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## THE BRIGHTON POISONING CASE.

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On the fourth of April, 1859 the trial of WILLIAM HENRY KING, M. D., of Brighton, C. W., was commenced, and concluded the following day. The case was a most remarkable one, both in a criminal and scientific point of view. Another instance has unfortunately been added to those already on record wherein a knowledge of medicine has been put to the worst possible purpose—wherein the physician has cruelly, persistently and remorselessly used his skill for the destruction of life under the pretence of saving—wherein the husband has stood by the bedside of his dying wife, and while speaking to her words of comfort and of hope, has betrayed her to a gradual and painful death. Fortunately for society, few men are found capable of such atrocities as this. Here and there they are to be found, but they stand pre-eminent in crime, and their names are mentioned ever afterwards as having been those of beings scarcely within the borders of humanity. Though Science places means of destruction within the reach of the educated man, unknown to the wisest of our race in days gone by; happily, the knowledge she imparts is not confined to those who acquire it for the gratification of their unholy passions. Should the power she gives be abused, in other hands she places the means of detection, and rarely fails to bring down punishment upon the man who seeks to make her a partner in crime. Never was this truth made more manifest than in the case now before us.

As the trial of Dr King is one of the most important that has ever taken place in Canada, we propose to give a short account of the parties immediately concerned. The principal actor in these sad scenes was born in the township of Sophiasburgh, Prince Edward county, in the year 1835. In 1844, his parents removed to Cramahe, now Brighton, in Northumberland, where they purchased a farm, and by untiring industry succeeded in accumulating a considerable amount of property. When eighteen years of age King left home, and went to the Normal School in Toronto. In that city he first commenced the study of medicine, having thus early determined to go through a regular course of tuition so soon as he should be enabled to do so. Upon obtaining a first-class certificate, he was appointed teacher of the fourth division of the Central School, Hamilton, in which situation it was part of his duty to lecture to the students on physiology. In pursuance of his determination to gain a knowledge of the healing art, he studied under Dr. Greenlees and in 1855 went to Philadelphia where he entered the Homœopathic Medical College. Here we find him during two winter sessions—the expenses attendant upon his long stay being mainly defrayed by his father-in-law, Mr. Lawson. In proof of the assiduity with which he pursued his studies, he produces three diplomas: one from the college previously mentioned; a second from the Pennsylvania Medical University in Philadelphia; and a third from the Eclectic Medical College, also of Philadelphia. In 1858, he returned to the village of Brighton and immediately commenced the practice of medicine. In this he seems to have been very successful, at any rate he gained the confidence of many people. His receipts, it is reported, averaged \$200 per month, and, as he himself says, he “was in a fair way to achieve both fame

and wealth," when the events which led to his arrest took place. By those who have known him, Dr. King is said to have been a pushing energetic young fellow. Proud of his attainments, and possessing the gift of inspiring others with the belief that he was deeply learned—an idea he was not slow so inculcate—he was just the man to succeed in the profession he had chosen, so far as money making is concerned. He is described, while in Brighton, as having been to all appearance of strictly moral habits—regularly attending Church, and careful in his language. His address and appearance are scarcely calculated to produce an impression in his favour. He is about five feet six or seven inches in height; has dark hair; wears a moustache and dark beard. His face is not of that description which would lead persons to imagine its owner was likely to be guilty of so terrible a crime as that of which he has been found guilty. His eyes are dark, and his complexion rather sallow, but clear. The idea derived from conversing with him is that he would be by no means backward in asserting either real or pretended claims; and he has that peculiar cast of countenance belonging to men who make themselves agreeable, principally for purposes of gain. He has a quick way of looking at those with whom he is confronted, as though "taking the measure" of his man. During his confinement, he received very flattering letters from gentlemen both in the United States and in Canada, all bearing testimony to his good character as a man, and his skill as a physician. Among those who thus wrote him were:—Messrs. J. Bruce, A. M., Hamilton; Alexander H. Laidlaw, A. M. Principal of the Monroe Grammar School, Philadelphia; J. H. Eldridge, Principal of the Hancock Grammar School, Philadelphia; F. Smith, M. D., of Springvale, Hartford County, Maryland; and J. H. Thomas, M. D., Professor of Anatomy and Physiology, Medical College, Philadelphia. In the year 1854, while at the Normal School, King married Miss Sarah Anne Lawson, a young lady about the same age as himself, of very prepossessing appearance, well educated and of an exceedingly respectable family. Report speaks highly both of herself and parents in every respect. They own a large farm about a mile from Brighton, upon which they reside, and have a family of four sons and two daughters. About twelve months after the marriage of King with Miss Lawson, their first and only child was born. Previous to this event it was suspected that Mrs. King was not well treated by her husband, and under this impression, and to ensure all necessary attention, her parents placed her under their own roof during her confinement. Complaint she disdained to make, preferring rather to submit to wrong than to expose her husband's conduct. During her illness, however, the suspicions of her friends were more than confirmed. At this critical period, when she demanded the sympathy of every manly heart, she received letters of a very distressing character from her husband, in which he charged her with a want of chastity, but being expostulated with, he apparently repented of his cruel conduct, and asked pardon of his wife in the most humble manner. That pardon being granted, he demanded the return of the letters he had written, and presented a pistol at his brother-in-law, Clinton M. Lawson, into whose possession they had come, upon his refusing to give them up. They were at length returned, but not, before copies had been taken—which copies might have been produced at the trial had the Crown Prosecutor thought them necessary. Their child, happily for itself perhaps did not live more than three months.

In Toronto, Mr. and Mrs. King kept boarders, and adopted the same means for increasing their income when in Hamilton. While her husband was in Philadelphia, Mrs. King resided with her parents. King was at College during the winter months only of 1855, '56, and '57, together with the first quarter of 1858. For three summers he taught in various Common Schools of Brighton Township, and finally returned home in March, 1858, when, as already remarked, he commenced to practise his profession. There is evidence

to prove that he did not live happily with his wife while in Brighton; and sufficient to prove also, that she by no means monopolized his affections. While on a visit at his house he became acquainted with a Miss Vandervoort, residing with her parents in Sidney, about twenty miles from Brighton. She is thought by some to be a good-looking girl, but tastes differ. She is about twenty years of age, and is said to have been pretty well educated. Another young lady, Miss Dorcas Garrett, also, received attentions from Dr. King. She lives in the township of Murray, east of Brighton. Mr. Townsend Garrett, her father, is a member of the Society of Friends, and a native of Hallowell township, Prince Edward county. He came to his present farm more than forty years ago. Miss Garrett is about the same age as Miss Vandervoort. With both these young ladies King exchanged letters, but from what transpired before the coroner's inquest, it would appear that the former sharply checked the Doctor when the propositions he made over-stepped the bounds of propriety. He had sent her a note, in which he asked her to hold herself in readiness to become his wife, as it was impossible for Mrs. King to live long. It appeared, too, that the prisoner did not think her so well educated as the lady of a professional man should be; and, in order to remedy this defect, recommended her to induce her father to send her to school, and was kind enough to point out the course of study she should pursue. A very proper reply was returned to this disgraceful epistle, in which Miss Garrett threatened to expose her suitor if he dared to make any further advances of a like description. In the middle of October, Mrs. King became seriously ill; her husband, it is said, having announced to her a short time previously, and much to her surprise, that she would not live a month. On the 3rd of November she died, notwithstanding the assiduous attentions of the Doctor. During her illness, she frequently vomited after taking the medicines he administered. The retching was violent in the extreme, and caused her great pain. Many times did she beg of her husband to withhold the medicine he regularly administered,—he would entreat her to take it as the only means by which her life could be saved. Frequently would he implore Divine aid on the efforts he was professedly making to restore her to health; when speaking of her, he used the most affectionate language, and it appeared to be his study to do all in his power to alleviate her sufferings. A few days however, before she died, her mother happened to examine the pockets of a coat belonging to the prisoner, and in one of them, she found a likeness of the above-mentioned Miss Vandervoort, accompanied by a note from the lady herself. This she did not make known until her daughter was dead, but when once out, it brought to light the affair with Miss Dorcas Garrett. Still further to excite suspicion, it was ascertained that King had purchased half an ounce of arsenic a day or two before his wife was taken ill; and, subsequently to that, a quantity of morphine. A coroner's jury was summoned, and the body exhumed. Evidence was adduced to show that while his wife was ill, King had declared that she was suffering from an ulcerated womb; but the medical man could find no trace of any such disease. They discovered that she was pregnant, but all connected with that part of the system was in a healthy condition. Not being able to account for death upon any other supposition than that it had been caused by poison, the stomach and liver were taken out, and sent to Professor Croft, Toronto, for analysis, who found no less than eleven grains of arsenic in the stomach alone! When the body was exhumed, King was visiting some patients, and upon returning to Brighton, after hearing what was going on, he drove off at once to Sidney, to Mr. Vandervoort's, where he arrived late at night. The family were much excited at his visit, and especially when he explained his reasons for making it. He told them that he was charged with having poisoned his wife, though no such accusation had then been made, and said that not only would he be

arrested, but that a warrant would be issued for Miss Vandervoort also ; and urged upon her parents that they should allow their daughter to fly with him to the States until the matter was settled. After much hesitation, they acceded to the demand, upon the understanding that King should take Miss Vandervoort to her aunt's, at Cape Vincent. This plan was adopted, but King's stay was short. A warrant was issued for his arrest, and while the inquest was proceeding, he was brought back and lodged in prison.

Once in gaol, he prepared most actively for his trial. The Hon. John Hillyard Cameron was engaged to defend him. Medical men were also summoned to his assistance, and on the day of trial there appeared Professor Hempel and Dr. Sanders of Philadelphia, with Drs. Vontagen of Brantford and Nichol of Simcoe, C. W. On behalf of the Crown, Mr. Galt, Q. C., was retained. The medical witnesses were Professor Croft, and Drs. Hodder and Bethune of Toronto ; Gross and Proctor of Brighton, and Gilchrist of Hamilton. When before the Grand Jury, King preserved an unruffled demeanour. He declared himself quite sure of acquittal, and appeared to be so.

