

but I do not remember hearing of any specific cases; to the best of my recollection I did not hear the profession speak of any other cases; I attended Mr. Edward Sangston, who lived in Monument street, and I certified to the insurance company that he died of meningitis; I found him in a convulsion in the morning, he rallied a little and then died; he lived at the northwest corner of Monument and Calvert streets; I did not observe opisthatonas; he was out walking with his wife the evening before; I should call his convulsion of an epileptic form; I found him in a dying state and I did not investigate the condition of his urine; as soon as he was taken his father came for me; I dressed quickly, went with him, and stayed with him until he died; Mrs. Chesborough died recently in Baltimore of cerebro spinal meningitis.

Mr. Syester objected, as the case had occurred since the trial had been in progress. He would waive his objection if the defence would allow the State to investigate into the new matter.

Mr. Steele did not insist, and Professor Johnston continued—I have no recollection of having heard cerebro spinal meningitis spoken of either as epidemic or endemic in Baltimore during the last year.

To Mr. Revell—Mr. Sangston's disease was positively not cerebro spinal meningitis.

Dr. P. C. Williams was again recalled, and testified—I have read the hypothetical statement of the defence.

The Court said Dr. Williams must now divest himself of all knowledge of the case as he had seen it, and confine himself to the hypothetical statement.

Mr. Hagner objected, and said Dr. Williams was called upon in reality to pass upon his own testimony.

The Court said Dr. Williams had given his opinion of the case simply as it came under his observation, but it had been since modified by Susan Jacobs' testimony.

Dr. Williams continued—I am familiar with cerebro spinal meningitis; it was not epidemic in Baltimore during last year, or in any preceding year, that I know of; I live about a square from Mrs. Wharton's, and I heard of no cases of cerebro spinal meningitis in the northwestern section of Baltimore; I do not think the patient described in the hypothetical statement died of cerebro spinal meningitis; or of a natural cause.

Mr. Syester next asked the witness if hyperesthesia was present in General K.'s case, but objection was made by Mr. Steele, and the Court ruled it out.

Mr. Syester next asked the witness if there was suppression of urine, but objection was made and sustained by the Court.

To Mr. Steele—I attended one case of cerebro spinal meningitis, but by general conversation know of others; I learned from the reading in our Medical Association of Dr. Arnold's article there were other cases; those were all I heard.

Mr. Syester now said the State had additional testimony to offer, and suggested that the jury be retired. The jury was accordingly retired.

Mr. Syester said the offer the State proposed to make was a simple one. The experts for the defence had assailed the analyses of Professor Tonry, and said his results were insufficient. Professor Tonry had made further tests, and had now the metallic antimony in the Court which, he was willing to submit to the Court and jury, and to the tests of the experts of the defence. The State's officers considered it admissible on two grounds, first, that it was new matter discovered since the commencement of the trial, and second, that it was strictly in rebuttal; Professors McCulloch, Genth, Reese and White had declared on their oaths that the results obtained by Professor Tonry were insufficient, and that the spots which he declared were antimonial, were not antimonial, and that there was no antimony in General K.'s liver or kidneys; the State's chemist had now pursued the same tests as he first used on the first portion of the liver, and he now had the metal in Court to be subjected to the tests of the experts of the defence, and to make certain that which they had declared uncertain. The State had produced the metal, and he considered that it would put to flight the theories of the experts for the defence. The testimony was clearly admissible also on the ground that it had been discovered since the State had closed its case. Dr. Warren, the chief medical witness for the defence, had confessed that if antimony had been discovered in General K.'s stomach it would put to flight his belief as to the cause of General K.'s death. The State could not have possessed itself sooner of this testimony, and it was due to the State that all the facts should be eliminated and brought forward. Even though the trial had closed and the jury had returned a verdict of guilty against the greatest criminal in the annals of time, the discovery of new evidence would be sufficient grounds upon which to move for a new trial.

The Chief Judge said it could be done if due diligence had been used in discovering the new evidence.

Mr. Syester continued to argue that the testimony was admissible on the second ground he had named. It might be contended that the State could have come before armed with this testimony, but no one could have dreamed that it would be contended by the defence that the metal should be produced; the books did not so lay it down.

The Chief Judge said that question could be argued before the jury.

Mr. Syester replied that he would argue it before the jury.

The Chief Judge said it had allowed an opportunity before the State had closed its case for Professor Tonry to make a complete analysis, because the Court thought the ends of justice demanded it. The Court was now dealing with a question of rebuttal evidence, and must view it alone in that connection. The testimony prepared to be offered went to the very heart of the case, and was not strictly in rebuttal. The death had occurred in June, and a plenty of time had been allowed for the investigations. If the Court admitted Prof. Tonry's testimony it would entirely reopen