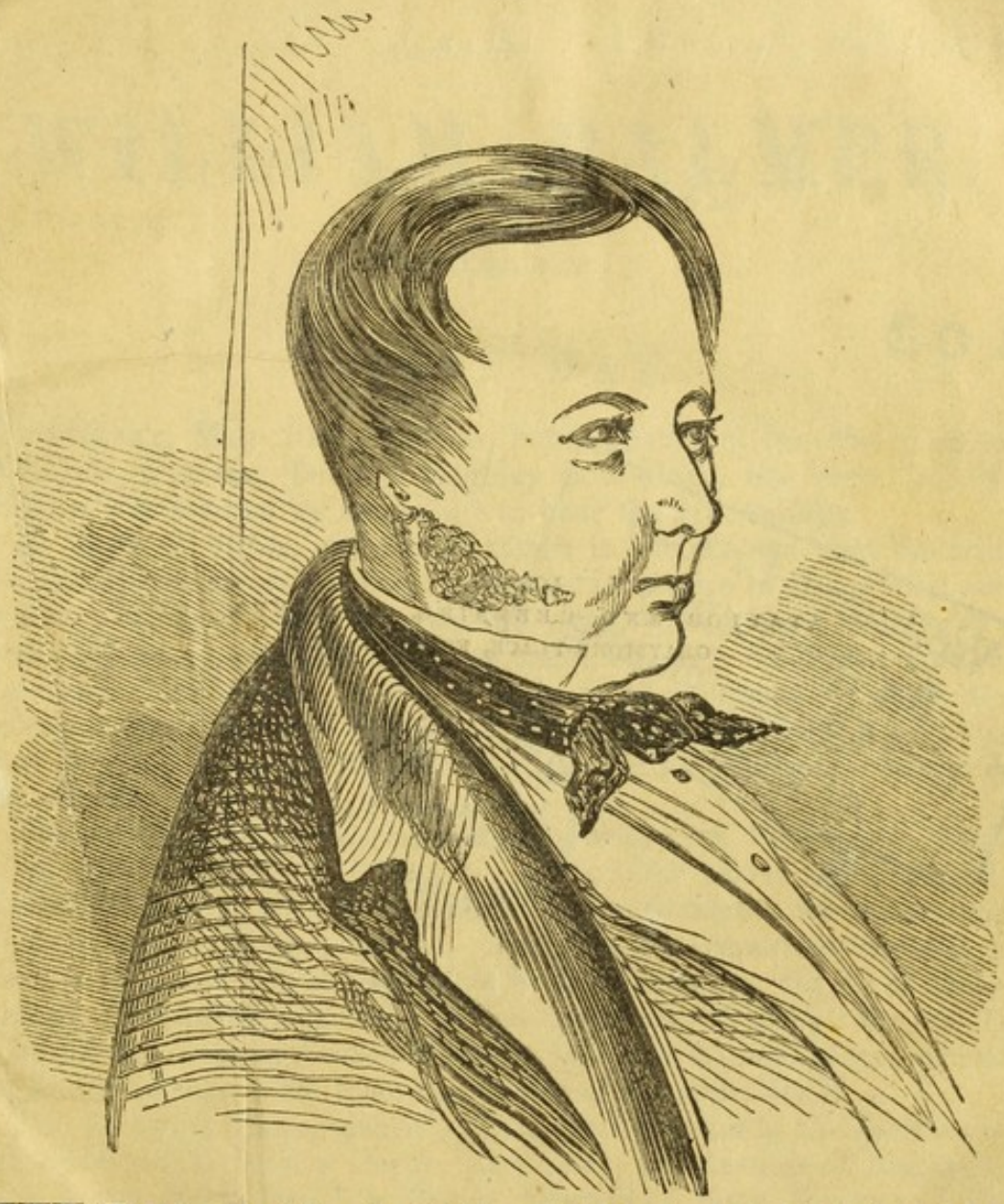
The trial of William Palmer for the Rugeley poisonings / [William Palmer].

THE TRIAL

OF



WILLIAM PALMER

FOR THE ALLEGED

RUGELEY POISONINGS.

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THE TRIAL

OF

WILLIAM PALMER.

FIRST DAY.

WEDNESDAY, May 14th, having been appointed for the trial of WILLIAM PALMER, for the Rugeley poisonings, the most intense interest was evinced by the public to hear the proceedings.

So early as seven o'clock, although it was known that the trial would not commence until ten, many persons were in attendance, and at nine o'clock, when the doors of the court were opened, there was a dense crowd of persons, some of them of high rank and station, waiting for admission. A strong body of the City police, under the orders of Superintendent Hodgson, were in attendance, and they did good service in preventing confusion, and in enforcing the orders of the sheriffs.

The arrangements made for the press were very incomplete, there being only room in the "reporters' box" for about eight persons instead of twenty, who were necessarily in attendance for the several morning and evening journals. Many of the reporters were in a position in which it was impossible to hear with any degree of satisfaction. We believe the sheriffs and under-sheriffs did all they could to afford the necessary accommodation to the press, and that much of the inconvenience arose from the nature of the court itself.

The following distinguished persons were present at the opening of the court:—The Earl of Derby, Earl Grey, the Marquis of Anglesea, Lord Lucan, Lord Denbigh, Prince Edward of Saxe Weimar, Lord W. Lennox, Lord G. G. Lennox, and Lord H. Lennox. The Lord-Advocate of Scotland sat by the side of the Attorney-General during the trial.

At five minutes to ten o'clock the learned judges, Lord Chief Justice Campbell, Mr. Baron Alderson, and Mr. Justice Cresswell, accompanied by the Lord Mayor and the following Aldermen, Sir G. Carroll, Humphery, Sir R. W. Carden, Finnis, Sir F. G. Moon, and Sidney, Mr. Sheriff Kennedy, Mr. Sheriff Rose, and Mr. Under-Sheriff Stone, and Mr. Under-Sheriff Rose, took their seats on the bench.

The prisoner, WILLIAM PALMER, was almost immediately placed in the dock. He was dressed in black, and did not appear to have suffered in the slightest degree in his bodily health by his confinement. He did not exhibit the least appearance of trepidation, and walked with a firm step to the front of the bar. The prisoner is described in the calendar as being 31 years old, but he appears to be much older.

Mr. Straight, the deputy-clerk of arraigns, then read the indictment that was intended to be proceeded with, which charged the prisoner with the wilful murder of John Parsons Cook.

The prisoner pleaded Not Guilty, in a firm voice.

He was then arraigned, upon the coroner's inquisition, for the like offence, and to this he also pleaded Not Guilty.

A jury was then empanneled to try the case. There were very few challenges on the part of the prisoner. One of the jurymen, when he was about to be sworn, begged to be excused from swearing, on the ground that he entertained a feeling of prejudice, as he described it, and he was allowed to leave the box, and another juryman was called in his stead.

The Attorney-General, Mr. E. James, Q.C., Mr. Bodkin, Mr. Welsby, and Mr. Huddleston appeared for the Crown. Mr. Serjeant Shee and Mr. Grove, Q.C., who were specially retained, with Mr. Grey and Mr. Kenealy, were counsel for the prisoner. All the witnesses, with the exception of the medical men, were out of court.

The Attorney-General then stated the case for the prosecution to the jury. May it please your Lordships and gentlemen of the jury,—You are called on to discharge the most solemn duty that man can be called on to perform. You are asked to sit in judgment on the prisoner who stands charged with the highest crime for which a creature can be arraigned. I am sure I may ask your most anxious and earnest attention to such a case, while I perform a duty which makes it incumbent on me to go into it at some length. The peculiar circumstances connected with it, have given it a profound and painful interest throughout the country. There is scarcely a man among us who has not come to some conclusion upon the issue you are called on to decide; there is scarcely an individual who has not almost made up his mind upon the subject. Standing here as the minister of justice, with no interest, and no desire—save to see justice administered faithfully and impartially, I feel it incumbent on me to warn you not to allow any preconceived opinion to influence you in your decision. Your duty — your bounden duty — is to try the case according to the evidence which shall come before you. You must discard from your minds any and everything which you have either read or heard, or any opinion you may have previously formed on the subject; but if the evidence adduced shall satisfy your consciences that the prisoner is guilty, you will discharge your duty to society fearlessly and honestly by pronouncing your verdict accordingly. If, on the other hand, it should fail to produce a reasonable conviction on your mind, God forbid that the scales of justice should be so inclined against the prisoner, by anything that has or may occur, as to prejudice his case, and not give him a fair and impartial hearing. Gentlemen, it is now my duty to lay before you the facts

on which the prosecution is founded. I ask your patient hearing while I do so, because they are of a somewhat complicated character, and going over a considerable period of time. There are circumstances, not perhaps immediately connected with the case, to which I shall think it necessary to direct your attention. I shall have to go back to some which are of a period somewhat antecedent in reference to the prisoner; but there is not one fact that has not an immediate and important bearing upon the subject. The prisoner at the bar is a member of the medical profession, which he carried on at Rugeley, in Staffordshire, for several years. In later years he became addicted to turf pursuits, and gradually gave up his practice as a medical man. During the last two or three years I am informed that he made over his business, except some patients connected with himself, to another person, named Thirlby, who is now carrying it on; and though Palmer's name is still ostensibly kept up in connexion with the establishment, the business has been practically transferred. In the course of his pursuits with the turf, he became intimate with the man whose death forms the subject of this investigation—Mr. Parsons Cook. He was a young man of decent family, who had been originally intended for the profession of the law, and articled to a solicitor, but, having inherited some property to the extent of 12,000*l.* or 15,000*l.*, he gave up a laborious profession, and betook himself also to the turf. He kept race-horses, and betted considerably, and, in the course of his pursuits, became connected and familiarly intimate with the prisoner at the bar. It is for the murder of this Mr. John Parsons Cook that the prisoner stands indicted. The charge against him is, that he took away that man's life by poison. It will be necessary for me to detail the circumstances in which Palmer stood with relation to the deceased Mr. Cook. It will be impossible thoroughly to understand this case in all its bearings without these circumstances being laid before you; and it will be necessary, therefore, that I should crave your particular attention. The case which, on the part of the prosecution, I have to submit against Palmer is this, that, being in desperate circumstances, with ruin, disgrace, and punishment staring him in the face, which could only be averted by the obtaining of a large sum of money, he took advantage when Cook became winner of a considerable sum to destroy him in order to get it. At the Shrewsbury races of 1855, Cook was the winner of a considerable sum of money, and, as I have before said, Palmer at that time was a ruined man. It was immediately after those races that the transaction into which you have to inquire is alleged to have taken place. And now, gentlemen, I shall proceed in the first place, to show you what was the position of Palmer at the time, because it is out of that position, and the circumstances in which Palmer was then placed, that sprang at least the motives which induced him to commit this murder. If I show by evidence that can leave no reasonable doubt in your minds that he committed the crime, the motive becomes a matter of secondary importance. Nevertheless, in an inquiry of this kind, it is natural and right to endeavour to ascertain what may have been the motives for which the man committed the crime. If we find strong motives,

the greater will be the probability that he committed the crime ; but if we find the absence of any motive, the probability lies the other way. In this case the motive will be a matter of serious consideration, and as the circumstances which gave rise to that motive came first in the order of time, I will deal with them before I touch the more immediate matter of our inquiry. It seems to me more convenient to follow the chronological order of events. It appears, then, that as early as the year 1853 Palmer had got into accumulated pecuniary difficulties. He began to raise money upon bills. In the year 1854 his circumstances became worse. At that time he was indebted to different persons in large sums of money, and he had then recourse to an expedient to which it will be necessary for me to advert. But, here, gentlemen, I am anxious to make a preliminary observation. It will become necessary for me to detail to you transactions involving fraud, and casting the greatest discredit on the prisoner. I am anxious, however, that you should not attribute to the circumstances which will be brought before you more weight than they are fairly entitled to. You must not allow them to prejudice your minds with reference to that which is the real matter of inquiry. I cannot avoid the detailing of these circumstances, and I hope that the history of these transactions will not create any prejudice in your minds against Palmer. A man might be guilty of fraud or forgery, who would shrink with horror from the crime of murder. Amongst the bills by which Palmer obtained money, in the course of the year 1852, was a bill for £2,000, which was discounted by a person named Padwick. That bill bore on it the acceptance of Palmer's mother, Sarah Palmer, who was a woman of considerable wealth, and whose acceptance, if believed to be genuine, was a security by which money could be readily obtained. He forged her name, and that was the first, or, at least, one of the early transactions of that nature in which Palmer obtained money by means of bills professing to have his mother's acceptance. I will show you, by-and-by, when those transactions reached their climax, that he had recourse to a desperate scheme, with respect to which you will form your own conclusions, in order to avoid exposure and to deliver him from his pecuniary difficulties. He owed in 1854 a very large sum of money. In the September of that year his wife died. He had insured her life for 13,000*l.* The proceeds of that insurance were realised. With the 13,000*l*, he paid off some of the most pressing of his liabilities. He employed, for the purpose of enabling him to meet those liabilities, a gentleman named Pratt, a solicitor in London, who was in the habit of discounting bills for him, and whose name will be largly mixed up with the subsequent transactions to which I shall refer. Pratt received 7,000*l.* or 8,000*l.*, part of the 13,000*l.*, for the purpose of discharging the various liabilities of Palmer to his clients. Mr. Wright, a solicitor of Birmingham, who had also advanced money belonging to his clients to Palmer, received 5,000*l.*, and thus the 13,000*l.* was disposed of. But Palmer was still left in great pecuniary difficulties. Amongst various bills which he had to meet was one for 2,000*l.*, which had been discounted by Mr. Padwick. This brings us to the close of the year 1854.

In the course of that year he effected another insurance upon the life of his brother, or rather in his brother's name, but Palmer was a party to it. Mr. Pratt having conducted the correspondence connected with the obtaining of the policy of insurance, the policy was immediately effected, and assigned to Palmer, but it remained in the hands of Pratt. The amount insured was 13,000*l.*; the first premium was paid by Pratt, out of a bill which he had discounted for Palmer, at the rate of 60*l.* per cent. That policy was constantly kept up until the death of Palmer's brother, and was regarded as a collateral security for the repayment of the sums advanced by Pratt. In March, 1855, two bills for 2,000*l.* were discounted by Pratt for Palmer, with the proceeds whereof he purchased two race-horses, named Nettle and Chicken. One of these bills became due on the 28th of September, and the other on the 2nd of October. They were renewed and extended till the 1st and 5th of January, 1856. In April, 1855, a bill for 2,000*l.* was discounted for Palmer, and became due on the 22nd of July; it was, however, renewed to the 22nd of October. On the 23rd of July a bill for 2,000*l.* was discounted at three months; and that bill became due on the 25th of October. On the 9th of July, a bill for 2,000*l.*, at three months, which was renewed to the 12th of January, was discounted for Palmer. On the 27th of September, another bill for 1,000*l.*, at three months, was discounted for him, which went to pay some of the renewal bills. So that, in the month of November, 1855, when the Shrewsbury races took place, the bills discounted for Palmer, in 1855, amounted to 12,500*l.* But it seems that, in the month of July in that year, he paid off 1,000*l.*, and thus reduced his liabilities on those bills to 11,500*l.* Now, every one of those bills, which he had thus got discounted, bore the forged acceptance of his mother. He thus became liable to pay sums of money, amounting in the whole to 11,500*l.*, at a time when he was not able to pay a shilling. And the pecuniary difficulties under which he then laboured were still further increased by the consciousness that the fact of these forgeries would become at once manifest to the world, and bring upon him the severe penalty of the law. Now, in these transactions, the deceased John Parsons Cook had been only partially concerned. I should mention before I go any further with this case, that the prisoner's brother died in the month of August, 1855. The policy of insurance for 13,000*l.* upon that brother's life had been assigned to the prisoner, and he, of course, expected that the proceeds of that insurance would pay off his heavy pecuniary liabilities. But, as I shall show you presently, the office in which that insurance was effected refused to pay; and, consequently, no assistance was to be derived from that source. I was about to say that Cook had been to a certain extent mixed up with the prisoner's pecuniary transactions. It seems that in the month of May, 1855, Palmer proposed to pay a sum of 500*l.* to a person named Sergeant, and he asked Mr. Pratt to appropriate a sum of 310*l.*, which was in his hands, to Palmer's credit, to the payment of 500*l.*, and to advance the balance of 190*l.* Pratt declined to do so, except upon security, upon which Palmer offered him the acceptance of Cook, representing

Cook to be a man of substance and good security; and, accordingly, the acceptance of Cook for 200*l.* was signed, upon which Pratt advanced the money. I believe this was the first transaction with Cook. I do not know that it has any immediate bearing upon the subject of inquiry, but I am anxious, as far I can, to lay before you all the circumstances that show the relation which existed between Palmer and Cook. When that bill for 200*l.* became due, Palmer failed to pay it, and Cook himself had to provide the means. In the August of that year a transaction took place to which it will be necessary that I should call your particular attention. In that month Palmer wrote to Pratt, saying that he must have 1,000*l.* by the next post. Pratt declined to advance the 1,000*l.* without security. Palmer then offered the security of Cook's acceptance for 500*l.*, representing him to be a man of means and wealth. But Pratt still declined to advance the money without some more tangible security than the mere personal security of Cook's acceptance. Now, Palmer represented this as a transaction in which Cook required the money; and it may be that such was the fact. I have no means of ascertaining whether such was the case, and I am willing to give credit to the prisoner when he alleges that Cook was to receive the money, and that he (the prisoner) was merely concerned as a friend of Cook's in that transaction. Cook was engaged upon the turf sometimes, and was, therefore, sometimes a winner, and sometimes a loser, and it may be that he required a loan of 500*l.* if we are to credit the statement of Palmer. Pratt declined to advance that amount, although requested to do so by the prisoner; upon which Palmer proposed an assignment by Cook of two race-horses, one Pole Star, and the other Sirius. An assignment was made and executed by Cook in favour of Pratt, as collateral security for this 500*l.* That being so, Cook was entitled to the money, although the whole of the 500*l.* was not to be had upon the terms on which Pratt transacted the business. The agreement was, that Pratt should give 375*l.* in money, wine warrants for 65*l.*, discount for three months 50*l.*, and expenses 10*l.*—making, in the whole, 500*l.* At all events, Cook was certainly entitled to the 375*l.* in cash, and the wine warrants; but Palmer ingeniously contrived that the cheque and the wine warrants should be sent to him, and not to Cook. He wrote to Pratt, desiring him to forward them to him at Doncaster, where he was to see Cook; but he was not to see Cook there, for he was not to be there at all. Palmer thus got the cheque and the warrants. Pratt sent down the cheque stamped as required, and as he was justified in doing by a late Act, struck out the word "bearer," and wrote "order," which necessitated the endorsement of Cook upon the back of the cheque. It was never intended by Palmer that the proceeds of the cheque should find their way into Cook's hands, and therefore he forged the name of Cook, and paid the cheque into his banker's at Rugeley, and it went to his credit. Cook never had the money, which went to the payment of a forged three months' bill, which was about coming due, and the forger of which, if not taken up, would have been detected. He (the Attorney-General) wished that these were the only transactions in which Cook

had been mixed up with the prisoner Palmer. There was another transaction to which it would be necessary for him to refer. In September, 1855, Palmer's brother having then died, and the money due on account of the insurance effected on his life not being forthcoming, he (Palmer) proposed to a person of the name of Bates to have his life insured. He induced Cook to assist him in this transaction by representing Bates as a man of wealth. It seemed that on the 5th of September, Bates, the prisoner, and Cook, were together at Rugeley. Bates was a person who had been better off in the world, and had latterly been in the employment of Palmer as the superintendent of his stables—a sort of hanger-on of Palmer's. He was a healthy young man, and Palmer proposed to him to insure his life, and framed a proposal. Bates said, "No, I don't want to insure my life." Palmer, however, pressed him on the subject, and Cook told him it would be for his good to have his life insured. Ultimately Bates consented to have an insurance effected upon his life, and consented to sign a proposal for 25,000*l*. Cook attested the proposal, in which the prisoner was referred to as Bates's medical man, and the assistant, Thirlby, as a person to whom reference was to be made as to his habits. This proposal was sent to the Solicitors' and General Life Insurance Office. That office was not disposed to entertain the proposal, and a proposition for 10,000*l*, was made to the Midland Office. This office required further information as to the position of Bates, and the matter dropped.

Lord Campbell wished to know if this matter could be made upon the charge before the Court, and expressed a hope that the Attorney-General would exercise great care not to introduce any matter that did not directly bear upon the charge against the prisoner.

The Attorney-General.—Your lordship may depend that I will not advance a word that does not bear immediately on the case. I think it is most important to show that at this time Palmer was in most desperate straits for money, owing to the insurance on his brother's life not having been paid, and that he was adopting every possible means to raise it. I will now go back to the correspondence which took place between Pratt and Palmer, in which the former pressed Palmer for money to meet the bills upon which he got cash for him—I will go, in the first instance, to the letter of the 10th of September. [The learned gentleman then read this letter, and one dated the 18th of the same month, in which Mr. Pratt urged Palmer to be prepared to meet the payment of bills on which Pratt had raised money for Palmer.]

Mr. Sergeant Shee said his hon. and learned friend ought to show how these letters bore upon the case against the prisoner at the bar.

The Attorney-General.—I mean to show that out of these pressing demands upon Palmer grew the occurrence which mixed up the prisoner with the fate of Cook.

Lord Campbell and Mr. Baron Alderson left it to the discretion of the Attorney-General to adopt the course he was pursuing.

The Attorney-General proceeded with his address.—On the 24th of September Pratt wrote again to Palmer, in which he states that

as the 13,000*l.* due on account of the insurance on William Palmer's life was not paid, it would be necessary for Palmer to send up acceptances to meet the two bills for 4,000*l.* drawn upon and accepted by his mother. On the 2nd of October Pratt again writes to Palmer, urging him to be prepared to meet the bills, which became due at the end of the month, and intimating that the Prince of Wales Insurance Office had been investigating the circumstances connected with the insurance for 13,000*l.*, and that the matter had been referred to the solicitor of the company; that as nothing could be done in the case till the 24th, Palmer must be prepared to meet the two bills. On the 6th of October, Pratt again writes to Palmer urging him to be prepared to meet the bills accepted by his mother. I will prove, said the Attorney-General, that at this time he had the postmaster of Rugeley so under his control that the letters to Palmer's mother were intercepted by that person and forwarded to Palmer, which accounted for her not knowing anything about these acceptances. On the 10th of October, Pratt writes again to Palmer on the subject of his mother's acceptances, which, he says, must be met on the 29th. On the 18th of the same month, he says, in a letter, that either Palmer or his mother must be prepared to meet the 4,000*l.* bills then coming due, as he could not grant any further delay, and advised Palmer to keep his own counsel about the insurance affair. On the 27th Pratt writes to acknowledge the receipt of 250*l.* from Palmer, and says, that with the exception of issuing the writs against Palmer and his mother, nothing would be done with them until the 10th of November. On the 6th of November two writs were issued on account of the 4,000*l.* bills. One against Palmer, and the other against his mother; but on the same day Pratt writes to say, that although he has sent two writs to his agent, Crabb, they should not be served until he sent further directions; and he strongly urged the prisoner to make immediate arrangements for the bill of 1,500*l.* that was coming due on the 9th of the month. Palmer then paid 300*l.*, and having before paid two sums of 250*l.*, the entire payments amounted to 800*l.*, from which 200*l.*, for two months' discount, having been deducted, left 600*l.* to be applied to payment of the first bill for 2,000*l.*, becoming due ou the 25th October; and after payment of that sum of 600*l.* there remained due on foot of that bill a sum of 1,400*l.* On the 13th November, the day on which Polestar (Cook's horse) won the Shrewsbury, there was another letter urging the prisoner to make up the sum of 1,000*l.*, without which it would be impossible to renew the bill for 1,500*l.* due on the 9th. Gentlemen, that was the state of things in which the prisoner was placed on the 13th of November. You will find that Pratt held at that time 12,500*l.* worth of the prisoner's bills in his hands, minus the 600*l.*, leaving nearly 11,000*l.* worth of bills, the whole of which were the forged acceptances of Palmer's mother—forged by him, or some other person by his directions, and for which he was criminally, as well as pecuniarily, liable. At this time, the Prince of Wales Office declined to pay the sum for which his brother's life was insured, and Pratt, who held the policy as a collateral security, could no longer

go on renewing the bills, and therefore had issued writs against the mother, which were forthwith to be served, if Palmer did not find the means of paying off a portion of the demand made by Pratt on behalf of his clients. That being the state of things, we now come to the events connected with the races at Shrewsbury. Cook had a horse, named Polestar, entered for the Shrewsbury; she had been very advantageously weighted; and Cook believed the mare would win, and betted largely upon the venture. The race was run on the 13th of November, the day on which the letter to which I have just referred was written, and which would reach the prisoner next day. The result of the race was, that Cook won, and became entitled in the first instance to the stakes, amounting to 424*l*., which, however, were subject to certain deductions, which reduced the sum payable to the credit of Cook to 381*l*. 19*s*. He had also largely betted on the race, partly for himself and partly by commission, and his betting-book showed that his winnings, including the stakes, amounted to 2,050*l*. He had been during the previous week at Worcester races, and was entitled to receive, besides stakes, between 700*l*. and 800*l*. The races took place on Tuesday, and he was entitled to receive on the Monday following—including stakes to be received from his racing agent in London—1,050*l*. Now, within a week from that time the man died, and the question is, how he came by his death—whether by natural causes, or by the hand of man; and, if by the hand of man, by whose hand? I must tell you what was the state of Cook's health when he went to Shrewsbury, as it may be a very important fact in the course of this inquiry. He was a young man of twenty-eight, when he died, slightly disposed to pulmonary complaints, delicate in that respect, but was otherwise a hale, hearty man. He had been in the habit, from time to time, of consulting a physician in London, of the name of Dr. Savage. He was anxious about the state of his throat from a complaint which he suffered; he had slight eruptions about the mouth, and came to consult Dr. Savage. It seems he had been taking mercury for those sores, mistaking the character of his complaint; and Dr. Savage, seeing his mistake, told him to discontinue the mercury, and put him under a course of tonics, and saw that an inprovement took place. Apprehensive of the consequences that might result from a change of treatment, Dr. Savage caused him to come to him from time to time. Within a fortnight of Cook's death, before he left London, he went to see Dr. Savage, who examined his throat carefully, and Dr. Savage will be prepared to tell you that Cook was affected, to a certain degree, with a thickening of the organs of the throat; but as to the complaint being incurable, that was out of the question; because Dr. Savage made an examination, and says, positively, it was not so. Dr. Savage took an interest in the young man, and was anxious to get him off the turf. He told him that nothing was the matter with him, and strongly advised him to go abroad for a couple of years. Having seen Dr. Savage, Cook went to Shrewsbury Races and his horse won. He was excited, as a man might naturally be under the circumstances, and he asked various persons to dine with him to

celebrate the event. They dined at the Railway Hotel, and there was no excess on his part of any sort. He was not a man addicted to excess ; he was abstemious at all times ; he took a glass to celebrate an event at which he rejoiced, but that was all. He went to bed, got up next day, and went on the course in the usual way. On the night of Wednesday, the 14th of November, a remarkable incident happened, to which I beg to call your attention. A friend of Cook's, a Mr. Fisher, who, with Herring was a sporting man, occupied a room in the rear of his. He was agent to Cook, and received his bets from time to time at Tattersall's. Mr. Fisher, with Herring, was at the Shrewsbury Races ; and Fisher went into a room which was occupied by Cook and Palmer ; Cook, having before him a tumbler full of brandy and water, asked Fisher to take something to drink, and also asked Palmer would he not have more ; "No," said Palmer, "unless you take your glass." Cook said, "That is soon done," and tossed it off in one drink, leaving only a teaspoonful. He had hardly swallowed it, when he said, "Good God, there is something in it, it burns my throat." Palmer took up the glass and drank what was in it. He said, "There is nothing in it," pushing the glass to Fisher ; and to another person that came in he said, "Cook thinks there is something in the brandy and water." Cook rose and left the room, but returned in a few minutes. He called Fisher out, and told him he was taken violently ill, and Fisher went out with him. He was attacked with a violent vomiting, and was put to bed, where he vomited again in a violent manner. It was necessary to send for a medical man, and the vomiting continued for a couple of hours, and he retched with the greatest possible violence. Medicine was given to him, and after that a pill and a purgative dose. After a couple of hours he became more tranquil, and about two or three o'clock fell asleep, and slept until the next morning. Such were the man's feelings at the time, that he gave Fisher the money he had about him, and desired him to take care of it. Fisher will tell you that the money amounted to 700*l.* or 800*l.* in a large number of notes ; and next morning, after the sickness had ceased, Cook went out on the course, and Fisher gave him back his notes. On Thursday he went out again, looking very ill, when a horse of the prisoner's, named Chicken, and backed by him, lost. I shall show that he had no money when he went to Shrewsbury, having had to borrow 5*l.*, and while there his horse lost, and he lost bets that he had made upon the race. After that he and Cook left Shrewsbury and went to Rugeley, where Cook stopped at the Talbot Arms, exactly opposite his house. There is an incident connected with this part of the story which I must mention. I stated what happened on the Wednesday, when Cook was taken ill. On that same night a woman of the name of Mrs. Brook had occasion to see Palmer at the hotel, at Shrewsbury, the night before his horse was to run ; she is a remarkable person, being a female connected with the turf. She has at her disposal an establishment of jockeys, for whom she is registrar, and makes engagements. The prisoner's horse was to run the next day, and she came to him to speak about the jockey he was to

employ to ride his horse. She came up stairs about eleven o'clock, and turned into the lobby leading to Palmer's room. She saw Palmer holding up a tumbler, and looking at it with the action of a man who watches to see the condition of it. Having looked at it through the gaslight, he withdrew to his own room, and returned with the glass in his hand, and then went into the room where Cook was, and in which room Cook drank the brandy and water, and where it is to be inferred his sickness was taken, of which he died. I will show you that throughout the ensuing days Cook constantly received things from the prisoner's hands, that during those days his sickness was continued, and that after his death antimony was found in his body and in his blood. The charge is that the deceased, having been prepared for the reception of the poison by antimony, was killed by strychnia. The latter is obtained from the nux vomica, and in that nut there resides a subtle poison, of which the most minute quantity is fatal to human life. From one-half to three-fourths of a grain will destroy life, and you may therefore imagine how minute the dose is that will prove fatal. It acts in a peculiar way immediately on the nerves, and on the muscles of motion.

Mr. Serjeant Shee, at this part of the proceedings, objected to the medical witnesses being allowed to remain in court, and trusted their lordships would order them to withdraw.

The Attorney-General had no objection whatever. Indeed he would rather they left the court, and would agree to any course which his learned friend would point out. He was there simply to discharge a public duty, and had no wish whatever to take any course prejudicial to the prisoner.

The medical witnesses were then ordered to withdraw, and

The Attorney-General proceeded,—Gentleman, I was about to state the manner in which strychnia acts upon the human subject. In the human constitution the nervous system may be divided into two main parts—the nerves of sensation, by which the consciousness of all rational sensation is conveyed to the brain, and the nerves of motion, which are as it were the intermediate agents between the intellectual powers of man and the exercise of the physical action that arises from his organisation. They are distinct from each other, and the one set of nerves may be affected, while the other nerves are left undisturbed. You may paralyse the nerves of sensation, and leave the nerves that act upon the voluntary muscles wholly undisturbed, and *vice versa*. Strychnia affects the nerves that act upon the voluntary muscles and leaves wholly untouched the nerves upon which human sensation depends. Some poisons, as you know, overpower the consciousness of man, and produce a total absence of all sensation ; but the poison to which I am referring only affects the voluntary action of the muscles of the body, leaving totally unimpaired the other parts. When acting upon the voluntary muscles, it produces intense excitement of all those muscles. It causes violent convulsions and spasms, which affect the body, and after convulsive throes, ends in rigidity. The respiratory muscles within the lungs, with a rigid or convulsive tension of the muscles of the body, are fixed ; the head is thrown

back; and the body assumes the form of a bow, pressing on the back of the head and shoulders. That is the form in which death arises from the administration of strychnia. There will, no doubt, be an effort to confound the different classes of tetanus; but tetanus from strychnia came on at once, whereas tetanus from the effects of a wound, or from what might be called natural causes, sometimes did not exhibit itself for two or three days, or at least not sooner than twenty or twenty-four hours; and certainly, hardly was there a case in which it occurred before eight or nine days. I am not, however, dealing with a case such as one of these. In this case, the agonies were immediate, and of the most violent characters. I am reminded that Palmer was a medical man. He was acquainted with the effects of strychnia when administered to a person. I have a book belonging to Palmer, now before me, and which is entitled, *A Manual for Students Preparing for Examination at Apothecaries' Hall.* On one of the pages of this book was written, in Palmer's own handwriting, "Strychnia kills by causing tetanic fixing of the respiratory muscles." I will only use this evidence to show that the nature and uses of this poison were known to the prisoner, and had been the subject of his particular investigation. After some further observations in reference to the effects of strychnia on the human body as contrasted with tetanus arising from natural causes, the learned gentleman said—I will be able to show that tetanus was produced by the administering, whether accidentally or otherwise, of strychnia to the deceased. Having said so much on this point, I will now go back to Thursday, the 15th of November, on which day, between ten and eleven o'clock, Cook returned to Rugeley from Shrewsbury. He then, in reply to an inquiry made with respect to his health, said he was quite well. He then took some refreshment and went to bed. He got up the next morning, had his breakfast, dined in the afternoon with Palmer, and went to bed in good health and spirits, and there was nothing to lead any one to suppose that there was anything unusual about him. The next morning—namely, Saturday—Palmer was with Cook at an early hour, and from that time he seemed to be constantly in attendance upon him. The chambermaid brought him coffee at Palmer's request. The coffee was given to Palmer, and he gave it to Cook. Immediately after there was a recurrence of the symptoms exhibited by Cook at Shrewsbury. Palmer sent him from his house toast and water, and other things, during that day and the next. On the Sunday Palmer desired a female in his house to purchase some soup for him in the town. She did so, and brought it to Palmer's house. Palmer's servant put the soup on the fire to warm; but, while she left the room, Palmer poured it into the basin, and desired her to take it to Cook at the Talbot, and say it came from Smith, who was a friend of Cook's. She did so. The soup was given to Cook, and he ate a spoonful, but it produced sickness, and he refused to take more. Palmer afterwards came in, and asked if Cook had eaten the soup. He was told no, on which he said he must. It was given to him again, and produced great suffering. Before Palmer came to the inn the soup had

been taken down to the hotel kitchen; and one of the servants, thinking it looked like good soup, took a spoonful or two, which produced vomiting, which continued five or six hours, and she was obliged to go to bed. The symptoms were the same as those exhibited by Cook. At the suggestion of Palmer, a medical practitioner, named Bamford, was called in to see Cook. Palmer told Bamford, as indeed he had told other persons, on other occasions, that Cook was suffering from bilious diarrhœa, and that he had drunk freely the previous night, having dined with him. The medical man found none of those symptoms in his patient, and on his asking him if he had taken an excess of champagne the previous day, Cook said he had not, but had taken only two glasses. The medical man saw him again that day, and he was still ill. He had coffee and arrow-root, and barley-water in the course of the day, and when the deceased took anything when Palmer was present, he vomited after it. That might not be a singular coincidence, but so it was. At the close of Saturday deceased suffered from vomiting. He had taken medicine prescribed by the medical man, and on the Sunday morning, Mr. Bamford saw Cook again, who was still suffering from sickness, but not fever, and the skin was moist, and the excretions were natural. The vomitings were not at all like those of a person suffering from bile. The medical man then changed the medicine, and from that time the deceased improved, and on Monday Palmer was absent from Rugeley, having gone to London. Deceased was so much better that he got up comparatively well, and was visited by his trainer and two jockeys. I will interrupt what was doing at Rugeley, by following up Palmer's movements. On Monday he went to a house in Beaufort-buildings, where a female resided, whom he visited. There he met a person named Herring, who was on the turf. Herring, on his first seeing Palmer, asked "how Cook was?" Palmer replied he was well enough, his doctor at Rugeley had given him a dose of calomel, and as it was wet he could not come out. He had come to settle his account. Palmer was a defaulter, and could not show at Tattersall's, and Herring, knowing Fisher was Cook's agent, was surprised he should have to settle Cook's accounts. Palmer produced a paper purporting to be the account. Herring wished to take it, but Palmer refused to give it up, and, at his desire, Herring made out the list, and said it amounted to 1,020*l.* Then Palmer desired him to pay himself 6*l.*, and likewise to pay Shelley 30*l.*, telling him at the same time, that if he saw a man named Fall, to say that Cook would pay him on Thursday or Friday. Deducting, then, that 36*l.*, he asked Herring how much he made of the remaining sums? when he replied, 984*l.* "Yes," said Palmer, "that is right. I will give you 16*l.*, and that will make 1,000*l.*" In the 450*l.* which he paid Pratt, it showed how necessary it was to avoid as long as possible the service of writs on his mother. It was necessary, also, to keep on good terms with Padwick, because one-half of the 1,000*l.* bill which he forged remained still unpaid. He had, therefore, an interest in keeping him quiet, and therefore paid him 350*l.* That was the state of things as

regarded the disposition of Cook's money; and the way he desired that money should be got was to send Herring to Tattersall's for it the next morning. Herring, however, objected, and observed that he might not get the money, when Palmer replied, "Oh, it's all right, that money of Pratt's must be paid, because he has a bill of sale on account of the mare." It was not the mare, however, in which he had any interest, but Pratt's money, for which writs had been already issued, but stopped, because Palmer had promised to pay it the Saturday before. With the 450*l.* paid Pratt, he gave him, in addition, a cheque for 20*l.* and 30*l.* in notes, making 500*l.* in all, and for which there was drawn up by Pratt a memorandum to the following effect: "You will place the 50*l.* now received with the 450*l.* to be got from Herring, making 500*l.*, and the 200*l.* received on Saturday (paid by Fisher, Cook's agent, but which he never got back), making in all, paid up to that day, a sum of 1,300*l.*" So that the payment of these various sums stopped the pressure upon him, and stopped the issuing of the writs against his mother. Having effected these various arrangements, he went on Sunday afternoon to Rugeley, where he arrived about nine o'clock, and immediately proceeded to the Talbot Arms, where Cook was staying. He stopped there until ten or eleven o'clock, and then went to the shop of a chemist named Salt, and asked his assistant, a man named Newton, for some strychnia, which he gave him, not deeming it of any importance to inquire what a medical man, in Palmer's position, might want with it. Some pills had been sent on the same evening to Cook, at the hotel, by Dr. Bamford, and left with the housekeeper, by whom they were taken up-stairs and placed with the medicine which Palmer had been in the habit of giving the patient. Palmer also came, and it would be for the jury to say, when they heard the evidence, whether he did not substitute some of his own concoction, containing strychnia, for those which Dr. Bamford had sent some time previously. The man had been well and comfortable during the day, and was evidently getting better and more cheerful. He was left alone about twelve o'clock, when suddenly the women servants were alarmed by hearing screams proceeding from his room. They rushed up-stairs, and one of them going in found him in a state of the greatest agony, screaming "Murder," calling on Christ to save his soul, and writhing in the most intense pain. He was so convulsed that he could not keep his hands or arms quiet a moment; but in the midst of all his pains he was perfectly conscious. One of the women ran across to fetch Palmer, who came immediately, but the screams continued uninterruptedly; he was rolling violently about, his eyes starting out of his head, his legs rigid, his mouth closed, and so gasping for breath that he could hardly breath. Palmer, finding him in this condition, ran across for some medicine, and on his return Cook said, "Doctor, doctor, I shall die." He then gave him an opiate mixture and some pills, and some time after he became more tranquil, though his arms were quite stiff. The inference to be drawn from this circumstance tells for itself. The symptoms, however, having abated, he became quite exhausted, and nature asserting her claim to

repose, he began to doze. Palmer stopped some time, and finally left him. So things remained until Tuesday, the 20th, the day of his death. On Tuesday morning, though still retaining an intense pressure on his breathing, he was comparatively comfortable ; but about half-past eleven or twelve o'clock a change came upon him, to which I beg your attention. About that hour the prisoner went to the shop of a man named Hawkins, a chemist at Rugeley, with whom he had not dealt for two years before, inasmuch as he gave a preference to his former assistant, who had set up in the same business. On this day, however, he went to Hawkins, as I have said, and on entering the shop produced a bottle, and asked his assistant, a man named Roberts, for two drachms of prussic acid. While it was being put into the bottle, a person named Newton came in, from whom Palmer had some strychnia on a previous occasion. On seeing him come into the shop, the prisoner at once went over to him and said, "I want to say something to you." He took him outside, and commenced to ask when his master's son was about to go to a farm he had taken in another part of the county. Having thus got him out, he stopped talking until a man named Brarriker came up, and finding them engaged Palmer stepped into the shop and got with the prussic acid six grains of strychnia. He stood in the door-way while it was getting ready. Newton went away, but soon after returned, and being struck with the fact of seeing Palmer at Hawkins's door, inquired what it was he came there for, and on being informed, was very much surprised, as he had purchased some from him on the previous day. Gentlemen, I am bound to tell you, with regard to Newton, that when he was examined, in the first instance, before the coroner, he stated only that part of his evidence with reference to Tuesday morning ; it was only late yesterday that he communicated the fact of the prisoner having got strychnia. I need hardly say, on the part of the Crown, that no inducement whatever was held out to him to induce him to act as he has done ; and when he is produced, he will no doubt explain the reason of his silence, and express contrition for keeping it back. It will be for you to say if you will credit his statement, that the prisoner had strychnia on Monday night ; but whether you do so or not, if you believe he purchased it at Hawkins's—that he administered it the same night, in pills, to Cook—and that Cook died with all the symptoms of its being so administered—you will find your verdict accordingly. I will now call your attention to another remarkable subject. Cook was entitled to receive certain stakes he had won at Shrewsbury on the Tuesday previous. Palmer sent to Cheshire, and desired him to bring a receipt-stamp. Cheshire, to whom he owed money, thought he was about being paid, and brought it with him. Palmer, on his coming, produced a paper, and desired him to draw a cheque for 350*l.*, making this curious observation—"Cook is too ill, and the Messrs. Wetherby know my handwriting." Now, what the meaning of that was, I leave it to you to judge. Cheshire copied a cheque on the paper, directing them to pay 350*l.* to Palmer. We have made every search for that document, but without success, and I shall ask for its production from the

counsel for the prisoner, when you will be enabled to say if it bear the signature of Cook or not. There is certainly something suspicious in the fact, that Palmer shrank from putting his handwriting in the body of the cheque, but got Cheshire, the postmaster, to do so for him. Gentlemen, with respect to Cook the vomiting was renewed and continued until Tuesday afternoon. In the course of that afternoon a new person came on the scene. On the Monday Palmer wrote to a person named Jones, desiring him to come at once and see Cook. This is a remarkable part of the history of this case. Jones was a medical man, in whose house Cook when at home resided. The following was the letter :—"Cook is taken ill, and called in a medical man ; since then he has been suffering from a bilious attack with diarrhœa, and I think it advisable you should come and see him as soon as possible." Jones was a medical man, a friend of Cook's, and being a medical man, it might be the strongest proof of the prisoner's innocence, that he wrote a letter to him, but whether his visit was to be connected with other communications which the prisoner had taken to disarm suspicion, it would be for the jury to decide. The statements in the letter were untrue, as Cook was not suffering from a bilious complaint. On the arrival of Jones, he made an examination of Cook, in presence of Palmer. On seeing Cook, he remarked that he apparently was not suffering from the usual effects of a bilious attack. Mr. Jones did not arrive at Rugeley until Tuesday, and at three o'clock he and the prisoner examined Cook together. Jones found Cook to be in a position the very opposite of bilious. He looked at his tongue, and there were no manifestations of fever then. "Oh," said Palmer, "if you had only seen it before, you would have come to a different conclusion." In the evening Mr. Bamford came in, when a consultation took place between Mr. Jones, Mr. Bamford, and the prisoner. Palmer insisted that pills should be taken, but Cook said that he would not take any more physic that night. It was arranged that Cook should have some pills, and Dr. Bamford went home with Palmer, and made some at his surgery and gave them to Palmer. On receiving the pills by the desire of Palmer, he wrote a direction on the box to say how they were to be taken, but not without some surprise, as Palmer was a medical man. He (Dr. Bamford) wrote the directions how the pills were to be taken. Palmer took them away, did not arrive at the hotel until half an hour after the time he should have done, and on his arrival there he particularly directed the attention of Jones to the fact of the handwriting of Dr. Bamford. He remarked that the handwriting was particularly firm for a person of the age of Dr. Bamford. The object being to identify the pill-box as coming from Dr. Bamford. Cook eventually took the pills, and Jones, as he was a friend of Cook's, said he would sleep in the same room. After he had been in bed but a short time, Cook jumped up and said, "For God's sake send for the doctor, I am going to be ill." Palmer was sent for from the opposite side of the way, and his arrival was so quick that it was simply impossible for him to have dressed himself in the time. On his arrival Cook prayed him to give the same medi-