One day previous to the week of trial, a brother of the accused came to Cobourg and called at a chemist's shop, where he purchased twenty-five cents worth of strychnine. Upon being asked his name, he replied that it was King, and admitted his relationship to the accused. From the shop he went to the prison, where he saw his brother. The gaoler was present during the interview, and as the two were allowed to converse only through a small hole in the cell door, he is quite sure nothing was handed from one to the other. King explains that the strychnine was purchased for the purpose of poisoning foxes, of which there are many about his father's farm. Excuses of this description are always at hand.

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## THE TRIAL.

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The trial took place before Judge Burns, and created the most intense excitement, not only in Cobourg and Brighton, but in all the country round about. At an early hour, large numbers of teams, laden with people anxious to witness the proceedings, came into town. The railways also contributed their quota, and soon after eight o'clock the steep steps leading up to the Court-House, and the brow of the hill upon which it stands, were covered with a crowd, jammed together as tight as it was possible for human beings to be and live. It was a noisy crowd, with great strength of lungs, which they tested to their utmost extent. Not once or twice, but continuously indeed, one might have thought from the sustained roar that an election meeting was being held. Numbers of women came into Cobourg, but a glance at the Court House steps was sufficient to assure them that crinoline could not bear so great an amount of compression as was required to get within the door-way, and they at once abandoned all hope of effecting an entrance. But notwithstanding the absence of the ladies the room was soon filled to its utmost extent. There were probably about three hundred people present. Among them, besides the witnesses, were a number of medical gentlemen and the students of the Cobourg Medical College, to whom a holiday had been given that they might be able to attend. The Court-House is small, low,



ill-lighted, and worse ventilated. Mr. Justice Burns was stuck on a slightly elevated platform, behind a concern which looked very like an old counter borrowed from some chandler's shop.

The Court was opened at half-past nine o'clock—Mr. Galt, Q.C., who has been conducting the Crown cases, prosecuted, assisted by the County Attorney, Mr. J. A. Armour. Hon. J. H. Cameron appeared for the defence.

The following were the names of the jury:—Joseph Rosevier, William Hoskins, William Humphries, Richard Barratt, William Smith, Jonathan Porter, Levi Dudley, Daniel Richtman, William Robinson, William Clarke, Samuel Haggart, and Henry D. Alger. Seven challenges were made by the prisoner's counsel. None were made on behalf of the Crown.

Mr. GALT opened the case. He impressed upon the jury the fact that it was their duty to divest themselves of any prejudice they might have conceived inasmuch as the prisoner was now, in the eye of the law, as innocent as any one of them. He was accused of having murdered his wife by certain appliances within his reach, and with the nature of which he was well acquainted. No person could have been in a more favourable position for carrying out his purpose, for not only was he a physician by profession, but he waited upon his wife as her medical attendant. The learned gentleman then gave the outlines of the events which had led to the arrest of the prisoner, and afterwards addressed the jury on those points to which, in trials for murder, it is necessary to direct attention. The first thing it would be incumbent upon them to do was to establish the fact that the prisoner was in a position to accomplish the deed, for the alleged perpetration of which he was to be tried, and that those means by which the deceased had come by her death were within his reach. He (Mr. Galt) would prove to the jury that the deceased, up to the 14th October last, was in a sound state of health—that she was then seized with violent pains, accompanied with retching, and finally died on the 3d November. It would be shewn that, in the opinion of medical men, there was nothing to cause death except poison, and it would also be shown that eleven grains of arsenic were found in the stomach of the deceased. The next thing he (Mr. Galt) would prove was a probable motive for the commission of the crime. This motive would be found in the prisoner's affection and illicit intercourse with another woman—to pay his addresses to whom, with greater freedom, he had, it was to be feared, murdered his wife. Means and opportunity for working out his designs he had found in the exercise of his profession, and one of the strongest evidences of guilt would be seen in the fact that he had prophesied the death of his wife, while in health and strength. Could anything be more repugnant to human feeling than the conduct of the prisoner, in assuring his wife and her friends that she could not be safely delivered of the child with which she was pregnant, but that she must cease to breathe before she gave it birth? This the prisoner had done; he had stated that the deceased was suffering under a disease of the womb, which, had it existed, would have inevitably left traces behind it, but of which there were none. It would be proved that the medicine taken by Mrs. King was administered by her husband, but the exact description of medicine could not be proved from the knowledge of the parties who saw it given. Witnesses would be brought forward who would tell the jury that the prisoner had given a white powder to his wife, which, would not float in water, and was exceedingly difficult to mix with it. Each dose caused a burning thirst, followed by retching—all, as Professor Croft would tell them, symptoms of poisoning by arsenic. The accused was an homœopathic physician, and the learned counsel for the defence might take the ground that he had administered the medicine for remedial purposes, but that he was the victim of a mistake. If this were done, the whole case would be narrowed down to one of intent,

and he entreated the jury to weigh well the evidence which would be given on that point.

SIMON DAVIDSON, M.D., was the first witness called. He was examined by Mr. Galt. He said—I am a coroner of this county. I held an inquest on the body of the prisoner's wife, on the 8th of November last. Her stomach was removed, and placed in a clean earthen dish on the first day of the inquest in the presence of the jury. From that dish it was taken and placed in a bottle, in the neck of which I placed a cork, and tied it down with a string. This bottle I took with me to Brighton. I locked it up in a bureau, and put the key in my pocket. Next day—the jury having adjourned over—by their consent, I sealed the bottle, wrapped it up, and sealed the paper; placed this in a case, which was also sealed, and forwarded it to Queen's College, Kingston.

Cross examined by Mr. Cameron—I was present in the room the whole time of the inquest. I did not leave the room from the time the stomach was taken from deceased until I placed it in a bottle. The bottle was a pickle bottle. I washed it out with cold water. Between the time the bottle was tied up, and the time I got to Brighton, three quarters of an hour might have elapsed. The place where the inquest was held is about three miles and a-half from Brighton. I stayed at Mr. DeLong's tavern in Brighton that night. The cupboard or closet in which I placed it, was behind the bar in Mr. DeLong's. I kept the key in the pocket of my pantaloons, which I did not take off that night, as I sat up writing out the papers relative to the inquest. DeLong told me there was no other key than the one which he gave me. A man named Squires sitting in the room asked me to show him the stomach. I simply took the bottle from my pocket and let him see it. Next day the stomach was placed in a clean dish, in the presence of the jury, as Drs. Gross and Proctor wished again to see it, the *post mortem* examination having previously been conducted by candle light. No one besides the doctors touched it. The table was between me and them. The stomach was in the dish about fifteen or twenty minutes. It was then replaced in the bottle and sealed in the presence of the jury. The stamp I used was a penny piece. I am not sure that a penny piece was used on the twine that I wound round the box. I rather think I used an ordinary wafer stamp—but am not confident. I gave the package to Mr. Robert Barker, one of the jury to take to Kingston, on the day it was sealed.

ROBERT BARKER M.D.—I was one of the jury who enquired into the death of Mrs. King. The bottle containing the stomach was delivered to me. The stomach was secured as described by last witness. I received it on the morning of either the 10th or 11th of November, and by the twelve o'clock train I went to Kingston. The package was in my carpet bag, which I kept in my hand all the time. In the evening I saw the Professor of Queen's College, who declined to give me a decisive answer until next morning. I left my bag in a closet of the laboratory, which I locked up. Next morning I called, took it away and returned with it to Brighton—the package being precisely in the same condition as when I received it.

Cross-examined.—When the stomach was placed in the bottle it (the bottle) was not at once corked. The *post mortem* examination was conducted in the school-house, in the presence of the jury. There was fourteen or fifteen on the jury. No one, that I saw, either went near to the body or touched it. I do not think that during the *post mortem* examination any of the relatives of the deceased were present. It was not impossible, certainly, for any of the jurors to drop something into the basin which contained the stomach; but I do not think any of them went near it. The mouth of the bottle was not corked on the day the stomach was taken from the body, it was merely covered with paper tied down with string. Next day I procured a cork, and when the

jury re-assembled the Coroner produced the bottle in the same state as it had been the day previous.

SIMON DAVIDSON recalled.—I received the bottle from Mr. Barker, the same day that he returned from Kingston. I placed it in a locked closet, and kept it until the morning of the 13th. I then started with it for Toronto. I got as far as Colborne, when, learning that King had been arrested, I determined to return. I gave the stomach to Mr. Keeble, the conductor, to take to Professor Croft.

Cross-examined.—Between the time I placed the bottle in the closet after I received it from Mr. Barker, and the time I took it out on the thirteenth, I did not see it.

JAMES KEEBLE examined.—I am a conductor on the Grand Trunk. On the 13th November last, I received a small box from Simon Davidson. He instructed me not to let it out of my custody until such time as I placed it in the hands of Professor Croft. This was about seven o'clock, A.M. I locked it up in a cupboard of the baggage car used for bonded goods. Upon arriving in Toronto, I gave it to Professor Croft.

Cross-examined.—No one besides myself had access to the cupboard.

HENRY CROFT examined.—I am professor of chemistry at University College, Toronto. I received the box and bottle from last witness. The box was sealed with common seals. The cork in the bottle had the stamp of a penny piece upon it. The stomach was emptied into a glass with water. The liquid was allowed to settle; the upper part was poured off, and a sediment left. This sediment was examined and found to contain white arsenic. The fluid contents of the stomach were then analysed and also found to contain arsenic. I next examined the coats of the stomach, and found more arsenic in them. The quantity of arsenic I found in the stomach was eleven grains. I wrote to the Coroner to send me the liver and kidneys of the deceased.

SIMON DAVIDSON was recalled and proved the second exhumation of the body; the taking out of the liver, and its delivery carefully sealed to E. D. Moore, express agent.

E. D. MOORE examined.—On the 19th of November, I received a jar from last witness, and kept it in my possession until I delivered it to Professor Croft.

Cross-examined.—I placed the jar in an iron safe inside my car. It was locked up. Next day I delivered it to Professor Croft.

Professor CROFT recalled.—I analysed the liver, and found small quantities of arsenic in it. *Arsenic cannot be put into the liver after death. It must have been taken in during life—that is the reason I wrote for the liver.* I sent to the Coroner, Mr. Davidson, some tubes containing metallic arsenic which I took from the liver. (Six tubes hermetically sealed, containing the arsenic, were produced.) I did not analyse the whole of the liver.

