

ferent parts of a city, but I call it epidemic only when it spreads among the people; if fifty cases occurred and were scattered over different parts of Baltimore I should regard it as an epidemic to a certain extent; I do not think it prevailed in Baltimore in 1864 to such an extent as to be considered an epidemic; I do not know of what disease Mr. Frederick Sangston died last summer in Baltimore; I read the hypothetical statement on last Monday evening; it was handed to me by Mr. Knott, and Dr. Williams was present; I had read it before in a newspaper; the yellow jessamine, chloral and chloroform were not such agents as I should have prescribed; they were depressing agents, and inappropriate, but I do not think they had any effect in determining the result, for the patient seems to have been in a dying condition when he took them; I think chloral is a very dangerous remedy to employ, and I have seen very disastrous results from its administration.

To Mr. Syester—According to my recollection of the wording of the hypothetical statement, I consider that the party described was dying at 11 A. M. on Wednesday.

Dr. George W. Benson next testified—I reside at 144 Hanover street, Baltimore; I graduated in medicine in 1852; my friends say my practice is a large one, and it yields me a very comfortable living; I have never known cerebro spinal meningitis to be epidemic in Baltimore in the last twenty years; I had two cases on Henrietta street, near Dr. Baltzell's case; I have read the hypothetical statement, and I do not think the party therein described died from cerebro spinal meningitis; it is my opinion that he died from non-natural causes.

To Mr. Steele—I generally have one or two cases of cerebro spinal meningitis every year; there was a case about four doors from Dr. Baltzell's case; Dr. Warren told me about two days ago that Mr. Frank Sangston had died from cerebro spinal meningitis; I was teasing him about the length of his testimony here; I am generally occupied so much in my practice that I don't hear much outside of it.

The Court here adjourned until 10 A. M. Monday, when the testimony for the State will be resumed and probably continued during the session of the Court on that day.

Dr. Genth and Professor McCulloch were present to-day.

### THIRTY-FIFTH DAY.

ANNAPOLIS, January 15, 1871.

A calmer or more impressive scene was never witnessed in a court house in Maryland than that which occurred on Saturday at the close of Mrs. Wharton's defence. After weeks of hard and anxious struggles and the delivery of all the testimony that the rules of law would allow to be given in behalf of the accused lady, the time had at last come when legal proof of her innocence was to cease. Mr. Thomas E. Coale was the last witness called to testify to her good name and high reputation for the possession of those qualities which contradict the idea of crime, and when he left the witness stand deep feeling seemed to pervade all present.

Then followed the reading of the testimony of General Heth and Dr. Finley.

Her counsel next engaged for a minute or two in an earnest consultation, and during the time they thus occupied they were closely watched by the anxious spectators. Mrs. Wharton sat quietly in her chair, seemingly the calmest person in the court room, and there was nothing even in the movement of a hand to tell that it was a painful moment to her. Her daughter sat at her left, an eager listener and observer; her steadfast friend, Mrs. Neilson, occupied her accustomed seat to the right, quiet and calm in her demeanor, but watchful of all that passed. Mrs. Nugent occupied a seat behind her, and leaning forward, showed the deep concern which she felt. When Mr. Steele, in a calm, but quick tone, announced "Our case is now closed," there was deep silence for a minute or two, and a feeling of relief seemed to be felt when Attorney General Syester arose and requested the Court to allow the State's officers to retire for consultation. The request was at once granted, and the Court took a brief recess. The audience seemed to feel but little concern in the result of a consultation in which only the State's officers could share, and there soon arose the murmuring of human voices in animated conversation. The jury had during these exciting moments observed the most respectful silence, and their faces wore looks which betokened deep reflection. After more than a half hour had elapsed, Messrs. Revell and Syester returned, the Chief Judge rapped to order, and the name of Professor N. R. Smith, of Baltimore, was given as the first witness the State had called for rebuttal. As the venerable and distinguished Professor ascended to the witness stand all eyes were turned upon him. His evidence and opinions, were however, delayed by the objection made by the defence and the earnest arguments which followed.

The present week will be full of anxiety and concern to Mrs. Wharton, her daughter and her friends, as in all probability the trial will be brought to an end within the next four or five days.

Notwithstanding the severely cold weather and the chilliness of the court room, a large number of ladies were present to-day a half hour or more in advance of the opening of the court, and there seems to be a general desire among them to secure eligible positions. His Excellency Governor Whyte conducted two ladies into the court room a few minutes before the court was called to order, but retired after securing seats for them.

A few minutes before half-past 10 o'clock Mrs. Wharton entered the court room, leaning on the arm of Mr. J. Crawford Neilson, and followed by her daughter. Miss Nugent, Mrs. Neilson and Miss Rosa Neilson soon after joined her. Dr. Genth in a moment more came forward and took a seat by the side of Miss Wharton. Prof. Aikin soon after appeared, and after warming himself by the stove, took a seat in full view of the jury.

Dr. Girard E. Morgan was first called, and testified—I reside in Baltimore, at No. 31 Courtland street; I have been practicing med-