

Among those present to-day were Hon. Frederick W. Stone, Judge Randall, of Annapolis; Hon. James T. Earle; Hon. Barnes Compton; Colonel H. D. Loney; Drs. Williams, Chew and Miles; Professor Aikin; Captain J. Henly Smith, of Baltimore; Commodore Worden, Superintendent of the Naval Academy; Commander J. S. Skerrett; Dr. Landsdale, of the navy; James M. Garnett, President of St. John's College; Rev. C. K. Nelson; M. Wilson Carey, of Baltimore; Captain James Clarke, member of the Maryland House of Delegates; Colonel Albert Ritchie, Wm. Fell Giles, Jr., Colonel G. W. P. Smith, James M. Buchanan, Charles Beasten, J. A. L. McClure, Upshur Dennis, and Thomas J. Baer, of the Baltimore bar; and H. S. Howison, James B. Hodges, John Mason, Philip Randall, and others of the Annapolis bar.

FORTY-FIRST DAY.

ANNAPOLIS, January 22, 1872.

The excitement attending the close of Mrs. Wharton's trial seems to be increasing, and it requires but a glance at the dense crowd assembled to-day in the court room to tell that the hearts and minds of the spectators are stirred by a feeling of intense interest in the proceedings. The life of a woman is in the balance, and the approach of the hour when the question of life or death to her is to be finally decided, draws around her an absorbing consideration.

The court room was crowded to-day long in advance of the assembling of the Court, and the ladies exhibited much anxiety to secure positions from which they could see and hear all. The train from Baltimore brought a greater number than on any previous day, and the court room was crowded to its utmost capacity. When the Chief Judge and Mrs. Wharton's counsel arrived, the jury were in their seats, and Mrs. Wharton, unaccompanied to-day for the first time by her daughter, and only by Mrs. Nugent, Mr. and Mrs. J. Crawford Neilson, who have constantly attended her, occupied their accustomed position. All was in readiness for the commencement of the closing week of the great trial.

At 20 minutes past 11 o'clock Mr. Steele resumed his argument, and after thanking the jury for their patience in having previously heard him, he came to the moral circumstances, and said that the State had over and over again substituted naked and prurient suspicions in the place of acts. The State had not only not proved Mrs. Wharton's guilt, but had proven that she could not have poisoned Gen. Ketchum. He then referred to the medical and chemical testimony, and in the beginning said the proof offered fell far short of the charges the State had made, and that there was a virtual abandonment of the case by the State. He first referred to the testimony of Prof. Aikin, and said he desired to say nothing unkind of him, but the testimony he had given was no proof, and that, moreover, Prof. Aikin had showed on the witness stand that he was singularly unconscious of the responsi-

bility which rested upon him. One would have supposed that he would naturally have inquired into the symptoms of General K., but he knew of none of them. One would have thought that he would have used every precaution in his laboratory, where no human eye could see his results, but he had come before the jury without a memorandum, and nearly empty-handed. He threw everything away, and divested himself of the proofs which would have told the whole truth. He had sought by the positiveness of his own assertions to eke out what he considered proof. He had said that his three tests were conclusive of the presence of antimony; he had already examined for arsenic and strychnia and failed to find them. Mr. Steele here reviewed the first tests of Prof. Aikin, and claimed that his very first test had failed. He could not tell what color he had obtained, and yet he came and told the jury that they should take the life of this woman on his judgment alone. Mr. Steele further reviewed, in an able manner and without the use of a note, much of Professor Aikin's testimony as to his final tests. The jury was asked, after all these tests had failed, to believe, on Professor Aikin's judgment, that twenty grains of tartar emetic were in the stomach he examined.

When he was cross-examined it was discovered that before he asserted in his report to the State's Attorney of Baltimore that he had found antimony he made a test which he did not mention in his examination in chief. Yet, without having mentioned that final test, which settled his opinion when he made his report, he came before this jury and asked them to believe that he had found antimony without that final test. In God's Providence he was not permitted to stop where he had determined to stop, something carried him one step further, and that last test proved that there was no antimony.

The State's own witness had thus proved that no antimony was in General K.'s stomach. Dr. Williams had tested the secretion of the kidneys with nitric acid and heat, and had found nothing abnormal. Professor White then made an experiment, which proved that, if antimony had been in the secretion of the kidneys, it would have been inevitably discovered. Was it not a crime for Dr. Aikin to have stopped where he did? If ten grains of gold, instead of antimony, had been present in that stomach, he (Mr. Steele) expected that Professor Aikin would have found them, but yet in a case in which a human life was at stake, he had stopped when he had obtained what he thought was proof. Mr. Steele said he would like to review the testimony further, but his strength would not allow him.

He then referred to the solemn warnings of the law, and said Professor Aikin could ask no jury to find on their oaths that tartar emetic was in the stomach of General K. Mr. Steele came next to the analysis of the sediment in the tumbler, and said that in that, too, Providence had shielded the prisoner. He then spoke of the failure of Professor Aikin to pursue his tests in analyzing the sediment in the tumbler.