cine as had before relieved him. Palmer said he would, and he made up some pills which he said were composed of ammonia. Cook swallowed the pills, and immediately the stiffening of the body commenced, and it was impossible to move Cook, although he implored them to do so. On being told it was impossible, he then asked to be turned over on his other side; this was done, and shortly after Cook breathed his last. The whole of this took less time in action than me to state it. I will produce a body of evidence to prove that this exhibition of tetanus in Cook was caused by strychnia, and not by ordinary causes. The breath was hardly out of Cook's body, when Palmer took steps for the burial. Two women were sent for to lay out the body. When the women went into the room they saw Palmer searching Cook's pockets, and also turning over the bed. He also took some papers from Cook, and it was supposed the betting book was amongst those papers. That book has never been found. I shall be able to prove that the betting book was in the possession of Cook a day or two before he died. The book was certainly there, as one of the servants took a stamp from it and gave it to Cook. That book has never been discovered, and it will be for you to say what became of that book. That ends the day on which Cook died. I will now pass on to the next day. On the day following Cook's death a letter was written by Palmer to Mr. Pratt, stating that Mr. Cook was dead, and making arrangements about Cook's horses, but particularly stating that he (Palmer) must have Pole Star, and directing him to answer no money questions about the affairs of Cook. A communication took place between Palmer and the Messrs. Wetherby, but in consequence of certain directions, they refused to pay the moneys of Cook to Palmer, as Mr. Frail, the clerk of the course, said he had paid the money already to Cook. This, however, was a mistake, and Frail afterwards paid the money. There was 75*l.* with which he intended to pay the interest on the bills becoming due. As soon as the Messrs. Wetherby refused to pay the amount of the cheque, he asked them to pay 75*l.* to Pratt, and 100*l.* to the same individual, but they refused to do so, alleging that as they could not be parties to the cheque, they could pay no portion of it. When this was communicated, he wrote to London, to say that he would go up on the 24th, and he did so, and paid the 100*l.* These sums of money, it will be recollected, were paid by a man who had a few days previously no money at all. He makes a memorandum of the different sums he had paid, which amount in the aggregate to 1,300*l.* The next day after this he arrived at Rugeley; he sent for Cheshire, and produced a bill, which I cannot say was genuine, and asked him to attest the signature of Cook, which he said it bore. Cheshire asked what the paper was, and Palmer replied that it was an acknowledgment by Cook that he owed him (Palmer) bills for 4,000*l.*, in which he had no share, and for which he received no consideration whatever. That paper has not been discovered. The man had been forty-eight hours dead when his signature was thus sought to be attested, and that fact can lead to no other inference but that some fraud was attempted to be perpetrated. Cheshire, although he had been

previously the reckless instrument of this man to a lamentable degree, declined to comply with the request so made, upon which Palmer exclaimed, "Oh, well, never mind, they won't dispute the signature, but it would look better if it had been attested." This took place on Thursday or Friday, I am not sure which. On Friday, Mr. Stevens, father-in-law of Cook, having married the widow of Cook's father, came to Rugeley, and naturally went in the first instance to see the corpse, when he was struck with the fulness of the face and body, which did not present that appearance of emaciation which generally accompanies death. He saw Palmer, whom he understood to have attended his step-son, inquired about his affairs, and whether he knew anything of them. To these inquiries Palmer replied that there were 4,000*l.* worth of bills of Cook's which had his (Palmer's) name upon them; that he held a paper as an acknowledgment of the debt, drawn up by a lawyer; that Cook had acknowledged himself liable for the amount; and that he should look to his estate for payment. To this Mr. Stevens replied, that there were not 4,000 shillings to meet the demand. "Then," said Palmer, "how am I to get the money?" when the other answered, "Go into the Court of Chancery." A conversation then ensued as to the burial of the body, and when Mr. Stevens expressed a wish to have it brought away on the following Monday, Palmer said, "I will do that right," and Mr. Stevens having expressed a wish that it should remain at the hotel for two or three days, as he was compelled to go to town, Palmer replied that it made no difference, but that in the meantime the body should be placed in a coffin. Dr. Bamford was in the room, and Palmer went away for about half-an-hour. When he returned, Mr. Stevens asked him about an undertaker, and Palmer replied, "Oh, I have already ordered a shell and a strong oak coffin." Mr. Stevens was much surprised at this, and having ordered dinner at the hotel, he asked Dr. Bamford and Palmer to join him. After they had dined, and when the time was approaching for Mr. Stevens to leave for London, he turned to Mr. Jones, who was also in the room, and asked him to go up-stairs and look after the books and papers of his poor son-in-law. Jones did so, and Palmer immediately followed him. On his return he said to Mr. Stevens that he was sorry to announce that neither his betting book nor any other books or papers of his could be discovered. On hearing this, Mr. Stevens said they should be found, when Palmer replied that they would be of no use to him. Mr. Stevens said that it was for him to judge, and repeated again that they must and should be found. He then desired the housekeeper to get possession of the papers, to lock the door of the room, and allow nobody in until his return. Before his departure, he went up again to look at the body, stooped over it, took the right hand in his, which was perfectly rigid, took the left in the same way, with the like effect, and immediately after left for London. He left London next day for Rugeley, and, to his astonishment, met Palmer in the same train. Arrived at Wolverhampton, they went into the refreshment-room, and, in a conversation there, Mr. Stevens proposed that a post-mortem examination should be held

on the body. He pressed Palmer to tell him who would be the fittest person in Rugeley to do so, told him he intended to employ a solicitor to look after his affairs, when Palmer said he would get him one, but declined to name any one to conduct the post-mortem examination. When they arrived at Rugeley, they went to the hotel, and then to a Mr. Gardiner, and in the meantime, Palmer observed that he was going to see his trainer. In a subsequent part of the evening, when they had another conversation about the bills, Mr. Stevens said he had heard a different version of the affair from what had been given him by Palmer, when he replied that he hoped the matter would be settled pleasantly. Mr. Stevens again referred him to the Court of Chancery, upon which Palmer asked who was to conduct the post-mortem examination, but Mr. Stevens declined to say who was to be employed. On that same day Palmer paid Pratt two bills, amounting to 200*l.*, and, in a conversation which he had on the occasion, he used this remarkable expression :—"Do not tell anybody, if you are asked, where I got the money ; say it was advanced by my mother for Cook." To this observation Pratt replied, "What was that to do with the 500*l.* ?" and then the conversation ended. It will be for you to say what his reason was for not wishing any communication to be made on the subject. He repeated that conversation again on the 28th of November. On the 1st of December he paid Pratt another 100*l.*, which closed that transaction. Shortly after this he was arrested by Padwick, who brought an action against the mother. Everything then became known, and events were thickening around him. I have now taken you to Sunday, the 25th, and Monday, the 26th of November, and on that Monday, other matters took place, to which I shall call your attention. On Sunday, he went to Dr. Bamford for a certificate, to be sent to the registrar of deaths; and when he asked that gentleman of what Cook died, he replied, "Why should you ask me ; he was your patient ?" when Palmer replied, "He was not. Let it be that he died of apoplexy." Dr. Bamford, gentlemen, is a very old man ; he is eighty-six years of age ; and, perhaps, it was owing to his infirmity that he consented to do what was very wrong. He saw the body immediately after death, and must have known that he did not die of apoplexy ; and the post-mortem examination shows there was no foundation whatever for such an assertion. It being known on the Sunday that the post-mortem examination would take place the next day, Palmer sent for Newton, the assistant of Salt, with whom he had some brandy and water, and a conversation on what had previously happened. He asked him how much strychnia would be given if he wanted to kill a dog ? and he said, half a grain. He then asked whether it would be found in the stomach, and when the reply was that it would not, it seemed to give him evident satisfaction. When the examination was about to take place, he said, on leaving Dr. Bamford's, that it would be a dirty job, and he should go and have some brandy and water, for the poor fellow was full of disease. The examination took place ; the body was carefully examined by Drs. Devonshire, Harland, Bamford, and Newton, and the external appearances clearly proved

that strychnia was administered. The muscles were relaxed, the feet distorted, the hands clenched, the head thrown back, and every other symptom of the poison clearly developed. All the important portions of the body were found to be in a sound state. The abdomen and liver were perfect; the lungs and kidneys sound, and a slight congestion had taken place in the lungs; it was not enough to disturb the functional branches of the system,or in the slightest degree to account for the appearance of the body. They examined the stomach and the intestines, and they only found a few white spots on the stomach, but nothing to justify the fact that the deceased had been affected with disease. They then examined the head; and Dr. Bamford, possibly to cover his own conduct in giving the certificate that the deceased died from apoplexy, said that there seemed to be a slight congestion of the brain. The other medical men say that there was nothing in the head to cause death. In January, the body of the deceased was exhumed, with the view of ascertaining the state of the spinal cord at the neck, when they found that the spinal cord and the marrow were in a most perfect state. I will now go back to the post-mortem examination. I told you that they found no inflammation in the stomach. On that occasion Palmer said to Dr. Bamford, "They will not hang us yet." The portion of the intestines and the stomach were deposited in a jar which was covered over with two parchments, sealed, and given to Dr. Harland. And he put it aside to listen to some observations that were being made. On turning round quickly he missed the jar, and exclaimed, "Where is the jar?" Palmer, who was in another part of the room near the door, made answer, and said, "I have it. I thought you would think it better to have it here." Dr. Harland immediately replied, "Bring it here immediately; it should not have been disturbed." The jar was returned to the care of Dr. Harland, when two slits were found in the skins, which had evidently been done with a penknife. When it was decided to take the jar away, Palmer said to Dr. Bamford, I don't think we ought to let them take that jar away, as we don't know what they might put in it. Now as Palmer was not an ignorant man, but was in fact a medical man, such a hint as this looked exceedingly suspicious. He must have known the honour of his profession, and that there was no probability of the contents of the jar being tampered with in the smallest degree. The prisoner was exceedingly anxious that the jar should not leave Rugeley, and when he discovered that the medical man and Mr. Stevens had engaged a fly to take them to the Stafford station, he sought out the postboy that was to convey them, and said to him, "I am told they are going to take away the jar with the contents of Mr. Cook's stomach." The postboy replied that "he heard they were." "Well," said Palmer, "they have no right to do so." Palmer added, "Don't you think you could upset the carriage, and break the jar?" The man instantly refused to do anything calculated to effect such an object. Palmer tried to persuade him to cause an accident to the conveyance, stating that he would "make it all right with him," but the man refused, and that man I propose to call before you. Now, gentlemen, I have gone through the painful features of

this case, but one or two minor features remain to be noticed. After the post-mortem examination, an inquest was held on the body of the decesased. The stomach and intestines had been sent to Dr. Taylor and Dr. Rees, of Guy's Hospital; and while the inquest was being held, a letter was addressed to Dr. Harland by Mr. Taylor, relative to the analysis which had been taken of them. The contents of that letter was betrayed to Palmer, and he wrote to the coroner to say that "no poison had been found in the body of Cook." I only mention this to show the anxiety of the prisoner in reference to the contents of the jar forwarded to Dr. Taylor. I also told you that, before Cook's death, Palmer had no money, and that, after the death of Cook, he was quite flush of it. I have proved that he paid 400*l.* about that time, and Cook was known to have left Shrewsbury after the races with 700*l.* or 800*l.* in his pocket. It would be for you to say whether from the circumstances in which the prisoner was placed, he was impelled to the act of destroying Cook in order to relieve himself from some of the pressing difficultics by which he was surrounded. You have a case before you of a man forging acceptances to raise money, who, disappointed in the hope of meeting them from the proceeds which he expected from the insurance office—with writs issued against himself and his mother, whose signature to the bills had been forged—with the fact that he produced a document to show that the deceased was indebted to him in the amount of 3,000*l.* or 4,000*l.*—that document which he asked Cheshire to attest some days after Cook had died,—you have this fact before you, to say how far they can lead you to the conclusion, that they had induced the prisoner to take away the life of Cook. If you believe that, on the Monday night, Palmer purchased strychnia, and that the mortal agonies of the deceased, which terminated in death, were caused by poison administered by the hands of Palmer, then you will have no difficulty in giving a verdict in accordance with that belief. You will be told that no strychnia was found in the body of the deceased —that was true. But you will be told, by high medical authorities, that, whether found or not, there were certain tests which placed beyond doubt the fact of strychnia being administered, whether the poison was found in the body or not. The finding of such a poison in the body depended upon the circumstances under which it was administered. I have told you that half a grain of strychnia would kill the strongest man; but then it must be administered in such a form as that the body should absorb it completely and at once. When the poison was administered in a fluid form, the body took it up rapidly, for it covered the stomach at once, but when it was given in the shape of a pill the body would not absorb it so rapidly, and, consequently, its effects would not be seen so quickly. If taken in large quantities it kills immediately, but when administered in small doses it kills by degrees. I have explained the effect of a small quantity of strychnia upon the human frame. You will also have the tests which had been applied for the discovery of this poison laid before you, which would show that when the same quantity of poison

was administered to animals, those animals had expired with the same effect as that produced on the human being. It would be lamentable for it to go forth that poisoning by strychnia could not be discovered, but Providence had ordained it otherwise. That poison had been administered to the unfortunate man was evident, and the question would be, how did it get there? You will have to say, under all the circumstances, whether this unfortunate man came by his death by the administration of strychnia. From the Wednesday until the ensuing week, he was in a constant state of excitement. From the angular mode in which the body lay since death, they failed to produce evidence of strychnia being administered, but that poison was administered there could be no doubt. It was proved by the evidence of eminent medical men, and thus the question arose, Who administered it? What was his illness? Did it arise from biliousness or diarrhœa? No; but a sickness precisely of the same nature as that produced by strychnia. There was another circumstance to which they should turn their attention. Antimony is precisely opposite, in its effects, to strychnia. The man was sick for a week. Antimony was found in his body, for what purpose was it administered? He should produce the testimony to which he alluded, which would leave no doubt on the subject. Gentlemen, I have occupied a great deal of time in going through this painful statement, but you will feel with me that, in such an inquiry as the present, time is not to be measured with the ultimate consequences of the inquiry in which you are engaged. Whatever may be the result, I have the satisfaction of knowing that the prisoner is defended by one of the most able and eloquent men that ever graced the English bar. If the evidence fails, or will not satisfy you beyond a reasonable doubt, in God's name let not an innocent man, or one not proved guilty, suffer; but, on the other hand, if it be sustained, the interests of society, and the duty you owe to it, demand a verdict of guilty. The hon. and learned gentleman concluded his address at a quarter past two o'clock, having occupied four hours in its delivery.

At the conclusion of the speech of the Attorney-General, the Court was adjourned for a short time, in order to enable the Court and jury to take some refreshment. The following evidence was then adduced for the prosecution:—

Ishmael Fisher examined by Mr. Edwin James.—I am a wine merchant, and am in the habit of attending races, and betting upon them. I knew the deceased, and had done so for two years. I was at the Shrewsbury Races, in 1855. A mare, called Polestar, won the Shrewsbury Handicap at those races upon Tuesday the 13th November. This mare belonged to the deceased. I saw him on the day of the race, and he appeared quite well. On the following day, in the evening, I was at the Raven Hotel, Shrewsbury. The prisoner and deceased were staying at the same hotel, and occupied an adjoining room to mine. About eleven o'clock at night I saw the prisoner and the deceased, and a gentleman named Myatt, in the sitting-room occupied by the deceased and the prisoner. They were drinking grog. The deceased had some brandy-and-water before him.

He asked me to sit down, and I did so. Cook asked the prisoner to have some more brandy-and-water, and he said he would not have any more until he had drunk his. Cook then took up his glass, and drank all the liquor that was in it, and almost within a minute he exclaimed, "There is something in it—it burns my throat dreadfully." Upon his saying this, Palmer took up the glass, and sipped what remained in the glass, and said there was nothing in it. There was a very small quantity of liquor in the glass when the prisoner took it up. At this time a person named Reed, who also attends races, came into the room, and the prisoner handed the glass to him, and asked if he thought there was anything in it, and handed it to me also, and we said there was nothing we could recognise, as the glass was empty. I said, however, that I thought there was rather a strong scent upon it, but I could not detect anything but brandy. Cook went out of the room, and when he returned he called me out. He was absent about ten minutes. I went with him into my sitting-room. He appeared very ill, and he told me he had been very sick, and asked me to take his money. He at the same time said that he thought that Palmer had been dosing him. He gave me over 700*l.* It was all in bank-notes. He did not say what I was to do with the money. The deceased was very sick again after he had given me the money, and left my room, and when he came back he again told me how he had been suffering from sickness, and asked me to go with him to his bedroom, and I did so. Another person named Jones went with us, and the deceased vomited violently in his bedroom in our presence. He was so ill that I advised him to send for a medical gentleman named Gibson, and he attended upon the deceased and gave him some medicine. The deceased was so ill that the doctor was sent for a second time, but about two o'clock in the morning he appeared to be more composed, and I left. I and Mr. Jones administered to the deceased the medicine that was sent. On the following morning I saw the prisoner in my sitting-room. He told me that Cook had been stating that he had been putting something in his brandy overnight, and he said that he never played such tricks with people, and he added that Cook was drunk. I should say the deceased was certainly not drunk when I saw him, and there was nothing about him approaching to drunkenness. The deceased appeared very ill when I saw him next morning, but a good deal better than the previous night, and I returned him his money. I afterwards saw him on the race-course, and he then looked very ill. I had been in the habit of settling the deceased's bets for him, and paying and receiving when he did not do so himself. I saw his betting-book in his hand at Shrewsbury. On the 17th of November I paid Mr. Pratt 200*l.* at the request of the deceased. In the ordinary course, the bets upon the races at Shrewsbury would be settled at Tattersall's on the Monday following, and I expected to have settled the deceased's bets, and I should have deducted the 200*l.* from the money I received. I did not settle the account, and consequently my 200*l.* was not repaid me. I was aware that Cook was a considerable winner at Shrewsbury.

Cross-examined.—I was aware the prisoner and the deceased were intimately connected in racing matters, but I am not aware that they were partners, or that they owned horses jointly. They were on very intimate terms, and generally stopped at the same hotels. I do not know whether Palmer won any money at Shrewsbury. I saw Cook after his mare had won, and he appeared very much elated and gratified. The race was won very easily. I do not think I drank any brandy and water myself on the evening in question. I am a pretty good judge of brandy, and I stated that I could not detect anything particular in the smell of the deceased's glass. There was so little in it, that it was very difficult to form any positive opinion upon the subject. I cannot say whether the deceased dined at the Raven on this day. I had seen the deceased at the Unicorn, another inn in Shrewsbury, earlier in the same day. I did not see him drink anything at this time. The prisoner was with him. I am not aware that a great many people connected with the races were very ill at Shrewsbury. On the day of the races it was very wet under foot and it was cold and damp two or three days afterwards. I believe the prisoner and the deceased breakfasted together on the Thursday morning. I received a letter from the deceased on the 17th November. It was dated Rugeley, and requested me to pay 200*l.* to make up a sum of 500*l.* that he wished to pay to Mr. Pratt, and he would make up the remainder the next day.

Re-examined.—I did not think that the deceased, from what he said, had any great respect for the prisoner. The prisoner had a horse called Chicken, which ran at Shrewsbury and lost. I know that he betted upon the race.

Mr. Thomas Jones said—I am a law-stationer, in Carey-street. I was at the Shrewsbury Races in November, 1855, and lodged at the Raven. I went there on the Monday night, and Cook and I, and the last witness, and a person named Herring, supped together at night. The deceased appeared quite well at this time, and also on the Tuesday and Wednesday following, until the evening. On Wednesday night the deceased invited me and a person named Reed to go into his room, and I found Palmer there, and after the party broke up, Fisher told me something about Cook, and I in consequence went into his bedroom, and found him very ill, and he complained of a burning in his throat, and he vomited a great deal. Some pills and a draught were administered to him, and I afterwards obtained some more medicine from the doctor's, and administered a small quantity of it to the deceased. Between six and seven the following morning I saw the deceased again, and he said he felt better and easier, but he looked very pale.

Mr. George Reed corroborated the evidence given by the last two witnesses with regard to what took place at the Raven Inn, at Shrewsbury, on the night in question. He also said that almost immediately he went into the room he observed that the deceased was in great pain, and he heard him say that there was something in the brandy and water. The prisoner took up the glass and drunk all the liquor that was in it, and then handed it to witness to taste, and he told him it was of no use handing him an empty glass for that purpose.

Cross-examined.—He considered the deceased was not a strong man. He generally looked pale.

By the Attorney-General.—The deceased never complained of illness. He was present at almost every race that took place.

Mr. S. Gibson said—I am assistant to Mr. Heathcote, a surgeon, at Shrewsbury. I remember being sent for on the 14th November, to the Raven Hotel, at Shrewsbury, and I saw the deceased in his bed-room. He complained of pain in his stomach and heat in his throat, and he said he thought he had been poisoned. I felt his pulse, and found it was about ninety. His tongue was perfectly clean. His abdomen was very much distended. I administered an emetic, and sent the waitress for some warm water, and the deceased said he could make himself sick with the handle of a tooth-brush. He drunk all the water and vomited, and the water returned perfectly clean. I then went home and sent the deceased two pills and a draught. The pills were composed of rhubarb and calomel, and the draught consisted of senna, magnesia, and ammonia.

Baron Alderson.—A common black draught I suppose you mean?

Witness.—Exactly, my lord.

Examination continued.—I also sent an anodyne draught for the deceased. I did not see him any more.

Cross-examined.—I went to work with the deceased as if he was poisoned. There was nothing peculiar in the matter that he vomited. He appeared a little excited by drink, but knew perfectly well what he was about. I consider that his brain was certainly stimulated by the brandy and water. I thought that the warm water was likely to relieve his stomach.

Elizabeth Mills said—I was chambermaid at the Talbot Arms at Rugeley, in November last. The prisoner lived at Rugeley, and was in the habit of coming to the Talbot Arms. I knew the deceased. He came to our hotel on the 15th of November, between nine and ten at night. The prisoner came with him in a fly. He appeared to be poorly, and he said he had been ill at Shrewsbury. He went to bed about half-past ten o'clock, and on the following morning he went out about one o'clock, and he still appeared to be poorly. He returned to the inn about ten o'clock at night, and went to bed in half an hour or so and he then told me that he had been dining at Mr. Palmer's, and he said that he felt no worse. The deceased was quite sober, and he asked for an extra piece of candle to read by. The prisoner lived opposite the Talbot Arms. He came to see the deceased on the following morning, and he asked me for a cup of coffee for him and I procured one; and I think I gave it to the deceased, and left the room. I did not see him drink the coffee; but when I went into the room shortly afterwards, I saw that it had been vomited in the utensil by the side of the bed. I did not observe a jug of toast-water in the bed-room; but a jug that did not belong to the inn was sent down from the bed-room at night, for me to make some fresh toast-and-water in. The prisoner was in the deceased's bed-room four or five times on this day; and I heard him tell Mr. Cook that he would send him over some broth. I afterwards saw some

broth in the kitchen, which I knew had not been made in the Talbot Arms; and the waitress took this broth to the deceased's bedroom. I saw the prisoner after this, and he asked me if Mr. Cook had had his broth; and the waitress said she had taken it to him, but he refused to take it, and said that it would not stay on his stomach. The prisoner then told me to fetch the broth, as Mr. Cook must have it, and I did so, and left it in deceased's bedroom, and shortly afterwards I saw that it had been vomited. The same evening some barley water was made for the deceased, and also some arrowroot, but I cannot say whether they remained on his stomach or not. Mr. Bamford, the doctor, was called in after this. On the Sunday after the deceased came to the Talbot Arms, I saw him in his bedroom about eight o'clock in the morning, and he said he had slept well since twelve o'clock, and he felt pretty comfortable. A large breakfast cup of broth was brought from the prisoner's house between twelve and one o'clock on the Sunday, and I took it up to the deceased's bedroom. I tasted the broth, and very soon afterwards I was sick. I drunk about two tablespoonfulls. I vomited violently all the afternoon, and was obliged to go to bed. I was quite well up to the time of my drinking the broth. I saw the deceased on Sunday evening, and he seemed in good spirits, and not to be any worse. I saw the deceased on the Monday morning between seven and eight o'clock, when I took him a cup of coffee for his breakfast. He did not vomit the coffee. Palmer had seen him before this, but he did not come again until ten o'clock at night. The deceased got up about one o'clock, and he shaved and dressed himself, and appeared a great deal better, but said that he was exceedingly weak. Ashmall, the jockey, came to see him on the Monday, and also Mr. Saunders, the trainer. Soon after one o'clock the deceased took some arrowroot, and it remained on his stomach. The deceased went to bed at four o'clock, and between nine and ten the prisoner went into his room, and I left him there. Some pills were sent by Dr. Bamford for the deceased, about eight o'clock, and I took them into his room, and placed them on the dressing-table, and they were there when the prisoner went into the room. I went to bed between ten and eleven, and I was called up about twelve. I then heard violent screams from the deceased's bedroom, and upon entering it I saw the deceased sitting up in bed, and he desired me to fetch the prisoner directly. I told him he had been sent for, and I then walked to the bed-side and found one of the pillows was upon the floor. I picked it up and asked Mr. Cook if he would lay his head down. At this time he was beating the bed-clothes apparently in great agony, and he told me he could not lie down, and he should be suffocated if he did, and he then, in a loud tone, asked me again to send for Mr. Palmer. There was a sort of jumping or jerking about his head and neck and body all this time, and his breathing was very much affected. He screamed three or four times while I was in the room, and twice he called out "Murder." He asked me to rub one of his hands, and I found it quite stiff. It was the left hand. The fingers were all stretched out, and there was no motion in them, and they twitched

while I was rubbing the hand. Palmer came into the room while this was going on, and the deceased recognised him, and said, "Oh, Palmer," or "Oh, Doctor, I shall die." The prisoner replied, "Oh, my lad, you wont;" and after remaining a minute or two in the room he told me to stay there, and went out. He returned in a very few minutes, and he then produced some pills, and he gave the deceased a draught in a wine-glass, after he had given him the pills. Cook said that the pills stuck in his throat, and the prisoner told me to give him some toast and water, and I did so in a teaspoon. His head and body continued jerking, and he seized the spoon fast between his teeth and seemed to bite it very hard. The deceased shortly after swallowed the toast and water and the pills, and the prisoner then handed him the draught. It had a thick heavy appearance. The deceased snapped at the glass in the same way he did at the spoon, and he appeared unable to control himself. As soon as he had swallowed the draught, he vomited it immediately, and it appeared to me to smell like opium. The prisoner then made the remark that he hoped the pills had stayed, and he searched the utensil in which the deceased had vomited with a quill, and said that he could not find them, and he told me to take the utensil away and empty it carefully, and I did so, but could not see any trace of the pills. After this the deceased seemed a little more easy. The attack lasted altogether about half an hour, and during the whole of the time he was quite conscious. When he was removed he asked the prisoner to feel how his heart beat, and Palmer went to his bed side and put his hand either to his heart or the side of his face, and he said it was all right. I left the deceased about three o'clock in the morning, and at this time the prisoner was sitting in the easy chair, and I believe he was asleep. About six o'clock the same morning I saw the deceased again, and he told me that Mr. Palmer had left him about a quarter past five o'clock. I asked him how he was, and he replied that he was no worse; and he then asked me if I had ever seen any one in such agony as he was the night before, and I told him I never had. He then said he was sure I should never like to see any one in such agony again, and I inquired what he thought was the cause. He replied that it was through some pills that Palmer had given him about half-past ten. The deceased was quite composed and quiet at this time, and there was no jerking or convulsion about him, but his eyes looked very wild. About twelve o'clock the deceased desired me to send the boots over to Mr. Palmer to know whether he might have a cup of coffee. A message was brought back that he might, and Mr. Palmer would be over immediately. When I took up the coffee the prisoner was in the room, and I gave him the coffee, and he tasted it to see that it was not too strong. Mr. Jones came to the inn about three o'clock, and I saw him in the deceased's room, and the prisoner after this told me that Cook had vomited the coffee. I saw Cook several times after this, and he appeared in very good spirits, and talked about getting up the next morning, and wished the barber to be sent for to shave him. I did not see the deceased later than half-past ten o'clock on the Tuesday night, and the prisoner was then in

his bedroom, and I gave him some toast-and-water for the deceased, and the prisoner said he did not want anything more. I sat up in the kitchen on purpose to see how Mr. Cook went on, and I heard the bell of Mr. Cook's room ring violently about ten minutes before twelve o'clock, and I went up immediately. Mr. Jones slept on another bed in the deceased's room. I found the deceased sitting up, and Mr. Jones had his arm round his shoulders, apparently supporting him. The deceased, when he saw me, told me to fetch Mr. Palmer directly, and I went over to his house and rang the surgery bell, and the prisoner came to the window almost in an instant, and he opened a small casement, and I told him to come over to Mr. Cook directly, as he was in much the same state as he was the night before. The prisoner made some reply, and I went back to the Talbot Arms; and in a minute or two the prisoner came into Mr. Cook's room, and the first thing he said was that he did not think he had ever dressed so quickly in his life. At this time Mr. Jones was still supporting the deceased. I went out of the bedroom, and remained upon the landing about a minute or two, when the prisoner came out, and I observed to him that the deceased appeared in the same state he was the night before, and Palmer replied that he was not so ill by a fiftieth part. He then went to his own house, and returned in a very short time, and went into the deceased's bedroom. I then heard the deceased ask to be turned over on his right side, and very shortly after this I heard that he was dead. I saw the prisoner feeling the deceased's pulse, and he said to Mr. Jones, "The pulse is gone." Mr. Jones then put his face to the heart of the deceased, and when he had done so he lifted up both his hands, but did not speak. The prisoner then told me to fetch Mr. Bamford, and he arrived very soon afterwards; and when he came down he told me that Mr. Cook was dead, and that he was dead when he arrived. I was told after this that the prisoner wanted me, and I went into the deceased's bedroom. The prisoner was there alone. I said to him, "Palmer, it is not possible that Mr. Cook is dead?" and he replied, "Yes, he is dead." He then asked me who I thought would come to lay him out, and I mentioned some women whom I thought he knew, and he said they were just the women, and he told me to fetch them. While Mr. Cook was staying at the Talbot Arms I saw a book, which I supposed to be his betting book. He had it with him when he stopped at the Talbot Arms before, on his way to Liverpool races. I saw this book in the deceased's bedroom the night before he died. It was on the dressing-table. The prisoner was in the bedroom the same night, and I never saw the book again. I have searched for it, but cannot find it anywhere. About ten minutes after the deceased had died, and while Mr. Jones was out of the room, I saw the prisoner in the act of searching the pockets of Mr. Cook's coat. I also saw him search under the pillow and bolster. Before Mr. Cook died I saw some letters lying on the mantlepiece, but I have never seen them since.

At the close of the examination in chief of this witness, it being half-past six o'clock, the Court rose and the trial was adjourned to this morning at ten o'clock.

SECCND DAY.

THE adjourned trial of William Palmer for the murder of John Parsons Cook was resumed this morning. The court was densely crowded, and there was no abatement of the interest which the proceedings have from the commencement awakened. Among the distinguished persons present were the Earl of Derby, Earl Grey, Lord W. Lennox, Lord G. G. Lennox, Lord H. Lennox, &c.

The learned judges Lord Chief Justice Campbell and Mr. Baron Alderson, accompanied by the Recorder, the Sheriffs, the Under-Sheriffs, and several members of the Court of Aldermen, took their seats on the bench at 10 o'clock.

The prisoner was then placed at the bar. The expression of his countenance was sadder and more subdued than on the preceding day. He maintained his usual tranquillity of demeanour, seldom changing his position, and gazing steadfastly at the witnesses.

The same counsel were again in attendance :---The Attorney-General, Mr. E. James, Q.C., Mr. Bodkin, Mr. Welsby, and Mr. Huddleston, for the Crown ; and Mr. Sergeant Shee, Mr. Grove, Q.C., Mr. Gray, and Mr. Kenealy, for the prisoncr.

The Jury, who had been all night at the London Coffee-house, were conducted into court by the officer who had them charge.

Elizabeth Mills, who was under examination the previous evening, was again placed in the witness-box. She deposed as follows :—I had been engaged at the Talbot Arms for about three years' previous to Cook's death. Cook first came to that inn in the month of May, 1855, and was off and on for some months. I never heard him complain of any illness during that time except of an affection in his throat. I heard him complain of a sore throat two or three months before his death. He said it resulted from cold. He took a gargle for it. I believe he had it from Mr. Thirlby. I did not observe any sores about his mouth. I never heard him complain of a difficulty in swallowing. I have seen him with a "loaded" tongue occasionally ; but I never heard him complain of a sore throat, nor have I heard of caustic being applied to his tongue. It was a month if not more, before his death that I heard him say he had a sore throat. I never knew him to take medicine before his last illness. He had a slight cough through cold, but never to my knowledge a violent one. He had not been ailing just before he went to Shrewsbury. On his return from Shrewsbury he complained of being poorly. I left my situation at Christmas, and went to my home in the Potteries. Since then I have been in another situation, which I left in February. I have seen Mr. Stevens, Mr. Cook's father-in-law, since I have been in London. I cannot say how many times I have seen him, but it is not more than six or seven times. Sometimes we conversed together in a private room. He only came to see whether I liked the place or whether I liked London. We used to converse together about Mr. Cook's death. I have talked to him about Mr. Cook's death at Rugeley. I cannot remember anything else that we talked about

except the death. He has never given me a farthing of money or promised to get me a place. I saw Mr. Stevens last Tuesday at Dolly's Hotel, where I had been in service. Lavinia Barnes was with us. She was the waitress at the Talbot Arms when Mr. Cook died. Two other persons were present, Mr. Hatton, the chief officer of Rugeley, and Mr. Gardiner, an attorney at the same place. Mr. Cook's death may have been mentioned at this meeting. Other things were talked of which I do not wish to mention.

Serjeant Shee.—But you must mention them.

Witness.—I cannot remember what they were. I don't know whether we talked about the trial. They did not ask me what I could prove. My deposition was not read over to me, and Mr. Stevens did not talk to me about the symptoms that were exhibited by Mr. Cook before his death. I had seen Mr. Hatton a few times before. I once saw him at Dolly's. He merely dined there. I cannot remember whether he spoke to me about Cook's death. He might have done so. I cannot remember whether he did or not. I know he asked me how I did. (A laugh.) I saw Mr. Gardiner once at Dolly's, and once in the street, and I swear these were the only occasions I ever saw him. I never went with him to a solicitor's office. At present I am living with my mother at Rugeley. Before that I had been living among my friends. I know a man named Dutton. He is a friend of mine. I have been staying at his house. His mother lives in the same house. He is a labouring man. I used to sleep with Dutton's mother. I swear that I slept with his mother. I have also been staying with a cousin of mine in the Potteries. I left Dolly's of my own accord, because I did not like the place. I can read, and I read the newspapers. I have heard of the case of a person named Dove, who was supposed to have murdered his wife at Leeds. I merely heard that it was another strychnine case, but the symptoms of strychnine were not mentioned. I will swear that I mentioned "twitching" to the coroner. If I did not use the exact word, I said something to the same effect. I will swear that I have used the word "twitching" before I came to London. The words "twitching" and "jerking" were not first suggested to me. I did not say anything about the broth having made me sick before the coroner, because it did not occur to me. I did tell the coroner that I tasted the broth, and that I did not observe anything particular about it. I was examined several times, and I was questioned particularly upon the subject of the broth, and I said on one occasion, that I thought the broth was very good. I did not at the time think it was the broth that had caused the sickness. I was so ill that I was obliged to go to bed; but I could not at all account for it. I only took two tablespoonfuls, and the sickness came on in about half an hour. I never knew of Mr. Cook taking coffee in bed before those occasions. If I have said that Mr. Palmer ordered coffee for Cook, I have no doubt that it is correct. I cannot remember so well to-day as I did yesterday. I cannot remember whether I told the coroner that I had not seen Mr. Palmer when I gave the deceased the coffee. I don't

remember whether I said anything before the coroner about seeing a box of pills in the deceased's bedroom on the Monday night, and that Palmer was in the room at the time. Perhaps I was not asked the question. I did nothing but answer questions that were put to me. I am sure that Palmer was in the room on that night. I remember that he brought a jar of jelly, and I opened it. I swear that the deceased told me that the pills Palmer had given him had made him ill. I did not say this before the coroner. I was asked some questions by Dr. Collier with regard to what I had stated to the coroner, and I said that my evidence had been altered, as some things had occurred to me since, and I had made another statement to a gentleman. I gave this additional statement to a gentleman at Dolly's. I don't know who the gentleman was. I did not ask him, and he did not tell me. He did not ask me many questions. He put a few to me and wrote down my answers. He mentioned Mr. Stevens's name. Mr. Stevens was there.

Serjeant Shee.—Why did not you tell me that ?—Because you did not ask me. (A laugh.)

Cross-examination continued.—I did not tell the coroner that Mr. Cook was beating the bed-clothes on the Monday night. I did say that he sometimes threw his head back, and then would raise himself up again, and I believe I also said that he could hardly speak for shortness of breath. I did not say that he called "Murder!" twice, and I do not remember saying that he "twitched" while I was rubbing his hands. I did not say anything about toast-and-water being given to Mr. Cook by order of Palmer, in a spoon; or that he snapped at the spoon and bit it so hard that it was difficult to get it out of his mouth.

The Lord Chief Justice here interposed and intimated his opinion that it would be a fairer course to read the witness's depositions.

The other judges concurred.

The Attorney-General said, he should have interposed, but it was his intention to adduce evidence to show the manner in which the case was conducted by the coroner, and that he was expostulated with upon omitting to put proper questions, and also omitting to take down the answers that were given.

Cross-examination continued.—I should have answered all those questions if they had been put to me. I was not purposely recalled to state the symptoms of the deceased in the presence of Dr. Taylor. When the prisoner came to the Talbot on the Tuesday night he had a plaid dressing-gown on, but I cannot say whether he had a cap or not. I did not observe that the prisoner appeared at all confused at the time he was examining the clothes and the bed of the deceased.

A model of the prisoner's house and of the hotel was here produced. The deposition of the witness was put in and read, for the purpose of showing that the statements made by her in her examination on Wednesday were omitted when she was examined by the coroner.

No. 3.

The witness was then re-examined by Mr. E. James.—I was examined on a great many different days by the coroner. I was not asked to describe all the symptoms I saw. The coroner himself put the questions to me, and his clerk took down the answers. I merely answered the questions, and I was not told to describe all I saw. The coroner asked me if the broth had any effect upon me; and I said, "Not that I was aware of." I don't know what brought the sickness to my mind afterwards, but I think that some one else in the house brought the fact to my memory. I certainly did vomit after I took the broth, and was obliged to go to bed. I am quite sure the deceased told me that it was the pills Palmer had given him that had made him ill. When Mr. Collier came to me, he said that he was for the Crown, and he then asked me questions about the inquest and the death of Mr. Cook. I answered all the questions he put to me, and he took them down in writing, and carried the statement away with him. Two other persons waited outside the house. I am engaged to be married to one of the Duttons.

Serjeant Shee.—Did not Dr. Collier tell you that he was neither for the Crown nor for the defence, but for the truth?

Witness.—No; what he said was, that he was for the Crown; but what he desired above all things was to know the truth, and that he asked me to tell him without fear, favour, or affection.

Mr. Gardiner, examined by the Attorney-General.—I am a member of the firm of Gardiner and Co., of Rugeley. I acted in this matter for the firm of Cookson and Co., the solicitors of Mr. Stevens, the father-in-law of Cook. I attended the inquest on the body of Cook, and occasionally put questions to the witnesses. Mr. Ward, an attorney, was the coroner. He put questions to the witnesses, and his clerk took down the answers. The inquest lasted five days, and several times upon each day I expostulated with the coroner on account of his omitting to put questions.

Mr. Serjeant Shee submitted that what was said by the coroner was no evidence aginst the prisoner.

The Attorney-General.—It is not intended as evidence against the prisoner, but to rebut the effect of evidence that you have put in. I will ask—had you occasion to expostulate with the coroner as to the omission of his clerk to take down the answers of witnesses?

Mr. Serjeant Shee.—I object to the question being put in that form.

The Attorney-General.—Did you observe that the clerk omitted to take down the answers of Elizabeth Mills?—Not in reference to that particular case.

Mr. Baron Alderson.—Her account of the matter is that the questions were not put.

The Attorney-General.—Did Dr. Taylor object that questions were not put which ought to have been put?—I do not recollect it.

Lord Campbell.—It is not suggested, as I understand, that the coroner refused to correct any mistakes that were made.

The Attorney-General.—I am prepared to show that there was such misconduct on the part of the coroner as led to expostulation.

Mr. Serjeant Shee.—Don't state that unless you are going to prove it.

The Attorney-General.—It is suggested that a witness has given evidence here which she did not give before the coroner ; my object is to show, first, that questions were not put to her which might and ought to have been put ; secondly, that her answers to other questions were not taken down.

Lord Campbell held that the evidence was not admissible.

Witness, cross-examined by Mr. Serjeant Shee.—The jury asked a great many questions.

Re-examined.—The jury made very strong observations as to the necessity of putting questions.

The Attorney-General.—Did they assign any reason for interfering when they put questions ?

Mr. Sergeant Shee objected to this question, on the ground that it did not arise out of his cross-examination.

Lord Campbell.—My learned brethren think that evidence upon this point is not admissible.

Mr. Justice Cresswell said, the depositions which had been put in did not show that any questions had been put by the jurymen. If they had contained such questions they would have shown the motive of the jury in putting them. But the Court was left totally in the dark as to whether questions had been put by the coroner or any other person. For anything that appeared to the contrary, the witnesses might have made a voluntary statement without any questions at all being put to them. No foundation was laid therefore for the Attorney-General's question.

Mr. Baron Alderson concurred.

Mrs. Ann Brook, examined by the Attorney-General.—I live at Manchester. I am in the habit of attending races. I was at Shrewsbury Races in November, 1855. I saw Palmer there. On the 14th (Wednesday) about eight o'clock in the evening, I met him in the street, and asked him whether he thought his horse Chicken would win ? He desired me if I heard anything further about a horse belonging to Lord Derby, which was also to run, to call and tell him on the following day. I went to the Raven to see him at half-past ten o'clock on the Thursday evening. Some friends waited for me in the road. I went upstairs and asked a servant to tell Palmer that I wished to speak to him. The servant said he was there. At the top of the stairs there are two passages, one facing the other to the left. I turned to the left. I saw Palmer standing by a small table in the passage. He had a tumbler-glass in his hand in which there appeared to be a small quantity of water. I did not see him put anything into it. There was a light between him and me, and he held it up to the light. He said to me, "I will be with you presently." He saw me the moment I got to the top of the stairs. He stood at the table a minute or two longer with the glass in his hand, holding it up to the light once or twice, and now and then shaking it. I made an observation about the fineness of the weather. The door of a sitting-room, which I supposed was unoccupied, was partially open, and he went into it, taking the glass

with him. In two or three minutes he came out again with the glass. What was in the glass was still the colour of water. He then carried it into his own sitting-room, the door of which was shut. He afterwards came out and brought me a glass with brandy-and-water in it. It mgiht have been the same glass. I had some of the brandy-and-water. It produced no unpleasant consequences. We had some conversation about the races. In the course of it he said he should back his own horse, Chicken. I was present at the race, when Chicken ran and lost.

Cross-examined by Mr. Serjeant Shee.—I am married. Brook is the name of my husband. He never goes with me to races. I live with him. I don't attend many races in the course of a year. My husband has a high appointment, and does not sanction my going to races. A great number of racing men were ill at Shrewsbury on the Wednesday. There was a wonder as to what had caused their illness, and something was said about the water being poisoned. People were affected by sickness and purging. I know some persons who were so affected. The passage in which I saw Palmer holding the glass led to a good many rooms. I think it was lighted by gas. I supposed that he was mixing some cooling drink.

Re-examined.—I was not examined before the coroner. The brandy-and-water which Palmer gave me was cold. I had been on friendly terms with him. I had known him a number of years, as a racing man.

