

the case. The Court had considered the question and thought that it could not admit.

Mr. Revell said the State here closed its case, as Marshal Frey was not present.

Mr. Steele said, as he observed that the reporters were reporting Mr. Syester's remarks, he wished to say that the counsel for the defence desired to say that they positively and emphatically denied that there had been any production of the metal, and to assert that it had not been shown by the first tests, and that they did not believe the subsequent tests had discovered it.

The defence then, at 12:45, announced that they had closed their case.

At this announcement there was a stir in the court room, succeeded by a moment of intense excitement. The Chief Judge next ordered a change to be made in the arrangements of the seats of the counsel and reporters, which created considerable moving.

The Court remarked that there must not be during the argument by any one a motion of assent or dissent, and that any offender would be removed. By consent of the counsel for the State, Mr. Hagner next read from *Berzilius*, page 451, a passage touching the importance of the production of the metal.

Mr. Revell then, at 1:10 P. M., amid perfect silence, arose to address the jury, and, after a graceful introduction, said he came as a minister of justice, who had no resentments to gratify. It was no unusual thing in the history of medical jurisprudence that a woman occupying high social position should be accused of the crime of murder by poisoning. Even as far back as the days of Rome it was known, and in more recent days Madame Brinvilliers was known in France. He mentioned these instances to show that the crime of murder by poisoning was not unusual. Six weeks ago the accused had entered this Court clad in the vestments of innocence. Now the scene was changed, and Mrs. Wharton now stood before the world with her hands stained with the blood of murdered Ketchum. All that human skill and foresight could do had been done for her, and her counsel were unexcelled. Poor Ketchum sleeps in his grave, with none to plead for him, unless it were his virtues, which, trumpet-tongued, pleaded against the deep damnation of his taking off. Mr. Revell then earnestly exhorted the jury to exclude from their minds all extraneous matter, and to discharge the duty which they owed alike to God, themselves and their country. They were to give a verdict in accordance with the facts in the case, and with them alone.

Mr. Revell next referred to the legal definition of murder and the investigation the jury was to make in determining the question of malice. The case was ever one of murder in the first degree, or else Mrs. Wharton was entitled to go free. The Court had ruled out some of the matters which he had mentioned in his opening statement, and the jury was to discard them from their consideration. The indictment contained four counts, and Mr. Revell briefly reviewed the final count, which charged the administration of an unknown poison on the

day of Gen. Ketchum's death. The jury then would not be required to determine the character of that poison, but only if a poison had been administered. Mr. Revell next read from the testimony in reference to Gen. Ketchum's character, and said here is the victim whose life we say has been taken, and who the defence contended had died from cerebro spinal meningitis. He would beg the jury to bear in mind the character and physical strength of the man who had been presented to them by the testimony. At 7 A. M., June 24, he was seen by Judge Sherman, in Washington, in perfect health, and he had seen him take from his pocket a memorandum book, made notes in it and returned it to his pocket. He begged the jury to bear this fact in mind. Mr. Revell then followed General Ketchum as his movements had been testified to by the State's witnesses.

When he reached Mrs. Wharton's house he was not debilitated or fatigued from his travels, and he had come from a city which the State had a right to assume was perfectly healthy, and certainly with no cerebro spinal meningitis in its limits. At Mrs. Wharton's he had showed his humor by rallying Mrs. Hutton as a poor nervous creature. Well might she be nervous within Mrs. Wharton's doors. General Ketchum had been attacked the night of his arrival with cholera morbus, and the testimony had shown that the symptoms of that disease were similar to those of tartar emetic poisoning. Mr. Revell then reviewed the statements made by the State's witness as to the symptoms and sickness of General Ketchum before Dr. Williams was sent for. He was found suffering with nausea and holding a slop-jar between his knees, not holding it between his knees, but having it between his knees. He continued to improve. Mrs. Wharton had been seen by Mr. McAvoy looking for brandy and peppermint, and he wished the jury to bear in mind that Mrs. Wharton had not gone to bed regularly any night, and the State's testimony showed that she was not in Mr. Eugene Van Ness' room. He desired the jury to bear in mind his symptoms as they occurred, for they all bore upon the theory set up by the defence that he died from cerebro spinal meningitis. Dr. McClurg had come as a wonderful apostle of medicine; had come to base an opinion upon ex parte statements of the defence, and to say that Dr. Williams, who stood as high as any medical gentleman in Baltimore, had made a mistake. He had said that Dr. Williams did not know what he was talking about, and that if he, the embodiment of all medical wisdom, had seen the symptoms, he could have told what was Gen. K.'s disease. Mr. Revell then referred to the official report of Dr. Williams' testimony, and remarked, as he proceeded, upon the character and succession of General K.'s symptoms. Gen. K. had shown, even from the beginning of his sickness, mind and intellect, and that ruling passion, strong in death, which had prompted him to note down all his expenditures, and those exact habits which distinguished him.

If the jury believed Susan Jacobs told the truth when she said that General K. had on Tuesday had the conversation with her about