

eigner, and somehow or other people get in the habit of raising their voices in talking to foreigners, and, therefore, Mrs. Chubb had raised her voice—thought Kleinschmidt was deaf. Why was not Myer brought? He could have solved the matter. Mr. Hagner now took up the sales book of Gosman & Co., and continued to advance his views on this point of the case.

The Court here adjourned until 10 A. M. tomorrow. The court room was crowded during the entire session of the Court, and great interest was manifested in the arguments. Among those present to-day were Judge Randall, Commodore Worden, Commander J. S. Sherrett, and others of prominence. Mr. Hagner will continue his argument to-morrow and it is anticipated that Mr. Syester will not reach the jury before late Friday or Saturday morning. Mr. Charles L. Ketchum was again present to-day, but General Brice has been absent for more than a week.

THIRTY-EIGHTH DAY.

ANNAPOLIS, January 18, 1872.

The expectation that great interest would be manifested by the public in the arguments in Mrs. Wharton's trial, has been proved to have been well founded, and the patience of the spectators shows with what earnestness the proceedings are regarded. There was but little in the well conceived and forcible argument of Mr. Revell of the essential clap-trap of jury appeals, and Mr. Hagner, on yesterday, showed that he, too, had come to address himself in the language and manner of the true lawyer to the questions before the jury; but everything is of interest to the attendants upon the great trial, and they seemed to be determined to hear all that is to be said on either side.

For several days past there has been much speculation and discussion as to the probable result of Mrs. Wharton's trial, and the opinion that the jury will acquit or disagree is generally expressed.

Mrs. Wharton was promptly in Court this morning, and her arrival attracted, as usual, much attention. She was accompanied by her daughter, Mrs. Nugent and Mr. and Mrs. Neilson. The ladies, who are always first to arrive, had already filled the seats assigned to them, and they appear more interested than ever in the proceedings.

A few minutes after 10 o'clock Mr. Hagner resumed his argument, and said he was endeavoring on yesterday, when he closed, to show how groundless was the charge that there had been more than one purchase of tartar emetic. He was sure that if the jury would follow him he would convince them that there was but one purchase of tartar emetic, and that that was made by Mrs. Chubb from Mr. Kleinschmidt. It was not reasonable to suppose that anybody but an idiot who proposed committing crime would have bought the tartar emetic at a store where she was perfectly well known, and had it charged to her on the books.

Mr. Hagner then went on, and contended that all that Marshal Frey had said was re-

concilable with the idea that there had been but one purchase. It was natural that Mrs. Wharton should have offered the small sum of money to Marshal Frey as he testified, for it was only reasonable that she should have been anxious that her servants should be relieved from suspicion. Mr. Hagner then contended that Marshal Frey had had misunderstandings, and so had all who had testified in the case, and was it to be said that no charity was to be extended to this poor, nervous woman, who was not allowed to have even her daughter present when she was being closely questioned by the astute Marshal Frey? Mr. Hagner then read from appropriate authorities, touching the danger of misunderstandings between even the most particular persons. It was contended that Mrs. Wharton had induced Mrs. Chubb to purchase tartar emetic as a blind, and Mr. Hagner then addressed himself to the facts of the case bearing on that point, and claimed that there was nothing in Marshal Frey's testimony to be relied upon as proving Mrs. Wharton's purchases. Mr. Hagner next spoke of the purchase of porter, and said that Mrs. Wharton had, in that matter, as in all others, acted openly and without endeavoring to conceal anything.

The States's officers contended that in fifteen minutes after Gen. K. was heard vomiting, but the testimony did not sustain them. Mr. Hagner next read from Mrs. Loney's testimony, to show that such had not been the fact. Susan Jacobs had testified that there was nothing to show that he had been vomiting, and even if he had been vomiting, might not the porter, which Col. Loney had said was not the thing for him, have disagreed with him and caused the vomiting? Mr. Hagner then spoke of the different counts in the indictment, and contended that neither count of the indictment could be sustained by the proof of the administration of poison in porter.

He then spoke of the testimony as to the vial, and contended that the fact that there was no label on it signified nothing, for General Ketchum might have himself torn off the label. Mr. Hagner next came to the testimony of Drs. Williams and McSherry in reference to the interview with Mrs. Wharton at Dr. Williams' office, and claimed that if Mrs. Wharton had been the artful woman she had been represented, she would have laid the blame on Susan Jacobs, and at once relieved herself. In reference to the sediment found in the tumbler, Mr. Hagner claimed that it had been proved that only Mrs. Wharton's servant was in the room in which it was found, and that Mrs. Wharton was in another part of the house.

At this point of Mr. Hagner's argument a large number of ladies, who had come from Baltimore on the half-past 10 o'clock train, arrived, and the disturbance of seating them was so great that Mr. Hagner was obliged to suspend for five minutes or more.

Mr. Hagner resumed, and contended that there was not the slightest motive for Mrs. Wharton to have put poison in the tumbler; it had not been proved, and the jury could not consider it in the case. Even if a servant had put the poison in the tumbler it might have