Lavinia Barnes, examined by Mr. E. James.—In November, 1855, I was a waitress at the Talbot Arms. I knew Palmer and Cook. Cook called there on the 12th (Monday) as he was going to the races. He did not complain of illness. I saw him when he returned on the 15th. On the Friday he came between nine and ten o'clock in the evening, after dining with Palmer. He spoke to me. He was sober. On the Saturday I saw him twice. Some broth was sent over and taken up to him by me. He could not take it; he was too sick. I carried it down, and put it in the kitchen. I afterwards saw Palmer, and told him Cook was too sick to take it. Palmer said he must have it. Elizabeth Mills afterwards took it up again. She was taken ill with violent vomiting on the Sunday, between twelve and one o'clock. She went to bed and did not come down stairs till four or five o'clock. I saw some broth on that day in the kitchen. It was in a "sick cup," with two handles, not belonging to the house. I did not see it brought. The cup went back to Palmer's. On the Monday morning, between seven and eight o'clock, I saw Palmer. He told Mills he was going to London. I also saw Cook during the day. Sandars came to see him, and I took him up some brandy-and-water. I slept that night in the next room to Cook's. Palmer came between eight and nine o'clock in the evening, and went up-stairs, but I did not see whether he went into Cook's room. About twelve o'clock I was in the kitchen, when Cook's bell rang violently. I went up-stairs. Cook was very ill, and asked me to send for Palmer. He screamed out "Murder!" He exclaimed that he was in violent pain—that he was

suffocating. His eyes were wild-looking, standing a great way out of his head. He was beating the bed with his arms. He cried out, "Christ, have mercy on my soul!" I never saw a person in such a state. Having called up Mills, I left to send "Boots" for Palmer. Palmer came, and I again went into the room. Cook was then more composed. He said, "Oh, doctor, I shall die." Palmer replied, "Don't be alarmed, my lad." I saw Cook drink a darkish mixture out of a glass. I don't know who gave it to him. I both saw and heard him snap at the glass. He brought up the draught. I left him between 12 and 1 o'clock, when he was more composed. On the Tuesday he seemed a little better. At night, a little before 12 o'clock, the bell rang again. I was in the kitchen. Mills went up stairs. I followed her, and heard Cook screaming, but did not go into the room. I stood outside the door and saw Palmer come. He had been fetched. I said, as he passed me, "Mr. Cook is ill again." He said, "Oh, is he?" and went into the room. He was dressed in his usual manner, and wore a black coat and a cap. I remained on the landing when Palmer came out. As he went down stairs, Mills asked him how Cook was? He said to her and to me, "He is not so bad by fifty parts as he was last night." I heard Cook ask to be turned over before I went in, while Palmer was there. I went in after Palmer had left, but I came out before Cook died. After he died on the Tuesday, I went into the room and found Palmer with a coat in his hand. He was clearing out the pockets of the coat and looking under the bolster. I said, "Oh! Mr. Cook can't be dead!" Palmer said, "He is! I knew he would be," and then left the room. I saw him on the Thursday following. He came into the hall of the hotel and asked for the key of Cook's bedroom, in which the body was lying. The key was in the bar. He said he wanted some books and papers and a paper-knife, for they were to go back to the stationer's, or else he would have to pay for them. I went with him into the room. He then requested me to go to Miss Bond for some books. I went down-stairs and fetched the books. When I returned he was still in the room looking for the paper-knife on the top of the chest of drawers among books, papers, and clothes. He said, "I can't find the knife anywhere." Miss Bond, the housekeeper, afterwards came up, and I left. On the Friday, between three and four o'clock, I saw Mr. Jones with Palmer. Jones said he thought Palmer knew where the betting-book was. Palmer asked me to go and look for it, and said it was sure to be found, but it was not worth anything to any one but Cook. Mills and I went up to look for it, but we could not find it. We searched everywhere—in the bed, and all round the room, but not in the drawers. We went down and told Palmer and Jones that we could not find it. Palmer said, "Oh, it will be found somewhere. I will go with you and look myself." He did not go with us, but left the house. I did not see him come out of the room on the Thursday. There was no reason for our not looking in the drawers. Some people were in the room at the time, nailing the coffin.

Cross-examined by Mr. Serjeant Shee.—Cook had some coffee on the Saturday between twelve and one. I did not pay any particular

attention to the time when Palmer went up on the Monday. I am not sure it was before half-past nine, but I am sure it was before ten. I don't remember whether Cook touched the glass from which he drank the mixture. I think some one else was holding it. There was some of Cook's linen in several of the drawers. There was a portmanteau containing other things besides those in the drawers. There were dress clothes, an overcoat, and morning clothes. The door was locked on the night of the death. The women were sent for to lay out the corpse before it was light. The undertakers went on the following morning, and the door was locked after they left. They came again on the Thursday night, had the key, and went up by themselves. The body was put into the coffin the day Stevens was there. The women were in the room with the three undertakers when I looked for the book.

Re-examined by the Attorney-General.—The chambermaid and I were in and out of the room while the women were laying out the body, but they were sometimes left alone. I saw nothing of the book at that time. I had seen it before in Cook's hand, but I don't remember seeing it in the room.

Ann Rowley, examined by Mr. Welsby.—I live at Rugeley, and have frequently been employed as charwoman by Palmer. On the Saturday before Cook died Palmer sent me to Mr. Robinson's, at the Albion Inn, for a little broth for Cook. I fetched the broth, took it to Palmer's house, and put it to the fire in the back kitchen to warm, After doing so I went about my work in other parts of the house. When the broth was hot, Palmer brought it to me in the kitchen, and poured it into a cup. He told me to take it to the Talbot Arms for Cook, to ask if he would take a little bread or toast with it, and to say that Smith had sent it.

By Lord Campbell.—He did not say why I was to say that.

Examination resumed.—There is a Mr. Jeremiah Smith in Rugeley. He is called "Jerry Smith." He is a friend of Palmer's. I took the broth to the Talbot Arms, and gave it to Lavinia Barnes.

Cross-examined by Mr. Serjeant Shee.—Mr. Smith was in the habit of putting up at the Albion. He was friendly with Cook. Cook was to have dined with Smith that day, but was not able to go. Mrs. Robinson, the landlady of the Albion, made the broth, but I do not know by whose orders.

By Lord Campbell.—The broth was at the fire in Palmer's kitchen about five minutes.

Charles Horley, examined by Mr. Bodkin.—I am a gardener living at Rugeley, and was occasionally employed by the prisoner in his garden. On the Sunday before Cook died, Palmer asked me to take some broth to Cook. That was at Palmer's house, where I was in the habit of going. It was between twelve and one o'clock. He gave me the broth in a small cup, with a cover over it, and told me to take it to the Talbot Arms for Cook. I did so. I cannot say whether or not the broth was hot. I gave it to one of the servant girls at the Talbot Arms, but which I cannot say.

The witness was not cross-examined.

Sarah Bond, examined by Mr. Huddleston.—In November last was housekeeper at the Talbot Arms. I knew Cook. He stayed at the Talbot Arms. I remember his going to Shrewsbury Races on the 12th of November. He returned on the Thursday. I heard him say that he was very poorly. I did not see him on the Friday or Saturday. On Sunday I saw him about eight o'clock in the evening. He was in bed. He said that he had been very poorly, but was better. Very soon afterwards I saw Palmer. I asked him what he thought of Cook, and he replicd that he was better. On Saturday night Smith had slept in the room with Cook. On the Sunday evening I asked Palmer if Cook would not want somebody with him that night, and Palmer replied that he was so much better, that it would not be necessary that any one should be with him. I asked if Daniel Jenkins, the boots, should sleep in the room? Palmer said, that Cook was so much better, he had much rather he did not. On the Monday morning, a little before seven o'clock, I saw Palmer again. He came into the kitchen to me. I asked him how Cook was. He said he was better, and requested me to make him a cup of coffee. He did not say anything about iis strength. He remained in the kitchen, and I made the coffee and gave it to him. He told me that he was going to London, and that he had written for Mr. Jones to come and see Cook. On the Monday night, hearing from the waitress that Cook was ill I went up to his room between eleven and twelve o'clock. When I went into the room Cook was alone. He was sitting up in bed, resting on his elbow. He seemed disappointed, and said that he did not want to see me, but Palmer. I went out on to the landing, and soon afterwards Palmer came. Palmer went into the room. I could not see what was done in the room. Palmer came out, went away for a few minutes, and then returned. After he came back I heard that Cook had vomited. Cook said he thought he should die. Palmer cheered him up, and said that he would do all he could to prevent it. When Palmer came out of the room again, I asked him if Cock had any relatives, and he said that he had only a step-father. I saw Cook again between three and four o'clock on Tuesday. That was when Mr. Jones came. A little after six o'clock I took some jelly up to Cook. He seemed very anxious for it, and said that he thought he should die. I thought he seemed better. I did not see him again alive. Between eight and nine o'clock on Wednesday morning, I locked the door of the room in which Cook's body lay. About nine o'clock I gave the key to Mr. Tolly the barber, when he came to shave the corpse. On Thursday I gave it to Lavinia Barnes. After that I went up to the room and met Palmer coming out of it. After I came out the door was locked, and I had the key. On Friday, when Mr. Stevens came, I gave the key to the undertaker.

Cross-examined by Mr. Grove.—The passengers by the express train from London arrived at Rugeley about ten o'clock in the evening. They come by fly from Stafford.

William Henry Jones, examined by the Attorney-General.—I am a surgeon, living at Lutterworth. I have been in practice fifteen years. I was acquainted with Cook, who from time to time resided

at my house. I had been on terms of intimacy with him nearly five years. He was twenty-eight years of age when he died, and unmarried. He was originally educated for the law, but of late years had devoted himself to agriculture and the turf. The last year or two he had no farm. He kept racehorses and betted. I had known Palmer about twelve months. Lately Cook considered my house at Lutterworth as his home. I have attended him professionally. His health was generally good, but he was not very robust. He was a man of active habits. He both hunted and played cricket. In November last he invited me to go to Shrewsbury to see his horse run, and I went. I spent Tuesday, the 13th, with him there. That was the day on which Polestar ran and won. I dined with Cook and other friends at the Raven Hotel, where he was staying. The horse having won there was a little extra champagne drunk. We dined between six and seven o'clock, and the party broke up between eight and nine. Cook afterwards accompanied me round the town. We went to Mr. Frail's; who is Clerk of the Course. I saw Cook produce his betting-book to Whitehouse, the jockey. He calculated his winnings on Polestar. There were figures in the book. Cook made a statement as to his winnings.

Mr. Serjeant Shee objected to this statement being given in evidence, and the Attorney-General therefore did not ask any questions as to its purport.

Examination resumed.—I left the Raven Hotel at ten o'clock. Cook was then at the door. He was not at all the worse for liquor. He was in his usual health. On the following Monday I received a letter from Palmer.

This letter, which was put in and read, was as follows:

"My dear Sir,—Mr. Cook was taken ill at Shrewsbury, and obliged to call in a medical man. Since then he has been confined to his bed here with a very severe bilious attack, combined with diarrhœa. I think it desirable for you to come to see him as soon as possible.

"Nov. 18, 1855. "WILLIAM PALMER."

Examination resumed.—On that day (Monday) I was very unwell. On the next day I went to Rugeley. I arrived at the Talbot Arms about half-past three o'clock in the afternoon, and immediately went up to Cook's room. He said that he was very comfortable, but he had been very ill at Shrewsbury. He did not detail the symptoms, but said that he was obliged to call in a medical man. Palmer came in. I examined Cook in Palmer's presence. He had a natural pulse. I looked at his tongue, which was clean. I said it was hardly the tongue of a bilious diarrhœa attack. Palmer replied, "You should have seen it before." I did not then prescribe for Cook. In the course of the afternoon I visited him several times. He changed for the better. His spirits and pulse both improved. I gave him, at his request, some toast-and-water and he vomited. There was no diarrhœa. The toast-and-water, was in the room. Mr. Bamford came in the evening about seven o'clock. Palmer had told me that Mr. Bamford had been called in. Mr. Bamford expressed his opinion

that Cook was going on very satisfactorily. We were talking about what he was to have, and Cook objected to the pills of the previous night. Palmer was there all the time. Cook said the pills made him ill. I do not remember to whom he addressed this observation. We three (Palmer, Bamford, and myself) went out upon the landing. Palmer proposed that Mr. Bamford should make up some morphine pills as before, at the same time requesting me not to mention to Cook what they contained, as he objected to the morphine so much. Mr. Bamford agreed to this, and he went away. I went back to Cook's room, and Palmer went with me. During the evening I was several times in Cook's room. He seemed very comfortable all the evening. There was no more vomiting nor any diarrhœa, but there was a natural motion in the bowels. I observed no bilious symptoms about Cook.

By Lord Campbell.—Did he appear to have recently suffered from a bilious attack ?—No.

Examination resumed. — Palmer and I went to his house about eight o'clock. I remained there about half-an-hour, and then returned to Cook. I next saw Palmer in Cook's room at nearly eleven o'clock. He had brought with him a box of pills. He opened the paper, on which the direction was written in my presence. That paper was round the box. He called my attention to the paper saying, "What an excellent handwriting for an old man!" I did not read the direction, but looked at the writing, which was very good. Palmer proposed to Cook that he should take the pills. Cook protested very much against it, because they had made him so ill on the previous night. Palmer repeated the request several times, and at last Cook complied with it, and took the pills. The moment he took them he vomited into the utensil. Palmer and myself (at Palmer's request) searched in it for the pills, to see whether they were returned. We found nothing but toast-and-water. I do not know when Cook had drunk the toast-and-water, but it was standing by the bedside all the evening. The vomiting could not have been caused by the contents of the pills, nor by the act of swallowing. After vomiting Cook laid down and appeared quiet. Before Palmer came Cook had got up and sat in a chair. His spirits were very good; he was laughing and joking, talking of what he should do with himself during the winter. After he had taken the pills I went down-stairs to my supper, and returned to his room at nearly twelve o'clock. His room was double-bedded, and it had been arranged that I should sleep in it that night. I talked to Cook for a few minutes, and then went to bed. When I last talked to him he was rather sleepy, but quite as well as he had been during the evening. There was nothing about him to excite any apprehensions. I had been in bed about ten minutes, and had not got to sleep, when he suddenly started up in bed, and called out, "Doctor, get up, I am going to be ill! Ring the bell and send for Palmer." I rang the bell. The chambermaid came, and Cook called out to her, "Fetch Mr. Palmer." He asked me to give him something. I declined, and said, "Palmer will be here directly." Cook was then sitting up in bed. The room was rather dark, and I did not observe anything particular in his countenance. He asked me to rub

the back of his neck. I did so. I supported him with my arm. There was a stiffness about the muscles of his neck. Palmer came very soon (two or three minutes at the utmost) after the chambermaid went for him. He said "I never dressed so quickly in my life." I did not observe how he was dressed. He gave Cook two pills, which he told me were ammonia pills. Cook swallowed them. Directly he did so he uttered loud screams, threw himself back in the bed, and was dreadfully convulsed. That could not have been the result of the action of the pills last taken. Cook said, "Raise me up, I shall be suffocated." That was at the commencement of the convulsions, which lasted five or ten minutes. The convulsions affected every muscle of the body, and were accompanied by stiffening of the limbs. I endeavoured to raise Cook with the assistance of Palmer, but found it quite impossible, owing to the rigidity of the limbs. When Cook found we could not raise him up he asked me to turn him over. He was then quite sensible. I turned him on to his side. I listened to the action of his heart. I found that it gradually weakened, and asked Palmer to fetch some spirits of ammonia, to be used as a stimulant. Palmer went to his house and fetched the bottle. He was away a very short time. When he returned the pulsations of the heart were gradually ceasing and life was almost extinct. Cook died very quietly a short time afterwards. From the time he called to me to that of his death there elapsed about ten minutes or a quarter of an hour. He died of tetanus, which is a spasmodic affection of the muscles of the whole body. It causes death by stopping the action of the heart. The sense of suffocation is caused by the contraction of the respiratory muscles. The room was so dark that I could not observe what was the outward appearance of Cook's body after death. When he threw himself back in bed he clinched his hands, and they remained clinched after death. When I was rubbing his neck his head and neck were unnaturally bent back by the spasmodic action of the muscles. After death his body was so twisted or bowed that if I had placed it upon the back it would have rested upon the head and the feet.

By Lord Campbell.—When did you first observe that twisting or bowing? When Cook threw himself back in bed.

Examination resumed.—The jaw was affected by the spasmodic action. Palmer remained half-an-hour or an hour after Cook's death. I suggested that we should have some women to lay Cook out. I left the room to speak to the housekeeper about this. Seeing two maids on the landing I sent them into the room where Palmer was with Cook's body. I went downstairs and spoke to the housekeeper, and then returned to the bedroom. When I went back Palmer had Cook's coat in his hand. He said to me, "You, as his nearest friend, had better take possession of his effects." I took Cook's watch and his purse, containing five sovereigns and five shillings, which was all I could find. I saw no betting-book; nor any papers or letters belonging to Cook. I found no bank-notes.

Before Palmer left did he say anything to you on the subject of affairs between himself and Cook?—He did. Soon after Cook's death

he said, "It is a bad thing for me that Mr. Cook is dead, as I am responsible for 3,000*l.* or 4,000*l.*; and I hope Mr. Cook's friends will not let me lose it. If they do not assist me all my horses will be seized." He said nothing about securities or papers. I was present when Mr. Stevens, Cook's stepfather, came. Palmer said that if Mr. Stevens did not bury Cook he should. I do not recollect that there was any question about burying him. Mr. Stevens, Palmer, Mr. Bamford, and myself dined together. After dinner, Mr. Stevens, in Palmer's presence, asked me to go and look for Cook's betting-book. I went to look for it, and Palmer followed me. The night that Cook died the betting-book was mentioned.

What was said about it?—Palmer said that it would be of use to no one.

What led to this?—My taking possession of the effects.

Did you make any observation about the book?—I cannot recollect.

Did you find it?—No.

Did you make any remark?—No particular remark.

Did Palmer know what you were looking for?—Yes.

How?—I said, "Where is the betting-book?" Upon that he said, "It is of no use to any one."

You are sure he said that?—Yes. When I went to look for the book, at Mr. Stevens' request, Palmer followed me. I looked for the book for two or three minutes, but did not find it. I told the maid-servants that I could not find it. Palmer returned with me to the dining-room, and I told Mr. Stevens that I could not find the book.

By Lord Campbell.—When Palmer, Mr. Bamford, and myself held the consultation on the landing on the Tuesday night, nothing was said about the spasms of the night before.

Cross-examined by Mr. Serjeant Shee.—I am a regular medical practitioner, and have for fifteen years practised medicine as a means of gaining a living. I am a licentiate of the Apothecaries Company, and have endeavoured, both as a young man and since, to qualify myself for my profession. When I saw Cook his throat was slightly ulcerated, but he could swallow very well, although with a little pain. I know that he had applied caustic to his tongue, but he had ceased to do so for two months. He did not after that continue to complain of pain in his throat or tongue. I saw him frequently during the races, and never heard him express any apprehension about spots which appeared upon his body, although he did express apprehensions of secondary symptoms resulting from syphilis. I am not aware that at the time he died he was suffering from the venereal disease, but I know that he had it about a twelvemonth ago. He had been reduced in circumstances some time before he died, but he was redeeming them. I do not know that he was frequently in want of small sums of money. I believed that he owned a mare in conjunction with Palmer named Pyrrhine, which was under the care of Sandars, the trainer. The race which Polestar won was a matter of very great importance to the deceased. He was much excited at the race, and more particularly so after it. Deceased was a very temperate man and did not exceed in wine on the evening of the race. The

next I heard of him was through the letter from Palmer. Palmer knew perfectly well who I was, and that I was in practice as a surgeon at Lutterworth. When I saw deceased he objected to take morphia pills, because they had made him ill the night before. He did not say that Dr. Savage had forbidden him to take the morphia, but he said that he had been directed not to take mercury or opium. The effect of morphia would be to soothe and to cause slight constipation. When I saw him and he roused up a little, he said, "Palmer, give me the remedy you gave me last night." I rubbed the deceased's neck for about five minutes. He died very quietly. I had seen cases of tetanus before. I think I mentioned tetanus at the inquest. I am sure, if you refer to my depositions, you will find that I mentioned tetanus and convulsions both. (The depositions were referred to, and there was no mention of tetanus in them.) Witness continued, however, "I am sure that I mentioned tetanus."

The Attorney-General.—I must set this right. I have here the original deposition, and I find that the matter stands thus:—"There were strong symptoms of"—then there is the word "compression" struck out; and then there is the word "tetanus" also struck out—it is evident that the clerk did not know the meaning of what he was writing—and then the words "violent convulsions" are added; so that the sentence stands, "There were strong symptoms of violent convulsions."

By Mr. Serjeant Shee.—I also said before the coroner that I could not tell the cause of death, and that I imagined at the time that it was from over-excitement.

The Lord Chief Justice said, that the learned counsel must not read detached portions of the depositions—the whole must be read. (The depositions were accordingly read by the Clerk of the Arraigns.)

Cross-examination continued.—I do not recollect that I ever said that deceased died of epilepsy. Dr. Bamford said that he died in an apoplectic fit, and I said that I thought he did not. I said that it was more like an epileptic than an apoplectic fit. I do not know Mr. Pratt, but I took a letter from him to Cook. Cook did not open it, but said, "I know the contents of it—let it be till to-morrow morning." I have seen Palmer's racing establishment at Rugeley. I saw a number of mares in foal, and others in the paddock, and some very valuable horses. The stables were good, and the establishment appeared to be a large and expensive one.

Re-examined by the Attorney-General.—I am not a good judge of the value of racing horses, but I understand other horses very well. I have only seen one case of tetanus, and that case resulted from a wound. The patient in that case lasted three days before death ensued. I am satisfied that the death of Mr. Cook did not arise from epilepsy. In epilepsy consciousness is lost, but there is no rigidity or convulsive spasm of the muscles. The symptoms are quite different. I am equally certain that death was not the result of apoplexy.

Lavinia Barnes was recalled at the instance of Mr. Serjeant Shee, and, in answer to the learned Serjeant, she said,—On Monday morn-

ing Mr. Cook said to me that he had been very ill on Sunday night, just before twelve o'clock, and that he had rung the bell for some one to come to him; but he thought that they had all gone to bed.

Elizabeth Mills recalled by the Attorney-General, and examined on the same point.—I remember on Monday morning asking Mr. Cook how he was, and he said that he had been disturbed in the night, adding, "I was just mad for two minutes." I said, "Why did you not ring the bell?" and he replied, "I thought you would be all fast asleep, and would not hear me. The illness passed away, and I managed to get over it without." He also said that he thought he had been disturbed by the noise of a quarrel in the street.

Dr. Henry Savage, physician, of 7, Gloucester-place, examined by the Attorney General.—I knew John Parsons Cook. He had been in the habit of consulting me professionally during the last four years. He was a man not of robust constitution; but his general health was good. He came to me in May, 1855, but I saw him about November of the year before, and early in the spring of 1855. In the spring of 1855 the old affair—indigestion—was one cause of his visiting me, and he had some spots upon his body, about which he was uneasy. He had also two shallow ulcers on his tongue, which corresponded with two bad teeth. He said that he had been under a mild mercurial course, and he imagined that those spots were very syphilitic. I thought they were not, and I recommended the discontinuance of mercury. I gave him quinine as a tonic, and an aperient composed of cream of tartar, magnesia, and sulphur. I never at any time gave him antimony. Under the treatment which I prescribed the sores gradually disappeared, and they were quite well by the end of May. I saw him, however, frequently in June, as he still felt some little anxiety about the accuracy of my opinion. If any little spot made its appearance he came to me, and I also was anxious on the subject, as my opinion differed from that of another medical man in London. Every time he came to me I examined him carefully. There were no indications of a syphilitic character about the sores, and there was no ulceration of the throat, but one of the tonsils was slightly enlarged and tender. I saw him last alive, and carefully examined him, either on the 3rd or 5th of November. There was in my judgment no venereal taint about him at the time.

Cross-examined by Mr. Serjeant Shee.—I do not think that the deceased was fond of taking mercury before I advised him against it; but he was timid on the subject of his throat, and was apt to take the advice of any one. No; I don't think that he would take quack medicines. I don't think he was so foolish as that.

Charles Newton, called and examined by Mr. James, Q.C.—I am assistant to Mr. Salt, a surgeon at Rugeley. I know the prisoner, Wm. Palmer. I remember Monday, the 19th of November. I saw Palmer that evening at Mr. Salt's surgery, about 9 o'clock. I was alone when he came there. He asked me for three grains of strychnine, and I weighed it accurately, and gave it to him enclosed in a piece of paper. He said nothing further but "Good night," and took it away with him.

I knew him to be a medical man, and gave it him; made no charge for it. The whole transaction did not occupy more than two or three minutes. I again saw Palmer on the following day, between eleven and twelve o'clock. He was then at the shop of Mr. Hawkins, a druggist. He asked me how I was, and put his hand upon my shoulder, and said he wished to speak with me. Accordingly I went out into the street with him, and he then asked me when Mr. Edwin Salt was going to his farm. The farm in question was at a place about fourteen miles distant from Rugeley. Palmer had nothing whatever to do with that farm; but Mr. Salt's going there was a rumour of the town. While we were talking a Mr. Brassington came up and spoke to me, and during our conversation Palmer went into Hawkins's shop again. Palmer came out of the shop a second time, while I was still talking to Brassington. I am not sure whether Palmer spoke to me at that time; but he went past me in the direction of his own house, which is about 200 yards from Hawkins's. I then went into Hawkins's shop, where I saw Roberts, Mr. Hawkins's apprentice, and I had some conversation with him about Palmer. I knew a man named Thirlby, who had been an assistant and a partner of Palmer. Palmer usually dealt with Thirlby for his drugs—in fact, Thirlby dispensed Palmer's medicine. On Sunday, the 25th of November, about seven o'clock in the evening, I was sent for, and went to Palmer's house. I found Palmer, when I got there, in his kitchen. He was sitting by the fire reading. He asked me how I was, and to have some brandy-and-water. No one else was present. He asked me what was the dose of strychnine to give to kill a dog? I told him a grain. He asked me what would be the appearance of the stomach after death? I told him that there would be no inflammation, and that I did not think it could be found. Upon that he snapped his finger and thumb in a quiet way, and exclaimed, as if communing with himself, "That's all right." (Sensation.) He made some other remaks of a commonplace character, which I do not recollect. I was with him altogether about five minutes. On the following day—Monday, the 26th of November—I heard that a post-mortem examination was to take place. I went to Dr. Bamford's house, intending to accompany him to the post-mortem, and I found Palmer there in the study. That was about 10 o'clock in the day. Palmer ask me what I wanted? I told him that I had come to attend the post-mortem. He asked whether I thought Mr. Salt was going; and I replied that he was engaged and could not go. I took the necessary instruments with me, and went down to the Talbot Arms. Dr. Harland, and Mr. Frere, a surgeon, practising at Rugeley, were both there. They went away, however, for a short time, and left Palmer and me together in the entrance to the hall at the Talbot Arms. He spoke to me. He said—"It will be a dirty job; I will go and have some brandy." I went with him to his house, which was just opposite. He gave me two wine-glasses of neat brandy, and he took the same quantity himself. He said—"You'll find this fellow suffering from a diseased throat; he has had syphilis, and has taken a great deal of mercury." I afterwards went over with

Palmer to the post-mortem, and found the other doctors there. During the post-mortem Palmer stood near to Dr. Bamford, against the fire. I was examined before the coroner, and did not state before that functionary that I had given Palmer three grains of strychnine on the night of the 19th of November. The first person that I told of it was Cheshire, the post-master.

Mr. Serjeant Shee objected to anything that this witness had said to Cheshire being admitted as evidence against the prisoner.

The Court ruled in favour of the objection.

Cross-examined by Mr. Grove, Q.C.—It might have been a week or two or three days after I gave Palmer the strychnine that I first mentioned the occurrence to any one. I think I may undertake to say that it was not a fortnight afterwards. Subsequently to the inquest I was examined for the purpose of giving evidence on the part of the Crown. I cannot say how long after the inquest that was. When I was first examined on behalf of the Crown I did not mention the three grains of strychnine, but I did mention the conversation about the poisoning of the dog. That was not the first time that I had mentioned that conversation; for I had mentioned it before to Mr. Salt; but I cannot tell how long before. I was examined twice for the purpose of the prosecution by the Crown. I did not mention Cook's suffering from sore throat at the inquest, but I did mention the conversation which took place at Hawkins's shop. At that time I knew it had been alleged that Palmer had purchased strychnine at Hawkins's, and I presumed that my evidence was required with reference to that point. I first stated on Tuesday last, for the purposes of this prosecution, the fact of my having given Palmer threegrains of strychnine. I cannot say whether in that examination I said that Palmer said, "You will find this 'poor' fellow suffering from a diseased throat." I don't know whether I said "poor fellow" or "rich fellow."

Do you not know that there is a difference in the expression "fellow" and "poor fellow?"—I know that there is a difference between poor and rich. It is impossible to recollect all that I said upon every occasion.

Re-examined by the Attorney-General.—I did not mention the circumstance of my having given the strychnine to Palmer, because Mr. Salt, my employer, and Mr. Palmer, were not friends, and I thought it would displease Mr. Salt if he knew that I had let Palmer have anything. I first mentioned it to Boycott, the clerk of Mr. Gardner, the solicitor, at the Rugeley station, where I and a number of other witnesses were assembled for the purpose of coming to London. As soon as I arrived in London Boycott took me to Mr. Gardiner's. I communicated to him what I had to say; and I was then taken to the Solicitor of the Treasury, and I made the same statement to him.

Mr. Serjeant Shee.—Have you not given another reason for not mentioning the occurrence about the three grains of strychnine before—that reason being that you were afraid you could be indicted for perjury?—No, I did not give that as a reason, but I stated to a gentleman that a young man at Wolverhampton had been threatened to

be indicted for perjury by George Palmer because he had said at te inquest upon Walter Palmer that he had sold the prisoner prusic acid, and he had not entered it in the book and could not prove it. I stated at the same time that George Palmer said he could be tranported for it. I did not enter the gift of the three grains of strychnine from Mr. Salt's surgery in a book. The inquest upon Walter Palmer did not take place till five or six weeks after the inquest upon Cook.

The Court then adjourned at twenty-five minutes past six o'clock until ten o'clock this day, the jury being conducted, as on the previous evening, to the London Coffeehouse in charge of the officers of te Court.

THIRD DAY.

The Court was quite as full at the commencement of the proceedings this morning as it had been upon either of the preceding days. Te Earl of Derby, Earl Grey, and other noble lords were again present.

The jury tooktheir seats shortly before ten o'clock. The learned Judges, Lord Chief Justice Campbell, Mr. Baron Alderson, and Mr. Justice Cresswell, soon afterwards entered the Court, accompanied by the Recorder and Sheriffs, and the prisoner was then placed at te bar. He appeared rather more anxious than on the two previous days, but was still calm and collected, and paid the greatest attention to the evidence.

Counsel for the Crown :—The Attorney-General, Mr. E. James, Q.C., Mr. Bodkin, Mr. Welsby, and Mr. Huddleston ; for te prisoner :—Mr. Serjeant Shee, Mr. Grove, Q.C., Mr. Gray, and Mr. Kenealy.

The next witness for the prosecution was Charles Joseph Roberts examined by Mr. E. James.—In November last I was apprentice to Mr. Hawkins, a druggist, at Rugeley. I know Palmer. On Tuesday, November the 20th, between eleven and twelve o'clock in the day, he came into Mr. Hawkins's shop. He first asked for two drachms of prussic acid, for which he had brought a bottle. I was putting it up when Newton, the assistant of Salt, came in. Palmer told him he wanted to speak to him, and they went out of the shop together. I then saw Brasington, the cooper, take Newton away from Palmer, and enter into conversation with him. Palmer then came back into the shop and asked me for six grains of strychnine and two drachms of Batley's solution of opium (commonly called "Batley's sedative.") I had put up the prussic acid, which was lying upon the counter. He stood at the counter when he ordered the things, and while I was preparing them behind the counter he stood at the shop door, with his back to me, looking into the street. I was about five minutes preparing them. He stood at the door till they were read, when I delivered them to him—the prussic acid in the bottle he had brought, the strychnine in a paper, and the opium in a bottle. He

aid me for them and took them away. No one else was in the shop rom the time when Palmer and Newton went out till I delivered th hings to him. When Palmer had left, Newton came in, and we had ome conversation. I had at that time been six years in Mr. Hawkins's employment. Palmer had not bought any drugs at the hop for about two years. I know Thirlby, Palmer's assistant. He had started a shop about two years before.

By Lord Campbell.—Thirlby was carrying on business as a druggist at the time.

Cross-examined by Mr. Serjeant Shee.—I did not make entries of any of these things in the books.

Re-examined.—When articles are paid for across the counter I am not in the habit of making entries of them in the books.

The Attorney-General stated that Dr. Bamford was seriously ill, and unable to attend, but his depositions would be read.

Mr. William Stevens, examined by the Attorney General.—I have been a merchant in the city, but am now out of business. Was step-father to the deceased Mr. Cook. I married his father's widow fifteen (or eighteen) years ago, and have known him intimately ever since. I was made executor to his grandfather's will. I was always on friendly terms with him, and constantly had the care of him. He had property worth altogether about 12,000*l*. He was articled to a solicitor at Worthing, in Sussex, but he did not follow the profession. He had been connected with the turf about three or four years—perhaps not so much. I did everything in my power to withdraw him from that pursuit.

Lord Campbell.—But you still remained on friendly terms?

Witness.—On affectionate terms. The last time I saw him alive was at the station at Euston-square, about two on the afternoon of the 5th of November. I think he told me he was going to Rugeley, but I am not quite sure; he looked better than I had seen him for a very long time. I was so gratified that I said, "My boy, you look very well, now; you don't look anything of an invalid." He said he was quite well, and struck himself on the chest. I think he added he should be quite right if he was happy. In point of appearance he was not a robust man. His complexion was pale. During the previous winter he had had a sore throat for some months. I first heard of his death on the evening of Wednesday, November 21. Mr. Jones, of Lutterworth, called at my house and informed me of it. The next day I went down to Lutterworth with Mr. Jones for the purpose of searching for the will and papers. The day after I went to Rugeley. I arrived between twelve and one. I asked to see the body when I got to the inn. I met Palmer in the passage. I had seen him once before, and Mr. Jones introduced me to him. He followed us up-stairs to see the body, and removed the sheet from it to rather below the waist. I was much struck with its appearance. I first noticed the tightness of the muscles across the face. There did not appear to me to be any emaciation or disease. We all went down stairs to one of the sitting rooms. In a short time I said to Palmer, "I hear from Mr. Jones that you know something of my

son's affairs. Can you tell me anything about them?" He replied, "Yes; there are 4,000*l.* worth of bills out of his, and I am sorry to say my name is to them; but I have got a paper drawn up by a lawyer and signed by him to show that I had never any money from them." I expressed great surprise at this, and said, "I fear there won't be 4,000 shillings to pay you." "But," I asked, "had he no horses, no property?" Palmer replied, "Yes, he has some horses, but they are mortgaged." I said, "Has he no sporting bets, nor anything of that sort?" He mentioned one debt of 300*l.* I would rather not state the name of the person who owed it. It is a relation of his, not a sporting gentleman. (The witness wrote down the name and handed it to the counsel on both sides and the Judges.)

Lord Campbell.—The name is immaterial.

Examination continued.—Palmer said he did not know of any other debt. I said I thought his sporting creditors would have to take his sporting effects, as I should have nothing to do with them. I added, "Well, whether he has left anything or not, poor fellow, he must be buried." Palmer immediately said, "Oh! I'll bury him myself, if that's all!" I said, "I certainly can't think of your doing that; I shall do it." Cook's brother-in-law, who had come to meet me, was then present, and expressed a great wish to be allowed to bury him. I said, "No; as his executor, I shall take care of that. I cannot have the funeral immediately, because I intend to bury him in London, in his mother's grave. I shall be sorry to inconvenience the people here at the inn, but I will get it done as soon as possible." Palmer said, "Oh! that's of no consequence, but the body ought to be fastened up at once." He repeated that observation—"So long as the body is fastened up, it is of no consequence." While I was talking to Cook's brother-in-law, Palmer and Jones left the room. They returned in about half an hour. I then asked Palmer for the name of some respectable undertaker at Rugeley, that I might at once order a coffin and give directions. He said, "I have been and done that. I have ordered a shell and strong oak coffin." I expressed my surprise. I said, "I did not give you any authority to do so, but I must see the undertaker to let him have my instructions." I think he told me the name of the undertaker. I ordered dinner for myself, my son-in-law, and Jones, and I asked Palmer to come in. We all dined together at the inn, at about three. I was going back to London that afternoon. After dinner, Palmer being still present, I desired Mr. Jones to be so good as to go upstairs and get me Cook's betting-book, or pocket-book, or books or papers that might be there. I had seen him with a betting-book — a small one with clasps. Mr. Jones then left the room, and Palmer followed him. They were away ten minutes. Mr. Jones said, on their return, "I am very sorry to say I can't find any betting-book or papers." I exclaimed, "No betting-book, Mr. Jones?" Turning towards Palmer, I said, "How is this?" Palmer said, "Oh! it is of no manner of use if you find it!" I said, "No use, Sir! I am the best judge of that!" He again said, "It is of no manner of use. I said, "I am told it is of use. I understand my son won a great deal of

money at Shrewsbury, and I ought to know something about it." He replied, "It is of no use, I assure you. When a man dies his bets are done with. Besides, Cook received the greater part of his money on the course at Shrewsbury." I said, "Very well, the book ought to be found, and must be found." Palmer then said, in a quieter tone, "It will be found, no doubt." I again said, "Sir, it shall be found." I then went to the door, and, calling to the housekeeper, I desired that everything in the bedroom should be locked up, and nothing touched until I returned or sent some one. Before leaving I went up-stairs to take a last look at the body. Some servants were in the room, turning over the bed-clothes; and also the undertaker. I had given him instructions before dinner to place the body in the coffin. He was standing by the side of the shell. The body was in it, uncovered. I knelt down by the side of the shell, and, taking the right hand of the corpse, found it clinched. I looked across the body, and saw that the left hand was clinched in the same manner. I returned to town and communicated next morning with my solicitor, who gave me a letter to Mr. Gardiner, of Rugeley. I returned to Rugeley, where I arrived at eight o'clock next evening (Saturday). I started from Euston-square at two o'clock, and on the platform I met Palmer. He said he had received a telegraphic message summoning him to London after I had left Rugeley. I asked him where Cook's horses were kept. He told me at Eddisford, near Rugeley, and said he would drive me out there if I wished. When I got to Wolverton, where the train stops, I saw him again in the refreshment-room. I said, "Mr. Palmer, this is a very melancholy thing, the death of my poor son happening so suddenly; I think for the sake of his brother and sister, who are somewhat delicate, it might be desirable for his medical friends to know what his complaints were." Cook had a sister and half-brother. Palmer replied, "That can be done very well." The bell then rang, and we went to our seats. He travelled in a different carriage till we reached Rugby, where I saw him again in the refreshment-room. I said, "Mr. Palmer, as I live at a distance, I think I ought to ask a solicitor at Rugeley to look after my interest." He said, "Oh, yes; you might do that. Do you know any solicitor?" I said, "No." I then got some refreshment, and went back to my carriage; I found Palmer sitting there. I had no conversation with him before we reached Rugeley, but continued talking to a lady and gentleman with whom I had been conversing since I left town. After we arrived at Rugeley, Palmer said, "Do you know any solicitor here?" I said, "No, I don't, I am a perfect stranger." He said, "I know them all intimately, and I can introduce you to one. When I get home I must have a cup of coffee, and I will then come over and take you all about." I thanked him, as I had done once or twice before, and said I wouldn't trouble him. He repeated his offer. Altering my tone and manner I said, "Mr. Palmer, if I should call in a solicitor to give me advice, I suppose you will have no objection to answer any question he may put to you." I altered my tone purposely; I looked steadily at him, but, although the moon was shining, I could not see his features

distinctly. He said, with a spasmodic convulsion of the throat which was perfectly apparent, "Oh, no, certainly not." At Wolverton I had purposely mentioned my desire that there should be a post-mortem examination, and I ought to say that he was quite calm when I mentioned it. After I asked him that question there was a pause for three or four minutes. He then again proposed to come over to me after he had had his coffee, and I again begged he would not trouble himself. I went to Mr. Gardiner and then came back to the inn. Palmer came to me and began to talk about the bills. He said, "It is a very unpleasant affair for me." I said, "I think it right to tell you that since I saw you I have had rather a different account of Mr. Cook's affairs." He said, "Oh, indeed! I hope, at any rate, they will be settled pleasantly." I said, "His affairs can only be settled in a Court of Chancery." He asked me what friends Mr. Cook visited in the neighbourhood of London. I said, "Several." The next day (Sunday) I saw him again, between five and six in the evening. He said, "You were talking of going to Eddisford; if I were you, I would not take a solicitor with me there." I said, "Why not? I shall use my own judgment." Later in the evening he came again to my room, holding a piece of paper as if he wished to give it me. I went on with my writing, and said, "Pray, who is Mr. Smith?" He repeated "Mr. Smith" two or three times; and I said, "I mean a Mr. Smith who sat up with my son one night." He said, "He is a solicitor in the town." I asked if he was in practice. He replied, "Yes." I said, "I ask you the question, because, as his betting-book is lost, I should wish to know who has been with the young man." After a pause I said, "Did you attend my son in a medical capacity?" He said, "Oh dear, no." I said, "I ask you, because I am determined to have his body examined; and if you had attended him professionally I suppose the gentleman I shall call in would think it proper that you should be present." He asked who was to perform the examination. I said, "I cannot say; I shall not know myself until to-morrow; I think it right to tell you of it, but whether you are present at it or not is a matter of indifference to me."

On the Friday, when Palmer gave orders for the shell, did you perceive any sign of decomposition in the body, or anything which would render its immediate enclosure necessary?—On the contrary, the body did not look to me like a dead body. I was surprised at its appearance.

Cross-examined by Mr. Sergeant Shee.—The last time Cook stayed at my house was in January or February last year, for about a month. He then had a sore throat. I do not remember that it was continually sore. He had not the least difficulty in swallowing. I did not notice any ulcers about his face. In the spring he complained of being an invalid, and said his medical friends told him that if he was not better in the winter he ought to go to a warm climate. No communication was made to me about insuring his life. I was dissatisfied about the loss of the betting book. I desired that everything belonging to the deceased might be locked up. When I returned to Rugeley with Palmer I went to seek for Mr. Gardiner.

I saw him on the following (Sunday) morning. I have once been in communication with the police-officer Field. That was a fortnight or three weeks after my son's death. Field called upon me. I never applied to him.

By Mr. Baron Alderson.—I never called upon Mr. Bamford, but he dined with me at the Talbot Arms.

Mary Keeley, examined by Mr. Welsby.—I am a widow, living at Rugeley. On the morning of Wednesday, the 21st of November last, I was sent for to lay out Cook's body. My sister-in-law went with me. That was about 1 o'clock in the morning. The body was still warm, but the hands and arms were cold. The body was lying on the back. The arms were crossed upon the chest. The head lay a little turned on one side. The body was very stiff indeed. I have laid out many corpses. I never saw one so stiff before. We had difficulty in straightening the arms. We could not keep them straight down to the body. I passed a piece of tape under the back, and tied it round the wrists to fasten the arms down. The right foot turned on one side, outwards. We were obliged to tie both the feet together. The eyes were open. We were a considerable time before we could close them, because the eyelids were very stiff. The hands were closed and were very stiff. Palmer was up-stairs with us. He lighted me while I took two rings off Cook's fingers. That was off one hand. The fingers were very stiff, and I had difficulty in getting off the rings. I got them off, and when I had done so the hand closed again. I did not see anything of a betting-book, nor any small book like a pocket-book.

Cross-examined by Mr. Grove.—It is not usual to tie the hands of a corpse. I have never before used tape to tie the arms ; I have used it to tie the ankles together, and also for the toes. I have never seen it used for the arms. It is usual to lay the arms by the sides. If the body gets stiff the arms remain as they were at the time of death. If the eyes are closed at the time of death there is no difficulty in keeping them closed. It is a common thing to put penny pieces upon them to keep them closed. That is to prevent the eyelid drawing back. The jaw is generally tied up shortly after death.

Re-examined by the Attorney-General.—I cannot say how many bodies I have laid out, but I have laid out a great many of all ages. I never knew of the arms being tied before this instance. It is usual to lay the arms by the side within a few minutes after death. I was called up at half-past twelve. It was half-past one when I went up-stairs to the room where Cook lay. Sometimes the feet of corpses get twisted out ; it is then that they are tied. That occurs within about half an hour after death. I have never known the eyelid so stiff as in this case. I have put penny pieces on the eyes. In those cases the lids were stiff, but not so stiff as in this instance.

John Thomas Harland, examined by Mr. Bodkin.—I am a physician residing at Stafford. On the 26th of November last I went from Stafford to Rugeley to be present at a post-mortem examination. I arrived at Rugeley at ten o'clock in the morning. I called at the house of Mr. Bamford, surgeon. As I went there Palmer joined me

in the street. He came from the back of his own house. I had frequently seen him and had spoken to him before. He said, "I am glad that you are come to make a post-mortem examination. Some one might have been sent whom I did not know." I said, "What is this case? I hear there isa suspicion of poisoning." He said, "Oh, no; I think not. He had an epileptic fit on Monday and Tuesday last, and you will find old disease in the heart and in the head." We then went together to Mr. Bamford's. I had brought no instruments with me, having only been requested to be present at the examination. Palmer said that he had instruments, and offered to fetch them and lend them to me. He (Palmer) said there was a very queer old man who seemed to suspect him of something, but he did not know what he meant or what he wanted. He also said, "He seems to suspect that I have got the betting-book. Cook had no betting-book that would be of use to any-one." Mr. Bamford and I then went to the house of Mr. Frere, who is a surgeon at Rugeley. Palmer did not go with us. Thence we went to the Talbot Arms, where the post-mortem examination was proceeded with. Mr. Devonshire operated, and Mr. Newton assisted him. There were in the room, besides, Mr. Bamford, Palmer, myself, and several other persons. I stood near Mr. Devonshire. The body was very stiff.

By Lord Campbell.—It was much stiffer than bodies usually are five or six days after death.

Examination resumed.—The muscles were very highly developed. By that I mean that they were strongly contracted and thrown out. I examined the hands. They were stiff and firmly closed. The abdominal viscera were first examined.

At the suggestion of Lord Campbell, the witness read a report which he had prepared on the day on which this post-mortem examination took place, November 26, 1855, and transmitted to Mr. Stevens, the step-father of the deceased. This report described the state of the various internal organs as being perfectly healthy and natural. The material statements were all repeated in the subsequent examination of the witness. After reading the report,

The witness continued,—The abdominal viscera were in a perfectly healthy state. They were taken out of the body. We examined the liver. It was healthy. The lungs were healthy, but contained a good deal of blood. Not more than would be accounted for by gravitation after death. We examined the head. The brain was quite healthy. There was no extravasation of blood, and no serum. There was nothing which, in my judgment, could cause pressure. The heart was contracted, and contained no blood. That was the result not of disease, but of spasmodic action. At the larger end of the stomach there were numerous small yellowish-white spots, about the size of mustard seeds. They would not at all account for death. I doubt whether they would have any effect upon the health. I think they were mucous follicles. The kidneys were full of blood which had gravitated there. They had no appearance of disease. The blood was in a fluid state. That was not usual. It is found so in some cases of sudden death,

which are of rare occurrence. The lower part of the spinal cord was not very closely examined. We examined the upper part of that cord. It presented a perfectly natural appearance. On a subsequent day, I think the 25th of January, it was thought right to exhume the body, that the spinal cord might be more carefully examined. I was present at that examination. The lower part of the spinal cord was then minutely examined. A report was made of that examination.