Cross-examined.—I did not determine the quantity of arsenic found in the liver. It was very little, not sufficient to cause death. In the stomach itself I found but little arsenic—in the contents of the stomach about eleven grains. The stomach, with the exception of a slight blush at the extremities, was healthy. It is possible to put arsenic in this portion of the body after death. I do not think the paper round the bottle was sealed. The box was sealed. I have no means of knowing whether the arsenic was put into the stomach after death or not. However much might be taken into the stomach, even when it reaches one or two ounces, very little finds its way into the tissues of the stomach and liver. Inflammation supervenes generally about two hours after arsenic has been taken. Much more arsenic is generally taken than is found. Death from arsenic may ensue in six hours after taking it, or extend over eight or ten days. I have read of cases where persons have taken arsenic, and

have died from it several days after, without taking any in the interval. I do not think the poison could have been taken into the stomach I examined, long before death. There was no inflammation, though there was a commencement of it, in the extremities of the stomach. Some poisons have a cumulative effect. A succession of doses may be given before they take any effect; but the cumulative power may, in the end, produce death. I have known this to be the case with *digitalis*; but never heard or read of it with arsenic.

Re-examined by Mr. Galt. I know of no case wherein arsenic has acted as a cumulative poison. The sixteenth of a grain is about the usual allopathic dose of arsenic. If a succession of such doses had been taken, providing the party lived a short time afterwards, no traces of it would be found. Arsenic administered in large quantities, will produce a narcotic effect. None of the appearances usually attendant on the taking of arsenic were present in the stomach. The absence of the usual indications by no means excludes the possibility of the presence of arsenic. The absence of symptoms is the exception.

NATHANIEL RUSSELL PROCTOR, M.D., examined.—I assisted at the *post mortem* examination of the body of Sarah Anne King. The body was brought to the school house, and placed upon a door. It presented a rather healthy appearance for one deceased. There was considerable fat over the muscular parts. Dr. Gross made the incision, and laid bare the stomach, liver and an impregnated womb. There was a dark appearance on the outer covering, which might have been occasioned by coming in contact with a dark fluid. With this exception, the organs were healthy. We examined the bowels, which were coloured, from something, we supposed, which had passed through them. The *rectum* was also coloured. This we attributed to inflammation. The womb was removed; it contained a *fœtus*, which was quite healthy. The *placenta* was cut through, but we found nothing wrong. We removed the *sternum*, and examined the heart and liver, which were quite healthy. The lungs presented a congested appearance. I never examined any one before who had died of arsenical poison.

Cross-examined.—The congestion of the lungs was not such as was sufficient to cause death. The inflammation of the *rectum* is, I consider, a sign of arsenical poison. The surface of the stomach was congested—it scarcely amounted to inflammation; it was a state of engorgement; I cannot say to what extent. Taking the stomach as a whole, it did not appear to me to be a healthy stomach. I cannot say how long the inflammation I observed had existed. I did not examine very particularly the whole of the inner coating. Before the Coroner, I did not use the word “inflammation”—“congestion” was the word. I supposed the colouring of the coat was caused by the dark fluid I found inside the stomach. I examined the neck of the womb. There was no trace of disease of any sort. The age of the *fœtus* was between three or four months, and presented a healthy appearance. When the skull was removed, the brain contained a little more fluid than is ordinarily the case.

A. E. FIFE, M.D., examined.—I was called in to see the late Mrs. King. I think Dr. King sent for me, perhaps about three weeks before her death. She was vomiting at intervals. I prescribed for her ipecacuanha and camphor. I gave the prescription to Dr. King. He told me that his wife was vomiting at intervals—that she was pregnant, and that she had ulceration of the *vagina*. I called four or five times afterwards, and prisoner stated to me that the difficulty at the *vagina* was better. The last time I saw her that she could converse with me was the night before her death. She said to me, in the course of the conversation, “I feel much better than I have any time since my illness.” She appeared to me much better. She did not look like a dying woman. The last time I saw her was on the morning of her death. I cannot say how many hours had intervened between then and the time I left her on the previous evening. I called about dusk in the evening, and between eleven and twelve the next

morning: I was present at the third *post mortem* examination. The mucuous membrane appeared as though it had been inflamed. The *rectum* presented a like appearance. This might have been caused by the action of the impregnated womb.

Cross-examined.—When I first called on Mrs. King, Dr. King said she was too ill to speak to me, and consequently I held no conversation with her. I think, but I am not sure, that Dr. King once spoke to me about making a personal examination of his wife. One of the powders I prescribed would present a gray appearance; another was a mixture of yellow and black. The symptoms Dr. King described in their general character, I did not consider inconsistent with a woman four or five months advanced in pregnancy. No other physicians were called in, with the exception of Dr. Gross, who was there on the day of her death, when she was in a state of *coma*. I have heard something about an accident she once had, in getting either in or out of a buggy. She complained to me of a pain in the head—that was all.

JAMES GILCHRIST, M.D., examined.—I saw the body, but found no trace of organic disease. We examined the brain. It was apparently a little softened, but that I attributed to the length of time the woman had been dead.

PILKIN GROSS, M.D.—I saw Mrs. King two or three hours before her death. I had not seen her during her illness before that. I was present at the first *post mortem* examination. The stomach of the deceased was placed in a bottle—there was nothing to seal it with. Next morning when the jury were called together it was sealed. Ligatures were placed round each end of the stomach. The body did not present an emaciated appearance. The liver was hardened. The lower part of the right lobe of the lungs was slightly congested—the remainder was in a healthy state. The heart was healthy, and the womb also. The inner coat of the stomach was slightly discoloured. I saw nothing to cause death. No one had anything to do with the stomach except Dr. Proctor. I was present when the liver was taken out for Professor Croft.

Cross-examined.—The liver was hardened I think by the absorption of arsenic. I should think it would take a large quantity of arsenic to produce such an effect. It might be produced by a continuous taking of arsenic. A large portion of poison ought to be found in the liver. The inflammation of the stomach was very slight. I did not discover any signs of ulceration in the neck of the womb. The marks could not have disappeared in three or four weeks.

This concluded the medical testimony so far as the *post-mortem* examination was concerned. The Court adjourned fifteen minutes for refreshment. Upon re-assembling—

ELIZABETH JANE LAWSON was examined.—I am the mother of the late Mrs. King. On the 14th of October I went to see my daughter, and found her very ill. The Doctor met me at the door of the house, and told me that she had been very sick. I went in, and she said she was a little better. Soon after, the Doctor gave her a little medicine. It was a pure white. It was mixed in the spoon. She was very sick after it. She tried to prevent herself vomiting. The doctor said, "Keep it down, Annie." She tried to do so, but could not. She vomited a great deal; but was better afterwards. The vomit was of a dark greenish colour. The vomiting continued fifteen or twenty minutes. During her illness and always after taking the medicine, she was very thirsty. We had to keep a tumbler of cold water by her. I remained with her all night. The prisoner was present, and prescribed for his wife. I went to the house about 9 a. m. The first dose was given soon after nine o'clock; the second about eleven. The next powder had just the same effect as the one previously administered. My daughter told me on this, the first day, that the doctor said she could not get well. She complained that the medicine was fiery tasted. In the presence of the prisoner, she told me that he said she was

cankered and ulcered, and that she could not get well. From that day until the day of her death, I was not absent from the house more than one hour. Dr. King constantly waited upon her, and said frequently, "I would give any other patient, Annie, more of this medicine than you." I saw the Doctor give medicine to my daughter after the visit of Dr. Fife, the evening before her death. He brought something in a tea-cup, and said "Here's Dr. Fife's good medicine, Annie." He told me to mix it with some water, and give it to her. She did not take it—she put a little on the end of her tongue, and said it was so fiery that she could not drink it. This was about eight o'clock. About an hour after the prisoner brought some of his own medicine. It was in a spoon—mixed with water. It caused vomiting, and her father, who was there, said she could not live; and that he must have a jury of doctors. He urged upon the prisoner to send for more physicians. About twelve o'clock he sent for Dr. Fife. My husband went for him, but found he had gone to Colborne. When my husband came back, my daughter was very ill. She had got into such a state that she could not drink. Her father wanted Dr. Gross. King said he knew what Gross would give her—opium, or camphor, or something of that sort. Father asked, would it ease her; and King said it would. He then asked his wife if she would take it. She said she would if it would do her good. He then went to his office and fetched something in a spoon. [He always mixed the medicine in the office.] Annie took it, and soon after wanted to vomit. He held her down on the bed, by putting his hand on her shoulder. She said, "Oh, oh, I cannot, I cannot, I am dying." He said—"Keep it down, Annie." She vomited on the bed linen something of a greenish hue; with little pieces of skin in it. When she vomited, the Doctor said—"Now she has thrown it off—she may have a little on her stomach, but it will not do her any good—she must have some more." Father said—"Give her very little." "Yes," said the Doctor, I will not give her a quarter what Dr. Gross would give her." He went away and brought back about as much as he had given her before. He gave her the medicine, and Annie was going to sleep. I asked if she felt better; she said she did. She went to sleep, and did not wake again.?? I recollect finding a likeness in the coat pocket of the prisoner. I did not tell him that it had been found; I said it had been so rumoured, and he denied having such a likeness. The coat hung in his wife's room, and was one he usually wore. The likeness produced is that of Miss Vandervoort. I have often conversed with King respecting the pregnant state of his wife. He said she was ulcerated. She had a child about twelve months after her marriage. I asked him what made some black spots on her underclothes. He said it was iron in her blood, that her blood was in a very bad state, and told me that I ought not to wash them, but to burn them, as, if I had a cut in my hand, I might get poisoned.

