

sideration the clinical history of the case as recorded in that hypothetical statement, and finding no adequate lesion after death to account for those symptoms, I know of no natural disease of which he could have died, and do not think he could have died of cerebro spinal meningitis; I do not think, with my view of the character of an epidemic, that cerebro spinal meningitis was an epidemic in Baltimore last year; persons may differ very much as to the number of cases which may constitute an epidemic, but so far as my knowledge of the disease is concerned I do not think it was an epidemic; I live at 181 Madison avenue.

To Mr. Steele—I had no case of the disease in my practice, but treated a sailor from South America in the Baltimore Infirmary, who was admitted on the 1st of June; there was another case at the Baltimore Infirmary; it was that of a sailor, and was treated by Prof. Miles; I saw Dr. Arnold's article in the Baltimore Medical Journal in May last, in which he said he had treated four cases and heard of three others; I have not heard of any other cases except those which have been spoken of here; if there were fifty cases scattered over Baltimore at the same time I should say it was prevailing epidemically to a slight extent; I do not remember how soon after the case occurred that I talked with Dr. Williams about it.

Mr. Revell objected to a conversation with Dr. Williams, and Mr. Steele said it was a legitimate matter of cross-examination, and the object of the defence was to show the influences under which the witness appeared.

Mr. Syester said if the purpose was to show that the witness had had a conversation with Drs. Miles, Chew or Williams, the State did not object; they might go as far as they chose.

To Mr. Steele—I had a conversation with Dr. Williams about the case; it was common talk among the physicians of Baltimore; Dr. Chun died on the 24th of February, 1867, of a malignant type of typhus fever, and not of cerebro spinal meningitis; I never heard that Mr. Sangston died of cerebro spinal meningitis until I saw it announced in the course of this trial; I heard that Dr. Winslow died of typhus fever.

To Mr. Syester—I never heard Dr. Warren talking about General Ketchum's case, but everybody was talking about it in and out of Baltimore.

Mrs. Julia Van Ness was next called, and testified—I reside in Baltimore at present; I was living last June in Carlisle, Pennsylvania; I was not in Baltimore during last June, until the 26th day, when I was telegraphed for; I reached there on Monday evening; I don't exactly know the hour; I know Mrs. Wharton; I went first to the house of my daughter, Mrs. Loney, and then to Mrs. Wharton's; I remained there until Friday evening; I know Susan Jacobs, Mrs. Wharton's servant.

Mr. Syester next asked—Did you have any conversation with Susan Jacobs in the kitchen about General Ketchum or did you have any on the stair steps?

Objection was made by Mr. Hagner, and after some consultation Mr. Syester pro-

ceeded to state that he desired to contradict the witness, Susan Jacobs. She had testified that no vomit had been found in General Ketchum's room on Tuesday afternoon, and the State's officers desired to contradict that statement. He proposed to show that no conversation occurred between Susan Jacobs and Mrs. Eugene Van Ness, but between Mrs. Julia Van Ness, Mrs. Loney and Susan Jacobs.

Mr. Hagner said he did not see how it implicated Mrs. Wharton; she could not be held responsible if Susan Jacobs chose to put on airs and refused to allow ladies to go into General Ketchum's room.

Mr. Revell said the matter before the Court was not a collateral inquiry, but the object was to affect the reliability of the testimony of Susan Jacobs. The State had a perfect right, within the rules of evidence, to contradict her evidence. The Court had allowed her conversation with Marshal Frey to be given in evidence for the very purpose of laying the foundation for a contradiction, and it was competent for the State to give evidence to affect the credit of Susan Jacobs.

Mr. Syester said it was always competent to show what interest a witness had in a case. Susan Jacobs had contradicted the State's evidence to the effect that General Ketchum was heard vomiting on Tuesday afternoon, and that vomit was found in his room on that afternoon. She might not be regarded as standing indifferent between the State and the accused. Mr. Syester next referred to Roscoe on Criminal Evidence, section 96. Could it be possible that Susan Jacobs was to be allowed to make statements upon which the theories of medical experts had been based, and the State be prevented from going behind her testimony and showing its falsity? The State desired to show that Susan Jacobs was engaged in making a state of affairs by which General Ketchum's condition could not be known. Was the State to be prevented from showing that General Ketchum was in the condition to which its witnesses had testified? She had resorted to expediences and devices to prevent his real condition from being known to those who would contradict her.

Mr. Steele said he did not propose to criticise the argument of the Attorney General, but he had charged indirectly that Susan Jacobs had manufactured testimony, and he would say that when it came to be argued before the jury that it might be necessary to say to them that there were witnesses who had sworn in this case, whose skins were white, but who were no more entitled to credit for veracity than the black woman who had testified.

Mr. Steele then read from Greenleaf, 449 sec., touching the question of evidence involved. He did not suppose that the Attorney General would say that the paid servant of Mrs. Wharton was the only person who might be accused of bias in this case; there were others whose relations were closer and dearer to those supposed to have been injured by Mrs. Wharton, than were those between Mrs. Wharton and her servant, and would the