This report was put in, and was read by the witness. It described minutely the appearance and condition of the spinal cord and its envelopes, and concluded with this statement:—"There is nothing in the condition of the spinal cord or its envelopes to account for death; nothing but the most normal and healthy state, allowance being made for the lapse of time since the death of the deceased."

Examination resumed.—I am still of opinion that there was nothing in the appearance of the spine to account for the death of the deceased, and nothing of an unusual kind which might not be referred to changes after death. When the stomach and intestines were removed from the body on the occasion of the first examination they were separately emptied into a jar, and were afterwards placed in it. Mr. Devonshire and Mr. Newton removed them from the body. They were the only two who operated. At the time the prisoner was standing on the right of Mr. Newton. While Mr. Devonshire was opening the stomach a push was given by Palmer, which sent Mr. Newton against Mr. Devonshire, and shook some of the contents of the stomach into the body. I thought a joke was passing among them, and said, "Don't do that."

By Lord Campbell.—Might not Palmer have been impelled by some one outside him?—There was no one who could have impelled him.

What did you observe Palmer do?—I saw Mr. Newton and Mr. Devonshire pushed together, and Palmer was over them. He was smiling at the time.

Examination continued.—After this interruption the opening of the stomach was pursued. The stomach contained about three ounces of a brownish fluid. There was nothing particular in that. Palmer was looking on, and said, "They won't hang us yet." He said that to Mr. Bamford in a loud whisper. That remark was made upon his own observation of the stomach. The stomach after being emptied, was put into the jar. The intestines were then examined, but nothing particular was found in them. They were contracted and very small. The viscera, with their contents, as taken from the body, were placed in the jar, which was then covered over with two bladders, which were tied and sealed. I tied and sealed them. After I had done so I placed the jar upon the table by the body. Palmer was then moving about the room. In a few minutes I missed the jar from where I had placed it. During that time my attention had been withdrawn by the examination. On missing the jar I called out, "Where's the jar?" and Palmer from the other end of the room, said, "It is here; I thought it would be more convenient for you to take away." There was a door at the end of the room where he was. He was within a yard or two of that door, and about twenty-four feet from

the table on which the body was lying. [Before making this last statement the witness referred to a plan of the room which was put in by the Attorney-General.] The door near which Palmer was standing was not the one by which he had entered the room. I called to Palmer, "Will you bring it here?" I went from the table and met Palmer half way, coming with the jar. The jar had since I last saw it been cut through both bladders. The cut was hardly an inch long. It had been done with a sharp instrument. I examined the cut. The edges were quite clean. No part of the contents of the jar could have passed through it. Finding this cut, I said, "Here is a cut; who has done this?" Palmer and Mr. Devonshire and Mr. Newton all said that they had not done it, and nothing more was said about it. When I was about to remove the jar from the room, the prisoner asked me what I was going to do with it. I said I should take it to Mr. Frere's. He said, I had rather you would take it to Stafford than take it there." I made no answer that I remember. I took it to Mr. Frere's house. After doing so I returned to the Talbot Arms. I left the jar in Mr. Frere's hall, tied and sealed. Immediately upon finding the slit in the cover, I cut the strings and altered the bladders, so that the slits were not over the top of the jar. I resealed them. After going to Mr. Frere's, I went to the Talbot Arms. I went into the yard to order my carriage, and while I was waiting for it the prisoner came across to me. He asked we what I had done with the jar. I told him that I had left it at Mr. Frere's. He inquired what would be done with it, and I said that it would go either to Birmingham or London that night for examination. I do not recollect that he made any reply. When I re-covered the jar, I tied each cover separately, and sealed it with my own seal. During the first post-mortem examination there were several Rugeley persons present, but I believe no one on behalf of the prisoner. At the second examination there was some one there on behalf of Palmer.

Cross-examined by Mr. Serjeant Shee.—In the course of the post-mortem examination Palmer said, "They won't hang us yet." I am not sure whether that observation was addressed to Dr. Bamford, or whether he prefaced it by the word "Doctor." I think that he first said it to Dr. Bamford in a loud whisper, and afterwards repeated it to several persons. I had said to him that I had heard that there was a suspicion of poisoning. I made notes in pencil at the time of the post-mortem, and I wrote a more formal report from those notes as soon as I got home. The original pencil notes are destroyed. I sent the fair copy to Mr. Stevens, Cook's father-in-law, the same evening. They were not produced before the coroner. At the base of the tongue of the deceased I observed some enlarged mucous follicles; they were not pustules containing matter, but enlarged mucous follicles of long standing. There were a good many of them, but I do not suppose that they would occasion much inconvenience. They might cause some degree of pain, but I think that it would be slight. I do not believe that they were enlarged glands. I should not say that deceased's lungs were diseased, although they were not in their normal state. The lungs were full of blood and the heart empty.

had no lens at the post-mortem, but I made an examination which was satisfactory to me without one. The brain was carefully taken out; the membranes and external parts were first examined, and thin slices of about a quarter of an inch in thickness were taken off and subjected to separate examination. I think that by that means we should have discovered disease if any had existed; and if there had been any indication of disease I should have examined it more carefully. I examined the spinal cord as far down as possible, and if there had been any appearance of disease I should have opened the canal. There was no appearance of disease, however. We opened down to the first vertebra. If we had found a softening of the spinal cord I do not think that it would have been sufficient to have caused Mr. Cook's death; certainly not. A softening of the spinal cord would not produce tetanus — it might produce paralysis. I do not think, as a medical man investigating the cause of death, that it was necessary carefully to examine the spinal cord. I do not know who suggested that there should be an examination of the spinal cord two months after death. There were some appearances of decomposition when we examined the spinal cord, but I do not think that there was sufficient to interfere with our examination. I examined the body to ascertain if there was any trace of venereal disease. I did find certain indications of that description, and the marks of an old excoriation, which was cicatriced over.

Re-examined by the Attorney-General.—There were no indications of wounds or sores such as could by possibility produce tetanus. There was no disease of the lungs to account for death. The heart was healthy, and its emptiness I attribute to spasmodic action. The heart being empty, of course death ensued. The convulsive spasmodic action of the muscles of the body, which was deposed to yesterday by Mr. Jones, would, in my judgment, occasion the emptiness of the heart. There was nothing whatever in the brain to indicate the presence of any disease of any sort; but if there had been, I never heard or read of any disease of the brain ever producing tetanus. There was no relaxation of the spinal cord which would account for the symptoms accompanying Mr. Cook's death as they have been described. In fact, there was no relaxation of the spinal cord at all, and there is no disease of the spinal cord with which I am acquainted which would produce tetanus.

Mr. Charles James Devonshire, undergraduate of the University of London, and late assistant to Dr. Monckton, examined by Mr. Huddleston.—I made the first post-mortem examination on the body of Mr. Cook in November last. The body was pale and stiff; the hands were clinched, and the mouth was contorted. I opened the body. The liver was very healthy. The heart also seemed healthy, but it was perfectly empty. The lungs contained a considerable quantity of dark fluid blood. The blood was perfectly fluid. The brain was healthy throughout. I examined the *medulla oblongata* and about a quarter or half an inch of the spinal cord. It was perfectly sound. I took out the stomach and opened it with a pair of scissors. I put the contents in a jar, which was taken to Mr. Frere's, the

surgeon. I obtained the jar from Mr. Frere's on Monday in the same state as it was before, and I gave it Mr. Boycott, clerk to Mr. Gardiner the attorney. I examined the body again on the 29th, and took out the liver, kidneys, spleen, and some blood. I put them in a stone jar, which I covered with wash-leather and brown paper, and sealed up. I delivered that jar also to Boycott. Palmer said at the examination that we should find syphilis upon the deceased. I therefore examined the parts carefully, and found no indications of the sort. I also took out the throat. The *papillæ* were slightly enlarged, but they were natural, and one of the tonsils was shrunk.

Cross-examined by Mr. Grove, Q.C.—Tetanic convulsions are considered to proceed from derangements of the spine and from complaints that affect the spine. These derangements are not always capable of being detected by examination. In examining the body of a person supposed to have died from tetanus the spinal cord would be the first organ looked to. About half an inch of the spinal cord, exterior to the aperture of the cranium, was examined on the first occasion. I was not present when the granules were discovered on the second examination. The learned counsel was proceeding to cross-examine this witness upon some minute points of a scientific nature when

Baron Alderson, interposing, said,—When you have all the medical men in London here, you had better not examine an undergraduate of the University of London upon such points, I should think.

Dr. Monckton examined by the Attorney-General.—I am a physician in practice, and reside at Rugeley. On the 28th of January I made a post-mortem examination of the spinal cord and marrow of the deceased, J. P. Cook. I found the muscles of the trunk in a state of laxity, which I should attribute to the decay of the body which had set in; but that laxity would not be at all inconsistent, in my opinion, with a great rigidity of those muscles at the time of death. The muscles of the arms and legs were in a state of rigidity, but they were not more rigid than usual in dead bodies. The muscles of the arms had partially flexed the fingers of the hand. The feet were turned inwards to a much greater extent than usual. I carefully examined the spinal cord. The body was then in such a condition as to enable me to make a satisfactory examination of it; and if prior to death there had been any disease of a normal character on the spinal cord and marrow, I should have had no difficulty in detecting it. There was no disease. I discovered certain granules upon it. It is difficult to account for their origin, but they are frequently found in persons of an advanced age. I never knew them to occasion sudden death. I agree entirely in the evidence which has been given by Dr. Harland.

This witness was not cross-examined.

Mr. John Boycott examined by Mr. Welsby.—I am a clerk to Messrs. Landor, Gardiner, and Landor, attorneys at Rugeley. On the 26th of last November I received a jar from Mr. Devonshire, covered with leather and brown paper, and sealed up. I took it to London, and delivered it on the next day to Dr. Taylor at Guy's Hospital. On

a subsequent day I received another jar, similarly secured, from Mr. Devonshire, and I also brought that to London and delivered it to Dr. Taylor. I was not present at the inquest on Cook's body, and did net fetch Newton to be examined there. On Tuesday last, when at the Rugeley station, previous to my departure for London, Newton came and made a communication to me. He knew that Mr. Gardiner was not there; and when we reached London I took him to Mr. Gardiner, and I heard him make the same communication to Mr. Gardiner which he had made before to me.

This witness was not cross-examined.

James Myatt examined by Mr. James.—In November last I was postboy at the Talbot Arms, Rugeley. I know Palmer, the prisoner, and I remember Monday, the 26th of November last. I was ord red on that night, a little after five o'clock, to take Mr. Stevens to the Stafford station in a fly. Before I started I went home to get my tea, and on returning from my tea to the Talbot Arms I met the prisoner. He asked me if I was going to drive Mr. Stevens to Stafford. I told him I was.

What did he say to you then?—He asked me if I would upset them.

"Them?" Had anything been said about a jar?—He said he supposed I was going to take the jar.

What did you say then?—I said I believed I was.

What did he say after that?—He said—"Do you think you could upset them?"

What answer did you make?—I told him "No."

Did he say anything more?—He said—"If you could, there's a 10*l.* note for you." (Sensation.)

What did you say to that?—I told him I could not. I then said, "I must go, the horses are in the fly ready for us to start." I do not recollect that he said anything more about the jar. I said, that if I didn't go somebody else would go. He told me not to be in a hurry, for if anybody else went he would pay me. I saw him again next morning, when I was going to breakfast. He asked me then who went with the fly. I told him Mr. Stevens, and, I believed, one of Mr. Gardiner's clerks.

Cross-examined by Mr. Serjeant Shee.—Were not the words that Palmer used—"I wouldn't mind giving 10*l.* to break Steven's neck." I don't recollect the words "break his neck."

Well, "upset him." Did he say, "I wouldn't mind giving 10*l.* to upset him?"—Yes; I believe those were the words. I do not know that Palmer appeared to have been drinking. I don't recollect that he had. I can't say that he used any epithet, applied to Stevens—he said it was a humbugging concern altogether—or something of that. I don't recollect that he said Stevens was a troublesome fellow, and very inquisitive. I don't remember anything more than I have said. I do not know whether there was more than one jar.

Samuel Cheshire, formerly postmaster at Rugeley, who has been sentenced to two years' imprisonment for tampering with letters in connexion with this affair, was brought up in custody and examined by Mr. James. He is an extremely respectable-looking man, above

the middle age, and was dressed in black. He deposed as follows :— I was for upwards of eight years postmaster at Rugeley. I come now from Newgate, where I am under sentence for having "read" a letter. [The question was "opened" a letter]. I "confessed" to having done so. [The question was, Did you plead guilty to that charge?"] I knew the prisoner William Palmer very well—we were schoolfellows together, and I have been three or four times in my life at races with him. I never made a bet but once in my life ; but I was very intimate with Palmer. I accompanied him to Shrewsbury Races in November, 1855. I returned to Rugeley on Tuesday, the 13th, the same day on which Polestar won the handicap. On Saturday the 17th, I went to see Mr. Cook, who was in bed at the Talbot Arms Hotel at Rugeley. I lived at the post-office, which was 300 or 400 yards from Palmer's house. On Tuesday evening the 20th, I received a message from Palmer, asking me to come over to him, and to take a receipt stamp with me. In consequence of that message I went to Palmer's house and took a receipt stamp, as requested. When I reached Palmer's house I found him in his sitting-room. He said that he wanted to write me out a check, and he produced a copy from which he said I was to write. I copied the document which he produced. He said that it related to money which Mr. Cook owed him ; and he asked me to write it because, he said, Cook was too ill to do it, and Weatherby would know his (Palmer's) handwriting. He said that when I had written it, he would take it over to Mr. Cook to sign. I then wrote as he requested me, and left the paper with Palmer.

Mr. Weatherby was here called in order to trace this document. In answer to Mr. James, he said,—I am secretary to the Jockey Club, and my establishment is in Birmingham. I keep a sort of banking account, and receives stakes for gentlemen who own racers and bet. I knew the deceased John Parsons Cook, who had an account of that nature with me. I knew Palmer slightly ; he had no such account with me. On the 21st of November I received a check or order upon our house for 350*l*. It came by post. I sent it back two days afterwards—on Friday, the 23rd. I sent it back by post to Palmer, the prisoner, at Rugeley.

Boycott was recalled, and proved that he had served notices upon the prisoner and upon Mr. Smith, his attorney, to produce the "check or order" referred to ; and that it had not been produced in pursuance of those notices.

Prisoner's counsel did not now produce it.

Examination of Samuel Cheshire continued. — As far as I can remember, what I wrote was, "Pay to Mr. William Palmer the sum of 350*l*., and place it to my account." I do not remember whether I put any date to it. I left it with Palmer, and went away. That was on Tuesday. On the Thursday or Friday following, Palmer sent again for me. I do not remember what day it was, but it was after I had heard of the death of Mr. Cook at the Talbot Arms. I went to Palmer in the evening, between six and seven o'clock, in consequence of his having sent for me. When I arrived I found him in the kitchen, and he immediately went out, and shortly after returned with

a quarto sheet of paper in his hand. He gave me a pen, and asked me to sign something I asked what it was, and he replied, "You know that Cook and I have had dealings together; and this is a document which he gave me some days ago, and I want you to witness it." I said, "What is it about?" He said, "Some business that I have joined him in, and which was all for Mr. Cook's benefit; and this is the document stating so." I just cast my eye over the paper. It was quarto post paper of a yellow description. I looked at the writing, and I believed that it was Mr. Palmer's. When he asked me to sign it I told him that I could not, as I might perhaps be called upon to give evidence on the mattar at some future day. I told him that I had not seen Mr. Cook sign it, and I also said that I thought the Post-office authorities would not approve my mixing myself up in a matter which might occasion my absence from my duties to give evidence. In fact, I did not give any exact reasons for refusing to sign it. Palmer said it did not much matter, as he dared say they would not object to Mr. Cook's signature. I left the paper with Palmer, and went away. I believe that there was a stamp upon it. I did not read it all, but I cast my eye down it. [Notices had also been served upon the prisoner and his attorney to produce this document, but it had not been produced.] Witness continued.—I remember the effect of it—it was that certain bills—the dates and amounts of which were quoted, although I cannot recollect them now—were all for Mr. Cook's benefit and not for Mr. Palmer's. Those were not the exact words, but that was the purport of them. I know that the amounts were large, although I do not remember them all. I remember however, that one was for 1,000*l*., and another for 500*l*. There was a signature to that document. It was either "I. P." or "J. P. Cook." I don't think the word "Parsons" was written; but either "I. P." or "J. P. Cook." Palmer was in the habit of calling at the post-office for letters addressed to his mother, who resided at Rugeley. I cannot remember that during the months of October and November, 1855, I gave him any letters addressed to his mother; nor can I say whether in those months I have given him letters addressed to Mr. Cook; but Cook has taken Palmer's letters and Palmer has taken Cook's letters. I remember the inquest upon Cook. I saw Palmer frequently while that inquest was going on. He came down to me on the Sunday evening previous to the 5th of December—the date to which the inquest was adjourned—and asked me if I saw or heard of anything fresh to let him know. I guessed what he wanted, and thought that he wanted to tempt me to open a letter. I therefore told him that I could not open a letter. He said that he did not want me to do anything to injure myself. I believe that was all that passed upon that occasion. The letter for reading which I am now under sentence of punishment was from Dr. Alfred Taylor, of London, to Mr. Gardiner, the solicitor of Rugeley. I read part of the letter, and told Palmer as much as I remembered of it. This took place on the morning of the 5th of December. I told Palmer that the letter mentioned that no traces of strychnine were to be found. I can't call to mind what else I told him. He said he knew

there would be no traces of poison, for he was perfectly innocent. The letter I hold in my hand, signed "W. P.," and addressed to "W. W. Ward, Esq., Coroner," I believe to be in the prisoner's handwriting.

Captain Hatton, examined by Mr. James.—I am chief constable of Stafford. The letter now produced I obtained from the coroner.

The Clerk of Arraigns read the letter in question. It bore no date, and was to the following effect :—

"My dear Sir,—I am sorry to tell you that I am still confined to my bed. I don't think it was mentioned at the inquest yesterday that Cook was taken ill on Sunday and Monday night, in the same way as he was on the Tuesday, when he died. The chambermaid at the Crown Hotel (Masters's) can prove this. I also believe that a man by the name of Fisher is coming down to prove he received some money at Shrewsbury. Now, here he could only pay Smith 10*l.* out of 41*l.* he owed him. Had you not better call Smith to prove this? And, again, whatever Professor Taylor may say to-morrow, he wrote from London last Tuesday night to Gardiner to say, 'We (and Dr. Rees) have this day finished our analysis, and find no traces of either strychnia, prussic acid, or opium.' What can beat this from a man like Taylor, if he says what he has already said, and Dr Har and s evidence? Mind you, I know and saw it in black and white what Taylor said to Gardiner; but this is strictly private and confidential, but it is true. As regards his betting book, I know nothing of it, and it is of no good to any one. I hope the verdict to-morrow will be that he died of natural causes, and thus end it.

"Ever yours, "W. P."

The witness Cheshire was then cross-examined by Mr. Serjeant Shee.—I knew Cook very well. I did not know his handwriting. I have seen it, but am not sufficiently familiar with it to be able to identify it. I have seen him write. When I refused to sign the document which Palmer presented to me for signature he observed, "Oh, it is no matter, I dare say they will not call in question Mr. Cook's signature." What Palmer asked me was, "whether I had seen or heard anything?" I said that I had seen something, but that it would be wrong for me to tell him what. He then inquired what I had seen. I think the phrase he used in speaking of his own innocence was that he was "as innocent as a baby." I remember having been told by Palmer, the Saturday before Cook died, that the latter was very ill. On that day I saw Cook. He was ill and in bed. I saw Palmer about midday on Wednesday, the second day of the Shrewsbury Races. I saw him at Rugeley on that day.

To Mr. James.—The duration of the journey from Stafford to Shrewsbury is upwards of an hour.

Ellis Crisp, examined by Mr. James.—I am inspector of police at Rugeley. On the 17th December I assisted in searching the prisoner's house. There was a sale of his furniture, &c., on the 5th of January. The book now produced I found in his house, and took it away. It was being sold, and I took it away. (A laugh.)

Cross-examined by Mr. Serjeant Shee.—It was brought out at the sale with a lot of other books. There were several medical books in the house. There was no attempt to conceal the volume I seized.

The Clerk of Arraigns read from the book referred to this sentence, proved by the witness Boycott to be in Palmer's writing—"Strychnia kills by causing tetanic fixing of the respiratory muscles."

J. Burdon, examined by Mr. James.—This manuscript book I found in the prisoner's house on the 16th or 17th of December. I am an inspector of police in Staffordshire.

The Attorney-General read an extract from the book in question. It related to strychnine, and alluded to the mode of its operation.

Lord Campbell.—That may be merely a passage extracted from an article on "Strychnine" in some encyclopædia.

The Attorney-General.—No doubt it may. I put it in for what it is worth.

Elizabeth Hawkes, examined by Mr. Huddlestone.—I keep a boarding-house at 7, Beaufort-buildings, Strand. I know Palmer. He was at my house on the 1st of December last. He asked my porter to buy some game and fish for him. I purchased some fowls for him on the 1st of December. They consisted of a turkey and a brace of pheasants. The porter purchased the fish. I packed these things up in a hamper. I had no conversation with Palmer about these things. I bought them by Palmer's order, conveyed through the porter. I sent them somewhere. I directed them myself, and gave them to the porter, who carried them to the railway station. I have never been paid for them. Palmer came to my house on the evening of that day, but I did not see him. The direction on the hamper was "W. W. Ward, Esq., Stoke-upon-Trent, Staffordshire."

George Herring examined by Mr. Welsby.—I live near New Cross, and am independent. I knew Cook, and met him at the Shrewsbury Races last November. I put up at the Raven. He appeared in his usual health. I saw him between six and seven on Wednesday, the second day of the races. I had a private room, with Mr. Fisher, Mr. Reed, and Mr. T. Jones. It was next the room occupied by Cook and Palmer. On Thursday (the day following) I saw Cook. I do not know that at that time he had any money with him, but I saw him with Bank of England and provincial bank-notes on Wednesday. He unfolded them on his knee in twos and threes. There was a considerable number of notes. He showed me at Shrewsbury his betting-book. It contained entries of bets made on the Shrewsbury Races. On Monday, the 19th of November, I received a letter from Palmer. I have it here.

The Clerk of Arraigns read the letter, of which the following is a copy :—

"Dear Sir,—I shall feel much obliged if you will give me a call at 7, Beaufort-buildings, Strand, on Monday, about half-past two.

"I am, dear Sir, very truly yours,

"William Palmer."

Examination continued.—I received this letter on Monday, and

called at Beaufort-buildings that same day at half-past two exactly. I found Palmer there. He asked me what I would take? I declined to take anything. I then asked him how Mr. Cook was? He said, He's all right; his physician gave him a dose of calomel, and advised him not to come out, it being a damp day. I don't know which term he used, "damp" or "wet." He then went on to say, in the same sentence, "What I want to see you about is settling his account." While he was speaking he took out half a sheet of note paper from his pocket, and it was open when he had finished the sentence. He held it up and said, "This is it." I rose to take it. He said, "You had better take its contents down; this will be a check against you." At the same time he pointed to some paper lying on the table. I wrote on that paper from his dictation. I have here the paper which I so wrote. [The witness read the document in question which contained instructions as to certain payments he should make out of moneys to be received by him at Tattersall's on account of the Shrewsbury races.] Palmer then said that I had better write out a cheque for Pratt and Padwick —for the former 450*l.*, and for the latter 350*l.*, and send them at once. I told him I had only one form of cheque in my pocket. He said I could easily fill up a draught on half a sheet of paper. I refused to comply with his request, as I had not as yet received the money. He replied that it would be all right, for that Cook would not deceive me. He wished me particularly to pay Mr. Pratt the 450*l.* His words, as nearly as I can remember them were, "You must pay Pratt, as it is for a bill of sale on the mare." I don't know whether he said "a bill of sale," or "a joint bill of sale." He told me he was going to see both Pratt and Padwick, to tell them that I would send on the money. Previous to his saying this, I told him that if he would give me the address of Pratt and Padwick I would call on them, after I had got the money from Tattersall's, and give it to them. He then asked me what was between us? There were only a few pounds between us, and after we had had some conversation on the point he took out of his pocket a 50*l.* Bank of England note. He required 29*l.* out of the note, and I was not able to give it; but he said that if I gave him a check it would answer as well. I gave him a check for 20*l.* and nine sovereigns. When I was going away I do not remember that he said anything about my paying the money to Pratt and Padwick. He said on parting, "When you have settled this account write down word to either me or Cook." I turned round and said, "I shall certainly write to Mr. Cook." I said so because I thought I was settling Mr. Cook's account. He said, "It don't much matter which you write to." I said, "If I address Mr. Cook, Rugeley, Stafford, it will be correct, will it not?" He said, "Yes," After leaving Beaufort-buildings I went to Tattersall's. I then received all the money I expected, except 110*l.* from Mr. Morris, who paid me 90*l.* instead of 200*l.* I sent from Tattersall's a cheque for 450*l.* to Mr. Pratt. I posted a letter to Cook from Tattersall's, and directed it to Rugeley. On Tuesday the 20th, next day, I received a telegraphic message. I have not got it here. I gave it to Captai

Hatton at the coroner's inquest at Rugeley. In consequence of receiving that message I wrote again to Cook that day. I addressed my letter as before, but I believe the letter was not posted till the Wednesday. I have three bills of exchange with me. I know Palmer's handwriting, but never saw him write. I cannot prove his writing; but I knew Cook's writing, and I believe the drawing of two and the accepting of the three bills to be in his writing. I got them from Fisher and gave him cash for them. [The witness Boycott was recalled and identified the signatures on the bills as those of Palmer and Cook.] Examination continued.—The bills are each for 200*l.* One of them was payable in a month, and when it fell due on October 18, Cook paid the 100*l.* on account. He paid me the remaining 100*l.* at Shrewsbury, but I cannot tell with certainty on what day. I did not pay the 350*l.* to Padwick. I hold another bill for 500*l.* [Thomas Strawbridge, manager of the bank at Rugeley, identified the drawing and endorsing as in the handwriting of Palmer. The acceptance, purporting to be in the writing of Mrs. Sarah Palmer, he did not believe to have been written by her.] Examination continued.—I am sure that the endorsement on the 500*l.* bill is in Cook's writing. I got the bill from Mr. Fisher. I paid 200*l.* on account of it to Palmer, and 275*l.* to Mr. Fisher. The balance was discount. It was not paid at maturity. I have taken proceedings against Palmer to recover the amount.

Cross-examined by Mr. Grove.—Several people were ill at Shrewsbury on the second day of the races. They suffered from a kind of diarrhœa. I was one of those so affected. I had my meals at the Raven, where I put up, as also had my companions. They were not ill, but a gentleman who dined with us one day at the inn was. Palmer did not dine with me any day at the Raven. I saw Cook several times on the racecourse. The ground was wet. I remonstrated with him on Thursday for standing on it. That was after he had been taken ill on Wednesday. I was with Palmer for about an hour at Beaufort-buildings.

Frederick Slack, examined by Mr. Huddleston.—I am the porter at Mrs. Hawke's boarding-house at Beaufort-buildings. On the 1st of December I saw Palmer there, and he gave me the direction to put on a hamper containing game. It was "W. W. Ward, Esq., Stoke-upon-Trent, Staffordshire." He told me to buy a turkey, a brace of pheasants, a codfish, and a barrel of oysters; and to buy them wherever I pleased. He said he did not wish the gentleman for whom they were intended to know from whom they came. I saw him write the direction in the coffee-room. I got the hamper and put all the things in it. I sewed it up and took it to the railway. Mrs. Hawkes bought the fowl, and I the other articles.

It being now within five minutes of six o'clock the Court intimated its intention not to proceed further with the case that evening.

Lord Campbell suggested that some facility of breathing fresh air should be afforded to the jury before the sitting of the Court on the following morning. Were it not that he made it a practice to take a walk early in the morning in Kensington-gardens, he should himself find it impossible to endure the fatigue of so arduous a trial. An omnibus, or a couple of them, ought to be engaged for the accommodation of the jury, that they, too, might enjoy similar recreation.

Mr. Baron Alderson.—Why should they not take a walk in the Temple-gardens? There could be no more tranquil spot. (A laugh.)

The Sheriffs intimated that they would attend to the recommendations of the learned judges.

The Court then adjourned at six o'clock until ten o'clock this day, the jury being conducted, as on the previous evening, to the London Coffee-house in charge of the Sheriffs' officers.

No. 5.

FOURTH DAY.

The adjourned trial of William Palmer for the murder of John Parsons Cook was resumed this morning. The court was densely crowded, and there was no abatement of the interest which has from the commencement been excited by these proceedings. Among the distinguished persons present were Earl Grey and Mr. Dallas, the American Minister.

The jury, who, in accordance with the suggestions made by the learned judges on the previous day, had during the morning been conducted to the Middle Temple-gardens by the officer who had them in charge, and allowed to walk there for some time, entered the court about ten o'clock, and almost immediately afterwards the learned judges—Lord Chief Justice Campbell, Mr. Baron Alderson, and Mr. Justice Cresswell, accompanied by the Recorder, the Common Serjeant, the Sheriffs, and Under-Sheriffs, and several members of the Court of Aldermen, took their seats upon the bench. The prisoner was then placed at the bar. There was no change in the expression of his countenance, and during the day he maintained his usual tranquillity of demeanour.

The same counsel were again in attendance:—The Attorney-General, Mr. E. James, Q.C., Mr. Bodkin, Mr. Welsby, and Mr. Huddleston for the Crown; Mr. Serjeant Shee, Mr. Grove, Q.C., Mr. Gray, and Mr. Kenealy for the prisoner.

George Bates, examined by Mr. James.—I was brought up a farmer, but am now out of business. I have known Palmer eight or nine years. In September, October, and November last I looked after his stud, and saw that the boys who had the care of the horses did their duty. I had no fixed salary, but used to receive money occasionally; some weeks I received two sovereigns, and some only one. I lodged in Rugeley. The rent I paid was 6s. 6d. per week. I am a single man. I knew the deceased Cook. I have no doubt that I saw him at Palmer's house in September. I cannot fix the date. I dined with him at Palmer's.

By Lord Campbell.—I sat at table with them.

Examination continued.—After dinner something was said of an insurance of my life. Either Cook or Palmer, which I cannot say, commenced the conversation.

Mr. Serjeant Shee objected to the reception of any evidence with regard to the proposal of the insurance of the witness's life.

The Attorney General said, that his object was to show the position of Cook's affairs at this time.

Lord Campbell, after consultation with the other judges, said, I doubted whether this would be relevant and proper evidence to receive upon this trial, and upon consultation the other judges agree with me that it is too remote.

The examination of the witness with regard to the insurance was therefore not pursued.

Witness.—I remember the death of Cook, and the inquest. I know Mr. William Webb Ward, the coroner. On the morning of the 8th of December, while the inquest was being held, I saw Palmer. He gave me this letter, and told me to go to Stafford and give it to Mr. Ward. (The letter referred to was that addressed to Mr. Ward, which was on the previous day put in and read.) That was between nine and ten o'clock. He also gave me a letter to a man named France, a dealer in game at Stafford. Palmer said that there would be a package of game from France, which I was to direct and send to Mr. Ward. I got a basket of game from France upon the order which the prisoner had given me. I directed it "Webb Ward, coroner (or solicitor), Stafford," and sent it to Mr. Ward. I directed it myself. I gave

a man 3d. to take the game, but I delivered the note to Mr. Ward myself. I found him at the Dolphin Inn, Stafford. He was in the smoking-room. I told him I wanted to speak to him. He called me out into the yard or passage, and there I gave him the note. There were other people in the smoking-room. I had had no directions from the prisoner, as to how I was to deliver the note. When I returned to Rugeley that night I saw the prisoner. I told him that I had delivered the letters which I took to Stafford, and had sent a boy with the game. I remember Thursday, the 13th of December. On that day I was sent for to the prisoner's house early in the morning. About midday I went to Palmer's house. I found him in bed. He said that he wanted me to go to Stafford to take Webb Ward a letter, and to take care that no one saw me give it to him. On the Saturday previously I had taken Palmer some money. On the Thursday Palmer told me to go to Ben and tell him he wanted a *5l.* note. I understood Ben to be Mr. Thirlby, his assistant. Palmer added, "Tell him that I have no small change." I believe he asked me to look in a drawer under the dressing glass, and said, "Tell me the amount of that bill." I looked in the drawer and found there a *50l.* Bank of England bill. I left the bill there. This was before he gave me the letter for Ward. After seeing the bill I went to Thirlby's for the *5l.* I got from Thirlby a *5l.*-note of a local bank, and took it to Palmer. I then went downstairs, leaving Palmer in bed, with the writing materials on the bottom of it. I remained downstairs, in the yard or kitchen, about half an-hour. When I went upstairs Palmer again asked me the amount of the bill which was in the drawer. I just looked at it, and thought it was the same bill I had left there. He then gave me the letter, which was sealed, and I took it to Stafford. I followed Mr. Ward through the room at the railway station, and gave it to him in the road. Mr. Ward did not open or read the letter, but crumpled it up in his hand and put it into his pocket. I believe I told him from whom I had brought it. Having delivered the letter I returned to Rugeley. I saw the prisoner, and told him that I had given Ward the letter. He said nothing.

Cross-examined by Mr. Serjeant Shee.—Palmer had four brood mares, and four yearlings and a three-year-old. I can't tell their value. I heard that one of these horses sold for 800 guineas. I can't say whether the mares were in foal in November, but I suppose some were. Palmer's stables were at the back of his house, and the paddocks which were near them covered about twenty acres of ground, and were fenced with a hawthorn-hedge. I remember a mare called the Duchess of Kent being there. We supposed she slipped her foal, but we could not find it. I am not aware that Gold-finder's dam slipped her foal. I once saw the turf cut up with horses' feet, and attributed it to the mares galloping about. I never saw any dogs "run" them. I have seen a gun at the paddocks. I cannot say whether it belonged to Palmer. I never examined it. I do not know Inspector Field by sight. I have seen a person whom I was told was Field. He came to me at the latter end of September, or beginning of October or November. I cannot say whether he saw Palmer. He was a stranger to me. I do not know that he put up anywhere. (A laugh.) I did not see him more than once. I do not know Field. On Thursday, December 13, I saw Gillott, who is a sheriff's officer, in Palmer's yard.

Re-examined by the Attorney-General.—It was after the hay harvest that I saw the turf in the paddock cut up. I should say that it was in the latter end of September. I cannot say how long it was before Cook's death.

Thomas Blizard Curling, examined by the Attorney-General.—I am a member of the College of Surgeons, and Surgeon to the London Hospital. I have particularly turned my attention to the subject of tetanus, and

have published a work upon that subject. Tetanus means a spasmodic affection of the voluntary muscles. Of true tetanus there are only two descriptions — idiopathic and traumatic. There are other diseases in which we see contractions of the muscles, but we should not call them tetanus. Idiopathic tetanus is apparently self-generated; traumatic proceeds from a wound or sore. Idiopathic tetanus arises from exposure to damp or cold, or from the irritation of worms in the alimentary canal. It is not a disease of frequent occurrence. I have never seen a case of idiopathic tetanus, although I have been surgeon to the London Hospital for twenty-two years. Cases of traumatic tetanus are much more frequent. Speaking quite within compass, I have seen fifty such cases. I believe one hundred would be nearer the mark. The disease first manifests itself by stiffness about the jaws and back of the neck. Rigidity of the muscles of the abdomen afterwards sets in. A dragging pain at the pit of the stomach is an almost constant attendant. In many instances the muscles of the back are extensively affected. These symptoms, though continuous, are liable to aggravations into paroxysms. As the disease goes on, these paroxysms become more frequent and more severe. When they occur the body is drawn backwards; in some instances, though less frequently, it is bent forward. A difficulty in swallowing is a very common symptom, and also a difficulty of breathing during the paroxysms. The disease may, if fatal, end in two ways. The patient may die somewhat suddenly from suffocation, owing to the closure of the opening of the windpipe; or he may be worn out by the severe and painful spasms, the muscles may relax, and the patient gradually sink and die. The disease is generally fatal. The locking of the jaw is an almost constant symptom attending traumatic tetanus—I may say a constant symptom. It is not always strongly marked, but generally so. It is an early symptom. Another symptom is a peculiar expression of the countenance.

By Lord Campbell.—I believe this is not peculiar to traumatic tetanus, but my observation is taken from such cases.

Examination resumed.—There is a contraction of the eyelids, a raising of the angles of the mouth, and contraction of the brow. In traumatic tetanus the lower extremities are sometimes affected, and sometimes, but somewhat rarely, the upper ones. When the muscles of the extremities are affected the time at which that occurs varies. If there is no wound in the arms or legs the extremeties are generally not affected until late in the progress of the disease. I never knew or read of traumatic tetanus being produced by a sore throat or by a chancre. In my opinion a syphilitic sore would not produce tetanus. I know of no instance in which a syphilitic sore has led to tetanus. I think it a very unlikely cause. The time in which traumatic tetanus causes death varies from twenty-four hours to three or four days or longer. The shortest period that ever came to my knowledge was eight to ten hours. The disease, when once commenced, is continuous.

Did you ever know of a case in which a man was attacked one day, had twenty-four hours' respite, and was then attacked the next day?—Never. I should say that such a case could not occur.

You have heard the account given by Mr. Jones of the death of the deceased:—were the symptoms there consistent with any forms of traumatic tetanus that has ever come under your observation?—No.

What distinguishes it from such cases?—The sudden onset of the disease. In all cases that have come under my notice the disease was preceded by the milder symptoms of tetanus, gradually proceeding to the complete development.

Were the symptoms described by the woman Mills as being presented on the Monday night those of tetanus?—No; not of the tetanus of disease.

Assuming tetanus to be synonymous with convulsive or spasmodic action of the muscles, was there in that sense tetanus on the Monday night?—No doubt there was spasmodic action of the muscles.

There was not, in your opinion, either idiopathic or traumatic tetanus?—No.

Why are you of that opinion?—The sudden onset of the spasms and their rapid subsidence are consistent with neither of the two forms of tetanus.

Is there not what is called hysteric tetanus?—Yes. It is rather hysteria combined with spasms, but it is sometimes called hysteric tetanus. I have known no instance of its proving fatal, or of it occurring to a man. Some poisons will produce tetanus. Nux vomica, acting through its poisons strychnia and bruchsia, poisons of a cognate character, produces that effect. I never saw a case of either human or animal life destroyed by strychnine.

Cross-examined by Mr. Serjeant Shee.—Irritation of the spinal cord or of the nerves proceeding to it might produce tetanus.

Do you agree with the opinion of Dr. Webster, in his lectures on the Principles and practice of physic, that in four cases out of five the disease begins with lockjaw?—I do.

Do you agree with Dr. Watson that all the symptoms of tetanic convulsions may arise from causes so slight as these:—the sticking of a fish-bone in the fauces, the air caused by a musket shot, the stroke of a whip-lash under the eye, leaving the skin unbroken, the cutting of a corn, the biting of the finger by a favourite sparrow, the blow of a stick on the neck, the insertion of a seton, the extraction of a tooth, the injection of a hydrocele, and the operation of cutting?—Excepting the percussion of the air from a musket ball I think all these causes may produce the symptoms referred to.

Do you remember reading of a case which occurred at Edinburgh, in which a negro servant lacerated his thumb by the fracture of a china dish, and was instantly, while the guests were at dinner, seized with tetanus?

The Attorney-General, interposing before the witness replied,—I have taken some pains to ascertain what that case is, and where it is got from.

Cross-examination continued.—Could traumatic tetanus occur within so short a time as a quarter of an hour after the reception of an injury?—I know of no well authenticated instance of the kind.

Did you inquire into this case which is mentioned in your own treatise, "A negro having scratched his thumb with a piece of broken china was seized with tetanus, and in a quarter of an hour after this he was dead?"—I referred to authority as far as I could, but I did not find any reference to it except in Cyclopædias. When I wrote that book I was a young man, twenty-two years of age. I have maturer judgment and greater experience now.

You say that no case of idiopathic tetanus has come under your notice.—None.

I dare say you will tell us that such cases are not so likely to come to the hospital as those of a wound ending in traumatic tetanus, because they would be more likely in the first instance to come under the notice of a physician than that of a surgeon?—Certainly.

By Lord Campbell.—I have read of cases of idiopathic tetanus in this country.

Mr. Serjeant Shee.—We shall be able to show that there have been such cases.

Cross-examination continued.—Do you not know that very lately there was in the London Hospital a case in which tetanus came on so rapidly and so unaccountably that it was referred to strychnine, and it was thought necessary to examine the stomach of the patient?—I know that such an opinion was entertained before the history of the case was investigated. I have heard that no strychine was found. In that case old syphilitic sores were discovered.

By Lord Campbell.—I did not see the patient, who was under the care of the house surgeons, who are now in court.

Cross-examination continued.—Might not the irritation of a syphilitic

sore, by wet, cold, drink, mercury, and mental excitement lead to tetanic symptoms? I do not think that that is very likely. The irritation which is likely to produce tetanus is the sore being exposed to friction, to which syphilitic sores in the throat are not exposed. I should class tetanus arising from the irritation of a sore as "traumatic." Cases very rarely occur which it is difficult to class as either "traumatic" or "idiopathic." I should class tetanus arising from irritation of the intestines as "idiopathic." The character of the spasms of epilepsy is not tetanic.

Not of the spasms; but are not the contractions of epilepsy sometimes continuous, so that the body may be twisted into various forms, and remain rigidly in them? Not continuously.

For five or ten minutes together? I think not.

Does it not frequently happen that general convulsions, no cause or trace of which in the form of disease or lesion is to be found in the body after death, occur in the most violent and spastic way so as to exhibit appearances of tetanic convulsions?—No instance of the kind has come under my observation.

Do you agree with this opinion of Dr. Copeland, expressed in his *Dictionary of Practical Medicine*, under the head of "General Convulsions," "The abnormal contraction of the muscles is in some cases of the most violent and spastic nature, and frequently of some continuance, the relaxations being of brief duration or scarcely observable, and in others nearly or altogether approaching to tetanic?" I would rather speak from my own observation. I have not observed anything of the kind.

Does it not happen that a patient dies of convulsions, spastic in the sense of their being tumultuous and alternating, and chronic in the sense of exhibiting continuous rigidity, yet after death no disease is found?—It does not often happen to adults.

Does it sometimes?—I do not know, nor have I read of such a case. I have no hesitation in saying that people may die from tetanus and other diseases without the appearance of morbid symptoms after death.

Are not convulsions, not, strictly speaking, tetanic, constantly preserved by retching, distention of the stomach, flatulence of the stomach and bowels, and other dyspeptic symptoms?—Such cases do not come under my observation as a hospital surgeon. I think it is very probable that general convulsions are accompanied by yelling. I don't know that they frequently terminate fatally, and that the proximate cause of death is spasm of the respiratory muscles, inducing asphyxia.

Re-examined by the Attorney-General.—These convulsions are easily distinguished from tetanus, because in them there is an entire loss of consciousness.

Is it one of the characteristic features of tetanus that the consciousness is not affected?—It is.

Dr. Todd, examined by the Attorney-General.—I am physician at King's College Hospital, and have held that office about twenty-years. I have also lectured on physiology and anatomy, on tetanus, and the diseases of the nervous system, and have published my lectures. I agree with the last witness in his distinction between idiopathic and traumatic tetanus. I have seen two cases of what appeared to me to be idiopathic tetanus, but such cases are rare in this country.

By Lord Campbell.—I define idiopathic tetanus to be that form of the disease which is produced without any external wound, apparently from internal causes—from a constitutional cause.

Examination resumed.—In my opinion the term tetanus ought not to be applied to disease produced by poisons, but I should call the symptoms tetanic in order to distinguish the character of the convulsions. I have observed cases of traumatic tetanus. Except that in all such cases there is

some lesion the symptoms are precisely the same as those of idiopathic tetanus. The disease begins with stiffness about the jaw. The symptoms gradually develope themselves and extend to the muscles of the trunk.

When the disease has begun is there any intermission?—There are remissions, but they are not complete; only diminutions of the severity of the symptoms, not a total subsidence. The patient does not express himself as completely well, quite comfortable. I speak from my own experience.

What is the usual period that elapses between the commencement and the termination of the disease?—The cases may be divided into two classes. Acute cases will terminate in three or four days, chronic cases will go on as long as from nineteen to twenty-two or twenty-three days, and perhaps longer. I do not think that I have known a case in which death occurred within four days. Cases are reported in which it occurred in a shorter period. In tetanus the extremities are affected, but not so much as the trunk. Their affection is a late symptom. The locking of the jaw is an early one. Sometimes the convulsions of epilepsy assume somewhat of a tetanic character, but they are essentially distinct from tetanus. In epilepsy the patient always loses consciousness. Apoplexy never produces tetanic convulsions. Perhaps I may be allowed to say that when there is an effusion of blood upon the brain, and a portion of the brain is involved, the muscles may be thrown into short tetanic convulsions. In such case the consciousness would be destroyed. Having heard described the symptoms attending the death of the deceased, and the post-mortem examination, I am of opinion that in this case there was neither apoplexy nor epilepsy.