Cross-examined—She complained of pains as if she was in labour, only after she was taken sick. She did not complain of severe pains only when sick. She complained of pain after having an injection. She was troubled with discharges of a copious nature. About three weeks before she was taken ill, she was alone at my house, and told me that her husband had said her womb was ulcerated and in such a state that she might drop off in the night, and he being alone with her, it might be considered strange. He had told her to tell me this, she said. I recollect some conversation taking place about Dr. Fife examining her. She asked what was the use. She did not positively decline. She did not decline. She said, "William Henry, you know what is the matter with me—why send for Dr. Fife?" Dr. Fife examined her, but only her tongue. I remember my daughter falling from the buggy; she did not fall on her head. She thought she did, but the Doctor said—"Oh, no; it was only my arm, Annie." She was not unwell after it; she drove down to Consecon the same day. The Doctor administered medicine four or five times

a-day. It was always a white mixture in a spoon. The dose of medicine he gave her, at about nine o'clock the evening before her death, was like the rest. We left the room about an hour after she went to sleep, the night before her death. Father and I left the room about 1 o'clock, and went to bed; the Dr. said he would watch her. In the morning we went to her room, and the Dr. said she had never slept better. Her father spoke to her to wish her good-bye, as he had to go to work, but she did not answer. He said he was afraid she would not wake again. I said I will soon see if she will awake, and I bathed her stomach with cold water. I said she has no feeling—this is not a right sleep! I tried to wake her, and called her by her name. She tried to open her dear eyes, but could not!

Re examined by Mr. Galt—The underclothes produced belonged to my daughter. There were spots on them, which the Doctor cut out.

The way in which the mother of the deceased gave her testimony was very affecting. The prisoner leaned over the side of the box with his eyes fixed firmly upon her, all the time she was giving her evidence.

NORMAN BETHUNE, M.D., examined—I have been in the Court during the whole of the trial. The symptoms I have heard described are such as are caused by an irritant poison. The symptoms of arsenic vary, but the effect is the same. When taken in large doses, it sometimes acts as a narcotic. The amount of arsenic found in the stomach of deceased was very large. Arsenic does not always produce redness of the stomach. In the case of a servant girl who poisoned herself within the last twelve months at Yorkville. I found no redness of the stomach, although it was full of the poison. The symptoms of poisoning by arsenic are first faintness accompanied by nausea. Then there is a burning sensation at the throat, heavy pain at the stomach, constant retching, followed by purgation. I have heard the way in which deceased died described. A large dose of arsenic would produce such effects.

Cross-examined—The fact of excessive vomiting existing in a pregnant female is the exception: I have heard of cases, but have never been called to treat one. I have heard of the action of cumulative poison—of poisons which, administered in medical doses, have a cumulative effect, and produce death. Strychnia is one, and *digitalis* another. It used to be considered that arsenic was one of those also, but it is now doubted. I have myself never administered more than an eighth of a grain of arsenic at once. In the case I mentioned at Yorkville, death ensued in half an-hour. I should not expect to find inflammation, but I should look for it when the poison had been given 24 hours before. Arsenic does not produce headache.

To a Jury-man—Continued vomiting would produce headache.

ED. M. HODDER, M.D., examined. I agree with Dr. Bethune. The symptoms I have heard described are those of an irritant poison, such as arsenic would produce.

Cross-examined—The discharges I have heard the mother speaking of might issue from a female in the earlier months of pregnancy, and no disease exist, though I think not so copiously. Pregnant females are affected with vomiting sometimes, but not accompanied with the burning sensation and thirst spoken of. I do not believe that arsenic is a cumulative medicine. I consider it a very safe medicine. I have continued it in doses for two months, with occasional intermissions. I have sometimes had to discontinue it, because it has produced *nausea*. It is not, therefore, a cumulative poison. One grain of ipecacuanha administered will not produce sickness, perhaps, but if followed up, it will do so. Orfila's opinions have now been overthrown by Taylor, who denies the cumulative powers of arsenic. The trial of Palmer caused much attention to be given to the study of poisons.

To Mr. Galt.—I do not know that difficulty in passing the urine is a symptom of poison by arsenic.

Dr. BETHUNE recalled. — Christison says that difficulty in passing the urine is a symptom of arsenical poisoning. I knew a case myself, in England, of two weeks' standing, corroborative of this.

MARGARET A. NIX, an aunt of the late Mr. King, examined. — She described the symptoms of deceased, and corroborated the evidence of Mrs. Lawson. King administered the medicine generally. Once I gave her some out of his hand. It was a white powder, and settled at the bottom of the spoon. She said it was like fire in her mouth. Twice, I recollect he gave her medicine which had a comforting effect.

Cross-examined. — I did not state that she felt better after the dose I gave her, when I was before the Coroner. It was misunderstood, through my stating that I saw her better on two occasions after the Doctor had given her medicine. When she told me the Doctor said she was ulcerated, she said she did not think she was so bad as he said. She did not complain to me of any discharge.

JOHN M. LAWSON—(father of Mrs. King).—I visited my daughter when I heard she was ill. I asked her husband what was the matter with her. He said that she was cankered right through, and that her womb was nearly closed up. He said before her face that her case was incurable—that she must and would die. I urged upon him to get other doctors several times. He at last said he would have Dr. Fife. I did not consider that he (Dr. Fife) did any good, and I wanted other doctors. Dr. King on these occasions would get quite angry with me. The night before my daughter died, I said, "William Henry, if God spares my life, I will have a jury of doctors in the morning." He asked me who I should have. I said Dr. Gross for one. He said Dr. Gross was the greatest enemy he had, and that he knew what he would give his wife. I asked what Dr. Gross would give, and he said calomel or opium. Witness here detailed the circumstances of the death of deceased exactly as narrated by his wife.

Cross-examined.—The last dose I saw him give her was about one o'clock. He said it was opium.

SARAH H. YOUNG, examined.—I saw Mrs. King on the 14th. Dr. King told me that his wife had complicated diseases, and was incurable. She was a healthy looking person, and about twenty six years of age. When I suggested that other physicians should be called in, he objected to it. He said he would not call in Dr. Gross, and as to Dr. Fife, he had called on him. In conversation with him about her, he told me that she was not to his mind—a very good wife to get money, but he would like her improved in many respects.

SIMON DAVIDSON was again recalled, and produced two letters which he took from Dr. King's trunk.

MELINDA FREELAND VANDERVOORT, examined.—I know the prisoner at the bar. I received the letter produced from him. I sent him the likeness produced and the enclosed note.

Cross-examined.—Mrs. King asked me to send the likeness to her. I never had any improper intercourse with Dr. King.

To Mr. Galt.—I directed the likeness to Dr. King. I thought that when I got the letter it was written for amusement. I sent him this letter in answer, for amusement!

Mr. GALT—(severely)—Go down—I must read these letters, but do not wish to do so in your presence!

The following letters were then read by the learned Counsel :—

(Enclosed with the portrait.)

BETHUNE.

DR.—Please inform me if you receive this. I arrived home safe and quite well.

Truly yours,

W. H. KING, M.D.

M. F. VAN.



BRIGHTON, Oct. 10.

SWEET LITTLE LUMP OF GOOD NATURE,—I long looked with prudent anxiety for the arrival of the object of my thoughts, but began to despair. Still, I had too much perseverance to give up, and alas! I walked to the P. O. this morning (Monday) and found the most precious thing (except the original) on earth. Better to me than *all* California. I will not, however, tell you what it was, but could I indulge in the hope that those *winning* and *gen'al* smiles would ever be found in my possession, all troubles would then cease. It is a perfect infatuation to me. Can you keep from sacrificing yourself upon the hymeneal altar for the next year? I wish so. Now I am at a loss to know whether to take this as a token of friendship or l—. Will you inform me which you mean it for, and if the latter it will certainly soothe and refresh my drooping spirits? All you say shall be *perfectly confidential*. You need never have the least suspicion of this *token* being seen or handled by any other than its present possessor. Furthermore, if you correspond with me I will guarantee upon my word and honour that detection shall never happen. You are therefore, perfectly safe; but oh! could I but know whether you could reciprocate my feelings or not. Much would I give to be assured on this point. It might give me the most exquisite joy, or it might cause me *bitter* pain. Yet THIS TOKEN shall cheer me many a time while riding through the lonely wild.

I must claim your indulgence that your sense of propriety and good taste will pardon me for thus punctually giving expression to my feelings. Do not betray the confidence I have reposed in you. O! I would like to say a thousand things to you that flash through my imagination like a panoramic display, but I must not venture for the present. May I hear from that object so dear to my h—? Why is it so you might ask? Well, I would like to tell that some other time.

Please accept ten thousand thanks for such a treasure as I received this morning. It shall always remain in my possession unless called for by its identity.

O! those lovely smiles, so plainly delineated, I must think you meant for something. I cannot possibly be deceptions. They have told you enough that you may judge pretty nearly where my h— is, now could you be induced to tell me where your's is? O do!

You *will* observe that this letter is anonymous for fear somebody might get your keys and read it; as it is, if they should, they would not be wiser, but my name shall be —. You know whom it is from just as well as if my name was appended. Do you remember —, and cc, cc, and "going to California." Well, when you write sign *Van*. Do not judge of my literary attainments from the style of these hasty thrown together sentences, for I paid more attention to ideas than style. Come and visit us whenever you can. — is very sick—last night we thought she would die.

Your sincere l—,

SIDNEY, Oct. 18th, 1858.

DEAR DOCTOR,—The time has come for me to respond.

Your's of the 10th instant came to hand in good repair, and exceedingly pleased was I while perusing its contents. It is with much pleasure, but at the same time with a degree of embarrassment, that I embrace the opportunity to write you *one*. I feel an unusual warmth of friendship for you, and not being in the habit of portraying my weakness by way of the pen, expect to find it no easy task—however, hope it will be accepted. I hardly know in what manner to address you, as circumstances are with you, it appears almost in vain for me to think only as a friend of you. Yet something seems to whisper, "still hope."

Since I first had the pleasure of an introduction, my heart is constantly with you, and I'm not contented a moment O! could I forever be with you; I think I should be happy, for indeed I enjoyed myself to excess during my stay in your presence, though suppose now I must eradicate such thoughts from my mind; for *you* are married, and my destiny must be to *love* and not share your interesting society. We are some distance apart, yet trust our ties of friendship, although of short production, are such as not to allow time or distance to sever. Perhaps you'll pardon my familiarity when you come to realize that you have unlinked the tender cord of affection until you have an alarming influence over my girlish nature.

One smile only from *your* countenance can inspire a depth of veneration in my bosom never felt by me for any individual. Well now, Dr., don't you consider it very wrong for me to correspond with you. I'm afraid if known it would destroy "Annie's" happiness, and for instance, if I was in her position, I *would* much rather be in my *grave* than suffer the idea of your intimacy with another, though perhaps you merely express some of your ideas to me for pastime, so I hope you'll not continue them for I am easily flattered, and it may prove to be something very serious. I am very lonely. My "sister" has not returned as yet. I am pretty well, and hope you enjoy the same blessing. Please answer, if you deem me worthy. I hope you'll not criticise.

