms of those who had occasion to make use of the milk and beef tea indicated the presence of tartar emetic."

The Chief Judge said that the Court would admit part of the offer. It was competent to show that tartar emetic had been found in Mrs. Wharton's house, and it could be proved by persons who tasted it, but not by the symptoms of those affected by it. If any person could say that he tasted poison in Mrs. Wharton's house, the testimony of such a person would be admissible to prove its existence there.

Charles L. Ketchum (a son of the late Gen. Ketchum) was now called, and testified—I reside in Georgetown, D. C., and I am a son of the late General Ketchum; I have known Mrs. Wharton over 20 years; I remember the day my father left Washington; his health was perfectly good; I had occupied the same room with him from the 5th of last April up to the day he left for Baltimore; I never heard him complain except of a slight sore throat; I next saw him on Friday, June the 30th; he was dead then, and had been brought to the house of my uncle, Gen. Brice; I saw Mrs. Wharton in Washington on the 3d of July; my brother and I called at Mrs. Chubb's to see Mrs. Wharton; she had telegraphed us to meet her; she commenced to sympathize with us at the death of our father and said she too had lost a true friend; while talking with us and expressing her sympathy, her eyes were filled with tears; she said she regretted very much to be compelled to talk about business so soon after my father's death,