The Attorney-General said that, as Dr. Bamford was so unwell that it was doubtful whether he would be able to appear as a witness, he proposed to put in his deposition, in order to found upon it a question to the witness now under examination.

Dr. Todd and Dr. Tweedie deposed that they had seen Dr. Bamford on the previous day, and that he was then suffering from a severe attack of English cholera. He was too unwell to be able to attend and give evidence.

The Court ruled that the depositions taken before the coroner might be read; and they were read accordingly by the Clerk of the Arraigns. They were to the following effect:—

"I attended the late Mr. Cook at the request of Mr. William Palmer. I first saw him about three o'clock on Saturday, the 17th of November, when he was suffering from violent vomiting, the stomach being in that irritable state that it would not contain a teaspoonful of milk. There was perfect moisture of the skin, and he was quite sensible. I prescribed medicine for him, and Mr. Palmer went up to my house and waited until I had made it up, and then took it away. I prescribed a saline medicine, to be taken in an effervescing state. Between seven and eight o'clock in the evening Mr. Palmer again requested me to visit Mr. Cook. The sickness still continued, everything being ejected which he took into his stomach. I gave him two small pills as a slight opiate. Mr. Palmer took the pills from my house. I did not accompany him, nor do I know what became of the pills. On the following morning (Sunday) Mr. Palmer again called, and asked me to accompany him. Mr. Cook's sickness still continued. I remained about ten minutes. Everything he took that morning was ejected from his stomach. Everything he threw up was as clear as water, except some coffee which he had taken. Mr. Palmer had administered some pills before I saw Mr. Cook on Saturday, which had purged him several times. Between six and seven o'clock in the evening I again visited the deceased, accompanied by Mr. Palmer. The sickness still continued. I went on Monday morning, between eight and nine o'clock, and changed his medicine. I sent him a draught which relieved him from the sickness, and gave him ease. I did not see him again until Tuesday night, when Mr. Palmer called for me

I examined Mr. Cook in the presence of Mr. Jones and Mr. Palmer, and I observed a change in him. He was irritable and troubled in his mind. His pulse was firm, but tremulous, and between eighty and ninety. He threw himself down on the bed and turned his face away. He said he would have no more pills nor take any more medicine. After they had left the room Mr. Palmer asked me to make two more pills similar to those on the previous night, which I did, and he then asked me to write the directions on a slip of paper; and I gave the pills to Mr. Palmer. The effervescing mixture contained twenty grains of carbonate of potash, two drachms of compound tincture of cardamine, and two drachms of simple syrup, together with fifteen grains of tartaric acid for each powder. I never gave Mr. Cook a grain of antimony. I did not see the preparations after they were taken away by Mr. Palmer. Mr. Cook did not say he had taken the pills which he had prepared, but he expressed a wish on the Sunday and Monday nights to have the pills. His skin was moist, and there was not the least fever about him. When I saw the deceased on Monday he did not say that he had been ill on the Sunday night, but Mr. Palmer told me he had been ill. I considered death to have been the result of congestion of the brain when the post-mortem examination was made, and I do not see any reason to alter that opinion. I have attended other patients for Mr. Palmer. I attended Mrs. Palmer some days before her decease; also two children, and a gentleman from London, who was on a visit at Mr. Palmer's house, and who did not live many hours after I was called in. The whole of those patients died. Mr. Palmer first made an application to me for a certificate of Mr. Cook's death on the following Sunday morning, when I objected, saying, "He is your patient." I cannot remember his reply; but he wished me to fill up the certificate, and I did so. We had no conversation at that time as to the cause of death—nothing more than the opinion I have expressed. Mr. Palmer said he was of the same opinion as myself with respect to the death of the deceased. I never knew apoplexy produce rigidity of the limbs. Drowsiness is a prelude to apoplexy. I attributed the sickness on the first two days to a disordered stomach. Mr. Cook never sent for me himself.

The examination of Dr. Todd by the Attorney-General was then proceeded with as follows:—Having heard the deposition of Dr. Bamford read, I do not believe that the deceased died from apoplexy or from epilepsy. I never knew tetanus arise either from syphilitic sores or from sore throat. There are poisons which will produce tetanic convulsions. The principal of these poisons are nux vomica and those which contain as their active ingredients strychnine and brucchia. I have never seen human life destroyed by strychnine, but I have seen animals destroyed by it frequently. The poison is usually given in a largish dose in those cases, so as to put an end to the sufferings and destroy life as soon as possible. I should not like to give a human subject a quarter of a grain. I think that it is not unlikely that half a grain might destroy life; and I believe that a grain certainly would. I think that half a grain would kill a cat. The symptoms which would ensue upon the administration of strychnine when given in solution—and I believe that poisons of that nature act more rapidly in a state of solution than in any other form—would develope themselves in ten minutes after it was taken, if the dose was a large one; if not so large, they might be half an hour or an hour before they appeared. Those symptoms would be tetanic convulsions of the muscles—more especially those of the spine and neck; the head and back would be bent back, and the trunk would be bowed in a marked manner; the extremities also would be stiffened and jerked out. The stiffness, once set in, would never entirely disappear; but fresh paroxysms would set in, and the jerking rigidity would reaapper, and death would probably ensue in a quarter of an hour or so. The difference between tetanus produced by strychnine and other tetanus is very marked. In the former case

the duration of the symptoms is very short, and, instead of being continuous in their development, they will subside if the dose has not been strong enough to produce death, and will be renewed in fresh paroxysms; whereas in other descriptions of tetanus the symptoms commence in a mild form, and become stronger and more violent as the disease progresses. The difficulty experienced in breathing is common alike to tetanus properly so called, and to tetanic convulsions occasioned by strychnine, arising from the pressure upon the respiratory muscles. I think it is remarkable that the deceased was able to swallow, and that there was no fixing of the jaw, which would have been the case with tetanus proper, resulting either from a wound or from disease. From all the evidence I have heard, I think that the symptoms which presented themselves in the case of Mr. Cook arose from tetanus produced by strychnine.

Cross-examined by Mr. Grove, Q.C.—There are cases sloping into each other, as it were, of every grade and degree, from mild convulsions to violent tetanic spasms. I have published some lectures upon diseases of the brain, and I adhere to the opinion there expressed that the state of a person suffering from tetanus is identical with that which strychnine is capable of producing. In a pathological point of view, an examination of the spinal cord shortly after death, in investigating supposed deaths from strychnine, is important. The signs of decomposition, however, could be easily distinguished from the evidences of disease which existed previously to death; but it would be difficult to distinguish in such a case whether mere softening resulted from decomposition or from pre-existing disease. There is nothing in the post-mortem examination which leads me to think that deceased died from tetanus proper. I think that granules upon the spinal cord, such as I have heard described, would not be likely to cause tetanus. I have not heard of cases treated by Mr. Travers. In animals to which strychnine has been administered I cannot say that I have observed what you call an intolerance of touch; but by touching them the spasms are apt to be excited. That sensibility to touch continues as long as the operation of the poison continues. I have examined the interior of animals that have been killed by strychnine; but I have not observed in such cases that the right side of the heart was usually full of blood. It is some years since I made such an examination; but I am able, nevertheless, to speak positively as to the state of the heart. It was usually empty on both sides. I do not agree with Dr. Taylor, or other authorities, in the opinion that in cases of tetanus animals died asphyxiated. If they did, we should invariably have the right side of the heart full of blood, which is not the case. I think that the term asphyxiated, or suffocated, is often very loosely used. I know from my reading that morphia sometimes produces convulsions; but I believe that they would be of an epileptic character. I think that the symptoms from morphia would be longer deferred in making their appearance than from strychnine; but I cannot speak positively on the point. Morphia, like strychnine, is a vegetable poison. I have not observed in animals the jaw fixed after the administration of strychnine.

Re-examined by the Attorney-General.—Whatever may be the true theory as to the emptiness of the heart after strychnine, I should say that the heart is more ordinarily empty than filled after tetanus. I think that the heart would be more contracted after strychnine than in ordinary tetanus. I do not believe that a medical practitioner would have any difficulty in distinguishing between ordinary convulsions and tetanic convulsions. I have heard the evidence of the gentlemen who made the post-mortem examination, and I apprehend that there was nothing to prevent the discovery of disease in the spinal cord had any existed previously to death.

Sir Benjamin Brodie, examined by Mr. James, Q.C.—I have been for many years senior surgeon to St. George's Hospital, and have had consider-

able experience as a surgeon. In the course of my practice I have had under my care many cases of death from tetanus. Death from idiopathic tetanus is, according to my experience, very rare in this country. The ordinary tetanus in this country is traumatic tetanus. I have heard the symptoms which accompanied the death of Mr. Cook, and I am of opinion that so far as there was a general contraction of the muscles they resembled those of traumatic tetanus; but, as to the course those symptoms took, they were entirely different. I have attended to the detailed description of the attack suffered by Mr. Cook on the Monday night, its ceasing on Tuesday, and its renewal on the Tuesday night. The symptoms of traumatic tetanus always begin, so far as I have seen, very gradually, the stiffness of the lower jaw being, I believe, invariably, the symptom first complained of—at least, so it has been in my experience. The contraction of the muscles of the back is always a later symptom—generally much later. The muscles of the extremities are affected in a much less degree than those of the neck and trunk, except in some cases where the injury has been in a limb, and an early symptom has been spasmodic contraction of the muscles of that limb. I do not myself recollect a case of ordinary tetanus in which occurred that contraction in the muscles of the hand which I understand was stated to have taken place in this instance. Again, ordinary tetanus rarely runs its course in less than two or three days, and often is protracted to a much longer period. I knew one case only in which the disease was said to have terminated in so short a time as twelve hours; but probably in that case the early symptoms had been overlooked. Again, I never knew the symptoms of ordinary tetanus to last for a few minutes, then subside, and then come on again after twenty-four hours. I think that these are the principal points of difference which I perceived between the symptoms of ordinary tetanus and those which I have heard described in this case. I have not witnessed tetanic convulsions from strychnine on animal life. I do not believe that death in the case of Mr. Cook arose from what we ordinarily call tetanus—either idiopathic or traumatic. I never knew tetanus result from sore throat, or from a chancre, or from any other form of syphilitic disease. The symptoms were not the result either of apoplexy or of epilepsy. Perhaps I had better say at once that I never saw a case in which the symptoms that I have heard described here rose from any disease. (Sensation.) When I say that, of course I refer not to particular symptoms, but to the general course which the symptoms took.

Cross-examined by Mr. Serjeant Shee.—I believe I remember one case in the physician's ward of St. George's Hospital, which was shown to me as a case of idiopathic tetanus, but I doubted whether it was tetanus at all. It was a slight case, and I do not remember the particulars.

Considering how rare cases of tetanus are, do you think that the description given by a chambermaid and a provincial medical man, who had never seen but one case, is sufficient to enable you to form an opinion as to the nature of the case?—I must say I thought that the description was very clearly given.

Supposing that they differed in their description, which would you rely upon—the medical man or the chambermaid?

Baron Alderson.—That is hardly a question to put to a medical witness, although it may be a very proper observation for you to make.

Cross-examination continued.—I never knew syphilitic poison produce tetanic convulsions, except in cases where there was disease of the bones of the head.

(Sir Benjamin Brodie gave his evidence with great clearness—slowly, audibly, and distinctly—matters in which other medical witnesses would do well to emulate so distinguished an example.)

Dr. Daniell, examined by the Attorney-General.—I was for many years

Surgeon to the British Hospital, but have been out of practice for some time. In the course of a long practice I thould think that I have seen at least thirty cases of tetanus. Two of those were certainly cases of idiopathic tetanus; one of them terminated fatally, the other did not. I quite agree with the other medical witnesses that idiopathic tetanus is of a very rare occurrence in this country. The only difference in the symptoms between idiopathic and traumatic tetanus that I perceived was, that the former were more modified—not so severe—in their character. I was not able to trace these two cases of idiopathic tetanus to any particular cause. I have heard the description given of the symptoms which accompanied the attack upon Mr. Cook before his death, and it appears to me that the circumstances of that attack are assuredly distinguishable from those which came under my experience in dealing with cases of tetanus. The evidence of Sir B. Brodie quite expresses my opinion with respect to the difference of the symptoms between ordinary tetanus and tetanic convulsions produced by strychnine. Tetanus begins with uneasiness in the lower jaw, followed by spasms of the muscles of the trunk, and most frequently extending to the muscles of the limbs. Lock-jaw is almost invariably a symptom of those cases of tetanus—of traumatic tetanus especially. I do not recollect that clinching of the hands is a usual symptom of ordinary tetanus, nor do I remember any twisting of the foot. I do not believe that any of the cases which came under my experience endured for a shorter time than from thirty to forty hours. I never knew a case of syphilitic sore producing tetanus. The symptoms as they have been described certainly cannot be referable to apoplexy or epilepsy. I never heard of such a thing. In all the cases of tetanus which came under my observation consciousness has been retained to the last, throughout the whole disease. The symptoms have never set in in their full power from the commencement, but have invariably commenced in a milder form and have then gone on increasing, being continuous in their character and without intermission. In my judgment the symptoms in the case of Mr. Cook could not be referred either to idiopathic or traumatic tetanus.

Cross-examined by Mr. Grove, Q.C.—I have not read Dr. Curling's or Dr. Copeland's books on the subject of tetanus; nor have I of late studied much the reported cases. I am not aware that excitement or irritation from vomiting has ever been given as the cause of tetanus. The main symptoms of tetanus are, in my opinion, always very similar, although the inferior symptoms may vary simply. I cannot undertake to say that the convulsions of tetanus arise from the spine. I do not like the term "asphyxia," but I think that death from tetanic convulsions may probably arise from suffocation. It is many years since I saw a post-mortem upon a case of tetanus. I cannot say whether in the case of death from suffocation the heart would be full of blood or the reverse. An examination of the spinal cord or marrow never, so far as I know, afforded evidence of the cause to which the tetanus was to be attributed.

Mr. Samuel Solly, surgeon of St. Thomas's Hospital, examined by Mr. Welsby.—I have been connected with St. Thomas's Hospital as lecturer and surgeon for twenty-eight years, and during that time I have seen many cases of tetanus. I have had six or seven under my own care, and I may have seen ten or fifteen more. Of those cases it was doubtful in one whether the disease was idiopathic or traumatic—the wound was so slight and the symptoms so obscure that it was difficult to decide which it was. The others were all decidedly traumatic cases. The shortest period that I recollect during which the disease lasted before it terminated in death was 30 hours. The disease was always progressive in its character. I have heard the description given by the witnesses of Mr. Cook's attacks, and they differ essentially from those cases which I have seen. In my experience of tetanus there has always been a marked expression of countenance as the first symptom.

It is a sort of grin, and is so peculiar that having once seen it you can never mistake it. In the symptoms that I heard detailed with regard to Mr. Cook there were violent convulsions on Monday night, and on the Tuesday the individual was entirely free from any discomfort about the face or jaw; whereas in the cases under my notice the disease was always continuous, and the fixedness of the jaw was the last symptom to disappear. In my judgment the symptoms detailed in Mr. Cook's case are referable neither to apoplexy, epilepsy, nor to any disease that I have ever witnessed.

Cross-examined by Mr. Serjeant Shee.—The sort of grin which I have described is known as *risus sardonicus*. It is not common to all convulsions. Epilepsy is a disease of a convulsive character. I heard the account given by Mr. Jones of the last few minutes of Mr. Cook's death—that he uttered a piercing shriek, and died after five or six minutes quietly. That last shriek and the paroxysm which accompanied it bear in some respects a resemblance to epilepsy. All convulsions which may be designated as of an epileptic character are not attended with an utter want of consciousness. Death from tetanus accompanied with convulsions seldom leaves any trace behind it; but death from convulsions arising from epilepsy does leave its trace in the shape of a slight effusion of blood on the brain, and a congestion of the vessels.

Re-examined by the Attorney-General.—The convulsions of epilepsy are accompanied by a variety of symptoms. When a patient dies of epilepsy he dies perfectly unconscious of comatose. I never saw any case of convulsive disease at all like this. There are cases of convulsive disease which are similar to tetanus in their onset, but not in their progress. For example, laceration of the brain, a sudden injury to the spinal cord, and the irritation from teething in infants will produce convulsions resulting in death; but there would be wanting the marked expression of the face which I have described, and which I have never missed in cases of tetanus.

Mr. Henry Lee, surgeon to King's College, and to the Lock Hospital, examined by Mr. Bodkin.—The Lock Hospital is exclusively devoted to cases of a syphilitic character, and at present I see probably as many as three thousand of those cases in the course of a year. I have never known an instance of that disease terminating in tetanus.

By the Court.—I have never seen or read of a case either of primary or secondary symptoms resulting in tetanus.

This witness was not cross-examined.

Dr. Henry Corbett, physician, of Glasgow, examined by Mr. James, Q.C.—In September, 1845, I was medical clerk at the Glasgow Infirmary, and remember a patient, named Agnes Sennett, *alias* Agnes French, who died there on the 27th of September, 1845. It was stated that she had taken strychnine pills which had been prepared for another patient in the ward, and the symptoms which accompanied her death were those of strychnine. The pills were for a paralytic patient. I saw her when she was under the influence of the poison, and I had seen her the day before that perfectly well. She had been admitted for a skin disease of the head. When I saw her after she had taken the poison she was in bed. The symptoms were these:—There was a strong retraction of the mouth; the face was much suffused and red; the pupils of the eye were dilated; the head was bent back; the spine was curved; and the muscles were rigid and hard like a board; the arms were stretched out; the hands were clinched; and there were severe paroxysms recurring every few seconds. She died in about an hour and a-quarter after taking the pills. When I was called first the paroxysms did not last so long; but they increased in severity. According to the prescription there should have been a quarter of a grain of strychnine in each pill, and this woman had taken three. The paralytic patient was to have taken a pill each night, or one each night and morning, I forget which.

Cross-examined by Mr. Serjeant Shee.—The retraction of the mouth was continuous, but it was worse at times. I do not think that I observed it after death. The hands were not clinched after death—they were "semi-bent." She died an hour and a-quarter after taking the medicine. The symptoms appeared about twenty minutes after. I tried to make her vomit with a feather, but failed. She only vomited partially after I had given her an emetic.

Re-examined by the Attorney-General.—There was spasmodic action and grinding of the teeth. She could open her mouth and swallow. There was no lock-jaw or ordinary tetanus.

By Mr. Serjeant Shee.—I do not recollect that touching her sent her into paroxysms.

Dr. Watson, examined by the Attorney-General.—I am a surgeon at the Glasgow Infirmary. I remember the case of Agnes Sennett. I was called in about a quarter of an hour after she was taken ill. She was in violent convulsions, and her arms were stretched out and rigid. The muscles of the body were also rigid; they were kept quiet by rigidity. She did not breathe, the muscles being kept still by tetanic rigidity. That paroxysm subsided, and fresh paroxysms came on after a short interval. She died in about half an hour. She seemed perfectly conscious. I don't recollect the state of her hands. Her body was opened. The heart was found distended and stiff. The cavities of the heart were empty. My father published an account of the case.

Cross-examined by Mr. Grove. The spinal cord was quite healthy.

Dr. J. Patterson, examined by Mr. Welsby.—In 1845 I was engaged in the laboratory of the Infirmary at Glasgow. I dispensed the prescriptions. I made up a prescription for a paralytic patient named M'Intyre. It consisted of pills which contained strychnine. There were four pills and one grain of strychnine in the four.

Mr. Baron Alderson.—Was any noise made about their being taken by a wrong person?—Yes.

Mary Kelly, examined by Mr. Bodkin.—In September, 1845, I was a patient in the Glasgow Infirmary; a paralytic patient was in the same ward and I attended to her. There was also a patient named French or Sennett who was suffering from a sore head. She died. I was turning a wheel near the paralytic patient on the afternoon of the day Sennett died, for the purpose of applying something to her skin. There were some pills which she was to take near her. The paralytic woman took one and swallowed it, according to the orders that had been given, and then handed the box to the girl with the sore head. The girl swallowed two of the pills, and then went and sat by the ward fire. She was taken ill in about three-quarters of an hour. She fell back on the floor, and I went for the nurse. We took her to bed and sent for the doctor. We were obliged to cut her clothes off because she never moved. She was like a poker. I was by her side when she died. She never spoke after she fell down.

Cross-examined by Mr. Serjeant Shee.—It was three quarters of an hour from the time she took the pills till she was taken to the bed.

Caroline Hickson examined by Mr. E. James.—In October, 1848, I was nurse and lady's-maid in the family of Mr. Sarjantson Smyth. The family were then residing about two miles from Romsey. On the 30th of October Mrs. Smyth was unwell. We dealt with Mr. Jones, a druggist in Romsey. A prescription had been sent to him to be made up for Mrs. Smyth. The medicine was brought back about six in the afternoon. It was a mixture in a bottle. My mistress took about half a wine glass of it the following morning at five or ten minutes past seven. I left the room when I had given it her. Five or ten minutes afterwards I was alarmed by the ringing of her bell. I went into her room, and found her out of bed leaning upon

a chair in her night-dress. I thought she had fainted. She appeared to suffer from what I thought were spasms. I ran and sent the coachman for Mr. Taylor the surgeon, and returned to her. Some of the other servants were there assisting her. She was lying on the floor. She screamed loudly, and her teeth were clinched. She asked to have her arms and legs held straight. I took hold of her arms and legs, which were very much drawn up. She still screamed, and was in great agony. She requested that water should be thrown over her, and I threw some. Her feet were turned inwards. I put a bottle of hot water to her feet, but that did not relax them. Shortly before she died she said she felt easier. The last words she uttered were—"Turn me over." We did turn her over on the floor. She died a very few minutes after she had spoken those words. She died very quietly. She was quite conscious, and knew me during the whole time. About an hour and a quarter elapsed from the time I gave her the medicine till she died.

Cross-examined by Mr. Grove.—She could not sit up from the time I went up to her till she died. It was when she was in a paroxysm that I endeavoured to straighten her limbs. The effect of cold water was to throw her into a paroxysm. It was a continually recurring attack, lasting about an hour or an hour and a quarter. Her teeth were clinched during the whole time.

Re-examined by the Attorney-General.—The fit came on five or ten minutes after I gave her the medicine. She was stiff all the time till within a few minutes after her death. She was conscious all the while.

Mr. Francis Taylor, examined by Mr. Mr. Welsby.—I am a surgeon and apothecary at Romsey. I attended Mrs. Sarjantson Smyth in 1848. I was summoned to her house one morning soon after eight, and when I arrived I found her dead. The body was on the floor, near the bed. The hands were very much bent. The feet were contracted and turned inwards. The soles of the feet were hollowed up and the toes contracted, apparently from recent spasmodic action. The inner edge of each foot was turned up. There was a remarkable rigidity about the limbs.

By Lord Campbell.—The body was warm.

Examination continued.—The eyelids were almost adherent to the eyeballs. The druggist who made up the prescription was named Jones. I made a post-mortem examination three days after the death. The contraction of the feet continued, but it had gone off somewhat from the rest of the body. I found no trace of disease in the body. The heart was contracted and perfectly empty, as were all the large arteries leading from it. I analysed the medicine she had taken with another medical man. It contained a large quantity of strychnine. It originally contained nine grains, and she had taken one-third—three grains. I made a very casual examination of the stomach and bowels, as we had plenty of proof that poison had been taken without making use of tests.

Cross-examined by Mr. Serjeant Shee.—In cases of death from ordinary causes the body is much distorted. It does not generally, I should think, remain in the same position after death.

If the body is not laid out immediately, is it not stiffened by the rigor mortis?—Probably it is. The ankles were tied by a bandage to keep them together. I commenced to open the body at the thorax and abdomen. The head was also opened.

Charles Blocksome, examined by Mr. Huddleston.—I was apprentice to Mr. Jones, the chymist, at Romsey, in 1848. My master made a mistake in preparing a prescription for Mrs. Smyth. The mistake was the substitution of strychnine for salacite (bark of willow). He destroyed himself afterwards.

Jane Witham examined by Mr. E. James.—In March last I was in attendance upon a lady who died. (The learned counsel told the witness that she

had better not mention the lady's name.) She took some medicine. After she took it she became ill. She complained first of her back. Her head was thrown back, her body stretched out, and I observed twitchings. Her eyes were drawn aside and staring. I put my hands upon her limbs, which did not at all relax. She first complained of being ill in that way on Monday, the 25th of February, and died on Saturday, the 1st of March. She had attacks on the Monday, on the Wednesday, on the Thursday, on the Friday (a very slight one), and at a-quarter past eight on the Saturday morning. She died about twenty minutes to eleven that night. Between the attacks she was composed. She principally complained of prickings in the legs and twitchings in the muscles and in the hands, which she said she could compare to nothing else than a galvanic shock. She wished her husband to rub her legs and arms. She was dead when Dr. Morley came.

Cross-examined by Mr. Serjeant Shee.—On the Saturday night she could not bear to have her legs touched when the spasms were strong upon her. Her limbs were rigidly extended when she asked to be rubbed. That was in the intervals between the spasms. Touching her then brought on the spasms. Her body was stiff immediately after death, but I did not stay long in the house. On the Saturday she was sensible from half-an-hour to an hour, from a quarter past eight till after nine. I suppose she was insensible the remainder of the time. She did not speak.

Re-examined by Mr. E. James.—On the Saturday before she died the symptoms were the same as on the other days—not more violent.

Mr. Morley, examined by Mr. Welsby.—I am a surgeon. I attended on the lady to whom the last witness has alluded for about two months before her death. On the Monday before she died she was in her bed apparently comfortable, when I observed (as I stood by her side) several slight convulsive twitchings of her arms. I supposed they arose from hysteria, and ordered medicine in consequence. The same symptoms were repeated on the following Wednesday or Thursday. I saw her on Saturday, the day she died. She was apparently better, and quite composed in the middle of the day. She complained of an attack she had had in the night. She spoke of pain and spasms in the back and neck, and of shocks. I and another medical man were sent for hastily on the Saturday night. We were met by the announcement that the lady was dead. On the Monday I accompanied another medical gentleman to the post-mortem examination. We found no disease in any part of the body which would account for death. There was no emaciation, wound, or sore. There was a peculiar expression of anxiety about the countenance. The hands were bent and the fingers curved. The feet were strongly arched. We carefully examined the stomach and its contents to see if we could find poison. We applied several tests—nitric acid, chloride of sulphuric acid, bi-chloride of potash in a liquid and also in a solid state. They are the best tests to detect the presence of strychnine. In each case we found appearances characteristic of strychnine. We administered the strychnine taken from the stomach to animals by inoculation. We gave it to a few mice, a few rabbits, and a guinea pig, having first separated it by chemical analysis. We observed in each of the animals more or less of the effects produced by strychnine—namely, general uneasiness, difficult breathing, convulsions of a tetanic kind, muscular rigidity, arching backwards of the head and neck, violent stretching out of the legs. These symptoms appeared in some of the animals in four or five minutes, in others in less than an hour. The guinea pig suffered but slightly at first, and was left, and found dead the next day. The symptoms were strongly marked in the rabbits. After death there was an interval of flaccidity, after which rigidity commenced, more than if it had been occasioned by the usual *rigor mortis*. I afterwards made numerous experiments on animals with exactly similar results, the poison being administered in a fluid form.

Cross-examined by Mr. Grove.—I did not see the patient during a severe attack. I have observed in animals that spasms are brought on by touch. That is a very marked symptom. The spasm is like a galvanic shock. The patient was not at all insensible during the time I saw her, and she was able to swallow, but I did not see her during a severe attack. After death we found the lungs very much congested. There was a small quantity of bloody serum in the pericardium. The muscles of the whole body were dark and soft. There was a decided quantity of effusion in the brain. There was also a quantity of serum tinged with blood in the membranes of the spinal cord. The membranes of the spinal marrow were congested to a considerable extent. We opened the head first, and there was a good deal of blood flowing out. Part of the blood may have flowed from the heart. That might partially empty the heart, and would make it uncertain whether the heart was full or empty at the time of death. I have often examined the hearts of animals poisoned by strychnine. The right side of the heart is generally full. In some cases I think that the symptoms did not appear for an hour after the administration of the poison. I have made the experiments in conjunction with Mr. Nunneley. We have made experiments upon frogs, but they are different in many respects from warm-blooded animals. I have in almost all cases found the strychnine where it was known to have been administered. In one case it was doubtful. We were sure the strychnine had been administered in that case, but we doubted whether it had reached the stomach. There were appearances which might lead one to infer the presence of strychnine, but they were not satisfactory. I have detected strychnine in the stomach nearly two months after death, when decomposition has proceeded to a considerable extent.

Re-examined by the Attorney-General.—From half a grain to a grain has been administered to cats, rabbits, and dogs. From one to two grains is quite sufficient to kill a dog.

How does the strychnine act? Is it taken up by the absorbents and carried into the system?—I think it acts upon the nerves, but a part may be taken into the blood and act through the blood. We generally examine the stomach of the animals when the poison had been administered internally. Sometimes we examined the skin. The poison found in the stomach would be in excess of that absorbed into the system.

Are you then of opinion that, a portion of the poison being taken into the system and a portion being left in the stomach, the portion taken into the system would produce tetanic symptoms and death?

Mr. Sergeant Shee objected to a question which suggested a theory.

The Attorney-General.—What would be the operation of that portion of the poison which is taken into the system?—It would destroy life.

Mr. Baron Alderson.—And yet leave an excess in the stomach?—That is my opinion.

The Attorney-General.—Would the excess remaining in the stomach produce no effect?—I am not sure that strychnine could lie in the stomach without acting prejudicially.

Suppose that a minimum quantity is administered, which, being absorbed into the system, destroys life, should you expect to find any in the stomach?—I should expect sometimes to fail in discovering it.

If death resulted from a series of minimum doses spread over several days, would the appearance of the body be different from that of one whose death had been caused by one dose?—I should connect the appearance of the body with the final struggle of the last day.

Would you expect a different set of phenomena in cases where death had taken place after a brief struggle, and in cases where the struggle had been protracted?—Certainly. At the post-mortem examination of which I have spoken we found fluid blood in the veins.

Mr. Serjeant Shee.—Is it your theory that in the action of poisoning the poison becomes absorbed and ceases to exist as poison?—I have thought much upon that question, and have not formed a decided opinion, but I am inclined to think that it is so. A part may be absorbed and a part remain in the stomach unchanged.

Mr. Serjeant Shee.—What chymical reason can you give for your opinion that strychnine after having effected the operation of poisoning, ceases to be strychnine in the blood?—My opinion rests upon the general principle that, in acting upon living bodies, organic substances—such as food and medicine—are generally changed in their composition.

Mr. Serjeant Shee.—What are the component parts of strychnine?

Mr. Baron Alderson.—You will find that in any cyclopædia, brother Shee.

Mr. Serjeant Shee.—Have you any reason to believe that strychnine can be decomposed by any sort of putrefying or fermenting process?

Witness.—I doubt whether it can.

Mr. Edward D. Moore examined by Mr. Huddleston.—About fifteen years ago I was in practice as a surgeon, and I attended, with Dr. Chambers, a gentleman named Clutterbuck, who was suffering from paralysis. We had been giving him small doses of strychnine when he went to Brighton. On his return he told us that he had been taking larger doses of strychnine, and we, in consequence, gave hima stronger dose. I made up three draughts, containing a quarter of a grain each. He took one in my presence. I remained with him a little time, and left him as he said he felt quite comfortable. About three-quarters of an hour afterwards I was summoned to him. I found him stiffened in every limb, and the head drawn back. He was desirous that we should move and turn him and rub him. We tried to give him ammonia in a spoon, and he snapped at the spoon. He was suffering, I should say, more than three hours. Sedatives were given him. He survived the attack. He was conscious all the time.

Cross-examined by Mr. Serjeant Shee.—The spasms ceased in about three hours, but the rigidity of the muscles remained till the next day. His hands and feet at first were drawn back, and he was much easier when we clinched them forwards. His paralysis was better after the attack.

Re-examined by the Attorney-General.—Strychnine stimulates the nerves, which act upon the voluntary muscles, and, therefore, acts beneficially in cases of paralysis.

The Attorney-General intimated that the next witness to be called was Dr. Taylor, and, as it was a quarter after five, the trial was adjourned until Monday (this day) at ten o'clock.

Lord Campbell, before the jury left the box, exhorted them not to form any opinion upon the case until they had heard both sides. They should even abstain from conversing about it among themselves.

Mr. Serjeant Shee said that medical witnesses would be called for the defence.

His Lordship also expressed a hope that, if the jury were taken out upon the following day (Sunday), they would not be allowed to go to any place of public resort, and mentioned an instance in which a jury, under similar circumstances, had been conducted to Epping Forest.

The Court then rose, and the jury were conveyed to the London Coffee-house.

FIFTH DAY.

The court was again crowded long before the commencement of the proceedings this morning. The Earl of Denbigh and Lord Lyttelton were among the gentlemen who occupied seats upon the bench.

The jury came into court shortly before ten o'clock, and were soon followed by Lord Campbell and Mr. Justice Cresswell, accompanied by the Recorder, the Sheriffs and Under-Sheriffs, &c. Mr. Baron Alderson did not take his seat until about two o'clock.

The prisoner was immediately placed at the bar. There was no alteration perceptible in his countenance or demeanour, and he took notes of several parts of Dr. Taylor's evidence.

The Attorney-General, Mr. E. James, Q.C., Mr. Welsby, Mr. Bodkin, and Mr. Huddleston appeared for the Crown; Mr. Serjeant Shee, Mr. Grove, Q.C., Mr. Gray, and Mr. Kenealy for the prisoner.

Dr. Alfred Swaine Taylor, examined by the Attorney-General.—I am a fellow of the College of Physicians, lecturer on medical jurisprudence at Guy's Hospital, and the author of the well-known treatise on poisons and on medical jurisprudence. I have made the poison called strychnia the subject of my attention. It is the produce of the nux vomica, which also contains brucchia, a poison of an analogous character. Brucchia is variously estimated at from one-sixth to one-twelfth the strength of strychnia. Most varieties of impure strychnia that are sold contain more or less brucchia. Unless, therefore, you are certain as to the purity of the article you may be misled as to its strength. I have performed a variety of experiments with strychnia on animal life. I have never witnessed its action on a human subject. I have tried its effects upon animal life—upon rabbits—in 10 or 12 instances. The symptoms are, on the whole, very uniform. The quantity I have given has varied from half a grain to two grains. Half a grain is sufficient to destroy a rabbit. I have given it both in a solid and liquid state. When given in a fluid state it produces its effects in a very few minutes; when in a solid state, as a sort of pill or bolus, in about six to eleven minutes. The time varies according to the strength of the dose, and also to the strength of the animal.

In what way does it operate, in your opinion?—It is first absorbed into the blood, then circulated through the body, and especially acts on the spinal cord, from which proceed the nerves acting on the voluntary muscles.

Supposing the poison has been absorbed, what time would you give for the circulating process?—The circulation of the blood through the whole system is considered to take place about once in four minutes. The circulation in animals is quicker. The absorption of the poison by rabbits is therefore quicker. The time would also depend on the state of the stomach,—whether it contained much food or not, whether the poison came into immediate contact with the inner surface of the stomach.

In your opinion, does the poison act immediately on the nervous system, or must it first be absorbed?—It must first be absorbed.

The symptoms, you say, are uniform. Will you describe them.—The animal for about five or six minutes does not appear to suffer, but moves about gently; when the poison begins to act it suddenly falls on its side; there is a trembling, a quivering motion of the whole of the muscles of the body, arising from the poison producing violent and involuntary contraction. There is then a sudden paroxysm or fit, the fore legs and the hind legs are stretched out, the head and the tail are drawn back in the form of a bow, the jaws are spasmodically closed, the eyes are prominent; after a short time there is a slight remission of the symptoms, and the animal appears to lie quiet, but the slightest noise or touch reproduces another convulsive

paroxysm; sometimes there is a scream, or a sort of shriek, as if the animal suffered from pain; the heart beats violently during the fit, and after a succession of these fits the animal dies quietly. Sometimes, however, the animal dies during a spasm, and I only know that death has occurred from holding my hand over the heart. The appearances after death differ. In some instances the rigidity continues. In one case the muscles were so strongly contracted for a week afterwards, that it was possible to hold the body by its hind legs stretched out horizontally. In an animal killed the other day the body was flaccid at the time of death, but became rigid about five minutes afterwards. I have opened the bodies of animals thus destroyed.

Could you detect any injury in the stomach?— No. I have found in some cases congestion of the membranes of the spinal cord to a greater extent than would be accounted for by the gravitation of the blood. In other cases I have found no departure from the ordinary state of the spinal cord and the brain. I ascribe congestion to the succession of fits before death. In a majority of instances, three out of five, I found no change in the abnormal condition of the spine. In all cases the heart has been congested, especially the right side. I saw a case of ordinary tetanus in the human subject years ago, but I have not had much experience of such cases. I saw one case last Thursday week at St. Bartholomew's Hospital. The patient recovered.

You have heard the description given by the witnesses of the symptoms and appearances which accompanied Cook's attacks?—I have.

Were those symptoms and appearances the same as those you have observed in the animals to which you administered strychnine?—They were. Death has taken place in the animals more rapidly when the poison has been administered in a fluid than in a solid form. They have died at various periods after the administration of the poison. The experiments I have performed lately have been entirely in reference to solid strychnine. In the first case the symptoms began in seven minutes, and the animal died (including those seven) in thirteen minutes. In the second case the symptoms appeared in nine minutes, and the animal died in seventeen. In the third case the symptoms appeared in ten minutes, and the animal died in eighteen. In the fourth case the symptoms appeared in five minutes, and death took place in twenty-two. In the fifth case the symptoms appeared in twelve minutes, and death occurred in twenty-three. If the poison were taken by the human subject in pills it would take a longer time to act, because the structure of the pill must be broken up in order to bring the poison in contact with the mucous membrane of the stomach. I have administered it to rabbits in pills.

Would poison given in pills take a longer period to operate on a human subject than on a rabbit?—I do not think we can draw any inference from a comparison of the rapidity of death in a human subject and in a rabbit. The circulation and absorption are different in the two cases. There is also a difference between one human subject and another. The strength of the dose, too, would make a difference, as a large dose would produce a more rapid effect than a small one. I have experimented upon the intestines of animals, in order to reproduce the strychnia. The process consists in putting the stomach and its contents in alcohol, with a small quantity of acid, which dissolves the strychnia, and produces sulphate of strychnia in the stomach. The liquid is then filtered, gently evaporated, and an alkali added—carbonate of potash, which, mixed with a small quantity of sulphuric acid, precipitates the strychnia. Tests are applied to the strychnia, or supposed strychnia, when extracted. Strychnia has a peculiar strongly bitter taste. It is not soluble in water, but it is in acids and in alcohol. The colouring tests are applied to the dry residue after evaporation. Change of colour is produced by a mixture of

sulphuric acid and bi-chromate of potash. It produces a blue colour, changing to violet and purple, and passing to red; but colouring tests are very fallacious, with this exception—when we have strychnine separated in its crystallised state we can recognise the crystals by their form and their chymical properties, and, above all, by the production of tetanic symptoms and death when administered through a wound in the skin of animals.

Are there other vegetable substances from which, if these colouring tests were applied, similar colours would be obtained?—There are a variety of mixtures which produce similar colours. One of them has also a bitter taste like strychnia. Vegetable poisons are more difficult of detection by chymical process than mineral poisons; the tests are far more fallacious. I have endeavoured to discover the presence of strychnine in animals I have poisoned in four cases, assisted by Dr. Rees. I have applied the process which I first described. I have then applied the tests of colouring and of taste.

Were you able to satisfy yourself of the presence of strychnia?—In one case I discovered some by the colour test. In a second case there was a bitter taste, but no other indication of strychnia. In the other two cases there were no indications at all of strychnia. In the case where it was discovered by a colour test, two grains had been administered; and in the second case, where there was a bitter taste, one grain. In one of the cases where we failed to detect it one grain, and in the other, half a grain had been given.

How do you account for the absence of any indication of strychnia in cases where you know it was administered?—It is absorbed into the blood, and is no longer in the stomach. It is in a great part changed in the blood.

How do you account for its presence when administered in large doses?—There is a retension of some in excess of what is required for the destruction of life.

Supposing a minimum dose, which will destroy life, has been given, could you find any?—No. It is taken up by absorption and is no longer discoverable in the stomach. The smallest quantity by which I have destroyed the life of an animal is half a grain. There is no process with which I am acquainted by which it can be discovered in the tissue. As far as I know, a small quantity cannot be discovered.

Suppose half a grain to be absorbed into the blood, what proportion does it bear to the total quantity of blood circulated in the system?—Assuming the system to contain the lowest quantity of blood, 25 lb., it would be 1-50th of a grain to a pound of blood. A physician once died from a dose of half a grain in twenty minutes. I believe it undergoes some partial change in the blood, which increases the difficulty of discovering it. I never heard of its being separated from the tissues in a crystallised state. The crystals are peculiar in form, but there are other organic crystallised substances like them, so that a chymist will not rely on the form only. After the post-mortem examination of Cook a portion of the stomach was sent to me. It was delivered to me by Mr. Boycott in a brown stone jar, covered with bladder, tied and sealed. The jar contained the stomach and the intestines. I have experimented upon them with a view to ascertain if there was any poison present.

What poisons did you seek for in the first instance?—Various,—prussic acid, oxalic acid, morphia, strychnia, veratria, tobacco poison, hemlock, arsenic, antimony, mercury, and other mineral poisons.

Did you find any of them?—We only found small traces of antimony.

Were the parts upon which you had to operate in your search for strychnia in a favourable condition?—The most unfavourable that could possibly be. The stomach had been completely cut from end to end, all the contents were gone, and the fine mucous surface, on which any poison, if present, would

have been found, was lying in contact with the outside of the intestines—all thrown together. The inside of the stomach was lying in the mass of intestinal feculent matter.

That was the fault or misfortune of the person who dissected?—I presume it was; but it seemed to have been shaken about in every possible way in the journey to London. The contents of the intestines were there, but not the contents of the stomach, in which and on the mucous membrane I should have expected to find poison. By my own request other portions of the body were sent up to me,—namely, the spleen, the two kidneys, and a small bottle of blood. They were delivered to me by Mr. Boycott. We had no idea whence the blood had been taken. We analysed all. We searched in the liver and one of the kidneys for mineral poison. Each part of the liver, one kidney, and the spleen all yielded antimony. The quantity was less in proportion in the spleen than in the other parts. It was reproduced, or brought out, by boiling the animal substance in a mixture of hydrochloric acid and water. Gall and copper water were also introduced, and the antimony was found deposited on the copper. We applied various tests to it—those of Professor Brandt, of Dr. Rees, and others. I detected some antimony in the blood. It is impossible to say with precision how recently it had been administered; but I should say within some days. The longest period at which antimony can be found in the blood after death is eight days; the earliest period at which it has been found after death, within my own knowledge, is eighteen hours. A boy died within eighteen hours after taking it; and it was found in the liver. Antimony is usually given in the form of tartar emetic; it acts as an irritant, and produces vomiting. If given in repeated doses a portion would find its way into the blood and the system beyond what was ejected. If it continued to be given after it had produced certain symptoms it would destroy life. It may, however, be given with impunity. I heard the account given by the female servants of the frequent vomiting of Mr. Cook, both at Rugeley and at Shrewsbury, and also the evidence of Mr. Gibson and Mr. Jones as to the predominant symptoms in his case. Vomitings produced by antimony would cause those symptoms. If given in small quantities sufficient to cause vomiting it would not affect the colour of the liquid in which it was mixed, whether brandy, wine, broth, or water. It is impossible to form an exact judgment as to the time when the antimony was administered, but it must have been within two or three weeks at the outside before death. There was no evidence that any had been given within some hours of death. It might leave a sensation in the throat—a choking sensation—if a large quantity was taken at once. I found no trace of mercury during the analysis. If a few grains had been taken recently before death I should have expected to find some trace. If a man had taken mercury for a syphilitic affection within two or three weeks I should have expected to find it. It is very slow in passing out of the body. As small a quantity as three or four grains might leave some trace. I recollect a case in which three grains of calomel were given three or four hours before death, and traces of mercury were found. Half a grain three or four days before death, if favourably given, and not vomited, would, I should expect, leave a trace. One grain would certainly do so. I heard the evidence as to the death of Mrs. Smyth, Agnes French and the other lady mentioned, and also as to the attack of Clutterbuck.

From your own experience in reference to strychnine do you coincide in opinion with the other witnesses, that the deaths in those cases were caused by strychnine?—Yes.

Did the symptoms in Cook's case appear to be of a similar character to the symptoms in those cases?—They did.

As a professor of medical science, do you know any cause in the range of human disease except strychnine to which the symptoms in Cook's case can be referred?—I do not.

Cross-examined by Mr. Serjeant Shee.—I mean by the word "trace" a very small quantity, which can hardly be estimated by weight. I do not apply it in the sense of an imponderable quantity. In chymical language it is frequently used in that sense. An infinitesimal quantity would be called "a trace." The quantity of antimony that we discovered in all parts of the body would make up about half a grain. We did not ascertain that there was that quantity, but I will undertake to say that we extracted as much as half a grain. That quantity would not be sufficient to cause death. Only arsenic or antimony could have been deposited, under the circumstances, on the copper, and no sublimate of arsenic was obtained. [The witness, in reply to a further question, detailed the elaborate test which he had applied to the deposit, in order to ascertain that it consisted of antimony.]