Your unwavering,

L—,

VAN.

While the letters were being read the prisoner showed no sense of shame; but rather seemed to share in the amusement which could not be repressed.

JOHN H. VANDERVOORT, examined.—The prisoner came to my house in Sidney, about ten o'clock at night, on the 8th November. I had never seen him before. That was the first time I ever saw him. I was in bed when he came. He knocked at the door. I asked who was there—he said, "A friend, who has a message for your daughter." I called my daughter, who came down and shook hands with him. He said the message must be delivered in private, and took her into another room. They went into a room and remained there an hour. I went and asked if that message was delivered yet. They said no. By and by they came out. King said to me that his wife had unfortunately died; that they had got her body up, and that in consequence of a likeness of my daughter, which had been found in his coat pocket, a warrant was issued for his apprehension, and for that of Melinda also. He urged me to allow him to take her to her aunt's on the other side. I consented to this, and she went. She returned in about three week's time.

Cross-examined.—King did not say anything to me about one of the Lawson's threatening to shoot my daughter.

ELIZABETH VANDERVOORT, wife of last witness, examined—Said she could not swear to the prisoner. The person who took away her daughter told her that he was accused of poisoning his wife, but that he was innocent.

CLINTON M. LAWSON examined. I am the brother of the late Mrs. King. I have seen this portrait before. I saw it on the Saturday preceding the Thursday on which my sister died. This, in connection with the finding of other letters, excited my suspicion. Sister died on Thursday and was buried on Sunday. On Monday I complained to the Coroner. I was not present at the inquest. The Coroner gave me a warrant to arrest Dr. King. I went to Kingston on Friday, and from thence to Cape Vincent. From information I got at the Post-office, I went six or eight miles up the country to a house kept by a man named Bate. Gordon, the United States Marshal went into the house. I stopped before I got there, so that I might not be seen. He had not been in three minutes when Dr. King jumped out of the window. I ran after

him. He ran towards the woods, but as I was after 'im quick, he turned into a barn. We went in and found him under the straw in a hog's nest.

Cross examined.—I had a revolver; I said he must be shot if he ran. A lawyer told me that I had no right to take him, and told him so too.

Mr. CAMERON.—And yet he came.

WITNESS (with great determination).—Well, I guess he did!

Mr. GALT.—Did he come willingly?

WITNESS.—No, Sir; no, Sir-ee!!

GERARD O. CLARK, a constable examined.—The prisoner told me that he had given his wife poison, but that he had not given her arsenic. He admitted that he had given her morphia and hellebore. I took a number of letters from a trunk of the prisoner's.

Cross-examined.—The conversation took place on the 14th November. He said he never gave his wife any arsenic; that if it was given to her at all, some one else must have given it to her.

Mr. GALT.—That is the case for the Crown, my Lord

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### EVIDENCE FOR THE DEFENCE.

Mr. CAMERON was afraid he could not get through to-night; he had eight witnesses to examine, and would be glad if his Lordship would adjourn.

The application was refused.

CHARLES J. HEMPEL, M.D., was first called. When the oath was administered, several jurymen declared that he did not kiss the book. They therefore made him do it twice or thrice, to make certain. The episode created quite a commotion in the jury box. He said—I am Professor of Materia Medica and Therapeutics in the Homœopathic College of Pennsylvania. I know the prisoner. He studied under me two seasons. The gist of Homœopathic practice is this—for the cure of disease we administer medicines which, if taken by a healthy person, would produce a like disease. We might be called upon to prescribe for a disease which has exactly the very same symptoms as those produced by arsenic, and which might be considered by persons who did not know it was a disease, to be a case of arsenical poisoning. Thus, in cholera morbus the symptoms occur, for which a physician would prescribe arsenic: and the symptoms of arsenic, if prescribed in a large dose, would be exactly like the symptoms of cholera morbus. The first symptoms attending the illness of deceased, might be occasioned by an attack of cholera morbus. The nausea and vomiting might also have been considered as the natural results of pregnancy. These symptoms are generally found to exist five or six weeks after conception; they may exist during the whole term, or during the first five or six months of pregnancy. In my judgment I do not think that deceased could have taken so large a dose of arsenic at once as Professor Croft found, without leaving more marks of inflammation. The inner surface of a stomach in a healthy state would have pretty much the appearance of good hick cream. An inflamed stomach, on the contrary, would have the appearance of cranberry sauce,—a deep red colour. In homœopathic treatment I have given as much as one-fifth of a grain of arsenic in the case of Asiatic cholera, and have repeated that dose from twelve to fifteen times in the course of forty-eight hours. The patients have done well, and recovered. A dose of arsenic to act narcotically would have to be very great. To produce such a result, I should think not less than ninety or one hundred grains would have to be administered. I should expect to find, after such a dose as that, when analyzing the stomach, at least sixty grains. I have seen fatal results follow the cumulative effects of *digitalis*, but not of arsenic. The same effects have followed from medicinal doses of strychnine. From the

evidence I have heard, I think the deceased might have died in consequence of her nervous system having become exhausted; or she might have died from the cumulative effects of arsenic. The discharges might have been produced from disease in the neck of the womb, or by local irritation.

Cross-examined—Dr. King was in our college two sessions; he was one of our best students. Arsenic is used in homœopathic practice. The giving of infinitesimal doses is not the principle upon which homœopathy is founded. I consider Dr. King was competent to practice after studying for two sessions in our college. There are seven chairs, all of which he had to attend. He satisfied our professors that his medical knowledge was up to the required standard. The prisoner took his degree in March, 1858. It is expedient to give arsenic in some cases of vomiting. I am not satisfied with the *post-mortem* examination. From the examination they made, the physicians could not tell whether ulcers existed or not. The womb might be ulcerated in the interior without external inflammation existing. If ulceration existed, the least internal examination would reveal it. Ulceration might have been caused by pregnancy. Three grains and upwards of arsenic will suffice to produce death; but six or ten grains have been taken without this result—much depends on the state of the system. I do not think the deceased died from arsenic in poisonous doses, but from the cumulative effects of several doses. In my opinion, the weight of evidence is in favour of the idea that arsenic is a cumulative poison. Dr. ———, of Paris a celebrated physician, gives it in cutaneous diseases in large portions. The largest dose given by him is a quarter of a grain, six or eight times in two or three days. I cannot say how long it would remain in the system before it became eliminated. I never heard of giving one-fifth or one quarter of a grain to a woman in fever. I would give moderate doses of arsenic first in treating a disease which required it. Thirst is very apt to occur in cases of arsenical poisoning. The arsenic may have been given as medicine in the present case. The arsenic in this bottle, containing globules, marked Arsenic 2, is the second trituration. It is produced in this way—one grain of arsenic is mixed with ten grains of sugar of milk. One grain of this in its turn is mixed with ten grains of sugar of milk, so that one hundred globules of Arsenic 2 would be necessary to make one grain of arsenic. Arsenic 2 could not remain in the system; it would become eliminated, in consequence of the mixture of sugar of milk. Arsenic prepared in this way may cumulate. I never knew of arsenic acid being administered in homœopathic practice without being prepared with sugar of milk. We endeavour to stop short of symptoms of poison. I think some symptoms of the deceased were attributed to arsenical poison. Hellebore might produce vomiting, retching, and nausea. Belladonna might affect the brain; arsenic affects the liver. Deceased must have taken some arsenic.

Re-examined by Mr. Cameron—Purging is a usual effect of poisoning by arsenic. The fall of the deceased would likely aggravate her malady. The accident might not have any serious results till several weeks had elapsed, and then have induced vomiting, sinking, enervation and *coma*, resulting in death.

To a Juror—Hellebore might be used in pregnancy in cases of vomiting.

A. H. FLANDERS, M. D., of Philadelphia, was next examined. I hold the chair of Chemistry and Toxicology in the same college as Dr. Hempel. I do not know the prisoner. I have been at the College only during the last course of lectures. I practised allopathy for eleven years. I have been in court during the day, and I have heard the symptoms of deceased described. I have never met with a case of arsenic poisoning in human beings, but have made experiments on cats and dogs in class, and think the symptoms similar. I have used arsenic in doses of one-fiftieth to one-fifth of a grain. I should expect to find a stomach into which large doses had been taken, more inflamed than that of the deceased. It is a conceded fact that the symptoms in brute

animals are like those in human beings. Much inflammation usually appears in the stomach of brutes after the administration of arsenic. I should myself in prescribing for a person who exhibited symptoms like those of deceased during pregnancy, have used arsenic. I should expect to find ulceration when copious discharges were made, as in the case of deceased. The symptoms could not be accounted for on any other hypothesis. The ulceration of the neck of the womb, with cancerous tendency, would be very dangerous during pregnancy.

Cross-examined—The most satisfactory reason I can assign for the death of the deceased was the fall from the buggy. It is a very obscure case. I account for the presence of arsenic in this way—Professor Croft said that it was loose in the stomach, which leads me to think it was put in after death—(hissing in the court, which was suppressed)—otherwise it would be in a state of paste, and would stick to the stomach. The death of Mrs. King might have resulted from medicinal disease. The best toxicologists think that arsenic is a cumulative poison. Purging is a constant symptom of arsenical poisoning—almost universal. Arsenic might have got into the liver from small medicinal doses. It could not from one large dose.

Mr. GALT—Do you set your opinion against that of Dr. Croft, a man who is well known in your own country, and has had cases on your side of the water as well as this?

WITNESS—Professor Croft is not a physician, Sir! I graduated in Philadelphia in 1850. I attended two courses of medicine. I never saw arsenic in a human being at all. I did not understand that Professor Croft said he examined cases of poisoning by arsenic.

Mr. GALT—You have not seen cases of poisoning by arsenic in man or woman, but you have poisoned cats and dogs?

WITNESS—Yes, sir. (Subdued laughter.)

Mr. GALT—And you think it more likely that the fall from the buggy caused the death of deceased, than the arsenic found in her stomach?

WITNESS—I do think so. (Murmurs.)

