

Drs. Chew and Williams had tasted the sediment before they took it to Professor Aikin, and they, experienced as they were, did not think it was tartar emetic. But what did Mrs. Wharton have to do with that tumbler? It had been lugged into this case by the State's officers because they felt the weakness of Professor Aikin's testimony, and there was no proof that Mrs. Wharton had put tartar emetic in it, or had an opportunity. If that tumbler had been found full of tartar emetic it would not show that Mrs. Wharton had anything to do with it, and not half so much as some others. The room in which it was, he might say, was a public one, and the jury could not accept an inference in this case, but only positive proof. Mr. Steele, to illustrate the uncertainty of chemical processes, here related a recent experiment on mustard, made by the celebrated chemist, Dr. Doremus, of New York, in open court, in which he showed that a piece of filtering paper, and not the mustard he used, gave him results which even he had at first thought were positive. Mr. Steele then referred to the great necessity for the most absolute proof of the presence of the suspected matter, and said Professors McCulloch and White and Drs. Reese and Genth were right when they swore that Professor Aikin's results gave them only a suspicion that antimony had been present in General Ketchum's stomach and in the sediment. He next referred to the testimony of Professor Tonry, and said the manner in which it had been introduced was enough to cast doubt upon the whole matter. Drs. Williams and Chew, who had sworn against Mrs. Wharton, had gone to Washington, unknown to the counsel for the defence, dug up General Ketchum, and without giving the defence an opportunity to cooperate, had placed them in the hands of Professor Tonry. When he analyzed the remains in his first test he failed to get a trace of antimony, and his test actually showed that no antimony was there. When, at the end of the time the Court allowed him, he returned, he was empty-handed. He brought with him only a few little spots and left all his precipitates behind him. Mr. Steele then ably reviewed the tests of Professor Tonry. Dr. Genth had brought before the jury spots undoubtedly caused by antimony, four or five times larger than those exhibited by Professor Tonry, and yet he got no such results as Prof. Tonry said he obtained. Prof. Tonry intentionally kept back what would have been proof of the value of his tests, and under such circumstances the jury could not hang a dog. Professor Tonry was told to look for antimony, and that was a fact which the jury should not lose sight of for a minute. Mr. Steele then related how Christison, the great Scotch chemist, had saved a man in Dublin by a simple test of the saliva from the mouth of the judge, showing that even in that prussic acid existed. The State's chemical testimony in this case not only did not prove that there was tartar emetic in General Ketchum's stomach, but had disproved it.

If tartar emetic had not been found, then there could be no conviction of Mrs. Wharton. There was not a particle of proof that there

was any other poison, and it was not charged in the indictment. Mr. Steele again referred to the testimony as to the symptoms of Gen. Ketchum's sickness during Tuesday and Wednesday, and said that Dr. Williams, though a skillful physician, and one who always looked well to his case, had no suspicion of the existence of any poison. Drs. Williams, Miles and Chew made the post mortem, and yet they went before Professor Aikin and mentioned nothing but strychnine. There was no suspicion, even by these experts, that tartar emetic had been given. Dr. Chew said the case was an obscure one, and said he could not, in his own mind, assign a cause for Gen. Ketchum's death. He was the first expert called by the State, and if he could not decide the cause of death, how could the jury decide it? Dr. Donaldson had gracefully evaded the question whether or not Gen. Ketchum died of tartar emetic poisoning, and after Dr. Chew previously had declined to say that Gen. Ketchum died of tartar emetic poisoning, the State dropped the question and virtually abandoned the case, because it was bound to prove death from tartar emetic. When this ship, which the State's officers had so ably steered, freighted though it was by suspicions alone, sank at that inquiry of Dr. Chew, the case against Wharton sank with it. The jury could not stultify themselves by undertaking to decide the cause of death when the State could not itself decide it. Mr. Steele then addressed himself to the symptoms attending Gen. K.'s sickness, and called attention first to the rigidity of the muscles. He then noted the absence of those symptoms which the books laid down as those of tartar emetic poisoning. In some rare cases there are what are called tetanic spasms, but they did not exist in General K.'s sickness. The larger portion of the symptoms of cerebro spinal meningitis were present, and the jury could say from the symptoms alone that it was infinitely more probable that General K. died from cerebro spinal meningitis than from tartar emetic poisoning. Drs. Williams, Chew and Miles, after they believed that tartar emetic had been found, posted down to Washington, dug up General K., and looked for the lesions attending tartar emetic poisoning, especially the engorgement of the right side of the heart. They swore that all the organs were perfectly healthy. The evidences of congestion which they discovered were perfectly consistent with the belief that cerebro spinal meningitis was the cause of death, and inconsistent with tartar emetic being that cause. Until the State had proved that tartar emetic was the cause of death, its officers could not ask the jury to convict Mrs. Wharton. Mr. Steele here referred to the testimony of Dr. Warren, and said he had testified ably. It had been attempted to cast discredit on his testimony, and to have it believed that he said cerebro spinal meningitis was an epidemic in Baltimore. But Dr. Warren had only said that it was a disease which was epidemic in Baltimore to a certain extent, and not that it was an epidemic. His testimony would be regarded by the medical profession as a valua-