Would a mistake in any one of the processes you have described, or a defect in any of the materials you have used, defeat the object of the test?—It would, but all the materials I used were pure. Such an accident could not have happened without my having some intimation of it in the course of the process. I should think antimony would operate more quickly upon animals than upon men. I am acquainted with the works of Orfila. He stood in the highest rank of analytical chymists.

Did not Orfila find antimony in a dog four months after injection?—Yes; but the animal had taken about forty-five grains.

Mr. Serjeant Shee called the attention of the witness to a passage in Orfila's work in reference to that case, to the effect that the antimony was found accumulating in the bones, the liver contained a great deal, and the tissues a very little.

Witness.—Yes; when antimony has been long in the body it passes into the bones; but I think you will find that these are not Orfila's experiments. Orfila is quoting the experiments of another person.

But is not that the case with nearly all the experiments referred to in your own book?—No; I cannot say that.

Mr. Serjeant Shee again referred o a case in *Orfila* in which forty-five grains were given to a dog, and three and a half months after death a quantity was found in the fat, and some in the liver, bones, and tissues.

Witness.—That shows that antimony gets into the bones and flesh, but I never knew a case in which forty-five grains had been given, and I have given no opinion upon such a case.

A pretty good dose is required to poison a person, I suppose?—That depends on the mode in which it is given A dog has been poisoned with six grains. The dog died in the case you mentioned. When antimony is administered as it was in that case the liver becomes fatty and gristled. Cook's liver presented no appearance of the sort. I should infer that the antimony we found in Cook's body was given much more recently than in the experiments you have described. We cannot say positively how long it takes to get out of the body, but I have known three grains cleared out in 24 hours I was first applied to in this case on Thursday, the 27th of November, by Mr. Stevens, who was introduced to me by Mr. Warrington, professor of chymistry. Either then or subsequently he mentioned Mr. Gardiner. I had not known Mr. Gardiner before. I had never before been concerned in cases of this kind at Rugeley.

Mr. Serjeant Shee read the letter written by Dr. Taylor to Mr. Gardiner:—

"Chymical Laboratory, Guy's Hospital, Dec. 4, 1855.

Re J. P. Cook, Esq., deceased.

"Dear Sir,—Dr. Rees and I have completed the analysis to-day. We have sketched a report, which will be ready to-morrow or next day.

"As I am going to Durham Assizes on the part of the Crown, in the case of Reg. v. Wooler, the report will be in the hands of Dr. Rees, No. 26,

Albemarle-street. It will be most desirable that Mr. Stevens should call on Dr. Rees, read the report with him, and put such questions as may occur.

"In reply to your letter received here this morning I beg to say that we wish a statement of all the medicines prescribed for deceased (until his death) to be drawn up and sent to Dr. Rees.

"We do not find strychnine, prussic acid, or any trace of opium. From the contents having been drained away it is now impossible to say whether any strychnine had or had not been given just before death, but it is quite possible for tartar emetic to destroy life if given in repeated doses; and, so far as we can at present form an opinion, in the absence of any natural cause of death, the deceased may have died from the effects of antimony in this or some other form.

"We are, dear Sir, yours faithfully,

"Alfred S. Taylor.

"G. Owen Rees."

Was that your opinion at the time?—It was. We could infer nothing else.

Have you not said that the quantity of antimony you found was not sufficient to account for death?—Certainly. If a man takes antimony he first vomits, and then a part of the antimony goes out of the body; some may escape from the bowels. A great deal passes at once into the blood by absorption, and is carried out by the urine.

Can you say upon your oath that from the traces in Cook's body you were justified in stating your opinion that death was caused by antimony?—Yes; perfectly and distinctly. That which is found in a dead body is not the slightest criterion as to what the man took when alive.

When you gave your opinion that Cook died from the effects of antimony, had you any reason to think that an undue quantity had been administered?—I could not tell. People may die from large or small quantities; the quantity found in the body was no criterion as to how much he had taken.

May not the injudicious use of a quack medicine containing antimony, the injudicious use of James's powders, account for the antimony you found in the body?—Yes; the injudicious use of any antimonial medicine would account for it.

Or even their judicious use?—It might.

With that knowledge, upon being consulted with regard to Cook, you gave it as your opinion that he died from the poison of antimony?—You pervert my meaning entirely. I said that antimony in the form of tartar emetic might occasion vomiting and other symptoms of irritation, and that in large doses it would cause death, preceded by convulsions. (The witness was proceeding to read his report upon the case, but was stopped by the Court.) I was told that the deceased was in good health seven or eight days before his death, and that he had been taken very sick and ill, and had died in convulsions. No further particulars being given us we were left to suppose that he had not died a natural death. There was no natural cause to account for death, and finding antimony existing throughout the body we thought it might have been caused by antimony. An analysis cannot be made effectually without information.

You think it necessary before you can rely upon an analysis to have received a long statement of the symptoms before death?—A short statement will do.

You allow your judgment to be influenced by the statement of a person who knows nothing of his own knowledge?—I do not allow my judgment to be influenced in any way; I judge by the result.

Do you mean to say that what Mr. Stevens told you did not assist you in arriving at the conclusion you state in writing?—I stated it as a possible case,

—not as a certainty. If we had found a very large quantity of tartar emetic in the stomach we should have come to the conclusion that the man had died from it. As we found only a small quantity, we said he might have died from it. I attended the coroner's inquest on the body of Mr. Cook. I think I first attended on the 14th of December. Some of the evidence was read over to me. I think that Dr. Harland was the first witness I heard examined. I heard Mr. Bamford examined, and also Lavinia Barnes. I cannot say as to Newton. I heard Jones. I had experimented some years ago on five of the rabbits I have mentioned; that is about twenty-three years ago. That is the only knowledge of my own that I had of the effect of strychnia upon animal life. I have a great objection to the sacrifice of life. No toxicologist will sacrifice the lives of a hundred rabbits to establish facts which he knows to be already well established. I experimented upon the last rabbits since the inquest.

Do not you think that is a very slight experiment?—You must add to experiment the study of poison and cases.

Do not you think that a rabbit is a very unfair animal to select?—No.

Would not a dog be much better? Dogs are very dangerous to handle. (A laugh.)

Do you mean to give that answer?—Dogs and cats bear a greater analogy to man because they vomit, while rabbits do not; but rabbits are much more manageable.

Mr. Serjeant Shee.—I will take your answer that you are afraid of dogs.

Witness.—After the experiments I have tried with dogs and cats I have no inclination to go on.

Do you admit that as to the action of the respiratory organs they would be better than rabbits?—I do not.

As to the effect of the poison would they not?—I think a rabbit is quite as good as any animal. The poison is retained, and its operation is shown. At the inquest I saw Mr. Gardiner. I suggested questions to the coroner. Some of them he put to the witnesses, and others they answered upon my suggestion of them. Ten days before the inquest Mr. Gardiner informed me, in his letter, that strychnia, Batley's solution, and prussic acid had been purchased on the Tuesday; that was why I used the expressions to which you have referred. We did not allow that information to have any influence upon our report.

At the request of Mr. Serjeant Shee, the deposition of this witness taken at the coroner's inquest was read by the clerk of arraigns.

Cross-examination continued.—Having given my evidence I returned to town, and soon afterwards heard that the prisoner had been committed on a charge of wilful murder.

And that his life depended in a great degree upon you?—No; I simply gave an opinion as to the poison, not as to the prisoner's case; I knew that I should probably be examined as a witness upon his trial.

Do you think it your duty to abstain from all public discussion of the question which might influence the public mind?—Yes.

Did you write a letter to the *Lancet*?—Yes, to contradict several misstatements of my evidence which had been made.

This letter, which appeared in the *Lancet* of February 2, 1856, was put in by Mr. Serjeant Shee and read by the clerk of arraigns. The principal part of the letter referred to the case of Mrs. Ann Palmer; the concluding paragraph, for which Mr. Serjeant Shee stated that he desired it should be read, was as follows:—

"During the quarter of a century which I have now specially devoted to toxicological inquiries I have never met with any cases like these suspected cases of poisoning at Rugeley. The mode in which they will affect the person accused is of minor importance compared with their probable influence

on society. I have no hesitation in saying that the future security of life in this country will mainly depend on the judge, the jury, and the counsel who may have to dispose of the charges of murder which have arisen out of these investigations."

Cross-examination continued.—That is my opinion now. It had been stated that if strychnia caused death it could always be found, which I deny. It had also been circulated in every newspaper that a person could not be killed by tartar emetic, which I deny, and which might have led to the destruction of hundreds of lives. I entertained no prejudice against the prisoner. What I meant was that if these statements which I had seen in medical and other periodicals were to have their way there was not a life in the country which was safe.

Do you adhere to your opinion that "the mode in which they will affect the person accused," that is, lead him to the scaffold, "is of minor importance, compared with their probable influence on society?"—I have never suggested that they should lead him to the scaffold. I hope that, if innocent, he will be acquitted.

What do you mean by the mode in which they will affect the person accused being of minor importance?—The lives of 16,000,000 of people are, in my opinion, of greater importance that that of one man.

That is your opinion?—Yes. As you appear to put that as an objection to my evidence, allow me to state that in two dead bodies I find antimony. In one case death occurred suddenly, and in the other the body was saturated with antimony, which I never found before in the examination of 300 bodies. I say these were circumstances which demanded explanation.

You adhere to the opinion that, as a medical man and a member of an honourable profession, you were right in publishing this letter before the trial of the person accused?—I think I had a right to state that opinion in answer to the comments which had been made upon my evidence.

Had any comments been made by the prisoner?—No.

Or by any of his family?—Mr. Smith, the solicitor for the defence, circulated in every paper statements of "Dr. Taylor's inaccuracy." I had no wish or motive to charge the prisoner with this crime. My duty concerns the lives of all.

Do you know Mr. Augustus Mayhew, the editor of the *Illustrated Times?*—I have seen him once or twice.

Did you allow pictures of yourself and Dr. Rees to be taken for publication?—Be so good as to call them caricatures. No; I did not.

Mr. Serjeant Shee.—There may be a difference of opinion as to that. I think it is very like.

Did you receive Mr. Mayhew at your house?—He came to me with a letter of introduction from Professor Faraday. I never received him in my laboratory.

Did you know that he called in order that you might afford him information for an article in the *Illustrated Times?*—I swear solemnly I did not. The publication of that article was the most disgraceful thing I ever knew. I had never seen him before, nor did I know that he was the editor of the *Illustrated Times.*

On your oath?—On my oath. It was the greatest deception that was ever practised on a scientific man. It was disgraceful. He called on me in company with another gentleman, with a letter from Professor Faraday. I received him as I should Professor Faraday, and entered into conversation with him about these cases. He represented, as I understood, that he was connected with an insurance company, and wished for information about a number of cases poisoning which had occurred during many years. After we had conversed about an hour he asked if there was any objection to the publication of these details. Still believing him to

be connected with an insurance office, I replied that, so far as the correction of error was concerned, I should have no objection to anything appearing. On that evening he went away without telling me that he was the editor of the *Illustrated Times*, or connected with any other paper. I did not know that until he called upon me on Thursday morning, and showed me the article in print. I remonstrated verbally with him. He only showed me part of a slip. I told him I objected to its publication, and struck out all that I saw regarding these cases. He afterwards put the article into the shape in which it appeared. I could not prevent his publishing the results of our conversation on points not connected with these cases.

You did permit him to publish part of the slip?—Nothing connected with the Rugeley cases.

Did he show you the slip of "Our interview with Mr. A. Taylor?"—I do not remember seeing that. I will swear that, to the best of my judgment and belief, he did not. He showed me a slip containing part of what appeared in that article. I struck out all which referred to the Rugeley cases. I thought I had been deceived. A person came with a letter of introduction from a scientific man and extracted information from me.

Why did you not tell your servant to show him the door?—Until we had had the conversation I did not know anything about the deception. It was not until the Thursday morning that I knew he was connected with a paper. He told me that it was an illustrated paper.

Did you correct what he showed you?—I struck out some portions.

And allowed the rest to be published?—I said I had nothing to do with it, but I objected to its publication.

Peremptorily?—No; "I said I do not like this mode of putting the matter. I cannot, however, interfere with what you put into your journal."

Did you not protest as a gentleman, a man of honour, and a medical man that it was wrong and objectionable to do it?—I told him that I objected to the parts which referred to the Rugeley cases. It was most dishonourable.

Did you not know that in the month of February an interview with Dr. Taylor, on the subject of poison much be taken to apply to those cases?—I did not think anything about it. I thought it was a great cheat to extract from me that information. Mr. Mayhew was with me about twenty minutes or half an hour on the Thursday morning. I remonstrated with him. I was not angry with him in the sense of quarrelling.

Did you allow him to publish this:—"Dr. Taylor here requests to state that, although the practice of secret poisoning appears to be on the increase, it should always be remembered that by analysis the chemist could always detect the presence of poison in the body"?—I did not request him to state anything of the kind. I do not remember whether that was on the slip. Had I seen it I should have struck it out. I remember seeing on the slip, "And that when analysis fails, as in cases where small doses of strychnia had been administered, physiology and pathology would invariably suffice to establish the cause of death." I did not strike that out. I did not think of it circulating among the class of persons from whom jurors would be selected. I think the public ought to know that chymical analyses are not the only tests on which they can rely. I don't remember the passage—"Murder by poison could be detected as readily as murder in any other form, while the difficulty of detecting and convicting the murderer was felt in other cases as well as in those where poison was employed." The article has been very much altered. It was a disgraceful thing. I have not seen Mr. Mayhew since. Seeing in the *Times* an advertisement, stating that this information had been given by me, I wrote to him demanding its withdrawal, and that demand was complied with. That was on the Thursday or Friday.

Did you say to a gentleman named Cook Evans, that you would give them strychnia enough before they had done, or words to that effect?—No; I do not know the person.

Or to any one?—No. I never used any expression so vulgar and improper. You have been greatly misinstructed.

Or, "He will have strychnia enough before I have done with him?"—It is utterly false. The person who suggested that question to you, Mr. Johnson, has been guilty of other falsehoods. In the letter to Sir George Grey and on other occasions he has misrepresented my statements and evidence.

What did you do with the medical report to which you referred?—It was a private letter from Dr. Harland to Mr. Stevens.

Mr. Justice Cresswell.—It was memoranda made by Dr. Harland at the time.

Cross-examination continued.—Cook's symptoms were quite in accordance with a ordinary case of poisoning by strychnia.

Can you tell me of any case in which a patient, after being seized with tetanic symptoms, sat up in bed and talked?—It was after he sat up that Cook was seized with those symptoms.

Can you refer to a case in which a person who had taken strychnia beat the bed with his or her arms?—It is exactly what I should expect to arise from a sense of suffocation.

Do you know any case in which the symptoms of poisoning by strychnia commenced with this beating of the bed-clothes?—There have been only about fifteen cases, and in none of those was the patient seized in bed. Beating of the bed-clothes is a symptom which may be exhibited by a person suffering from a sense of suffocation, whether caused by strychnia or other causes. A case has been communicated to me by a friend, in which the patient shook as though he had the ague.

Mr. Serjeant Shee objected to this last answer, but as the learned serjeant had been questioning the witness as to the results of his reading,

The Court ruled that the evidence was admissible.

Cross-examination continued.—I have known of no case of poisoning by strychnia in which the patient screamed before he was seized. That is common in ordinary convulsions. In cases of poisoning by strychnia the patient screams when the spasms set in; the pain is very severe. I cannot refer to a case in which the patient has spoken freely after the paroxysms had commenced.

Can you refer me to any case in an authentic publication in which the access of the strychnia paroxysm has been delayed so long after the ingestion of the poison as in the case of Cook on the Tuesday night?—Yes longer. In my book on medical jurisprudence, page 185 of the fifth edition, it is stated that in a case communicated to the *Lancet*, August 31, 185 by Mr. Bennett, a grain and a half of strychnia taken by mistake destroyed the life of a healthy young female in an hour and a half. None of the symptoms appeared for an hour. There is a case in which the period which elapsed was two hours and a-half. It was not a fatal case, but that does not affect the question. A grain and a-half is a full, but not a very considerable dose. In my book on poisons there is no case in which the paroxysm commenced more than half-an-hour after the ingestion of the poison. That book is eight years old, and since 1848 cases have occurred. There is a mention of one in which three hours elapsed before the paroxysms occurred.

Mr. Serjeant Shee then referred to this case, and called attention to the fact that the only statement as to time was that in three hours the patient lost his speech and at length was seized with violent tetanic convulsions.

Cross-examination continued.—I know of no other fatal case in which the

interval was so long. In that case there was disease of the brain. Referring to the *Lancet*, I find that in the case to which I referred, as communicated by Dr. Bennett, the strychnia was dissolved in cinnamon water. Being dissolved, one would have expected it to have a more speedy action. The time in which a patient would recover would depend entirely upon the dose of strychnia which had been taken. I do not remember any case in which a patient recovered in three or four hours, but such cases must have occurred. There is one mentioned in my book on medical jurisprudence. The patient had taken nux vomica, but its powers depend upon strychnia. In that case the violence of the paroxysms gradually subsided, and the next day, although feeble and exhausted, the patient was able to walk home. The time of the recovery is a point which is not usually stated by medical men. I cannot mention any case in which there was a repetition of the paroxysms after so long an interval as that from Monday to Tuesday night, which occurred in Cook's case. I do not think that the attack on Tuesday night was the result of anything which had been administered to him on the Monday night. In the cases of four out of five rabbits the spasms were continued at the time of death and after death. In the other the animal was flaccid at the time of death.

Are you acquainted with this opinion of Dr. Christison, that in these cases rigidity does not come on at the time of death, but comes on shortly afterwards?—Dr. Christison speaks from his experience, and I from mine.

Did you hear that Dr. Bamford said that when he arrived he found the body of Cook quite straight in bed?—Yes.

Can that have been a case of ophisthotonos?—It may have been.

Are not the colour tests of strychnia so uncertain and fallacious that they cannot be depended upon?—Yes, unless you first get the strychnia in a visible and tangible form.

Is it not impossible to get it so from the stomach?—It is not impossible; it depends upon the quantity which remains there.

You do not agree that the fiftieth part of a grain might be discovered?—I think not.

Nor even half a grain?—That might be. I would depend upon the quantity of food in the stomach with which it was mixed.

Re-examined by the Attorney-General.—In cases of death from strychnia the heart is sometimes found empty after death. That is the case of human subjects. There are three such cases on record. I think that emptiness results from spasmodic affection of the heart. I know of no reason why that should rather occur in the case of man than in that of a small animal like a rabbit. The heart is generally more filled when the paroxysms are frequent. When the paroxysm is short and violent, and causes death in a few moments, I should expect to find the heart empty. The rigidity after death always affects the same muscles; those of the limbs and back. In the case of the rabbit, in which the rigidity was relaxed at the time of death, it returned while the body was warm. In ordinary death it only appears when the body is cold, or nearly so. I never knew a case of tetanus in which the rigidity lasted two months after death; but such a fact would give me the impression that there were very violent spasms. It would indicate great violence of the spasms from which the person died. The time which elapses between the taking of strychnia and the commencement of the paroxysms depends on the constitution and strength of the individual. A feeling of suffocation is one of the earliest symptoms of poisoning by strychnia, and that would lead the patient to beat the bed-clothes. I have no doubt that the substances I used for the purpose of analysis were pure. I had tested them. The fact that three distinct processes each gave the same result was strong confirmation of each. I have no doubt that what we found was antimony. The quantity found does not enable me to say how much was taken. It might be the residue of

either large or small doses. Sickness would throw off some portion of the antimony which had been administered. We did not analyse the bones and tissues.

Why did you suggest questions to the coroner?—He did not put questions which enabled me to form an opinion.—I think that arose rather from want of knowledge than from intention. There was an omission to take down the answers. I made no observation upon that subject. At the time I wrote to Mr. Gardiner I had not learnt the symptoms which attended the attack and death of Cook. I had only the information that he was well seven days before he died, and had died in convulsions. I had no information which could lead me to suppose that strychnia had been the cause of death, except that Palmer had purchased strychnia. Failing to find opium, prussic acid, or strychnia, I referred to antimony as the only substance found in the body. Before writing to the *Lancet* I had been made the subject of a great many attacks. What I said as to the possibility or impossibility of discovering strychnia after death had been misrepresented. In various newspapers it had been represented that I had said that strychnia could never be detected,—that it was destroyed by putrefaction. What I said was that when absorbed into the blood it could not be separated as strychnia. I wrote the letter for my own vindication.

Dr. G. O. Rees, examined by Mr. E. James, Q.C., said,—I am lecturer on materia medica at Guy's Hospital, and I assisted Dr. Taylor in making the post-mortem examination referred to by that gentleman; and he has most correctly stated the result. I was present during the whole time, and at the discovery of the antimony. I am of opinion that it may have been administered within a few days, or a few hours, of Mr. Cook's death. All the tests we employed failed to discover the presence of strychnia. The stomach was in a most unfavourable state for examination; it was cut open, and turned inside out; its mucous surface was lying upon the intestines, and the contents of the stomach, if there had been any, must have been thrown among the intestines, and mixed with them. These circumstances were very unfavourable to the hope of discovering strychnia. I agree with Dr. Taylor as to the manner in which strychnia acts upon the human frame, and I am of opinion that it may be taken either by accident or design sufficient to destroy life and no trace of it be found after death. I was present at the experiments made by Dr. Taylor upon the animals, and at the endeavour to detect it in the stomachs afterwards. We failed to do so in three cases out of four. The symptoms accompanying the deaths of the animals were very similar to those described in the case of Mr. Cook. I have heard the cases that have been mentioned in this court, and the symptoms in every one of them are analogous to those in the case of Mr. Cook.

Cross-examined by Mr. Grove, Q.C.—I did not see either of the animals reject any portion of the poison; but I heard that in one case the animal did reject a portion. I have no facts to state upon which I formed the opinion that the poison acts by absorption.

Professor Brande, examined by Mr. Welsby.—I am Professor of Chymistry at the Royal Institution. I was not present at the analysis of the liver and spleen, &c., of the deceased; but the report of Dr. Taylor and Dr. Rees was sent to me for my inspection afterwards. I was present at one of the analyses. We examined in the first place the action of copper upon a very weak solution of antimony, and we ascertained there was no action until the solution was slightly acidified by muriatic acid and heated. The antimony was then deposited, and I am enabled to state positively that that deposit was antimony.

By the Attorney-General.—The experiment I refer to was made for the purpose of testing the accuracy of the test that had already bee applied, and it was found perfectly satisfactory.

Professor Christison said,—I am a fellow of the Royal College of Physicians and Professor of Materia Medica to the University of Edinburgh; I am also the author of a work on the subject of poisons, and I have directed a good deal of attention to strychnia. In my opinion it acts by absorption into the blood, and through that upon the nervous system. I have seen its effects upon a human subject, but not I fatal case. I have seen it tried upon pigs, rabbits, cats, and one wild boar. (A laugh.) I first directed my attention to this poison in 1820, in Paris. It had been discovered two years before in Paris. In most of my experiments upon animals I gave very small doses—a sixth of a grain; but I once administered a grain. I cannot say how small a dose would cause the death of an animal by administration into the stomach. I generally applied it by injection through an incision in the cavity of the chest. A sixth part of a grain so administered killed a dog in two minutes. I once administered to a rabbit, through the stomach, a dose of a grain. I saw Dr. Taylor administer three-quarters of a grain to a rabbit, and it was all swallowed except a very small quantity. The symptoms are nearly the same in rabbits, cats, and dogs. The first is a slight tremor and unwillingness to move; then frequently the animal jerks its head back slightly; soon after that all the symptoms of tetanus come on which have been so often described by the previous witnesses. When the poison is administered by the stomach death generally takes places between a period of five minutes and five-and-twenty minutes after the symptoms first make their appearance. I have frequently opened the bodies of animals thus killed, and have never been able to trace any effect of the poison upon the stomach or intestines, or upon the spinal cord or brain, that I could attribute satisfactorily to the poison. The heart of the animal generally contained blood in all the cases in which I have been concerned. In the case of the wild boar the poison was injected into the chest. A third of a grain was all that was used, and in ten minutes the symptoms began to show themselves. If strychnia was administered in the form of a pill it might be mixed with other ingredients that would protract the period of its operation. This would be the case if it were mixed with resinous materials, or any materials that were difficult of digestion, and such materials would be within the knowledge of any medical men, and they are frequently used for the purpose of making ordinary pills. Absorption in such a case would not commence until the pill was broken down by the process of digestion. In the present state of our knowledge of the subject I do not think it is possible to fix the precise time when the operation of the poison commences on a human subject. In the case of an animal we take care that it is fasting, and we mix the poison with ingredients that are readily soluble, and in every circumstance favourable for the development of the poison. I have seen many cases of tetanus arising from wounds and other causes. The general symptoms of the disorder very nearly resemble each other, and in all the natural forms of tetanus the symptoms begin and advance much more slowly, and they prove fatal much more slowly, and there is no intermission in certain forms of natural tetanus. In tetanus from strychnia there are short intermissions. I have heard the evidence of what took place at the Talbot Arms on the Monday and Tuesday, and the result of my experience induces me to come to the conclusion that the symptoms exhibited by the deceased were only attributable to strychnia, or the four poisons containing it. (The witness gave the technical names of the poisons he referred to.) There is no natural disease of any description that I am acquainted with to which I could refer these symptoms. In cases of tetanus consciousness remains to the very last moment. When death takes place in a human subject by spasm it tends to empty the heart of blood. When death is the consequence of the administration of strychnia, if the quantity is small, I should not expect to find any

trace in the body after death. If there was an excess of quantity more than was required to cause the death by absorption, I should expect to find that excess in the stomach. The colour tests for the detection of the presence of strychnia are uncertain. Vegetable poisons are more difficult of detection than mineral ones, and there is one poison with which I am acquainted for which no known test has been discovered. The stomach of the deceased was sent in a very unsatisfactory state for examination, and there must have been a considerable quantity of strychnia in the stomach to have enabled any one to detect its presence under such circumstances.

Cross-examined.—The experiments I refer to were made many years ago. In one instance I tried one of the colour tests in the case of a man who was poisoned by strychnia, but I failed to discover the presence of the poison in the stomach. I tried the test for the development of the violet colour by means of sulphuric acid and oxide of lead. From my own observation I should say that animals destroyed by strychnia die of asphyxia, but in my work, which has been referred to, it will be seen that I have left the question open.

Some further questions were put to the witness by the learned counsel for the prisoner in reference to opinions expressed by him in his work, and he explained that this work was written twelve years ago, and that the experience he had since obtained had modified some of the opinions he then entertained.

Cross-examination continued.—I have not noticed that in cases where a patient is suffering from strychnia the slightest touch appears to bring on the paroxysm. It is too remarkably in the case of animals, unless you touch them very gently indeed. Strychnia has a most intensely bitter taste. It is said on the authority of a French chymist that a grain will give a taste to more than a gallon of water. If resinous substances were used in the formation of a pill it does not follow that they would necessarily be found in the stomach; they might be passed off.

By the Attorney-General.—One of the cases referred to in the work that has been referred to was that of a gamekeeper, who was found dead; his head was thrown back, his hands were clenched, and his limbs were rigid. A paper containing strychnia was found in his pocket, and upon a post-mortem examination, there were indications which, under the circumstances, satisfied him of the existence of strychnia. There was a substance in the body of an intense bitter, which was tested by the colour test, and it succeeded in one instance, but failed in another. I have no doubt that colour tests are not to be relied on.

The trial was then again adjourned at six o'clock, until to-morrow (Tuesday) morning, at ten o'clock. The jury were taken, as on the former occasions, to the London Coffee-house in the charge of the officers of the court.

SIXTH DAY.

The trial was resumed this morning shortly after ten o'clock.

The Lord Chief Justice, Mr. Baron Alderson, and Mr. Justice Cresswell took their seats upon the bench, and the prisoner was immediately placed at the bar.

The Attorney-General, Mr. Edwin James, Q.C., Mr. Welsby, Mr. Bodkin, and Mr. Huddleston appeared for the Crown. Mr. Serjeant Shee, Mr. Grove, Q.C., Mr. Gray, and Mr. Kenealy appeared for the prisoner.

The evidence for the prosecution was then resumed.

Dr. Jackson examined by Mr. James.—I have been practising in India for twenty-five years, and have had a good deal of experience in cases of traumatic and idiopathic tetanus. The latter disease, although it appears very

rare in this country, is much more frequent in India, and I have attended a least forty cases of that disease. Idiopathic tetanus is equally fatal, according to my experience, as traumatic. It is frequently found in children, in India. both natives and Europeans, and generally takes place the third dayafter birth It will also be occasioned by cold in that climate. In infants there is a more marked symptom of lock-jaw in idiopathic tetanus. In adults there is no difference in the symptoms from traumatic. I have always seen the idiopathic form of the disease preceded by premonitory symptoms, such as peculiar expression of the countenance, stiffness of the muscles of the throat, and of the jaw. The usual period from the attack to death in infants is generally about forty-eight hours; in adults, when arising from cold, it is of longer duration, and may continue many days going through the same grades as the traumatic forms.

Cross-examined by Mr. Serjeant Shee.—The patient always appears to be very uncomfortable shortly before the attack of idiopathic tetanus. His appetite would not be affected, but he would chiefly complain of the muscles of the neck. He might entertain a desire for food, and take it as usual up to within twelve hours of the attack. Within that period I should say the patient's attention would be more directed to the stiffness of his mouth and the stiffness of the neck. I never heard a patient complain of want of appetite. I have known cases of idiopathic tetanic tetanus, where the first paroxysm was in bed. Difficulty of swallowing is another premonitory symptom.

Re-examined.—In the case of a child not more than six hours would elapse between the premonitory symptoms and the tetanic convulsions; and in an adult the period would not be greater than twenty-four hours. The duration of the disease generally varies from three days to ten days, but it has occurred as early as two days. The traumatic and idiopathic cases are both alike in these respects. Both forms of the disorder are much more common in India than they are in this country. The symptoms are not more severe in India than in this country. In all my experience I never saw a case where the disease ran its course and the patient was dead in twenty minutes.

The Attorney-General said that this closed the medical testimony.

Mr. D. Burgen, chief superintendent of police at Stafford said—I was present at the coroner's inquest on the body of Cook. After the verdict had been returned I searched the prisoner's house. It was on the 15th of December that I made the search. I found a great many papers in the surgery, and I took them into the drawing-room. I found a few more papers in other parts of the house, and I put them all together into the drawing-room, and locked them up in that room. On the following day I examined them in the gresence of Mr. G. Palmer, the brother of the prisoner. He is an attorney at Rugeley. I did not give him notice of what I was about to do. Inspector Crisp and a superintendent named Wilson were present at the search among the papers. Eventually I gave up the idea of a selection, and tied up the whole of the papers, and conveyed them to Stafford, where I delivered them to Mr. Hatton, the chief constable. The bag containing the papers was opened again on the 24th of December, and the papers were all examined in the prcsence of a solicitor named Deane, who was acting for the prosecution, and he copied a portion of them, and they were put again into the bag and left at the chief constable's office. There was not among the papers any cheque bearing the signature of Mr. Cook upon Messrs. Weatherby, neither was there any paper referring to any bills of exchange which purported to bear the signature of the prisoner. There was no such document as this among the papers. Mr. Deane subsequently selected a number of letters and other papers of a private character, and instructions were given that they should be delivered up to

Mr. George Palmer. The prisoner was taken into custody on the night of the 15th of December. I remember Roberts, the apprentice, being examined, and Newton also. I do not know who fetched Newton.

Cross-examined by Mr. Serjeant Shee.—The inquest occupied several days, and a fortnight or more elapsed before it was brought to a conclusion. The prisoner was arrested upon a civil process two or three days before the verdict was delivered. I believe that the prisoner remained at his own house at Rugeley all the time the inquest was going on. He was not present at the inquest on any occasion, nor did any one act professionally for him. I heard that Inspector Field has been down to Rugeley some time before. He is not a policeman now. I do not know Elizabeth Mill's mother.

Mr. H. A. Dean said—I am a solicitor of Gray's-Inn. I attended the coroner's inquest upon Anne Palmer, on behalf of the insurance company. The first time I saw the prisoner's papers was at Stafford. I sorted and selected them. I carefully examined the whole of the papers, and returned a considerable quantity to Mr. G. Palmer. I am certain there was no cheque for 350*l.*, drawn apparently by the deceased, upon Messrs. Weatherby, nor any paper representing that certain bills of exchange had been accepted for the benefit of Mr. Cook. I found no such paper as that which Cheshire says Palmer had requested him to attest. I found no document signed by Cook, and acknowledging that Palmer had accepted bills for 4000*l.* on his behalf. I saw George Palmer after the papers which I had selected were returned to him.

Cross-examined by Mr. Serjeant Shee.—I know Inspector Field, and saw him some time previous to the inquest. Our firm were solicitors to the Prince of Wales Insurance-office. Inspector Field went down to Rugeley in my employment, and remained there only part of one day, but he was at Stafford three or four days. He did not see the prisoner Paimer during his stay. He had been preceded by another officer, named Simpson. I cannot tell you how long Simpson was at Rugeley, but I saw him the day Field was there. He went from Stafford to Rugeley in company with myself and Mr. Field. He told me he had seen Palmer. Simpson first went to Stafford on my retainer at the beginning of October.

Re-examined.—Mr. Field was sent down to make inquiries as to the habits of life of Mr. Walter Palmer, of whose death the office had shortly before received notice, and also to inquire into the circumstances of a person named Bates, with reference to a proposal for an insurance of 55,000*l.* on his life.

Mr. Espin called and examined by Mr. E. James, Q.C.—I am a solicitor and act for Mr. Padwick. I produce a bill for 2,000*l.*, placed in my hands by Mr. Padwick to enforce payment against the prisoner. [The drawing and endorsing of the bill were here identified by a Mr. Strawbridge, manager of a local bank, to be in the handwriting of the prisoner. The acceptance was certainly not in the handwriting of Sarah Palmer. The bill was then read. It purported to be drawn by the prisoner and accepted by Sarah Palmer. It bore the simple endorsement, "Wm. Palmer."] This bill would be due October 5, 1854; 1,000*l.*, had been paid off the bill. On the 20th of November, 1855, I was pressing the prisoner for payment of the balance. It was placed in my hands to enforce payment, I should say about the 12th of December, because I signed judgment on that day, and it must have been a day or two previous. It could hardly have been so early as the 20th of November. Execution was issued on the 12th of December. I have two letters in the handwriting of the prisoner (handwriting identified by Strawbridge). [The letters were read. One, dated the 12th December, 1855, enclosed a cheque for 1,000*l.*, but it requested that the cheque should not be presented till the 28th, which date it bore.] The cheque was not paid when it was presented. A former cheque had been sent, for 600*l.*, but that was not paid. This cheque was dated the 8th December, and must have been received the day afterwards. Both cheques

purported to be drawn by the prisoner in favour of Mr. Padwick. The 1,000*l.* still remains due. The prisoner was arrested upon it, but the ca. sa. realised nothing. An action was brought against the mother upon the bill, which was defended.

The Attorney-General said he now proposed to call Mr. Bamford, the venerable surgeon who attended Cook during his illness at Rugeley.

Mr. Bamford was then put into the witness-box. He was examined by the Attorney-General.—My name is William Bamford. I am surgeon and apothecary of Rugeley. I first saw John Parsons Cook on Saturday, the 17th of November. Palmer, the prisoner, asked me to visit him. Palmer said that Cook had been dining with him the day before, and had taken too much champagne. I went with Palmer to see Cook. I asked Cook if he had taken too much wine the day before, and he assured me that he took but two glasses. I found no appearance of bile about Cook, but there was constant vomiting. I prescribed for him a saline effervescing draught and a six ounce mixture. I never saw Cook take any of the pills which I had prescribed. After I had prepared the pills on the Monday evening I took them to the Talbot Arms and gave them to a servant maid, who took them up-stairs. On the Saturday, Sunday, and Monday I prepared the same pills. I saw Palmer on the Tuesday morning. I was going to see Cook when he met me. I asked him if he had seen Cook the night before. He said that he saw him between nine and ten o'clock, and was with him for half-an-hour. He requested that I would not disturb Cook, and I went home without seeing him. Between twelve and one Palmer met me again. I was going to see Cook, and Palmer begged I would not go, because he was still and quiet, and he did not wish him to be disturbed. At seven o'clock in the evening Palmer came to my house, and requested me to go and see Cook again. I went and saw him. Having seen Cook, I left the room with Jones and Palmer. Palmer said he rather wished Cook to have his pills again, and that he would walk up with me for them. He did so, and stood by while I prepared them in my surgery. I had strychnia in a cupboard in my own private room. I put the pills in a box, and addressed it, "Night pills. John Parsons Cook, Esq." I wrote that direction on all the four nights. On the Tuesday night Palmer requested that I would put on a direction. After that I did not again see Cook alive. Palmer took away the pills between seven and eight o'clock. I had wrapped the box up in paper, and had sealed it. There was no impression of a seal upen it. The direction was upon a separate paper, which I placed under the box, and between it and the outside paper. Nothing was written on the box or on the outside paper. It was as near as could be twenty minutes past twelve, at midnight, when I saw Cook dead. I understood he was alive when they came to me, and I could not have been more than five or ten minutes in going up. I found the body stretched out, resting on the heels and the back of the head, as straight as possible, and stiff. The arms were extended down each side of the body, and the hands were clinched. I filled up the certificate, and gave it as my opinion that he died from apoplexy. Palmer asked me to fill up the certificate. I had forms of certificates in my possession. When Palmer asked me to fill up the certificate I told him that, as Cook was his patient, it was his place to fill up the certificate. He said he had much rather I did it, and I did so. I was present at the post-mortem examination. After it was over Palmer said, "We ought not to have let that jar go." That was all he said.

Cross-examined by Mr. Serjeant Shee.—My house is about 200 yards from that of the prisoner.

Thomas Pratt, examined by Mr. James.—I am a solicitor, and practise in Queen-street, Mayfair. I know the prisoner Palmer. My acquaintance with him commenced at the end of November, 1853. I obtained for him a loan of 1,000*l.* That was repaid. In October, 1854, I was employed by him to

make a claim for two policies upon the life of Ann Palmer. I received upon the prisoner's account 5,000*l.* from the Sun office, and 3,000*l.* from the Norwich Union. The money was applied in payment of, I think, three bills, amounting to 3,500*l.* or 4,000*l.*, which were due, and of loans obtained after I had made the claims upon the policies. There was 1,500*l.* not so applied. That was paid to Palmer, or applied to other purposes under his direction. In April, 1855, Palmer applied to me for a loan of 2,000*l.* He did not state the purpose for which he required the loan. I obtained it upon a bill for 2,000*l.* drawn by himself, and purporting to be accepted by Sarah Palmer. On the 28th of November of that year there were eight bills held by clients of mine or by myself. [These bills were produced and read; the total amount for which they were drawn was 12,500*l.*] Two bills, dated July 22 and July 24, for 2,000*l.* each, were the only bills which were overdue in November, 1855. Two bills, for 500*l.* and 1,000*l.*, were held over from month to month. [These were bills dated June 5 and August 2, 1854.] The interest was paid monthly. With two exceptions, these bills were discounted at the rate of 60 per cent. On the 9th of November the interest for holding over the two bills, dated in 1854, was due. I remember the death of Walter Palmer. That occurred in August, 1855. I was instructed by William Palmer to claim from the Prince of Wales insurance-office 13,000*l.* due upon a policy upon his life. The Sarah Palmer by whom these bills purport to be accepted is the mother of the prisoner. While holding these bills I from time to time addressed letters to her. I wrote to Palmer as follows:—

"If you are quite settled on your return from Doncaster, do pray think about your three bills, so shortly coming due. If I do not get a positive appointment from the office to pay, which I do not expect, you must be prepared to meet them as agreed. You told me your mother was coming up this month, and would settle them."

About a week afterwards I wrote to him [This letter had no date, but bore a postmark, Sept. 24]:—

"You are aware there are three bills, of 2,000*l.* each, accepted by your mother, Mrs. Sarah Palmer, falling due in a day or two. Now, as the 13,000*l.* cannot be received from the Prince of Wales Insurance office for three months, it will be necessary that those bills should be renewed; I will therefore thank you to send me up three new acceptances to meet those coming due; and which, when they fall due, I presume the money will be ready to meet, which will amount to 1,500*l.* more than your mother has given acceptance for."

On the 2nd of October I wrote:—

"This, you will observe, quite alters arrangements, and I therefore must request that you make preparations for meeting the two bills due at the end of this month. . . . . In any event, bear in mind you must be prepared to cover your mother's acceptances for the 4,000*l.*, due at the end of the month."

On the 6th of October I wrote to him another letter, containing this passage:—

"I have your note acknowledging receipt by your mother of the 2,000*l.* acceptance, due the 2nd of October. Why not let her acknowledge it herself? You must really not fail to come up at once, if it be for the purpose of arranging for the payment of the two bills at the end of the month. Remember I can make no terms for their renewal, and they must be paid."

I had received from Palmer a letter, dated October 5, acknowledging, on the part of his mother, the receipt of a bill of exchange for 2,000*l.* On the 10th I wrote to Palmer a letter, from which the following is an extract:—

"However, not to repeat what I said in my last, but with the view of pressing on you the remembrance that the two bills due at the end of this month, the 26th and 27th, must be met, I say no more. The 2,000*l.* acceptance of your mother, due the 29th of September, I sent her yesterday. It was renewed by the second of the three sent me up."

On the 18th of October I wrote to Palmer as follows:—

"I send copies of two letters I have received. As regards the first, it shows how important it is that you or your mother should prepare for payment of the 4,000 due in a few days. I cannot now obtain delay on the same ground I did the others, for then I could have no ground for supposing the claim would not be admitted."

On the 27th of October Palmer called and paid me 250*l.* That was on account of the bills due on the 25th and 27th of that month. He said he would remit another sum of an equal amount before the following Wednesday, and would pay the remainder of the principal by instalments as shortly as possible. In reply to a letter of mine of the 27th of October, I received the following letter from him, dated 28th of October:—

"I will send you the 250*l.* from Worcester on Tuesday, as arranged. For goodness' sake do not think of writs; only let me know that such steps are going to be taken, and I will get you the money even if I pay 1,000*l.* for it; only give me a fair chance, and you shall be paid the whole of the money."

On the 31st of October I wrote to Palmer:—

"The 250*l.* in registered letter only received to-day. With it I have been enabled to obtain consent to the following:—That, with the exception of issuing the writs against your mother, no proceeding as to service shall be made until the morning of Saturday, the 10th, when you are to send up the 1,000*l.* or 1,500*l.* You will be debited with a month's interest on the whole of 4,000*l.* out of the money sent up. I impress upon you the necessity of your being punctual as to the bills. You will not forget also the 1,500*l.* due on the 9th of November."

On the 6th of November I issued writs against Palmer and his mother for 4,000*l.* I sent them to Mr. Crabbe, a solicitor at Rugeley. On the 10th of November Palmer called upon me. I had received a letter from him on the 9th of November:—

"I will be with you on Saturday next, at half-past one."

He did call on me, and paid me 300*l.*, which, with the two sums I had before received, made up 800*l.* 200*l* was deducted for interest, leaving 600*l.* He was to endeavour to let me have a further remittance, but nothing positive was said. It is possible that writs were mentioned, but I have no recollection of it. No doubt he knew of them. [A letter of November 13 from Pratt to Palmer was then read, in which, after giving some explanations with respect to the "Prince of Wales" policy, Pratt said:—"I count most positively on seeing you on Saturday; do, for both our sakes, try and make up the amount to 1,000*l.*, for without it I shall be unable to renew the 1,500*l.* due on the 9th."]

On the 16th of November Palmer wrote to me:—

"I am obliged to come to Tattersall's on Monday to the settling, so that I shall not call and see you before Monday, but a friend of mine will call and leave you 200*l.* to-morrow, and I will give you the remainder on Monday."

On the Saturday (November 17) some one came from Palmer, and gave me a check of a Mr. Fisher for 200*l.* On the 19th Mr. Palmer wrote to me—

"All being well, I shall be with you to-morrow (Monday), but cannot say what time now. Fisher left the 200*l.* for me."

On Monday, the 19th, which was the settling day at Tattersall's, Palmer called on me after three o'clock. This paper (produced) was then drawn up, and he signed it:—

"You will place the 50*l.* which I have just paid you and the 450*l.* you will receive by Mr. Herring—together 500*l.*—and the 200*l.* you received on Saturday towards payment of my mother's acceptance for 2,000*l.* due the 25th of October, making paid to this day the sum of 1,300*l.*"

He paid me 50*l.* at the time, and said I should receive the 450*l.* through the post, from Mr. Herring. I afterwards received a check from him for that amount, which was paid through my bankers. On the 21st of November Palmer wrote to me—

"Ever since I saw you I have been fully engaged with Cook and not able to leave home. I am sorry to say, after all, he died this day. So you had better write to Saunders; but, mind you, I must have Polestar, if it can be arranged; and, should any one call upon you to know what money or moneys Cook ever had from you, don't answer the question till I have seen you.

"I will send you the 75*l.* to-morrow, and as soon as I have been to Manchester you shall hear about other moneys. I sat up two full nights with Cook, and am very much tired out."

On the 22nd of November I wrote to Palmer:—

"I have your note and am greatly disappointed at the non-receipt of the money as promised, and at the vague assurances as to any money. I can understand, 'tis true, that your being detained by the illness of your friend has been the cause of not sending up the larger amount, but the smaller sum you ought to have sent. If anything unpleasant occurs you must thank yourself.