Mr. GALT—Then I have nothing more to say to you—you may go!

THOMAS NICOL, M.D., of Simcoe, C.W., examined—I have been practising for three years. I have experimented with arsenic upon myself. It is frequently used in homœopathic practice. I have given one-tenth of a grain in intermittent fever. I do not think the quantity of arsenic found in the stomach of deceased was sufficient to produce the symptoms of *narcosis* described. It is quite insufficient to produce *narcosis*. At least ninety grains are necessary. It more frequently takes two hundred than a smaller quantity. A teaspoon might hold fifty grains; a table spoon about five hundred and thirty grains. I believe arsenic to be a cumulative poison. In 1855, I experimented on myself. I took, each day for twenty-one days, three doses of one-third of a grain. I took altogether seven and a half grains. I had no symptoms until the eighth day. The symptoms were thirst and vomiting, accompanied with violent purging, and symptoms resembling intermittent fever. They continued for twenty-one or twenty-two days after I had ceased to take the arsenic. I have also tested belladonna, which, after a time, produced symptoms like paralysis of the legs. I consider the cause of the death of the deceased was the shock of her nervous system by the fall from the buggy. If arsenic had been administered twenty four hours before her death inflammation would have been developed. The stomach should have exhibited a brilliant red, brightening every day after death. Arsenic, administered in several small doses, has an antiseptic effect upon a dead body; it tends to prevent decomposition. In one large dose, it induces putrefaction. I was acquainted with the prisoner at College, and boarded with him during one of the sessions which he attended.

Cross-examined—The fall from the buggy might be an adjutant, but not a primary cause of death. Enervation might be. If in a stomach where twelve grains of arsenic were found there was no inflammation, I should look for other causes of death. I am not an analytical chemist; I studied as other medical students usually study chemistry.

The Court then adjourned, at about half-past six.

## SECOND DAY—WEDNESDAY.

The Court opened at half-past nine o'clock.

HENRY BELFORD was the first witness called. He said—I have known the prisoner at the bar twelve or fourteen years. I am the Reeve of the township in which he lived. I would suppose the prisoner to be about twenty-five years of age. In the earlier part of his life, he was farming with his father. Subsequently, he taught school for about four months. After that, he went to the Normal School in Toronto, and then taught in Hamilton. I have formed a very high opinion of the prisoner's character. I have had frequent intercourse with him. He has always been an advocate of temperance and morality.

RICHARD DELONG, examined—I reside in Brighton. I have known the prisoner since the spring of 1858. He attended my family. I was satisfied with the skill and knowledge he displayed. He was in attendance on my family for about six weeks. His treatment was satisfactory and successful.

Another witness was called to testify to the character of the prisoner, but not being in court, the evidence for the defence was here closed.

Mr. CAMERON then proceeded to address the jury for the defence. He said—May it please your Lordship—Gentlemen of the Jury—After the patient investigation you have given to this trial, I am quite sure you will be ready to bear with me, if, in the observations I shall make, I shall appear to take up more time than is usually taken in the addresses I deliver to juries, because the circumstances of this case are so peculiar and so important, and require so careful an examination, that no time that can be given by myself, by the Judge, or by you can be said to be thrown away, when on the investigation of those circumstances depends the life or death of a fellow-creature. There is nothing which men are called upon to do which is more important than the duty devolving upon us at this moment. There is no position more painful than that of men, who sit, like you, to declare by their verdict, what the course of an individual like yourselves shall be for the few hours or days if the verdict is given against him, which he has to live, should the sentence of the law be carried into effect. Our duty we must perform carefully. It is a duty we must perform faithfully, because we know that the life or death of a being in health like ourselves rest upon the course we may take. Then, gentlemen, that being so, I have a right to ask you in the first place to do that which your own sense of justice your own intelligence, your own reasoning powers will induce you to do; to dismiss from your minds everything in the shape of prejudice; to dismiss from your recollections all that you may have heard out of doors; anything that may have been stated as a fact which has not been proved here; and to recollect that it is upon the evidence which has been given by the witnesses in that box, and upon that evidence alone, that the law calls upon you to pronounce upon the innocence or guilt of the prisoner. I ask you—I require you to bring that kind of calm consideration to the case, indispensably necessary for the proper balancing of the different facts which have been brought to light. I know that there have been—perhaps from prejudice—perhaps from the natural irritation which must have arisen in the minds of the relations of the de-

ceased—I know that there have been spread through that part of the country from which the prisoner has come, statements both prejudicial and wrong. I know that there have been publications in a newspaper of that locality, which must have tended strongly to prejudice the prisoner in the minds of the people of the surrounding country, and tended greatly to prevent that kind of fair play every man is entitled to who trusts himself to God and his country. I know that in a paper published in Brighton a great deal had been stated that was not proved before you yesterday; and when I know that, I am sure you will bear with me when I tell you that anything you may have heard from what others have stated must be placed entirely on one side. The effect of these tales are only to bring more or less a prejudicial influence against the prisoner; and while putting before you the facts, as far as I can dissect them from the evidence, I press upon you not to allow anything which you have heard out of doors, in the least degree in the world, to affect the verdict you will be called on to give—to judge sincerely, truly, and honestly upon the evidence alone. I know from the experience I have had during these Assizes, that we are fortunate in having upon this jury men of intelligence who will bring the best of their reasoning powers fully to bear on all the facts of this case, and judging from the verdicts you have already given, I feel certain that honesty of purpose will be carried by you into your jury room, and whatever may be the issue—if for the life—or if for the death of the prisoner, I feel I may rely with certainty upon your careful consideration. For are the facts against him in this trial? I do not think they are. There are facts which the prisoner's own unfortunate conduct has placed against him, without the presence of which I would feel no more hesitation in demanding a verdict of acquittal, than I would in any other ordinary case which had been tried during this assizes; put these one or two circumstances away, and it would be impossible for you to find a verdict against the prisoner. My learned friend, yesterday, placed before you, in a way which did him the highest credit, the facts of the case, calmly, clearly, and honestly. He attempted to make no impression he ought not to have made. He felt it his duty to see that the law was properly administered; that the law recognized the principle that every man was to be considered innocent until proved guilty. And in the recognition of that fact, he felt it was not part of his duty to allege one single fact or circumstance until established by evidence. I am sure it could not have been otherwise than the admiration of the court to see that no amount of feeling was allowed to enter into his address. Let us first take from the commencement of the case, that with which my learned friend set out, and let us ask ourselves as a preliminary point, a point upon which I lay great stress—of the manner in which the stomach of the deceased was placed, and the circumstances attending its transmission from Brighton to Toronto. In trials of this nature, much depends upon the identity of the substance submitted to chemical analysis. Nothing is more necessary than that the strictest and clearest proof shall be given, that the substance submitted to the chemist shall be in exactly the same state as when taken from the body, and that nothing shall be allowed to mingle with it, which would in the least degree tend to make any change beforehand of any part of the human body, intended for chemical analysis. The rule of law with regard to this is so plain, so clear, so distinct and so well laid down, that I cannot do better than quote to you the authority of a man who by lawyers and physicians on both sides of the Atlantic is admitted to be the best authority upon Medical Jurisprudence this age has produced. The learned Counsel here quoted from Taylor's Medical Jurisprudence, insisting upon the conditions already mentioned by him (Mr. Cameron) and mentioning a striking case, in which it was remarked, that in one case a stomach had been put into a jar hastily borrowed from a neighbouring grocer's shop, and as the jar could not be shewn to

be clean, the evidence was held to be insufficient. It also mentioned that a *private* seal should be placed upon the package. Now, the Crown told us that previous to giving the package containing the stomach to Mr. Barker, it was sealed in this way—the stomach was first put into a pickle jar and corked. This cork was sealed with a penny piece. The bottle<sup>3</sup> was then placed in brown paper, which was sealed also ; and then put into a box, which in its turn was sealed with three common wafer seals. Professor Croft said it was only the bottle which was sealed—that the paper was not sealed, and that the three seals on the outside of the box were common seals of the kind described—easy of replacement if broken. How did the paper get broken? How did the paper which was sealed by the coroner get broken open? How did it happen that that parcel which the coroner put into the box, with a seal upon it, was received by Professor Croft without a seal? Then again, gentlemen, how did it happen that the coroner told us that before the bottle was removed from the school-room where the inquest was held, it was stopped with a cork, and that the professional men who examined the body, and Mr. Barker, who took this stomach to Kingston, state there was nothing but paper put over that bottle, tied down by a string—and you will remember Barker said that he himself went out and purchased the cork that was placed in the bottle the morning he took it to Kingston. These are discrepancies of a most important character. I wish you to bear them in mind, because I do not state one single thing that is not borne out by the evidence. I read to you the opinion of Taylor on this point, and I tell you the law he lays down is essentially necessary to the safety of every man who is accused of poisoning where that is to be determined by a chemical analysis of a portion of the human body. The stomach, once in the hands of Professor Croft, I think no objection can be shown to the medical knowledge which produced the results we have seen ; because probably I should find it difficult, not merely within the borders of our own country, but even in the Old World to find a man more competent to perform the duties of chemical analysis than Professor Croft. He bears not only a high reputation in this land, but also in the land from which he came, and therefore there is nothing in the application in any of the tests which science has provided, to which objection can be made. Putting ourselves in that position, however, we have to be convinced not merely of the fact of the presence of arsenic, but that this arsenic was the cause of death, and unless we are certain of that, no conviction can take place. Now, gentlemen, we have to consider what are the effects of poisoning in this way. Are those effects so entirely uniform, of so marked a description that it is impossible ever to be mistaken in their appearance? Has arsenic a cumulative effect? And if so, is such an effect consistent with the innocence of the prisoner? What are the usual effects of poison of this description? Tenderness to pressure, nausea and vomiting, followed by purging of some character or other. It has been shown, that except in extreme cases, that after death, where these symptoms have been present during life, that there has been not merely inflammation of the intestines, but almost universally, inflammation of the tissues of the body. And when you prove these symptoms so described, then you have to ask yourselves, whether there are diseases incident to the human frame which offer symptoms of a similar character ; and if so, are these symptoms consistent with the innocence of the prisoner? In the case before us there is an entire absence from beginning to end of purging. We have not had one single word of testimony, in this case existing over three weeks, to show that there was any purging at all ; a matter quite impossible if the deceased died from arsenical poisoning. There is also an entire absence of another symptom, and no one would be more ready to admit than the chemist who analysed the body, that the presence of an irritant poison for days and weeks, could not exist in the stomach without the inflammation being of