"The death of Mr. Cook will now compel you to look about as to the payment of the bill for 500*l.* on the 2nd of December.

"I have written Saunders, informing him of my claim, and requesting to know by return what claim he has for keep and training. I send down copy of bill of sale to Crubble, to see it enforced."

On the 23rd of November I received a note from Palmer, saying that Messrs. Weatherby, of 6, Old Burlington-street, would forward a check for 75*l.* in the morning. On the 24th I received another note, saying that he would come up either that day or Monday. I saw him on the 24th, when he signed the following paper:—

"I have paid you this day 100*l.* 75*l.* you will pay for renewal of 1,500*l.*, due the 9th of November, for one month, and 25*l.* on account of the 2,000*l.* due the 25th of October, making 1,325*l.* paid on that account."

I had received a check for 75*l.* on Messrs. Weatherby, but they refused to pay it. On the 26th of November Palmer wrote to me:—

"(Strictly private and confidential.)

"My dear Sir,—Should any of Cook's friends call upon you to know what money Cook ever had from you, pray don't answer that question or any other about money matters until I have seen you.

"And oblige yours faithfully,

"William Palmer."

There was a bill of sale on Polestar and another horse of Cook's, called Sirius. I did not know Cook. I never saw him. The bill of sale was executed at the beginning of September. The prisoner had transacted the loan. [The bill of sale was read.] On the 26th of August Palmer wrote to me on the subject:—

"Now, I want, and must have it from somewhere, 1,000*l.* clear by next Saturday without fail, and you can raise it on the policy (viz., the policy for

13,000*l.* on the life of W. Palmer) if you like, and it must be had at a much less rate of interest than I have hitherto had, because the security is so very good, and if you cannot manage it you must let me have the policy, because you have plenty of security for your money."

On the 30th of August he again wrote:—

"I have undertaken to get the enclosed bill cashed for Mr. Cook. You had the 200*l.* bill of his. He is a very good and responsible man. Will you do it? I will put my name to the bill."

In this letter was enclosed Cook's acceptance for 500*l.* On the 6th of September Palmer wrote:—

"I received the check for the 100*l.*, and will thank you to let me have the 315*l.* by return of post, if possible; if not, send it me (certain) by Monday night's post, to the Post-office, Doncaster. I now return you Cook's papers signed, &c., and he wants the money on Saturday, if he can have it, but I have not promised it for Saturday. I told him he should have it on Tuesday morning at Doncaster; so please enclose it with mine, in cash, in a registered letter, and he must pay for it being registered. Do not let it be later than Monday night's post to Doncaster."

On the 9th of September he wrote:—

"You must send me for Mr. Cook, by Monday night's post (to the Post-office, Doncaster), 385*l.* instead of 375*l.*, and the wine warrant, so that I can hand it to him with the 375*l.*, and that will be allowing you 50*l.* for the discount, &c. I shall then get 10*l.*, and I expect I shall have to take to the wine, and give him the money; but I shall not do so if you do not send 385*l.*, and be good enough to enclose my 315*l.* with it, in cash, in a registered letter, and direct it to me to the Post-office, Doncaster."

I accordingly wrote to Palmer, at the Post-office, Doncaster, enclosing 300*l.* in notes, and a cheque for 375*l.* I struck out the words "or bearer," so that it was payable to order. In the letter I said:—

"You know by this time that if I do what I can to accommodate you there is a limit to my means to do so, and more particularly as in this instance you have been the means of shutting up a supply I could generally go to. I think also you had little reason to allude to the 10*l.* difference after the trouble, correspondence, &c., I had with respect to a second insurance you know of, which, although it did not come off, arose not from any lack of industry on my part. I have no reply as yet from the Prince of Wales. When shall I see you about the three 2000*l.* bills coming due at the end of this month? I speak in time, in order that you may be prepared in case anything untoward happens with the Prince of Wales. I am obliged to send a cheque for Cook, as I have not received the money, which I shall do, no doubt, to-morrow.

The check for 375*l.* and the wine warrant was the consideration for Cook's bill of sale for 500*l.* The other 300*l.* had nothing to do with Cook's transactions. [A letter from Palmer was then read, acknowledging the receipt of the previous letter, with the enclosures.] I had one other transaction with Cook before this. It related to an acceptance of Cook for 200*l.*, which was paid. I had no other pecuniary transactions whatever with him. The date of that first transaction was the end of April or the beginning of May, 1855. The bill was drawn by Palmer on Cook, and was paid by Cook.

Mr. Stevens was here recalled, and, having examined the endorsement on the check for 375*l.* said,—This endorsement is not in the handwriting of Cook. I never saw him write his name otherwise than "J. Parsons Cook," whereas this is written "J. P. Cook."

Mr. Strawbridge was shown some acceptances purporting to be by Mrs.

Sarah Palmer, and said that none of them were in Mrs. Palmer's handwriting.

William Cheshire, who had been a clerk in the bank at Rugeley in September last, proved that Palmer had an account there, and that the check already in evidence had been received by him and carried to Palmer's credit.

Cross-examined.—I did not know Cook; he never had any transactions with me.

Mr. Pratt was then cross-examined by Mr. Serjeant Shee.—Previous to May, 1855, I knew nothing at all about Cook. I then held a sum of 310*l.*, due to Palmer, and he wished me to add 190*l.* to it, and to pay 500*l.* to a Mr. Sargent. I declined to do that without further security. He then proposed the security of Cook's acceptances, and represented Cook to be a gentleman of respectability and substance. On his representation I agreed to accept a bill drawn by him on Cook for 200*l.*, and to make the advance. He thus got the 500*l.* I wrote to Cook about the first transaction. I also wrote to him before his death, on the 13th of November, reminding him that 500*l.* was due on December 2nd. I sent the letter to him at Lutterworth.

Re-examined.—The first 200*l.* bill was due on the 29th of June, but was not then paid. I wrote about it, and Cook came up on the 2nd of July, and paid it. I did not see him.

John Armshaw, examined by Mr. Welsby.—I am an attorney, practising at Rugeley. About the 13th of November I was employed to apply to Palmer for payment of a debt of about 60*l.*, due to some mercers and drapers at Rugeley. On the 19th of November I sent up to London instructions for a writ. On the next morning (the 20th) I went to Palmer's house. He gave me two 50*l.* notes, and said he hoped he should not be put to the cost of the writ. One was a Bank of England, the other a local note. I took them to my employer to get the receipt and change, and to settle about the costs.

John Walbank, examined by Mr. Welsby.—I am a butcher at Rugeley. On the Monday, in Shrewsbury race week, Palmer's man came to me and fetched me to Palmer's house. Palmer said, "I want you to lend me 25*l.*" I said, "Doctor, I'm very short of money, but I'll try if I can get it." He said, "Do, that's a good fellow; I'll give it you again on Saturday morning, as I shall then have received some money at Shrewsbury." On the Saturday I met him in the street, went to his house with him, and he paid me the money.

Cross-examined by Mr. Serjeant Shee.—Palmer had lent me money sometimes when I had asked him. His mother lived in the town, in a large house near the church. He was in the habit of going there.

John Spillbury, examined by Mr. Bodkin.—I am a farmer, near Stafford, and have had dealings with Palmer. In November last he owed me 46*l.* 2s. On the 22nd of November (Thursday) I called on him, and he paid me that amount. He gave me a Bank of England note for 50*l.* I called casually. I had not applied to him for the money. That was the first transaction I had with him.

Mr. Strawbridge, examined by the Attorney-General, said,—On the 19th of November Palmer had an account at the bank, and there was a balance of 9*l.* 6s. in his favour. Nothing was paid to his account after that. The 10th of October was the last date on which anything was paid to the account. The amount then paid was 50*l.*

Herbert Wright, examined by Mr. E. James.—I am a solicitor, in partnership with my brother, at Birmingham. I have known Palmer since July, 1851. In November, 1855, he owed my brother 10,400*l.* We had a bill of sale upon his property. [It was produced and read. It recited that Palmer was indebted to Edwin Wright in the sum of 6,500*l.* on account of bills of

exchange accepted by Sarah Palmer and endorsed by Palmer to Wright, and as security for that amount, and a further sum of 2,300*l.*, which had been advanced to him, a power of sale, subject to redemption, was given by Palmer over the whole of his property, including his horses.] All the advances were made upon bills, together with other collateral security. All the bills are here. [The bills purporting to be accepted by Palmer's mother were produced; also an acceptance of Palmer's for 1,600*l.*] In the early part of November I was pressing Palmer for payment. Many of the bills were overdue, Palmer always said the money would be paid after the Cambridgeshire races at Newmarket. I put the bill of sale in force in December, after the verdict of the coroner's jury was returned. I was present when the property was taken. I found no papers in the house.

Cross-examined by Mr. Serjeant Shee.—A sheriff's officer effected the seizure, and an auctioneer followed him.

Should you have objected to give Palmer more time for payment if you had been asked?—I hardly know; probably I should not. I was not hostile to him. I never accommodated Cook. I had offered to do so, but the transaction never assumed completion. (A laugh.)

Re-examined by the Attorney-General.—These bills were discounted at 60 per cent. per annum, and would have been renewed probably at the same rate of interest.

Mr. Strawbridge proved that the acceptances produced by the last witness were not in the handwriting of Mrs. Palmer.

Cross-examined.—They are a bad imitation of her hand.

The Attorney-General said that Mr. Weatherby was the only remaining witness for the prosecution, and, as he was not now in court, he hoped their Lordships would allow him to be examined in the morning, before his learned friend opened the defence.

Mr. Serjeant Shee asked the court to permit the witness Mills to be recalled, in order that he might examine her as to where she was now residing.

The Attorney-General.—She was cross-examined upon that point.

Lord Campbell.—We are of opinion that there is no ground for recalling her.

Mr. Serjeant Shee asked permission to put some further questions to Dr. Devonshire with regard to his having been pushed by Palmer during the post-mortem examination.

Lord Campbell.—By all means.

Mr. Justice Cresswell observed that he did not think it was a circumstance to which much importance could be attached; he had not taken a note of it.

Mr. Baron Alderson expressed a similar opinion. There was nothing extraordinary in a person who was interested in the examination being anxious to see all that was going on.

Mr. Serjeant Shee, after that intimation of their Lordships' opinion, would not press his request.

Lord Campbell hoped that the jury would have an opportunity given them of breathing the fresh air that fine evening.

The court anjourned at half-past three until ten o'clock to-morrow (this) morning.

SEVENTH DAY.

The court was even more crowded this morning than it has been since the commencement of the trial. By nine o'clock every available seat was occupied, and a great number of persons waited in the passages leading to the various entrances during the whole day without being able to obtain admission. Among the distinguished persons who were present we noticed the Lord Chief Baron, the Earl of Denbigh, Lord G. Lennox, Mr. Monckton Milnes, Mr. L. Gower, Mr. G. O. Higgins, Mr. Forster, and several other members of the House of Commons

The learned Judges, Lord Campbell, Mr. Baron Alderson, and Mr. Justice Cresswell, entered the court at about ten o'clock, accompanied by the Sheriffs, Sir R. W. Carden, and other Aldermen.

The prisoner was immediately placed at the bar. He listened with great attention to the address of his learned counsel, and maintained the same calmness and self-possession that he has exhibited since the first day of the proceedings.

Counsel for the Crown—the Attorney-General, Mr. E. James, Q.C., Mr. Welsby, Mr. Bodkin, and Mr. Huddleston; for the prisoner—Mr. Serjeant Shee, Mr. Grove, Q.C., Mr. Gray, and Mr. Kenealy.

Charles Weatherby, examined by Mr. Welsby, said,—On the 21st of November I received a letter from Palmer, enclosing a cheque for 350*l.* I produce that letter:—

"Rugeley, Nov. 20, 1855.

"Gentlemen,—I will thank you to send me a cheque for the amount of the enclosed order. Mr. Cook has been confined here to his bed for the last three days with a bilious attack, which has prevented him from being in town. "Yours respectfully,

"Wm. Palmer."

On the morning of the 23rd I received another letter from him, which I also produce. [In this letter Palmer requested Messrs. Weatherby to send a cheque for 75*l.* to Mr. Pratt, and a cheque for 100*l.* to Mr. Earwaker, and deduct the same from Cook's draught.] On the 23rd I sent a letter to Palmer, of which I produce a copy:—

"Nov. 23, 1855.

"Sir,—We return Mr. Cook's cheque, not having funds enough to meet it When Mr. Frail called to-day to settle the Shrewsbury Stake account, he informed us that he had paid Mr. Cook his winnings there. We could not comply with your request as to paying part of the money even if we had had sufficient in hand to pay the sums you mention, which we have not. Be so good as to acknowledge the receipt of the cheque."

On the 24th, the following notice, signed by Palmer, was left at my office:—

Nov. 24, 1855.

"Gentlemen,—I hereby request you will not part with any moneys in your hands, or which may come into your hands, on account of John Parsons Cook, to any person until payment by you to me or my order of the cheque or draught in my favour given by the said John Parsons Cook for the sum of 350*l.*, sent to you by me, and acknowledged in your letter received by me at Rugeley on Wednesday morning, the 20th of this month of November.

"Yours, &c., "Wm. Palmer."

"Messrs. Weatherby, 6, Old Burlington-street."

On the 23rd I had sent a letter to Cook at Rugeley, which was subsequently returned to me through the dead-letter office.

Cross-examined by Mr. Serjeant Shee.—The cheque for 350*l.* was, as far as I recollect, signed by Cook.

The Attorney-General.—Was it signed J. P. Cook, or J. Parsons Cook?—I did not observe.

By Lord Campbell.—I observe that the body of the check was not in Cook's handwriting, but that the signature was.

Mr. Serjeant Shee.—When that check of Cook's was presented, you had not funds in hand to meet it?—No.

Were funds afterwards sent up by Mr. Frail, the clerk of the course at Shrewsbury?—They were to have been, but were not eventually.

In the ordinary course of things ought they to have been in your hands on the day you received the check?—I can't positively say. Clerks of the course pay at different times. But Cook might reasonably have supposed that they would be in hand, as it was then a week after he had won the race. I informed Palmer when I did not pay his check of my reason for not doing so.

Mr. F. Butler, examined by the Attorney-General.—I attend races, and bet. I was at Shrewsbury races, and had an account to settle with Palmer. I had to receive 700*l.* odd from him in respect of bets made at the Liverpool races. I had no money to receive in respect of the Shrewsbury races. I endeavoured to get my money at Shrewsbury, and I got 40*l.* I asked him for money several times, and he said he had none, but had some to receive. He did not say how much. He gave me a check for 250*l.* upon the Rugeley bank, which was not paid. I knew Cook's horse Polestar. After she had won the race at Shrewsbury she was worth about 700*l.* She was worth more after than before she won.

Cross-examined by Mr. Grove.—I won 210*l.* on Polestar for Palmer, and kept it on account.

Mr. Stevens proved that Polestar was sold at Tattersall's on the 10th of March by auction, and fetched 720 guineas.

The Attorney-General.—That is the case for the prosecution.

THE DEFENCE.

Mr. Serjeant Shee then rose to open the defence. He said,—In rising to perform the task which it now becomes my duty to discharge, I feel, gentlemen of the jury, an almost overwhelming sense of responsibility. Once only has it before fallen to my lot to defend a fellow-creature charged with a capital offence. You can well understand that, to take a leading part in a trial of this kind, is sufficient to disturb the calmest temper and try the clearest judgment, even if the effort only last for one day. But how much more trying is it to stand for six long days under the shade, as it were, of the scaffold, conscious that the least error in judgment may consign my client to an ignominious death and public indignation! It is useless for me to conceal that which all your endeavours to keep you minds free from prejudice cannot wholly efface from your recollection. You perfectly well know that for six long months, under the sanction and upon the authority of science, an opinion has almost universally prevailed that the blood of John Parsons Cook has risen from the ground to bear witness against the prisoner; you know that a conviction of the guilt of the prisoner has impressed itself upon the whole population, and that by the whole population has been raised, in a delirium of horror and indignation, the cry of blood for blood! You cannot have entered upon the discharge of your duty—which, as I have well observed, you have most conscientiously endeavoured to perform—without, to a great extent, sharing in that conviction. Before you knew that you would have to sit in that box to pass judgment between the prisoner and the Crown you might with perfect propriety, after reading the evidence taken before the coroner's jury, have formed an opinion with regard to the guilt or innocence of the prisoner. The very circumstances under which we meet in this place are of a character

to excite in me mingled feelings of encouragement and alarm. Those whose duty it is to watch over the safety of the Queen's subjects felt so much apprehension lest the course of justice should be disturbed by the popular prejudice which had been excited against the prisoner—they were so much alarmed that an unjust verdict might, in the midst of that prejudice, be passed against him, that an extraordinary measure of precaution was taken, not only by her Majesty's Government, but also by the Legislature. An Act of Parliament, which originated in that branch of the Legislature to which the noble and learned lord who presides here belongs, and was sanctioned by him, was passed to prevent the possibility of an injustice being done through adherence to the ordinary forms of law in the case of William Palmer. The Crown, also, under the advice of its responsible Ministers, resolved that this prosecution should not be left in private hands, but that its own law officer, my learned friend, the Attorney-General, should take upon himself the responsibility of conducting it. And my learned friend, when that duty was intrusted to him, did what I must say will for ever redound to his honour—he resolved that in a case in which so much prejudice had been excited all the evidence which it was intended to press against the prisoner should, as soon as he received it, be communicated to the prisoner's counsel. I must therefore tell my unhappy client that everything which the constituted authorities of the land—everything which the Legislature and the law officers of the Crown could do to secure a fair and impartial trial has been done, and that if unhappily an injustice should on either side be committed the whole responsibility will rest upon my lords and upon the jury. A most able man was selected by the prisoner as his counsel not many weeks ago, but, unfortunately, was prevented by illness from discharging that office. I have endeavoured to the best of my ability to supply his place; but I cannot deny that I labour under a deep feeling of responsibility, although the national effort, so to speak, which has been made to insure a fair trial is a great cause of encouragement to me. I am moved by the task that is before me, but I am not dismayed. I have this further cause for not being altogether overcome in discussing the mass of evidence which has been laid before you. When the papers in the case came into my hands I had formed no opinion as to the guilt or innocence of the prisoner. My mind was perfectly free to form what I trust will prove to be right judgment upon the case, and—I say it in all sincerity—having read these papers, I commenced his defence with an entire conviction of his innocence. I believe that truer words were never pronounced than the words he uttered when he said "Not Guilty" to this charge, and if I fail in establishing his innocence to your satisfaction I shall have very great misgivings that my failure is attributable only to my own inability to do justice to his case, and not to any weakness in the case itself. I will prove to you the sincerity with which I declare my conviction of the prisoner's innocence by meeting the case for the prosecution foot to foot, and grappling with every difficulty which has been suggested by my learned friend. You will see that I shall avoid no point which has been raised. I will deal fairly with you, and I know that I shall have your patient attention to an address which must, I fear, unavoidably be a long one, but in which no observation will be introduced which does not necessarily and properly belong to the case. The proposition which my learned friend undertakes to establish entirely by circumstantial evidence may be shortly stated. It is that the prisoner, having in the second week in November made up his mind that it was his interest to get rid of John Parsons Cook, deliberately prepared his body for the reception of a deadly poison by the slower poison of antimony, and that he afterwards dispatched him by the deadly poison of strychnine. Now, no jury will convict a man of the crime thus charged unless it be made clear, in the first place, that he had some motive for its

commission,—some strong reason for desiring the death of the deceased; in the second place, that the symptoms before death and the appearances of the body after death are consistent with the theory that he died by poison: and, in the third place, that they are inconsistent with the theory that death proceeded from natural causes. Under these three heads I shall discuss the vast mass of evidence which has been laid before you, and I must by adhering to that order, exhaust the whole subject, and leave myself no chance of evading any difficulty without immediate detection. Before, however, I proceed to grapple in these close quarters with the case for the Crown, allow me to restore to its proper place in the discussion a fact which, although it was by no means concealed by my learned friend in that address by which he at once seized upon your judgments, appeared to me to be thrown too much into the shade—the fact, I mean, that strychnine was not found in the body of the unfortunate deceased. If he died of the poison of strychnine—if he died within a few hours or within a quarter of an hour or twenty minutes of the administration of a strong dose—if the post-mortem examination took place within six days of the death, there is not the least reason to suppose that between the time of the injection of the poison and the paroxysms of death there was any dilution of it, or any ejection of it by vomiting. Never, therefore, unless chymical analysis is altogether a failure in the detection of strychnine, were circumstances more favourable for its discovery. But, beyond all question, strychnine was not found. Whatever we may think of the judgment and experience of Dr. Taylor, we have no reason to doubt that he is a very skilful chymist; we have no reason to believe—in fact, we know to the contrary—that he and Dr. Rees did not do all that the science of chymical analysis could enable men to do to detect the poison. They had a distinct intimation from the executor and near relative of the deceased that he, for some cause or another, had reason to suspect that poison had been administered. They undertook an analysis of the stomach, which (without now going into details upon that point) was not on the whole in an unfavourable condition, with a firm expectation that if it was there it would be found, and without any doubt as to the efficiency of their tests. Then, in December, they say—

"We do not find strychnine, prussic acid, or any trace of opium. From the contents having been drained away" (not drained out of the jar, you know) "it is now impossible to say whether any strychnine had or had not been given just before death, but it is quite possible for tartar emetic to destroy life if given in repeated doses; and, so far as we can at present form an opinion, in the absence of any natural cause of death, the deceased may have died from the effects of antimony in this or some other form."

But they afterwards attended the inquest, and having heard the evidence of Mills, of Mr. Jones of Lutterworth, and of Roberts (who spoke to the purchase of strychnine on the morning of the death), they came to the conclusion that the pills administered to Cook on the Monday and the Tuesday night contained strychnine. Dr. Taylor came to that conclusion, notwithstanding his written opinion that Cook might have been poisoned by antimony, and notwithstanding the fact that no trace of strychnine was found in the body. I call your attention now to this circumstance in order to claim for it its proper place in the discussion. The gentlemen who have come to the conclusion that strychnine may have been in the body, although it was not found, have arrived at that conclusion from experiments of a very partial kind indeed: they contend that when strychnine has once done its fatal work and become absorbed into the system it ceases to be the thing it was when taken into the system; it becomes decomposed, its elements are separated from each other, and therefore are no longer capable of responding to the tests which would certainly detect its presence if undecomposed. That is their case. They account for its not being found, and for their belief that it destroyed

Cook, by that hypothesis. Now, it is only an hypothesis. No authority for it can be drawn from experiments, and it is supported by the opinion of no eminent toxicologist but themselves. It is only fair to them, and to Dr. Taylor in particular, to say that Dr. Taylor does propound that theory in his book. It is, however, only a theory of his own; he does not support it by the authority of any distinguished toxicologist, and when we recollect that his knowledge of the matter—good, humane man!—consists in having poisoned five rabbits twenty-five years ago, and five others since this question was raised, it cannot have much weight. But I will call before you a number of gentlemen of high eminence in their profession as analytical chymists, who will state their utter renunciation of that theory. I will call Dr. Nunneley, a fellow of the Royal College of Surgeons and a professor of chymistry, who attended the case at Leeds, which has been described to you, and Dr. Williams, professor of materia medica at the Royal College of Surgeons in Ireland, for eighteen years surgeon to the City of Dublin Hospital. Dr. Letheby, one of the ablest and most distinguished men of science in this great city, Professor of Chymistry and Toxicology in the Medical College of the London Hospital, and medical officer of the city of London, will tell you that he rejects the theory as a heresy unworthy the belief of scientific men. Dr. Nicholas Parker, of the College of Physicians of London, and Professor of Medicine, Dr. Robinson, of the College of Physicians, and Mr. Rogers, Professor of Chymistry, concur with Dr. Letheby. Lastly, I will call Mr. William Herepath, of Bristol, probably the most eminent chymical analyst in this country, who also utterly rejects the theory. All of those gentlemen contend that if not only half-a grain of strychnine, but even 1-50th part or less has once entered into the human frame, it can and must be discovered by the tests known to chymists. They will tell you this, not as the result of a few experiments, for ever regretted, upon five rabbits, but from a large experience as to the operation of the poison upon the inferior animals, created, as you know, for the benefit of mankind, and many of them from their experience as to its effects upon the human system. I will satisfy you from their evidence, that if you admit the correctness of the tests which were used, the only safe conclusion at which you can arrive is that, strychnine not having been found in the body, it could never have been there. They all agree, too, that no degree of putrefaction or fermentation in the human system could so decompose strychnine that it should no longer possess those qualities which cause it, in its undecomposed state, to respond to chymical tests. I will now apply myself to a question which, in my judgment, is of equal, if not of greater, importance—the question whether in the second week of November, 1855, the prisoner had a motive for the commission of this murder—a strong reason for desiring that Cook should die. I never will believe that, unless it were made clear that it was his interest to destroy Cook, you would come to the conclusion that he had committed such a crime. It seems to me abundantly clear upon the evidence that not only was it not the interest of Palmer that Cook should die, but that the death of Cook was the very worst calamity that could befal him, and that he could not possibly be ignorant that it would be followed by his own ruin. That it was followed by his immediate ruin we know. We know that at the time when it is said he commenced to plot Cook's death he was in a condition of the greatest embarrassment—an embarrassment which in its extreme intensity had come upon him but recently—an embarrassment, too, in some degree mitigated by the circumstance that the acceptances he is said to have forged were those of his mother—a lady of large fortune living in the town. My learned friend's hypothesis is, that not until he was in a state of the greatest embarrassment did he wish to destroy Cook. My learned friend stated to you "That, being in desperate circumstances, with ruin, disgrace, and

punishment staring him in the face, which could only be averted by means of money, he took advantage of his intimacy with Cook, when Cook had become the winner of a considerable sum, to destroy him, in order to obtain possession of his money." Let us test this theory. Let us relieve our minds for a moment from the anxiety we must always feel when the life of a fellow-creature is at stake, and, looking at it as a mere matter of business, let us ask ourselves whether in the second week in November Palmer had any motive to commit this crime. When a long correspondence is read to a jury, who are without the same means of testing its importance as the Judge or the counsel, they frequently do not attach that weight to it which it deserves. But I watched the correspondence which was read to you yesterday with an anxiety which no words can express, because I firmly believed that in it the innocence of the prisoner lay concealed; that it proved not only that the prisoner had no motive to kill Cook, but that Cook's death was ruin to him. Allow me to call your attention to the relation in which these men stood to each other. They had been intimate as racing friends for two or three years; they had had many transactions together; they were jointly interested in at least one racehorse, Pyrrhine; they generally stayed at the same hotels; they were seen together upon almost all the racecourses in the kingdom; they were known to be connected in adventures upon the same horses at the same races; and although, Cook being dead, the mouth of the prisoner being sealed, and transactions of this kind not being recorded in regular books, it is impossible to give you positive evidence as to their relations to one another, it is abundantly clear that they were very closely connected. In August, 1855, money was wanted either by Cook or Palmer, and Palmer applied to Pratt for it. He seems to have wanted 200*l.*, to make up a larger sum, having already 190*l.* in Pratt's hands; and he offered as security for the advance his friend Mr. Cook, whom he described as a gentleman of respectability and substance. We do not know the exact state of Cook's affairs at that time. Such a fortune as he had might have been thrown down in a week with the life he was leading; but a young man who is reckless as to the mode in which he employs his money, and has only 13,000*l.*, may for a year or two pass before the world for a man of considerable means. It is not every one who will go to Doctors' Commons to ascertain the precise amount of the property he has inherited. Mr. Cook, of Lutterworth, kept his racehorses, lived expensively, was known to have inherited a fortune, and was altogether a person whose friendship was of considerable importance to a man like Palmer. Recollect that I am not now defending Palmer against the crime of forgery, nor am I defending him against the imputation of reckless improvidence in obtaining money at an enormous discount. But as early as May, 1855, Palmer and Cook were thus circumstanced. What was their position in November? The evidence of Pratt, and the correspondence which he proved, can leave no doubt on our minds upon that subject. Among a mass of bills, amounting altogether to 11,500*l.*, there were two, of 2,000*l.* each, due the last week in October, two others, amounting to 1,500*l.*, having become due some time before, but being held over from month to month upon payment by Palmer, who was liable for them, of what was called interest at the rate of 60 per cent. These three sums—2,000*l.*, 2,000*l.*, and 1,500*l.*—were the embarrassments which were pressing upon him in the second week in November, and, be it observed, they were pressed upon him by a man who, although he would, doubtless, have been glad to get his principal, would also, upon anything like security, have been very well pleased to continue to receive interest. How can capital, if well secured, be better employed than in returning 40 or 60 per cent.? In this state of things Palmer, in answering to an urgent demand for money, came up to town on the 27th of October. Pratt then insisted that if Palmer could not pay one of the 2,000*l.* bills which had just become due he should

pay instalments, in addition to the enormous interest charged upon it, and it was agreed that 250*l.* should be paid down, 250*l.* upon the 31st of October, and a further sum of 300*l.* as soon afterwards as possible, making a total payment on account of that bill of 800*l.*, to "quiet" Pratt or his client, and to induce him to let the bill stand over. On the 9th of November the 300*l.* was paid, and then a letter was written, to which I beg your particular attention. On the 13th of November, the day that Polestar won the race, Pratt wrote to Palmer that the case ("Palmer v. Prince of Wales Insurance Company") had been laid before Sir F. Kelly, that in the opinion of several secretaries of insurance offices the company had not a leg to stand upon, and that the mere fact of the enormous premium would go a great way to get a verdict. The letter concluded,—"I count most positively on seeing you on Saturday. Do, for both our sakes, try and make up the amount to 1,000*l.*, for, without it, I shall be unable to renew the 1,500*l.* due on the 9th." Pratt had threatened to issue a writ against Palmer's mother. Palmer had almost gone upon his knees to beg him not to do so, and this letter really meant, "Unless you give me 200*l.* more and make up 1,000*l.*, a writ shall be served upon your mother." That letter is written on the 13th of November. Palmer gets it at Rugeley, whither he had gone from the race-course on the day that Polestar won. What does he do? He instantly returns to Shrewsbury, gets there on Wednesday, sees Cook. They say he doses him. We will see how probable that is presently. Cook goes to bed in a state I will not describe, gets up next morning much more sensible than he went to bed, goes upon the race-course, returns with Palmer to Rugeley on the Thursday, goes to bed, gets up next morning still uncomfortable, but able to go and dine with Palmer on that day (Friday). On that day, the 16th of November, Palmer writes to Pratt—

"I am obliged to come to Tattersall's on Monday to the settling, so that I shall not call and see you before Monday, but a friend of mine will call and leave you 200*l.* to-morrow, and I will give you the remainder on Monday."

The person who ordinarily settled Cook's accounts was a person named Fisher, a wine merchant in Shoe-lane, who was called first in this case; and on that very day (the day on which Cook dined with Palmer) Cook writes to him:—

"It is of great importance, both to Mr. Palmer and myself, that a sum of 500*l.* should be paid to a Mr. Pratt, of 5, Queen-street, May-fair, to-morrow, without fail. 300*l.* has been sent up to-night, and, if you will be kind enough to pay the other 200*l.* to-morrow on the receipt of this, you will greatly oblige me, and I will give it to you on Monday at Tattersall's.

There is a postscript, which I will read, but upon which I will at present make no observation—"I am much better." What is the fair inference from these letters? I submit that the inference is, that at that date Cook was making himself very useful to Palmer. Prats was pressing for an additional sum of 200*l.* Palmer communicated his difficulty to Cook, who at once wrote to his agent to pay the 200*l.* More than this,—the 300*l.* referred to in the letter as having been paid "to night" [The Attorney-General.—"the other day"] means one of these things—it either means the 300*l.* which had been sent up on the 9th of November (and if it did, then Cook knew all about it—probably had an interest in Palmer's transactions with Pratt); or it was a false representation, put forward merely for the purpose of putting a good face upon the matter to Fisher; or it means that on that day 300*l.* had somehow or other come to their hands, and had been by Cook made applicable to the convenience of Palmer. Whichever way you take it it proves to demonstration that Palmer and Cook were playing in each other's hands with respect to that heavy encumbrance upon Palmer, and that Palmer could rely upon Cook as his fast friend in any such difficulties. Although,

when we take the sum total of 11,500*l*., his difficulties sound large, yet the difficulty of the day was nothing like that, because, in the reckless spendthrift way in which they were living, putting on bills from month to month, and paying an enormous interest per annum, the actual outlay upon the day of putting on was not considerable. I submit that this letter shows that on the day on which it is said that Palmer was poisoning Cook, the 16th of November, Cook was acting towards him in a most friendly manner, was acquainted with his circumstances, and willing to relieve his embarassments, and actually did devote a portion of his earnings to Palmer's purposes. I will, however, make this plainer. Part of the case of my learned friend is that Palmer, leaving Cook ill in bed at Rugeley, ran up to town on the Monday, and intending to despatch Cook that night obtained possession of his Shrewsbury winnings by telling Herring, who was not Cook's usual agent, that he was authorised by Cook to settle his Shrewsbury transactions at Tattersall's. On the Monday, as on the Tuesday, Cook, although generally indisposed, was during the greater part of the day quite well. He got up and saw his trainer and two jockeys. The theory of the case for the prosecution is that he was quite well, because Palmer was not there to dose him. You will see how grossly and contemptibly absurd that is presently. Being well on Monday and Tuesday, do not you think that, had not Cook known that Palmer did not intend to go to his regular agent, Fisher, he would have been very much surprised that he on Tuesday morning received no letter from that gentleman, informing him of the settlement of his transactions? And could Palmer, as a man of business, have relied upon an absence of such surprise and alarm on the part of Cook? We have the evidence of Fisher, that he, at Cook's request, contained in the letter of the 17th November, advanced the 200*l*., which he would, had he settled Cook's affairs, have been entitled to deduct from the money he would have received at Tattersall's on the Monday. He did not settle those affairs, and the money has never been paid. That explains the whole transaction. Cook and Palmer understood each other perfectly well. It was the interest of both of them that Palmer should be relieved from the pressure of Pratt. Accordingly, Cook said, "This settlement shall not go through Fisher's hands. We have got him to pay the 200*l*. to Pratt, but it shall not be repaid to him on Monday. I will let Palmer go to London, and settle the whole thing through Herring." That was done, and accordingly Fisher has never been paid. There is a letter to which I will particularly call your attention. It is one sent by Palmer to Pratt on the 19th of November, 1855:—"You will place the 50*l*. which I have just paid you, and the 450*l*. you will receive by Mr. Herring—together 500*l*.—and the 200*l*. you received on Saturday." [That is the 200*l*. which Fisher paid to Pratt at the express request of Cook.] "towards payment of my mother's acceptance for 2,000*l*. due on the 25th of October, making paid to this day the sum of 1,300*l*." Taking that letter with the one which Cook wrote to Fisher on Friday, the 16th, can you doubt that on that day Cook was a most convenient friend to Palmer, who could not by possibility do without him? It does not end there. Cook died at one o'clock on the morning of Wednesday, the 21st of November. If we want to know what influence that death had upon Palmer, we must take it from the letters. On the 22nd of November —and I am sure you will make some allowance for a day having elapsed from the death of Cook—Palmer writes to Pratt, "Ever since I saw you I have been fully engaged with Cook and not able to leave home." Unless he murdered Cook, that is the truest sentence that ever was penned. He watched the bedside of his friend. He was with him night and day. He attended him as a brother. He called his friends around him. He did all that the most affectionate solicitude could do for a friend, unless he was plotting his death.

"Ever since I saw you I have been fully engaged with Cook, and not able

to leave home. I am sorry to say, after all, he died this day. So you had better write to Saunders; but mind you I must have Polestar, if it can be so arranged; and, should any one call upon you to know what money or moneys Cook ever had from you, don't answer the question till I have seen you.

"I will send you the 75*l.* to-morrow, and as soon as I have been to Manchester you shall hear about other moneys. I sat up two full nights with Cook, and am very much tired out."

And did he not? Was it not true? It may not be true that he sat up the whole of the nights, but he was ready to be called if Cook should be ill. Elizabeth Mills says that after the first serious paroxysm on the Monday night she left Palmer in the armchair sleeping by the side of the man whom the prosecution say he had attempted to murder. No; murderers do not sleep by their victims. What was Pratt's answer to Palmer's letter? I will read it that you may see what quick ruin Cook's death brought upon Palmer. That answer, dated November 22nd, is as follows:—

"I have your note, and am greatly disappointed at the non-receipt of the money as promised, and at the vague assurances as to any money. I can understand, 'tis true, that your being detained by the illness of your friend has been the cause of not sending up the larger amount, but the smaller sum you ought to have sent. If anything unpleasant occurs you must thank yourself.

"The death of Mr. Cook will now compel you to look about as to the payment of the bill for 500*l.* on the 2nd of December.

"I have written to Saunders, informing him of my claim, and requesting to know by return what claim he has for keep and training. I send down copy of bill of sale to Crubble to see it enforced."

So that the first effect of Cook's death was, in the opinion of Pratt, who knew all about it, to saddle Palmer with the sum of 500*l.* Now, I will undertake to satisfy you that the transactions out of which that bill for 500*l.* arose were transactions for Cook's benefit, and in which Palmer lent his name to accommodate Cook, upon whose death he became primarily and alone responsible for the bill. Let me state the view which my learned friend (the Attorney-General) takes of that transaction, because I intend to meet his case foot by foot, and I shall, I hope, convince him that, if he had had the option, he would never have taken up this case—the Crown would never have appeared in it. The universal feeling in the country was, however, such as to render it impossible that the case should not be tried, after the verdict of wilful murder had been obtained upon the evidence of Dr. Taylor; and the Crown felt that it would be neglecting its solemn duty to protect every one of the Queen's subjects, if it did not take care that a man, against whom there was so much prejudice—a man leading the life which Palmer has led, disgraced, as it is said, by forgeries to a large amount, and a gambler by profession, should have a fair trial. There was no way of securing that, as my learned friend at once saw, no possibility of the prisoner's being saved, except by giving to the counsel who defended him all the information which my learned friend himself possessed. The view which my learned friend takes of the 500*l.* transaction, the theory on which he thinks it probable that Palmer plotted the death of Cook is this:—

"Pratt still declining to advance the money Palmer proposed an assignment by Cook of two racehorses, one called Polestar, which won the Shrewsbury Races, and another called Sirius. That assignment was afterwards executed by Cook in favour of Pratt, and Cook, therefore, was clearly entitled to the money which was raised upon that security, which realised 375*l.* in cash, and a wine warrant for 65*l.* Palmer contrived, however, that the money and the wine warrant should be sent to him, and not to Cook. Mr. Pratt sent down his cheque to Palmer in the couutry on a stamp, as the act of Parliament required, and he availed himself of the opportunity now afforded by law of striking out the word 'bearer' and writing 'order,' the effect of which was to necessitate the endorsement of Cook on the back of the cheque. It was not intended by Palmer that those proceeds should fall into Cook's hands, and accordingly he forged the name of John Parsons Cook on the back of that cheque. Cook never

received the money, and you will see that, within ten days from that period when he came to his end, the bill in respect of that transaction, which was at three months, would have fallen due, when it must have become apparent that Palmer received the money, and that, in order to obtain it, he had forged the endorsement of Cook."

That is the view which the prosecution take of the case, and I think I shall be able to satisfy you that it cannot possibly be the correct one. We know from Pratt exactly what took place. Palmer wrote to him saying:—

"I have undertaken to get the enclosed bill cashed for Mr. Cook. You had the 200*l.* bill of his. He is a very good and responsible man. Will you do it? I will put my name to the bill."

So that it was represented to Pratt as a transaction for the accommodation of Cook. Pratt's answer to this is:—

"If Mr. Cook chooses to give me security, I have no objection; but he must execute a bill of sale on his two horses, Polestar and Sirius; more, he must execute a power of attorney, and his signature to both must be witnessed by some solicitor in the country, so that I may be quite sure that it is a really valid security. If Cook will do that I will give him 375*l.* in money, and a wine warrant for 65*l.*; which, charging 10*l.* for expenses, and 50*l.* for discount, will make 500*l.*"

There can be no doubt that Cook attached great value to Sirius and Polestar, which mare was, probably, then booked for the engagements in which she won so much money at Shrewsbury; and it is to the last degree improbable that he would have executed this bill of sale, with a power of attorney to enable the mortgagee or assignee to enforce it at once effectually, and yet have received no money. Would he, if such had been the case, have remained quiet to the day of his death, and never have written to Pratt to say that although he had sent him the required documents he had never received the money? Cook was as much in want of money as Palmer was: and would he thus have thrown away his money? Is it credible that if Palmer had misappropriated the cheque he could for three months have kept Cook in ignorance of the transaction? Is it not probable that Cook's name was written on the cheque with his full knowledge and consent? It is not suggested that there was any attempt to imitate his handwriting. Is it not more probable that Cook, who I will prove to you from the letter wanted ready money, and who would probably be put to inconvenience by receiving only a cheque, which he would not get cashed for a day or two, took the ready money—315*l.*, which Pratt sent at the same time to Palmer—and that Palmer took the cheque? On the 6th of September Palmer wrote to Pratt:—

"I received the cheque for the 100*l.*, and will thank you to let me have the 315*l.* by return of post, if possible; if not, send it me (certain) by Monday night's post, to the Post-office, Doncaster. I now return you Cook's papers signed, &c., and he wants the money on Saturday, if he can have it; but I have not promised it for Saturday. I told him he should have it on Tuesday morning at Doncaster; so please enclose it with mine, in cash, in a registered letter, and he must pay for it being registered. Do not let it be later than Monday night's post to Doncaster."

So that Palmer asked that it should be sent like his own, Cook, according to the letter, wanting it in cash. Pratt replied to Palmer, acknowledging the receipt of the documents, and promising that he would send him his money to Doncaster on the Monday, and would endeavour to let Cook have his at the same time. On the 9th of September Palmer wrote to Pratt:—

"You must send me, for Mr. Cook, by Monday night's post (to the Post-office, Doncaster), 385*l.* instead of 375*l.*, and the wine warrant, so that I can hand it to him with the 375*l.*, and that will be allowing you 50*l.* for the discount, &c. I shall then get 10*l.*, and I expect I shall have to take to the wine, and give him the money; but I shall not do so if you do not send 385*l.*, and be

good enough to enclose my 313*l.* with it, in cash, in a registered letter, and direct it to me at the Post-office, Doncaster."

In these letters there is an intimation that Cook wanted the money on the Saturday. He was inconvenienced by only getting a cheque upon London, which he could not immediately change; and, therefore, Palmer gave him the money and took the cheque. It is remarkable that, when we look to the banking account of Palmer at Rugeley, we find that the 375*l.* is paid in by somebody to his account, but that the 315*l.* is not paid in to his account at all. The bill was accepted for Cook's accommodation, Cook gave security for it, and he never, during the three months which elapsed before his death, complained to Pratt that he had not received the money for it. I submit that the fair version of the transaction is that which is given in a letter from Palmer—that Palmer let Cook have the cash, and himself took the cheque, having Cook's authority to put his name at the back of it. How else can you account for the silence of Cook, and for the fact that the 375*l.* is paid into the Rugeley Bank, but there is no trace of the 315*l.*? This being so, the result of Cook's death was to make Palmer liable for the 500*l.* bill, on the back of which he had put his name. Therefore, I submit to you, that on the second motive suggested by my learned friend (the Attorney-General), the case has entirely failed. In addition to this, however, we find from these letters the difficulties which the death of Cook brought upon Palmer. We find the disappointment of Pratt that he could send no more money, the bill for 500*l.*, the danger of losing Polestar, which Palmer very much wanted to have, and which Pratt would, unless paid the 500*l.*, bring to the hammer in order to realise his security; and we find that inquiries were at once apprehended from Cook's friends as to the moneys which Pratt had paid to Cook, and the probable value which the latter had received for the endorsements and acceptances which he had given. There is another, although not so strong a reason, why it is improbable that Palmer should have desired the death of Cook. Mr. Weatherby has told us to-day that, although it frequently happens that the moneys won at a race are sent up by the clerk of the course in a week after the race, yet that does not always happen. On Tuesday, November the 20th, on the night of which day he died, Cook, who was then perfectly sensible, perfectly comfortable and happy, and enjoying the society of his friend Mr. Jones, gave to Palmer a cheque for 350*l.* upon Weatherby's. If Palmer killed Cook, and it happened that Fraill had not sent up the money so as to be there by Wednesday morning, Weatherby's would not pay the cheque, nor would they have cashed it if they had received information that Cook had died during the night. It actually happened that the cheque when presented was not paid, because Fraill did not send up the money. Was it probable that Palmer, having got from Cook a cheque for 380*l.*, would have run the risk of losing his money by destroying him the same night? It is suggested that he obtained this cheque fraudulently, and then, lest Cook should detect the fraud, destroyed him. That was not likely to answer his purpose. He might be certain that directly the breath was out of Cook's body Jones would go to Mr. Stevens; that Stevens and Bradford, Cook's brother-in-law, would go down to Rugeley; that the death being sudden there would most likely be a post-mortem examination; and that, instead of settling for the 500*l.* bill and the 350*l.* cheque with Cook, he would have to settle with hard men of business, men who cared nothing for him, who would probably look upon him as a "leg" upon the turf, and would regard neither his feelings nor his interests, but would let him go to ruin any way he might, not stirring a finger to save him. Is it probable that a shrewd intelligent man of business would make such a choice as that? More than this, we know that at that very time Herring held one bill for 500*l.*, and three for 200*l.* each, to which there were the names of both Palmer and Cook, and for all of which, either the whole or in part, Cook must, unless he rushed to his own ruin, provide. If Palmer put Cook to death, he immediately became solely liable, not only for these bills, but for that, as security, for which the bill of sale was executed on Sirius and Polestar, which would not be so easily renewed as those for the large sums on which the enormous usury was paid. That bill

would very likely soon find its way to his mother, and that it should do so would not suit Palmer, for his mother is a respectable and serious person, who, although she loved her son, did not like, and gave no encouragement to, his gambling; nor did that excellent and most honourable man who stands by him—his brother, who was estranged from him for a length of time until this calamity came upon him, simply because he disapproved the gambling by which he lived. Cook being dead there was, therefore, no one to save Palmer from ruin, for in all this voluminous evidence there is not the smallest trace that there was any one else in the world who would lend Palmer his name or would assist him to obtain money. If it be, as it is stated, a fact that he forged the name of his mother, is not that conclusive evidence that he had no other resource but the good nature—the easiness, perhaps the folly, of Cook? Is it then credible that under such circumstances he would have desired to bring upon himself not merely the creditors and executors of Cook, but their solicitors—men who in the discharge of their duty to their clients can have no sympathy for any one and with whom no arrangement is possible? I have, therefore, I hope, shown you that Palmer had an interest in the life of Cook. But more than that, was it safe for him that Cook should die? Palmer was a man who had a shrewd knowledge of the world and a knowledge of his profession, and, among other things, of chymistry. My learned friends have put in a book which was found in his house, and among other notes one in which there is this, "Strychnia kills by causing tetanic fixing of the respiratory muscles." In the same book there are many other notes.