an extensive character ; so extensive that it could not by any possibility be mistaken. The stomach examined by Professor Croft, he tells us, was of a healthy character, with a slight blush, but without the least symptom of having been subject to an irritant poison for many weeks. I say many weeks, because we have, during all these weeks, the same symptoms exhibited day by day—exhibited to the last. Three weeks before the death of deceased, we have persistent vomiting, continuing from the time she was first ill to the day of her death. In not one instance has it been shown in cases of arsenical poisoning that the stomach has presented a healthy appearance, unless death has ensued in less than ten hours. I cannot find a single instance where the stomach did not offer a highly inflamed surface, and more frequently still of actual ulcers. But there is a supposition that the poison was taken the night before the death of deceased between eight and nine o'clock - I think the mother said a later time--and the death ensued about twenty-three hours afterwards. There is no case on record of a person falling into a state of *coma*, where the dose of arsenic has been less than ninety grains, and as in this case there was not a symptom of vomiting after the last administration, even allowing for elimination, there can be no question that, instead of eleven or twelve grains being found, there ought to have been fifty or sixty at least. This brings us to another supposition. The deceased was gone with child four or five months. She had been suffering from some irregularity, of a character certainly calculated to make any woman feel that there must have been something the matter with the neck of the womb. For weeks before she was taken ill, her mother spoke of it as being something unusual. This position was, as I will show to you, precisely that in which many women have been during pregnancy. There has been a constant vomiting, sometimes of a greenish liquid, sometimes of a blackish, attended with every one of the symptoms described by the witnesses. If, in addition to this, I show you that the effects of a fall—of the very least concussion of the brain may go on quietly until *coma* and death ensues, then I shall have made out a case, independent of other circumstances, that will entitle me to claim a verdict of acquittal for the prisoner. Mr. Cameron here read from "Churchill on the Diseases of Women." It said, in effect, that nausea and vomiting might commence soon after conception, and be continued until gestation. The fluid vomited might be yellow, green, blue, or black, depending upon the condition of the mucous membrane. There was a case given in which, though the surface of the neck of the womb had a healthy appearance, when cut it was found to contain matter. Another case was mentioned, of a woman, four months pregnant, who died with symptoms exactly the same as those of the wife of the prisoner. True, there was no arsenic found in the stomach of any of those women, and therefore we have to meet the stand taken by the prosecution in this case. It would be observed that there were two schools of medicine—the Homœopathic and Allopathic. Homœopathy is not a system of infinitesimal doses, as has been generally supposed. Dr. Hempel repudiated the idea. It is a system based upon the maxim *similis simile*—upon the principle that those medicines which would produce the same kind of symptoms in a healthy body, that the body is suffering from, are most likely to effect a cure. There is no doubt, then, that according to this theory, the prisoner adopted the treatment which ought to be adopted. To say that there has been mal practice is one thing—to say that he has been guilty of murder is another. If the doses he administered were too large, he is guilty of mal-practice but not of murder. But can this poison so administered have a cumulative effect? That effect is thus explained. A small dose of poison may be given, which though innocent in itself, yet by the idiosyncrasy of some particular body, this poison may cumulate in the system, and cause death—although the remedy was the particular

remedy which ought properly to be administered. The case of a Swedish sailor, to whom strychnine had been administered in this way, was here quoted ; and a celebrated French writer—whose name Mr. Cameron did not give, said that in the same way as lead might cumulate in the system, and produce paralysis and death, so might arsenic. Becksmith was quoted to the same effect. Mr. Cameron then dwelt upon the contrary opinions given on this point at the trial of Palmer, in England, where the physicians of the old school were not opposed by homœopaths, but by allopaths, and were divided one against the other. Amid these conflicting opinions, Mr. Cameron continued, you gentlemen must consider, whether there is anything consistent with the innocence of the prisoner. The last witness who was called said that the prisoner told him that he had not treated his wife with arsenic at all. When first questioned he said, the statement was made in such a way as to convey the meaning that it had not been administered in poisonous doses. Evidently he had mistaken the import of the prisoner's words. We had evidence that the deceased was troubled with a copious discharge which might have been caused by an irritation of the *vagina*. The prisoner requested his wife to allow Dr. Fife to make a personal examination, but her delicacy shrank from it. She had confidence in her husband, and under these circumstances was not willing the examination should take place. From the beginning to the end of the case, we have not one word to show that these parties lived unhappily together ; that any jealousy or bickerings existed between them. Not one single word, not one single syllable of that sort. If the case had stood entirely here, I would have felt it was unnecessary to go further into this matter. But, gentlemen, men are often foolish ; and the prisoner at the bar has acted foolishly. What does press against the prisoner is the fact of the letters which have been read to you, having been found in the possession of the prisoner. We can scarcely understand how the parents of that young girl allowed her to be taken away to a foreign country in the dead of night, by a man who was to them a perfect stranger. The only thing which can be said, is, that the prisoner did not dishonour the girl, because we have the fact proved that no improper intimacy took place. We have also proved that these two were only acquainted a little more than three weeks before the death of the prisoner's wife, and yet his supposed affection for this young woman is assigned as the reason which induced him to get rid of his wife. The learned counsel in forcible language urged the improbability of the prisoner being actuated to commit so great a crime from so slight a motive, and after a glance at the efforts made by him to elevate himself above the condition of a mere tiller of the soil, concluded by appealing to the jury to weigh well the evidence and to give his client the benefit of any reasonable doubt that might exist.

Mr. GALT replied—When addressing the jury yesterday, he had not felt it necessary in the discharge of his duty to press the case before he had clearly and distinctly laid all the evidence before the court. It was now before them, and it became his painful duty to draw their attention to the facts. He would take up the arguments of his learned friend as he had delivered them. Mr. Cameron had first commented upon the way in which the stomach had been delivered to Professor Croft. But every one single particular, required by Taylor for the purpose of preserving the stomach in the state that it was when taken from the body, had been complied with. The Coroner said that the bottle in which the stomach was placed, was first of all washed out by himself. Taylor laid it down that the vessels in which the intestines were placed should be clean. There was a slight discrepancy between the Coroner's evidence and that of Dr. Barker, but it seemed probable that the Coroner's version was the correct one. For this reason : he said he placed the stomach in a bottle, which bottle he corked, and over the cork he tied a piece

of brown paper, and in that state *carried it in his pocket* from the school house where the inquest was held, to Mr. De Long's, a distance of three and a half miles. The bottle was placed in a small cupboard in the wall; the key of which was given him by the landlord, who said he had no other. This key the Coroner put into the pocket of his pantaloons, which he did not take off at all that night, as he sat up a long time making out the papers respecting the inquest. When he went back to the cupboard he said the bottle was in exactly the same position and in the same state as when he placed it there the preceding night. He then took it to the room where the jury were assembled. A bowl was there procured, which he washed out himself and into which he emptied the stomach. From the evidence it did not appear that any human being touched it then. It was replaced in the bottle, secured in the way described, and delivered to the Coroner. Why insinuate that poison was placed in the stomach? Up to the time of the prisoner absconding—up to the time he pointed the evidence of guilt against himself, it never occurred to the mind of any person to charge him with having poisoned his wife. Could it enter into the heart of man, could any person be found so diabolically wicked that he could have placed arsenic in the stomach of that woman, with the idea that upon being discovered, it would afterwards, upon a chemical analysis being made, lead to a charge of murder against the prisoner? That any one could have done it, if so minded, he (Mr. Galt) denied. But there was one argument which was unanswerable. If arsenic could have been placed in the stomach, it could not have been placed in the liver. That was an operation of nature. And would it not have been a miraculous coincidence that had arsenic been placed in the stomach of the deceased if subsequently, when the liver came to be examined, arsenic should be found there too? For how should the man who placed the poison in the stomach know that that identical poison would be found in the liver also? Having arrived at this point, it was necessary to consider how the arsenic did come to be in the stomach. Mr. Cameron had urged as a very strong proof in favour of the prisoner, the difference in the symptoms. Every medical witness who had been examined, alleged that vomiting, and burning, and thirst, were symptoms of arsenical poisoning. But still his (Mr. Galt's) learned friend had spoken of the absence of purging. Let the jury recollect that the witnesses who spoke to these symptoms were women. They were never asked a question on this point, and were not likely to tell of such a symptom without being asked. If Mr. Cameron intended to raise as a defence the plea that arsenic was not present, he should have asked the question himself. It was not for him (Mr. Galt) to do it. The arsenic was found in the stomach—it was there. But even without that, there was one symptom which could not fail to carry conviction to the minds of every one. Mrs. Lawson said that when the vomit came out upon the bed clothes, there was a sort of small skins mixed with it, and when the medical evidence for the defence was given, we were told that that was one of the symptoms of arsenical poisoning. Then as to the narcotic effect of arsenic. We heard a great deal about the large quantity of arsenic which would be required to produce *coma*. It was very singular we had heard nothing of the last medicine which old Mr. Lawson stated he saw the prisoner give to his wife. The last dose of medicine given to that woman was opium, and she immediately fell into a state of insensibility. What were the circumstances attending the last hours of that unfortunate female? On the evening before her death, she appeared much better. She conversed with her mother. Dr. Fife, who saw her, said she was not in a dangerous state—far from it. A dose of medicine was given to her about nine o'clock at night. It occasioned every possible symptom of arsenical poisoning, and then at one o'clock in the morning the prisoner gave her opium. The way in which she came to her death was this—arsenic was the poison the prisoner used to occasion her

death, but she passed out of this world through the effects of opium, having at the same time an amount of arsenic in her stomach which must have produced death. To his (Mr. Galt's) mind, Dr. Nichol's evidence proved entirely the reverse of what he intended. He said he took arsenic for twenty-one days—that for the first eight days he did not feel much effect from it. But afterwards he began to suffer from the effects, with all the symptoms of arsenical poisoning. If that were so, and if his theory were correct, that arsenic would accumulate, he must have had six or seven grains in his system. If the effect of the poison was accumulative, this would have killed him, as two grains and a half would produce fatal effects. Mr. Galt here quoted cases from books which Mr. Cameron had used, against this cumulative theory. Professor Hempel, who was brought here on the part of the defence, said he never knew the cumulative effects of arsenic to produce death, though he had read of such cases. The way in which the prisoner had spoken to his wife of her disease, saying that she could not survive her confinement; that he wished her to tell her mother of her trouble, lest she should drop off suddenly, when it might be considered strange, next passed in review. Then the learned counsel read the letters produced on the first day of the trial, and asked the jury to notice the important fact that King's letter to Miss Vandervoort was dated the 10th of October. That although he said in that letter that “——— was very ill,” evidently alluding to his wife, she was not sick until four days afterwards. When Mrs. King died, why did the prisoner run away? There was no charge made against him. And when he did determine to abscond, why did he go to Vandervoort's—why did he take that girl with him to Cape St. Vincent? Was that the conduct of a man who believed he had treated his wife medicinally with arsenic? When at St. Vincent a United States officer, altogether unknown to him, asked at the door of the house if there was anyone there from Brighton, and immediately the prisoner jumped through a window, and made for the woods. Was that conduct consistent with innocence? Did it not show a guilty knowledge in the man's mind? The learned gentleman concluded by recapitulating the heads of his arguments in a clear and concise form, which could not fail to impress them upon the minds of the jury.

His LORDSHIP in charging the jury remarked that the question had been so fully laid before them by the learned counsel, that there remained but little for him to say, beyond reading the evidence and making such few remarks as seemed necessary. It was his opinion that Barker was right respecting the cork not being in the bottle until the morning when he took it down to Kingston. Professor Croft said that there was but slight signs of inflammation; although it usually followed the administration of arsenic, six or eight hours after death. This was certainly a circumstance in favour of the prisoner, but it must also be taken into consideration that another medical witness said that this would not be the case in all circumstances. The learned Judge then read on without any remark the evidence, until he came to that of Mrs. Lawson, the mother of the deceased, which, he said, required much careful consideration. The jury would remember that she, having the idea that the prisoner occasioned the death of her daughter, might be expected to entertain some feeling against him. The jury would see how far her testimony was borne out by other witnesses, and how much they could unreservedly accept. With respect to the fall from the buggy, according to the mother, it affected her daughter very little, and she drove on to Consecon the same day. She did not complain of any illness until three weeks after this—about six weeks before her death. It was important to note the exact position of affairs, because much stress was laid upon the matter for the defence. Mr. Lawson said that the prisoner had declared to him in the presence of his wife, (the deceased) that she must die; that she could not survive her con-

finement. This was a strange remark for a husband to make to his wife. Certainly he was her physician, and it was the duty of a medical attendant to apprise his patient when in a dangerous condition. Sarah Anne Yonge swore that the prisoner had declared to her, on the first day of her illness, that his wife did not suit him in many respects. The jury would also notice that the words in the letter of the prisoner to Miss Vandervoort, where he said — “was very ill last night”—four or five days before there was anything the matter with her, as far as her family knew. The jury would remember King went to Vandervoort’s and remained, late at night, closeted with the girl. What passed on that occasion we knew not. Neither party examined Melinda Vandervoort, or put any questions with respect to what had taken place, but the interview occurred. It would be seen that these gentlemen who gave medical evidence for the defence, were all of the Homœopathic school, and it appeared that they frequently administered arsenic as medicine. Dr. Hempel agreed with Professor Croft, that arsenic, to find its way into the liver, must be administered during life. It would be for the jury to consider how they could reconcile this with the statement of the prisoner to Clarke the constable, that he had not administered any arsenic to his wife. Reducing the whole question to as few points as possible, they would stand in this way. First, what was the primary cause of death? Was it from the use of poison or not, that is from poison administered as poison, not as a medicinal preparation? Arsenic was undoubtedly found in the stomach of the deceased, there was no question about that. Then was the stomach which reached Professor Croft, the stomach of the deceased? From the evidence given they must say whether they were satisfied that there was no substance put into it; and whether there was any attempt, or whether there was any person interested in doing so. If that stomach was the stomach of the deceased woman, then the question arose, how came the poison there? A theory of one of the witnesses for the defence, was, that it must have been placed there after death, because he considered inflammation must have supervened to a greater extent than spoken of by Professor Croft. But the defence did not rest their case merely on one theory. Another was advanced—that arsenical treatment was most likely the course to be pursued, and proper to be pursued in the case of the deceased. Then again other things were relied on, such as the falling of the woman out of the buggy. The fact of there being so little inflammation found, was, no doubt, strong argument, as an isolated fact. But then the jury had to consider what the doctors said with regard to the time at which inflammation appeared—whether it would appear in all cases of poisoning or not. The liver contained arsenic, which it was admitted on all hands could not have got there after death. Then supposing arsenical treatment were pleaded, what could be said of the witness Clarke, the constable, who swore that the prisoner told him he did not use arsenic at all? The two attempts of the prisoner to escape must also be taken into account; but the jury must be careful not to take that as an absolute proof of guilt. His Lordship noticed several other points of importance in the case, and, in conclusion, reminded the jury that they had a very important duty to perform, not only to the prisoner, but also to society. Their duty to the prisoner was to see that he was not convicted on mere suspicion; but if they were convinced of his guilt, they must not raise any fanciful doubt in their own minds for the purpose of returning a verdict of acquittal. Society could not exist without a proper administration of the law, and whenever guilt was clear, society required at the hands of jurors that they should enforce the law. But if they did doubt, let them acquit the prisoner, and might God assist them to come to a right conclusion.

The jury retired at three o’clock, but not being able to agree they were locked up for the night. At ten o’clock they returned into court. The clerk

of the court put to them the usual question.—“ How say you gentlemen, is the prisoner guilty or not guilty ?”

The foreman, amidst most profound silence, returned a verdict of GUILTY, with a strong recommendation to mercy.

The prisoner did not appear to have expected the verdict ; and it was evidently with much difficulty he suppressed the emotion which was struggling to make itself manifest. He was immediately removed.

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### THE SENTENCE.

It was not until the afternoon of Saturday the 9th of April, he was brought up for sentence. A rumour having obtained extensive circulation that the prisoner intended to speak before sentence was passed upon him, the Court Room was crowded in every part. About three o'clock he was brought up from the cell in which he had so long been confined, and placed in the dock. He was of an ashy paleness. The healthy colour that tinged his cheeks during the trial was fled ; and it seemed that the shadow of death had since his conviction prematurely settled upon his face. The confidence, almost superciliousness of manner which characterized him whilst listening to the witnesses for the prosecution and defence—had given way, and he seemed to fully realize the awful position in which he stood. He walked into the court with a firm step. On entering the box, he rapidly and anxiously scanned the countenances of those who had seats inside the Bar, evidently looking for Hon. Mr. Cameron, who so ably defended him, as if to read in his countenance that all hope was not yet extinct. Mr. Cameron, however, was not present, and we fancied that his absence was keenly felt by the prisoner. After two prisoners, James Dingman and Isaac Whitney, had been sentenced to thirty days in the Common Jail for stealing wheat, Mr. Galt rose and said—

“ I move, my Lord, that sentence be passed upon William Henry King.”

HIS LORDSHIP—William Henry King, you have been convicted of the crime of murder ; what have you to say that sentence of death be not now passed upon you.

The prisoner, amid a hush the most profound, replied in a clear, firm voice :—

“ I have this much to say, that upon my most solemn oath I am not guilty of the charge laid against me. I have no doubt of this ; my conscience is perfectly clear upon this point.”

HIS LORDSHIP—After a fair and impartial trial by an intelligent jury you have been convicted of the crime of murder. You have been assisted by able counsel. Every circumstance calculated to induce the jury to give you the benefit of the doubt which is always in favour of the prisoner, has been portrayed ; but all has been in vain. It is not my intention to dilate upon the enormity of the crime of which you have been adjudged guilty. As you are a man of education you will know what you have to do for the time you have to live, until the sentence of the Court is carried out. In regard to the finding of the jury I must say a few words, else that verdict might hold out to you false hopes. The facts brought out on the trial against you were of so plain and pointed a character, that they carried conviction to the minds of the jury—and they felt that they could not conscientiously do otherwise than render a verdict of “ guilty.” I must say that the facts carried conviction to my own mind, and that I entirely concur in the verdict of the jury in so far as it pronounces you “ guilty.” The finding of the jury was accompanied by a recommendation to mercy. It is not in my power to avert from you the punishment which the law inflicts upon those who are convicted of the crime laid to your charge. I will not fail, however, to forward the recommendation to mercy to the proper quarter ; but I must say plainly that I cannot add the

weight of my position to it. I cannot see that yours is a case in which such a recommendation is justifiable. I am thus plain that you may know your exact position, and how little reason there is to hope for the influence of the Executive in your behalf. It is my duty to say that you must prepare to meet death. You are, as I said before, a man of education; and it is not necessary for me to advise you to make an early application at the Throne of Grace for the forgiveness of your sins, as a preparation to meet your God. It now only remains for me to pass the sentence of the Court upon you, which is, that you be confined in the Common Jail until Thursday the 9th day of June next, on which day you are to be taken to the place of execution, and there hanged by the neck until you are dead. And may the Lord have mercy on your soul.

The prisoner listened to the remarks of the Judge and to the sentence with composure; but in a few seconds after his Lordship ceased speaking, his lip quivered, and burying his face in his handkerchief he wept convulsively. One by one, the props upon which he had relied were knocked from under him—the Judge had extinguished the last ray of hope. An ignominious death stared him in the face; from it there was no escape. He had assumed a calmness and a confidence during the trial that he did not feel. But nothing now was to be gained by deception. Human nature resumes its sway; and the man of strong will wept. Better so, than that he went to his dungeon unmoved. It gives grounds for the belief, that his heart is not so seared that repentance is impossible or improbable.



I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the  
 proposed amendment to the Constitution of the State of New York, and in reply to inform you that  
 the same has been referred to the Committee on the subject, and that they are endeavoring to  
 ascertain the views of the people on the subject, and that they will report thereon to the  
 next session of the Legislature. I am, Sir, very respectfully,  
 Your obedient servant,  
 John W. Taylor, Secretary of the State.







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