Lord Campbell.—The Attorney-General stated that he did not place much reliance upon that note.

Mr. Serjeant Shee.—My learned friend did not press this note, but he thought it was evidence which ought to be before you (the jury). I use it to satisfy you that Palmer had studied his profession sufficiently to know, and knew perfectly well, that if strychnine were administered it would in all probability kill the victim in horrible convulsions, in a very short time, and in a way so striking as to be the talk of a small neighbourhood like Rugeley for a month or more—time enough to alarm everybody and provoke inquiry into the circumstances of the death, which must certainly, in all probability, end in the detection of guilt. If that is so, was he at that time so circumstanced as to render it safe for him to run the risk of such suspicions? His brother, Walter Palmer, had died in the month of August; and, unless his mother forgave him, or recognised the acceptance, his only hope of extraction from his difficulties lay in getting from the Prince of Wales office the money due to him as assignee of the policy on his brother's life. That his chance of getting that money was good is shown by the fact that he refused the offer of the office to return the premium, and that it was upon it that Pratt had obtained the discounts, and had resolved, under the direction of Palmer, to put it in suit. It was really the only unpledged property which he had, and how he was situated with regard to it appears from the letters and from the evidence. The insurance company, annoyed at being called upon to pay so large a sum, were determined to do all they could to resist it. They accordingly sent Inspector Field and his man to Stafford to make inquiries. They could not do this without talking, and this had been going on for some time. [To show that this had been the case the learned Serjeant read the deposition of the witness Deane, who was examined yesterday.] So that just before the death of Cook, Palmer knew himself to be the subject of what he appeared from his actions to consider a most unfounded and unwarrantable suspicion. He put the policy into the hands of an attorney to enforce payment of the sum due upon it. The office met the claim by insinuations and inquiries which were of a nature to destroy his character and to bring upon his head the suspicion of a murder. The pressure by Pratt upon Palmer to meet the 2,000*l.* bills did not commence until the office disputed the payment of that policy. All went as smooth as possible as long as Pratt held what he believed to be a good security, but when they began to dispute that Pratt writes to Palmer and tells him that the state of things is changed.

After saying that nothing can be done towards compelling the office to pay until the 24th, he says in his letter of the 2nd of October:—

"This, you will observe, quite alters arrangements, and I therefore must request that you make preparations for meeting the two bills due at the end of this month. . . . In any event, bear in mind that you must be prepared to cover your mother's acceptances for the 4,000*l.*, due at the end of the month."

There was the pinch. The office would not pay, and bills for 4,000*l.* were coming due. If anything occurred to increase the suspicions of the office—which was very unwilling to pay—all chance of the 13,000*l.* was lost. That 13,000*l.* is sure to be paid unless that man (pointing to the prisoner) is convicted of murder. As sure as he is saved, and saved I believe he will be, that 13,000*l.* will be paid. There is no defence—no pretence of a defence. The premium taken was an enormous one, and that 13,000*l.* is good for him and will pay all his creditors. This correspondence, of which my learned friend must have taken a view different from any which I can take, but which I am sure he would have put in, whatever had been his view of it—this correspondence saves the prisoner if there is common sense in man. Here is another letter from Pratt to Palmer, dated October the 6th:—

"I have your note, acknowledging receipt by your mother of the 2,000*l.* acceptance, due the 2nd October. Why not let her acknowledge it herself? You must really not fail to come up at once, if it be for the purpose of arranging for the payment of the two bills at the end of the month. Remember I can make no terms for their renewal, and they must be paid. I will, of course, hold the policy for so much as it is worth, but in the present position of the affair, no one, except your mother who is liable upon the bills, can look upon it as a security. [That was because Simpson and Field were down there making inquiries.] Do not neglect attending to this, for under a recent act bills of exchange are now recovered in a few days. You know and can appreciate my conduct in avoiding all trouble and annoyance to your mother; but to that there is a limit. I cannot by any representation be a party to inducing anybody to believe that security exists where there is doubt upon the point. P.S. I cast no doubt upon the capability of the office to pay, but in the nature of things, with so large an amount in question, it is not to be surprised at, if, they think they have grounds of objection, they should temporize by delay."

Does not this show that on the 6th of October suspicions were hanging over Palmer's head, which would come down with irresistible momentum, and crush him if there were a suspicion of another violent and sudden death? Do you think that a man who had written in his manual what were the effects of strychnine would risk such a scene as that poison would develope in the presence of the dearest and best friend of Cook—a man whom he could not influence—and a medical man, who loved Cook so well as to sleep in the same room with him, that he might be ready to attend him in case he needed assistance? Is that common sense? Are you going to enforce such a theory as that which Dr. A. Taylor propounded, as to the effects which strychnine produces upon rabbits? Impossible—perfectly impossible! I will prove the position in which Palmer stood still more clearly. On the 10th of October Pratt, in a letter addressed to him, says:—

"I may add that I hear they (the insurance company) have been making inquiries in every direction."

To be sure, they had. Field, the detective officer, had been at Stafford, where he could make inquiries as well as at Rugeley.

"But on what they ground their dissatisfaction is as yet a mystery. In any event no step can be taken to compel payment until after the 4th of December."

It is plain that suspicions were then rife, or that attempts were made to excite suspicions against him with regard to the death of Walter Palmer. On the 18th of October Pratt enclosed to Palmer a letter from the solicitor of the company, stating that the directors had determined upon declining to pay the

amount claimed; but that, although the facts disclosed in the course of their inquiries would have warranted their retention of the premiums which had been paid, they were prepared to refund them to any one who might be shown to be legally entitled to them. Palmer determined that the money should be paid; and a case was laid before Sir Fitzroy Kelly. If anything happened to Cook by foul play he had no more chance of receiving this 13,000*l.* than of obtaining 130,000*l.* From all this I infer, not only that Palmer had no interest in Cook's death, but that he had a direct pecuniary interest in his living. I think it is impossible that I should be so much mistaken as that a considerable portion of what I have advanced should not be worthy of your attention, and I therefore submit to you, to the court, and to my learned friend, that the case, as to this supposed motive for the crime, has failed. We now proceed to the facts of the case, and in considering them it will be necessary to group them without entire reference to dates. I will first inquire whether the symptoms with which Cook was attacked, and the appearances presented by his body after death, were consistent with the theory of his having died by strychnia poison, and inconsistent with that of his having died from some other natural cause. It is under this head that I shall discuss, I hope not unduly, the medical evidence in this case, and present to you such observations as occur to me on the witnesses who have been called to support the view which the Crown takes of the effect of that medical testimony. Cook died at one o'clock in the morning of Wednesday, November 21, in the presence of Jones. It was no sooner light than Jones posted to town and saw his stepfather, Mr. Stevens. Mr. Stevens went down to Rugeley and was introduced to Palmer. Palmer went with him to the Talbot Arms, and uncovered the corpse—a bold thing to do if he had murdered him. The body was so little emaciated or affected by disease that Stevens wondered he could be dead; but he observed some little rigidity about the muscles. Stevens's suspicions were roused; he asked Palmer to dinner, questioned him about the betting book, got angry that it was not produced, dissembled with Palmer, cross-examined him, went up to town, met him at Euston-square, again at Wolverhampton, at Rugby, and at Rugeley. At last he gave him to understand that he suspected him, and intended to probe the whole matter to the bottom. He resolved to have a post-mortem examination, and that examination took place. The appearances presented by the body after death were such as might have been anticipated by those who were acquainted with his course of life, his general health, his pursuits, and, not to say anything hard of him, his vices, and the drinking, racing company which he kept. His father had died at thirty years of age, his mother about the same age, a few years after her second marriage; his sister was dead; and he himself was affected with a pulmonary disorder. Cook had been suffering for a long time from a sore throat, and bore about him all the signs and indications of having led a licentious life. Indeed, he appears to have been about as dissipated a young man as can be well imagined. I do not mean to say that he was utterly depraved, or that he was lost to all sense of honour and propriety; but it does not admit of doubt that his manner of living was wild, riotous, and extravagant. His complaints indicated his excesses, and he was avowedly addicted to pursuits the reverse of commendable. When his body was opened there were evidences of a soreness of the tongue. I do not go the length of saying that there was anything to lead to the inference that there was an actual sore at the time of death, but there were follicles and symptoms, if not of a recent, certainly of a not very remote ulcer. The inside of the mouth had been ulcerated, and the skin taken off on both sides. There is abundant evidence to show that Cook was himself of opinion that these symptoms were syphilitic. He could scarcely be persuaded to obey the instructions of Dr. Savage, the respectable and very competent physician whom he consulted, and, though it is admitted that he was not "fool enough to go to quack doctors," it is very certain that he was weak enough to follow the counsels of every medical man who would venture to give him advice, when coincided with his own opinion, that mercury was the best thing for his complaint. The spots which are

the fatal characteristics of his dreadful malady, had already made their appearance on his body, and he was haunted by the apprehension that some day, as he was running about the race-course, his face would be suddenly covered over with copper blotches, which would leave no doubt on the minds of those who saw them as to the true nature of his disease. Many a man similarly affected has retrieved his position, redeemed his character, and become a virtuous member of society. Far be it from me, then, to say one word that would press with undue severity on the memory of the dead; but no false delicacy shall deter me from the discharge of my duty; and I make these remarks not in an unkind or censorious spirit, but for the sake of truth, and because the state of Cook's health is a most important element in this inquiry. It is certain that it was his own opinion that he was suffering from virulent syphilis, and in this opinion the medical men who originally attended him did not hesitate to concur. That he did not correct his habits is evident from the fact that within a recent period of his death he had again become diseased. When his body was opened on the second examination, there were found between the delicate membrane which the spinal marrow covers and is called the arachnoid, and embedded to some extent in the next covering, not so delicate, termed the *dura mater*, granules about one inch in extent; and I will satisfy you, upon the evidence of witnesses whose authority will not be questioned, that if the body had been opened in the dead-house of any hospital in this metropolis those granules would have been regarded as symptoms affording conclusive explanation of the cause of death. Such, then, was the condition of Cook's health—a condition but partially and imperfectly revealed by the first post-mortem examination. That examination was not conducted with the same minuteness and precision that circumstances rendered necessary on a subsequent occasion, and the syphilitic disease was neither ascertained nor suspected. The stomach was taken out, and you have heard the suggestion, which, were it not that the court has ruled it to be of no significance, I should have been prepared to disprove, that Palmer attempted to interfere with the operation by shoving against the medical man engaged in it. The inference sought to be deduced was, that some of the stomach escaped from the jar; but we have the evidence of Dr. Devonshire himself that such was not the fact. None of it did escape, and it was sent up in its entirety to London, there to be analysed by Dr. Taylor and Dr. Rees. Those gentlemen examined it with the knowledge that, owing to the report of Palmer having purchased a fatal drug from Mr. Roberts on the day of the death, there was a suspicion of foul play. Mr. Stevens talked of the fact to Dr. Taylor, and, with the consciousness of it on his mind, that gentleman wrote a letter attributing the death to antimony. [Dr. Taylor intimated dissent.] Well, if the letter is not to be so understood, it is at all events susceptible of this interpretation—that the death may have been caused by antimony. Dr. Taylor attends the coroner's inquest, which, in all probability, is held in consequence of his own letter. He hears the evidence of Jones, Roberts, and Mills, and it is but natural to presume that these are the witnesses whose testimony has the greatest influence on his opinion, He forms his judgment on the evidence of chambermaids, waitresses, and housekeepers, and contrary to the opinion of the medical man who attended Cook in his last illness (for be it remembered he had no encouragement from Mr. Jones, the surgeon, of Lutterworth, a man of age and character to form a sound decision on the case); he comes boldly and at once to the conclusion that his original notion about antimony having been the cause of death was a mistake, and then he has the incredible imprudence—an imprudence which has necessitated this trial—or at all events rendered it necessary that it should take place in this form and place—to declare upon his oath to the coroner's jury that he believes that the pills given to Cook on Monday and Tuesday contained strychnine, and that Cook was consequently poisoned. That evidence of his is carried on the wings of the press into every house in the United Kingdom. It becomes known throughout the length and breadth of the land that Dr. Taylor, a man who has devoted his life to science, a man of the highest personal character, and who stands well with his medical friends, has declared—not as a conjec-

tural opinion, mark you, nor as a reserved opinion delivered in a private room to a few men whose discretion might be relied on—but, that in the public room of a public inn, in a little village where everything that occurs is known, he has declared upon his solemn oath that it is his belief that Cook died because pills containing strychnine were administered to him on the nights of Monday and Tuesday. He had himself failed to discover the faintest traces of strychnine, yet at the coroner's inquest he had the hardihood to declare his conviction that the pills contained strychnine, and that Cook died of them. His evidence is neither consistent with itself nor with the opinion of Mr. Jones. He takes upon him to pronounce positively, in the face of the world, that Cook's disease was nothing else than tetanus, and tetanus, too, of the kind that can be produced by poison only, and that poison strychnine. Such was Dr. Taylor's testimony; and on such testimony the coroner's jury returned their verdict. But, merciful Heaven! in what position are we placed for the safety of our own lives and those of our families if, on evidence such as this, men are to be put upon their trial for foul murder as often as a sudden death occurs in any household! If science is to be allowed to come and dogmatize in our courts—and not science that is successful in its operations or exact in its nature, but science that is baffled by its own tests, and bears upon its forehead the motto, "A little learning is a dangerous thing"—if, I say, science such as this is to be suffered to dogmatize in our courts, and to utter judgments which its own processes fail to vindicate, life is no longer secure, and there is thrown upon judges and jurymen a weight of responsibility too grievous for human nature to endure. If Dr. Taylor had detected poison by his own tests he, with his long experience in toxicological studies, would have been an excellent witness for the Crown; but he has not found the poison, and not having seen the patient, and knowing nothing of his death-bed symptoms beyond what he gathered from the evidence of an ignorant servant girl and of Mr. Jones, whose testimony does not show that he agrees with him in opinion. Dr. Taylor thinks himself justified in declaring upon his oath in a public court that the pills contained strychnine, and that Cook was poisoned. If verdicts are to be moulded on testimony such as this, what medical practitioner is safe? On what ground does Dr. Taylor vindicate his opinion? He does not appear to have ever seen one solitary case of strychnine in the human subject, yet, with the full knowledge that the consequences of his assertion might be disastrous to the prisoner at the bar, he has the audacity to assert that the pills, which for anything that he knows to the contrary were the same that Dr. Bamford prepared, contained strychnine, and that Cook was poisoned by it. I have quoted the sentiment "a little learning is a dangerous thing," and assuredly to no science is that maxim so applicable as to the medical. Of all God's works there is no other which so eloquently attests our entire dependence on Him and our own utter nothingness as that mortal coil in which we live, and breathe, and have our being. We are struck with amazement as we contemplate it. We feel, we see, we hear; yet the instant that we attempt to give a reason for these sensations our path is crossed by the mystery of creation, and all we know is that God created man—that He is our Omnipotent Maker and we the work of His hands. Yet we fancy that we can penetrate all mysteries, and there are no bounds to our arrogance. There has been much talk in this inquiry of the two kinds of tetanus—idiopathic and traumatic. Dr. Todd, urged by the Court to explain the former, described it as "constitutional." Perhaps "self-generating" would have done as well, but let that pass. But how is our knowledge advanced by translating "idiopathic" as constitutional? It is easy to give an English translation of that Greek compound, but the thing is to explain what the translation means. What is the meaning of the phrase "constitutional tetanus?"

Lord Campbell.—Tetanus not occasioned by external injury.

Mr. Serjeant Shee.—Just so, my Lord, or in other words tetanus not referable to any known cause. But, in truth, idiopathic means in a general sense "unaccountable." Not that constitutional tetanus is always and invariably so, but

that cases of tetanus do continually occur of which you can only suspect the cause and attribute it by hypothesis to a "cold," or some other vague accident. In such cases you say that the disease is idiopathic, not traumatic. The Crown will have it that Cook's was the tetanus of poison, but it is almost an assumption to say that it was tetanus at all. That he died of convulsions, or immediately after them, is certain, and that they were convulsions similar to those from which he suffered on the preceding night is beyond all doubt. But what pretence is there for positively asserting that they were tetanus at all? The evidence of Mr. Jones, fairly interpreted cannot be construed otherwise than as intimating an impression that they were convulsions that partook of the tetanic character. That might be, and yet the malady might not be tetanus. It is bad reasoning—most defective logic—to argue without positive proof of the fact that the disease was tetanus, and no other tetanus in the world than that produced by poison. Following the trail dragged for them by the toxicologists, the Crown have thought proper to impute the death of this man to the poison of strychnine. It is for them to prove the fact. We contest it, but it by no means follows that we should be bound to explain the death on other grounds. If we can satisfy you that this man was assailed by any one of the numerous kinds of convulsions to which humanity is liable, and that he was asphyxiated or deprived of life when writhing in some sudden spasm or paroxysm, we shall have done all that can in fairness be demanded of us, unless, indeed, the Crown shall be prepared to prove that Cook's symptoms were irreconcileable with any other doctrine than that of death by strychnine. This they have not done and cannot do. I propose to call your attention to the statements of the witnesses Mills, and Jones, with respect to the symptoms observed in Cook on the evenings of Monday and Tuesday, and, having done so, I will submit to your candid judgment whether those symptoms may not be more naturally accounted for by attributing them to convulsions which are not tetanic at all, and most assuredly not tetanic in the distinctive character of strychnine, but which may rather be classed under those ordinary convulsions by means of which it constantly pleases Providence to strike men down without leaving upon their bodies the faintest indications from which the cause of death may be inferred. You have it on the authority of medical men of the highest distinction that it sometimes occurs that men in the prime of life and in the full vigour of health are smitten to death by convulsions that leave no trace upon the body of the sufferer. The statements of Mills and Jones are such as to render it entirely unnecessary to resort to the hypothesis of any kind of tetanus, much less to that of strychnine, in accounting for the death of Cook. Regard being had to the delicate state of his health, and to the continually recurring derangements of his constitution, it is far safer to conclude that he died of ordinary convulsions than of any description of tetanus, whether traumatic, idiopathic, or that produced by poison. Nor must we omit to inquire into the state of his mind. He went to Shrewsbury races in the imminent peril of returning from them a ruined man. His father-in-law, Mr. Stevens, assured Palmer that there would not be four thousand shillings for those who had claims on his estate. From the necessity he was under of raising money at an enormous discount, we may easily infer that he was in desperate difficulties, and that, unless some sudden success on the turf should retrieve his fortunes, his case was hopeless. His health shattered, his mind distracted, he had long been cherishing the hope that "Polestar" would win, and so put him in possession of a sum amounting in stakes and winnings to something like a thousand guineas. The mare, it is true, was hardly his own, for she had been mortgaged, and if she should lose she would become the property of another person. Picture to yourselves what must have been the condition, mental and bodily of that young man when he rose from his bed on the morning of the races. It is scarcely possible that as he went down to breakfast this thought must not have crossed his mind, "My fate is trembling in the balance; this is the crisis of my destiny; unless my horse shall win and give me one chance more of recovering myself, to-night I am a beggar." With these feelings he repairs to the race-course. Another race is run before Polestar is

brought out. His impatience is extreme. He looks on in a state of agonising excitement. Will the minutes never fly? At last arrives the decisive moment. The time has come for his race. The flag is dropped; the horses start; his mare wins easily, and he, her master, has won a thousand guineas! For three minutes he is not able to speak, so intense is his emotion. Slowly he recovers his utterance, and then how rapturous is his joy! He is saved, he is saved! Another chance to retrieve his position.—one chance more to recover his character! As yet, at all events, he will not be a disgrace to his family and his friends. Conceive him to be, with all his faults, an honourable young man, and you may easily imagine what his ecstacy must have been. He loves the memory of his dead mother—he still reverences the name of his father—he is jealous of his sister's honour, and it may be that he cherishes silently in his heart the thought of some other being dearer still than all to whom the story of his ruin would bring bitter anguish. But he is not ruined; he will meet his engagements like an honourable man. There is now no danger of his being an outcast, an adventurer, a black-leg. He will live to redeem his position, and to give joy to those who love him. With such thoughts in his heart, he returns to his inn in a state of indescribable elation, and with a revulsion from despair that must have convulsed—though not in the sense of illness—every fibre of his frame. His first idea is to entertain his friends, and he does so. The evidence does not prove that he drank to excess, but he gave a champagne dinner, and we all know that is a luxurious entertainment, at which there is no stint and not much self-respect. That evening he did not spend in the society of Palmer; indeed, it is not clear in whose company he spent it. But we find him on on the evening of Wednesday at the "Unicorn" with Saunders, his trainer, and a lady. On Thursday he walks upon the course, and Herring remonstrates with him for doing so, as the day is damp and misty, and the ground wet. That night he is seized with illness, and he continues ailing until his death at Rugeley. Arrived at Rugeley, it is but natural to suppose that a reaction of feeling may have set in. Then the dark side of the picture may have presented itself to his imagination. The chilling thought may have come upon him that his winnings were already forestalled and would scarcely suffice to save him from destruction. It is when suffering from a weakened body, and an irritated and excited mind, that he is attacked by a sickness whichclings to his system, leaves him without any rest, incapacitates him from taking food, distracts his nerves, and places him in imminent danger of falling a victim to any sudden attack of convulsions to which he may have a predisposition. He relished no society so much as that of Palmer, whose residence was immediately opposite the Talbot Arms Inn, where he was lying on his sick bed. For two days he had been taking opiate pills prescribed by Dr. Bamford. On Sunday night, at twelve o'clock, he started as from a dream in a state of the utmost excitement and alarm. He admitted afterwards that for two minutes he was mad, but he could not ascribe it to anything unless to his having been awakened by a squabble in the street. But do no such things happen to people of sound constitutions and regular habits? Do no such people awaken in agony and delirium because there is a noise under their windows? No; these are the afflictions of the dissipated and anxious, whose bodies are shattered and whose minds are distracted. Next day, Monday, he was pretty well, but not so well as to mount his horse or to take a walk in the fields. He could converse with his trainer and jockey, but he could take no substantial food, and drank not a drop of brandy-and-water. You will bear in mind that Palmer was not with him that day. In the middle of the night he was seized with an attack similar in character to that of the night preceding, but manifestly much milder, for he retained his consciousness throughout it, and was not mad for a moment. The evidence of Elizabeth Mills is conclusive on the point. [The learned serjeant read some passages from the deposition of the witness in question.] At three o'clock on the following day (Tuesday) Mr. Jones, the surgeon of Lutterworth, arrived, and spent a considerable time—probably from three to seven o'clock—in his company. They had abundant

opportunity for conversing confidentially, and they were likely to have done so, for they were very intimate, and Jones appears to have been on more familiar terms with Cook than was any other person, not even excepting Mr. Stevens. Nothing occurred in the entire and unbounded confidence which must have existed between Mr. Cook and Mr. Jones, to raise any suspicions in the mind of Mr. Jones; and at the consultation, which took place between seven and eight o'clock on Tuesday evening between Jones, Palmer, and Bamford, as to what the medicine for that evening should be, the fit of the Monday night was not mentioned. That is a remarkable fact. The Crown may say that it is remarkable, inasmuch as Palmer knew it, and said not a word about it; but I think that it shows that the fit was so little serious in the opinion of Cook that he did not think it worth mentioning to his intimate friend Jones. If Cook had not given to Elizabeth Mills a rather exaggerated description of what had occurred would he not have said to Mr. Jones when he came from Lutterworth to see him, "You can't judge of my condition from my appearance now for I was in a state of perfect madness over night, and in fact I thought that I was going to die?" Evidently he would have said something of that sort, and if he had Mr. Jones would have mentioned it at the consultation. My inference, then, is that the first statement which was made by Elizabeth Mills was the correct statement of what occurred. Palmer, in the presence of Jones, administered two pills to Mr. Cook, which it is supposed poisoned him—which contained a substance which sometimes does its deadly work in a quarter of an hour—which has done it in less, and which rarely exceeds half an hour; and we are asked to believe that, in spite of Cook's objecting in the presence of his friend to take the pills, Palmer positively forced them down his throat at the imminent peril of the man falling down in a few minutes in convulsions evidently tetanic. As in the course of the examination of Mr. Jones the word "tetanus" was used, it is right that I should say a word upon that subject. The word "tetanus" is not in his deposition; but I tell you what is in it, and it is one of the most remarkable features in this case, because it shows how people, when they get a theory into their heads, will fag that theory, how they will stretch it to the very utmost, and make it fit into the exact place in which they wish to put it. We have it now in the evidence of Dr. Taylor that at the inquest he sat next to Mr. Deane, the attorney's clerk, and suggested the questions which it was necessary in his judgment to put in order to elicit the truth as to the symptoms of Mr. Cook's disease. Now, fancy Dr Taylor, who had had a letter telling him that there was a suspicion of strychnine, and who had all but made up his mind at that time to state positively upon oath his opinion that the pills given on Monday and Tuesday nights contained strychnine; fancy——

The Attorney-General.—I am sorry that my learned friend should be misled upon a matter of fact; but I am told that Dr. Taylor was not present when Mr. Jones was examined.

Mr. Shee continued.—Then the observation which I was about to make does not apply; and all I can say is, that Mr. Jones had probably in his mind's eye, when he gave that evidence, a recollection of what he had seen on the Tuesday night. He could not have seen very accurately, however, for he said that there was only one candle in the room, and that he had not light enough to see the patient's face, and that he could not tell whether there was much change in the countenance of the deceased—a very important fact when the doctors all say that Cook's disease cannot have been traumatic tetanus, because there is always a peculiar expression of the countenance in those cases, which was not observable in Cook. However, Mr. Jones, who is a competent professional man, gave his evidence, and it is quite clear that the notion of tetanus must have entered into his mind, because I find in the depositions that the coroner's clerk first put down "tetinus;" and the probability, I think, is that that disease did occur to Mr. Jones at the time, and that he used the word because the clerk never could have invented it. Then "tetanus" is struck out; then the word "convulsions" is written, and also struck out; and, as the sentence stands, it is, "There were strong symptoms of violent convulsions." What is the fair inference from that? Why,

that the man who saw Cook in the paroxysm did not think himself justified in saying that it was a tetanic convulsion at all, though it was very like tetanus. Now, I will just call attention to the features of general convulsions as described in cross-examination by the medical witnesses, in order to show that the convulsions of which Cook died were not tetanic, properly speaking, but were of that strong and irregular kind which cannot be classed under the head of tetanus, either traumatic or idiopathic, but under the head of general convulsions. I propose upon this part of the case to read an extract from the work of Dr. Copland, which will enable you to judge whether Cook's complaint bears a greater resemblance to general convulsions than to traumatic tetanus or strychnine tetanus. Before doing so, however, I would observe that the only persons who can be supposed to know anything of tetanus not traumatic are physicians, and that not one of that most honourable class of men (who see the attack of patients in their beds, and not in the hospital) has been called by the Crown, with the exception of Dr. Todd, who is a most respectable man, and who gave his evidence in such a way as to command the respect of every one; but even his practice appears to be not so much that of a physician as of a surgeon. I am instructed that I shall be able to show by the most eminent men in the profession that the description which I am about to read from Dr. Copland's book, the *Dictionary of Practical Medicine*, is the true description of general convulsions. In that book I find the following, under the head of "Convulsions:"—

"Definition,—Violent and involuntary contractions of a part or of the whole of the body, sometimes with rigidity and tention (tonic convulsions), but more frequently with tumultuous agitations, consisting of alternating shocks (clonic convulsions) that come on suddenly, either in recurring or indistant paroxysms, and after irregular and uncertain intervals."

The article then goes on:—

"If we take the character of the spasm in respect of permanency, rigidity, relaxation, and recurrence, as a basis of arrangement of all the diseases attended by abnormal action of voluntary muscles, we shall have every grade, passing imperceptibly from the most acute form of tetanus through cramp, epilepsy, eclampsia, convulsions, &c., down to the most atonic states of chorea and tremor."

As to the premonitory symptoms, it says:

"The premonitory signs of general convulsions are, (*inter alia*), vertigo and dizziness, irritability of temper, flushings, or alternate flushing and paleness of the face, nausea, retching or vomiting, or pain and distension of stomach and left hypochondrium, unusual flatulence of the stomach and bowels, or other dyspeptic symptoms."

In further describing these convulsions the article says:—

"In many instances the general sensibility and consciousness are but very slightly impaired, particularly in the more simple cases, and when the proximate cause is not seated in the encephalon; but in proportion as this part is affected primarily or consecutively, and the neck and face tumid and livid, the cerebral functions are obscured, and the convulsions attended by stupor, delirium, &c., or rapidly pass into, or are followed by these states."

Then, it adds:—

"The paroxysm may cease in a few moments or minutes, or continue for some or even many hours. It generally subsides rapidly, the patient experiencing at its termination, fatigue, headache, or stupor; but he is usually restored in a short time to the same state as before the seizure, which is liable to recur in a person once affected, but at uncertain intervals. After repeated attacks the fit sometimes becomes periodic (the *convulsio recurrens* of authors)."

And in detailing the origin of these convulsions it says:—

"The most common causes are (*inter alia*) all emotions of the mind which excite the nervous power and determine the blood to the head, as joy, anger, religious enthusiasm, excessive desire, &c., or those which greatly depress the

nervous influence, as well as diminish and derange the actions of the heart, as fear, terror, anxiety, sadness, distressing intelligence, frightful dreams, &c.—the syphilitic poison and repulsion of gout or rheumatism."

Do you believe, if Dr. Taylor had read that before the inquest, that he would have dared to say that the man died from strychnine? Is there one single symptom in the statement made in the depositions by Elizabeth Mills and Mr. Jones which may not be classed under one of the varieties of convulsions which Dr. Copland describes? It is not for me to suggest a theory; but the gentlemen whom I shall call before you—men of the highest eminence in their profession, and not mere hospital surgeons, who have seen nothing of this nature but traumatic tetanus—will tell you that Mr. Cook's symptoms were those of general convulsions, and not of tetanus. My belief is—and I hope you will confirm it by your verdict—that Mr. Cook's complaint was not tetanus at all, although it may well have been—according to the descriptions to which I shall call your attention—some form of traumatic or idiopathic tetanus, there being no broad, general distinction or certain confine between idiopathic, or self-generating tetanus, and many forms of convulsions. The tetanic form of convulsions is pretty much the same thing as idiopathic tetanus; and when we are told by medical witnesses that they never saw a case of idiopathic tetanus, my answer to that is that they must have had a very limited experience. It is not a disease of very frequent occurrence, it is true; but there are gentlemen here who have seen cases of idiopathic tetanus, and they are by no means of that rare occurrence which has been represented to you by the witnesses for the prosecution. There is one gentleman here, of very large practice at Leeds, whom I shall call before you, who attended at the bedside of Mrs. Dove, who has himself seen four cases of idiopathic tetanus. Traumatic tetanus very frequently occurs in hospitals—in fact, it often supervenes upon the operations of the surgeon; but the persons to give you correct informationupon idiopathic tetanus are the general practitioners who enjoy the confidence of families, and who have the opportunity of visiting at their dwellings, both rich and poor, when they are attacked by any of those convulsive diseases or fits which heads of families and brothers and sisters are so careful not to disclose to the world at large. Dr. Watson is a general practitioner, and he says in his *Lectures on the Principles and Practice of Physic*, that most cases of tetanus may be traced to one of two causes—which are exposure to the cold or sudden alternations of temperature, and bodily injury. "It has been known to arise," he says, "from causes so slight as these,—the sticking of a fishbone in the fauces, the air caused by a musket shot, the stroke of a whip lash under the eye, leaving the skin unbroken, the cutting of a corn, the biting of the finger by a tame sparrow, the blow of a stick on the neck, the insertion of a seaton, the extraction of a tooth, the injection of a hydrocele, and the operation of cupping." He goes on to say that when the disease arises from exposure to the cold, or damp it comes on earlier than on other occasions—often in a few hours, so that if the exposure takes place in the night, the complaint may begin to manifest itself next morning. He also says that, although tetanus may be occasioned by a wound, independently of exposure to cold, or by exposure to cold without bodily injury, there is good reason for thinking that in many instances one of the causes would fail to produce it where both together would call it forth. Dr. Watson adds that, although the pathology of tetanus is obscure, we may fairly come to the conclusion that the symptoms are the result of some peculiar condition of the spinal cord, produced and kept up by irritation of the substance, and that the brain is not involved in the disease; the modern French writers upon the disease hold that it is an inflammable complaint, and that it consists essentially of inflammation of the spinal marrow. Now, who shall say that those symptoms which were spoken to on the day of the inquest by Elizabeth Mills and Mr. Jones, may not be ranged under one of those forms of tetanus? Idiopathic tetanus is so like general convulsions that in many cases it cannot be distinguished from them; and to such an extent is this so, that Dr. Copland states that convulsions frequently

assume a tetanic appearance. It is true that traumatic tetanus begins in four cases out of five by a seizure of the lower jaw; but then in the fifth case it does not so commence; and Sir B. Brodie mentions two instances in which it began in the limb which was wounded. Now, having gone so far, and having endeavoured to satisfy you that the symptoms which were spoken to by those two witnesses in their depositions may be, as I am told and instructed they are, rather referable to a violent description of general convulsions than to any form of tetanus, let us proceed to inquire whether or not the symptoms are consistent with what we know of tetanus produced by strychnine; because, if you shall be satisfied, upon full investigation, that they are not consistent with the symptoms which are the unquestionable result of strychnia tetanus, then the hypothesis of the Crown entirely fails, and John Parsons Cook can't have died of strychnine poison. Whether that be so or not will depend in a great degree, as it strikes me—although, of course, that will be for you to decide—upon what you think of the evidence of Elizabeth Mills; but, before I go to that evidence, I will call your attention to the description of strychnia tetanus as given by two very eminent gentlemen, Dr. Taylor and Dr. Christison, who were called for the Crown the other day; and, if you find from their description that strychnia tetanus is a different thing from the picture first given of the attack and paroxysms by Elizabeth Mills and Mr. Jones, you will, I think, have great difficulty in determining that Mr. Cook died from strychnine. Let us first take Dr. Taylor's description of strychnia tetanus. I am not sure whether he stated that he had ever seen a case of strychnia tetanus in a human subject; but we must be just to Dr. Taylor. He has had large and extensive reading on the subject on which he writes, and it is not to be supposed that he has set down in his book what he has not found established upon respectable authority. Therefore, although we have it second-hand in the book, we must suppose that Dr. Taylor knows something of the subject. In his work upon strychnia poisoning, Dr. Taylor says, "That in from five to twenty minutes after the poison has been swallowed the patient is suddenly seized with tetanic symptoms affecting the whole of the muscular system, the body becoming rigid, the limbs stretched out, and the jaws so fixed that considerable difficulty is experienced in introducing anything into the mouth." But according to the statement of the witnesses, Mr. Cook was sitting up in bed, beating the bed-clothes, talking, and frequently telling the people about him to go for Palmer, asking for the "remedy," and ready to swallow whatever was given him. There was no "considerable difficulty in introducing anything into the mouth," and the paroxysm, instead of beginning within "from five to twenty minutes after the poison was supposed to have been swallowed" did not begin for an hour and a-half afterwards. Dr. Taylor further on states, "After several such attacks, increasing in severity, the patient dies asphyxiated." Now I submit, although there are some of these symptoms in this case, as there will be in every case of violent convulsions, that this is not a description of the case of John Parsons Cook. The other medical authority to whom I said I should refer is Dr. Christison. He says that the symptoms produced by strychnine are very uncommon and striking—the animal begins to tremble, and is seized with stiffness and starting of the limbs. Those symptoms increase, till at length the animal is attacked by general spasms. The fit is then succeeded by an interval of calm, during which the senses are impaired or are unnaturally acute; but another paroxysm soon sets in, and then another and another, until at last a fit occurs more violent than any that had preceded it, and the animal perishes suffocated. Now, who can say that that description at all tallies with the account of Mr. Cook's symptoms? I know exactly what Dr. Christison means by this description, because I have had the advantage of having had several experiments performed in my presence by Dr. Letheby, which enable me to understand it. One of those experiments was this:—A dog had a grain of strychnine put into his mouth, and for about twenty or twenty-five minutes he remained perfectly well. Suddenly he fell down upon his side, and his legs were stretched out in a most violent way. He was as stiff as it was possible to

be. In that state the dog remained, with an occasional jerk, for two or three minutes. In a short time he recovered and got up, but he appeared to be dizzy and uncomfortable, and was afraid to move. If you touched him he shrunk and twitched, and after another minute down he went again. He got up again and fell down again, and at last he had a tremendous struggle, and then he died. That is what Dr. Christison means by his description. If the dose had not been sufficient to kill the dog it would have been longer in producing an effect; the paroxysms would have occurred at more distant intervals, and they would have been less and less severe until the animal recovered. But if the dose be strong enough to kill, the interval between the paroxysms is short, and at last one occurs which is strong enough to kill. Just before the animal dies the limbs become as supple and free as it is possible to conceive the limbs of an animal to be. Which ever way you put the limbs of the animal after it is quite dead, the *rigor mortis* comes on after a time, and they remain in any position in which they are placed. I saw an experiment performed also upon two rabbits. The symptoms were substantially the same; the limbs of both of them were quite flaccid immediately upon death; and during the intervals between the paroxysms the animals shuddered, and were extremely "touchy." Now, gentlemen, I will give you my reasons for saying that, according to their own principles, as adduced in evidence by the Crown, Mr. Cook's death cannot have resulted from strychnia poison. I object to the theory of it having resulted from strychnia poison—first, on the ground that no case can be found in the book in which, while the paroxysms lasted, the patient had so much command over the muscles of animal life and voluntary motion as Mr. Cook had upon Monday and Tuesday night. The evidence is that he was sitting up in his bed beating his bedclothes, calling out, and that, so far from being afraid of people touching him, he actually asked to have his neck rubbed; and it was rubbed. I now come to the next reason why we say that death in this case did not result from strychnia poison; and I assert that there is no authentic case of tetanus from strychnine in which the paroxysm was delayed so long after the ingestion of the poison as it was in Mr. Cook's case. Dr. Taylor says in page 74 of the book, that in from five to twenty minutes after the poison has been swallowed the tetanic symptoms commence; and then, in support of this statement, he proceeds to cite a number of cases. One young lady was "instantly deprived of the power of walking, and fell down." In the next case, which was that of a girl, "tetanic symptoms came on in half an hour." The next is a German case, taken from the *Lancet*, and there a young man, aged seventeen, was "attacked in about a quarter of an hour." Then there is the case of Dr. Warner, who took half a grain of sulphate of strychnine, and died in fifteen minutes. Then there is the case of a young woman who took two or three drachms of *nux vomica*, and died in between thirty and forty minutes. Another case is given by Dr. Watson in his book, which he himself observed in the Middlesex Hospital, where strychnine pills, intended for paralytic patients, were taken by mistake. One-twelfth of a grain was intended to be administered every six hours; but unluckily a whole grain was given at one time, about seven o'clock in the evening, and in half an hour it began to exhibit its effects. Dr. Watson says, that "any attempt at movement—even touching the patient by another person—brought on a recurrence of the symptoms." It is clear, then, from all these cases, that the interval which elapsed between the supposed ingestion of the poison and the commencement of the paroxysm was much too long—three times too long to warrant the supposition that strychnia poison had been taken in this case. Thirdly, I submit—and I shall prove—that there is no case in which the recovery from a paroxysm of strychnine poison has been so rapid as it was in Cook's case upon Monday night, or in which a patient has endured so long an interval of repose or exemption from its symptoms afterwards. In this case of Mr. Cook, according to the theory of the Crown, the paroxysms would not have been repeated at all if a second dose had not been given. There was an end of it when Elizabeth Mills left Palmer sleeping by the side of his friend in an armchair; how easy would it have been then, if he had been so dis-

posed, to administer another dose, and to have hurried into Elizabeth Mills's room and called out that Cook was in another fit? Dr. Taylor says in his book, that the patient is suddenly seized with spasms affecting the whole system, and that after several such attacks, increasing in severity, the patient dies asphyxiated. Dr. Christison holds precisely the same language; but I submit that here there is a broad distinction between the case of Cook and that which these gentlemen state to be the distinguishing feature of the disease. I now come to the post-mortem examination. Dr. Letheby was good enough to dig up from his garden, in order that I might see it, an animal which had been killed by strychnine with a view to this inquiry a month before, and to examine the heart before me. The heart of that animal was quite full. The heart also of the dog that was killed in my presence was quite full, and so were the hearts of both the rabbits that I saw killed. Now, I am told by a gentleman, whom I shall call before you, who is not afraid of dogs—and remember that this is rather a matter for experiment than of theory—I am told that the result of an enormously large proportion of such examinations—and, indeed, of all of them if they be properly conducted—is, that the heart is invariably full. At the same time, I am told that if the examiners do the thing clumsily they may contrive to get an empty heart. If there be any doubt in your minds, however, as to the heart being full in these cases, I hope that some morning you will desire that a reasonable number of animals should be brought into one of the yards here, and that you will see them die by strychnine and examine their hearts, and form an opinion for yourselves. I have now discussed what may be said to be the theory of these matters; but I have not yet met the strong point which was made by the Crown of the evidence of Elizabeth Mills. I, upon all occasions, am most reluctant to attack a witness who is examined upon his or her oath, and particularly if he be in a humble position of life. I am very reluctant to impute perjury to such a person; and I think that a man who has been as long in the profession as I have been must, in most cases, be put a little to his wit's end when he rushes upon the assumption that a person whose statements have, after a considerable lapse of time, materially varied, is, therefore, necessarily, deliberately perjured. The truth is, we know perfectly well that if a considerable interval of time occurs between the first story and the second story, and if the intelligent and respectable persons who are anxious to investigate the truth, but who still have a strong moral conviction—upon imperfect information—of the guilt of an accused person, will talk to witnesses and say, "Was there anything of this kind?" or "anything of that kind?" the witnesses at last catch hold of the phrase or term which has been so often used to them, and, having in that way adopted it, they fancy that they may tell it in court. This might have been the case with Elizabeth Mills; and let me point out to you what occurs to me to be the right opinion that you should form of that witness. I submit to you that in this case of life and death—or, indeed, in any case involving a question of real importance to liberty or to property—that young woman's evidence would not be relied on. In the ordinary administration of justice in the civil courts, if a person has upon material points told two different stories, juries are rarely willing to believe that person; and in criminal cases the learned judges, without altogether rejecting the evidence, point out to the jury the discrepancies which have taken place, and submit whether, under all the circumstances, it would be safe to rely upon the testimony last given, differing from the statement which was made when the impression was fresh upon the witness's mind. It cannot be said in this case that Elizabeth Mills was not fully and fairly examined. I submit that my learned friend the Attorney-General really made a false point—the most unfortunate in the course of the prosecution—in attacking, upon this ground, the coroner, Mr. Ward. Just place yourselves, gentlemen, for a moment in the position of the coroner; and, to enable you the better to do so, just recollect what has passed in the course of this trial in this court; recolleet, if you can, how many questions have been put by my learned friends and by me on account of which it has been necessary for counsel to interpose and to ask the learned judges whether

the question was a proper one. Our rules of examination are strict, but they are most beneficial, because they exclude from the minds of the jury that loose and general sort of information which, in country towns especially, is the subject of pot-house stories and market gossip, and substitute for it the evidence of actual facts which have been seen and are deposed to by the witnesses. Imagine the coroner in a large room at a tavern, just under the bed-room where poor Cook died—a crowd of excited villagers in the room, all full of suspicion produced by the inquiries of the Prince of Wales Insurance Office about Walter Palmer—and Inspector Field there, and Inspector Simpson—and all impressed with the belief that whatever the London doctors said must be true, and that if Dr. Alfred Swayne Taylor had made up his mind that it was poison, poison it was. The whole town was in a state of uproar and excitement. Every question that occurred to everybody must be put before the coroner—"Didn't you hear so and so?" "Didn't somebody tell you that some one had said so and so?" and so on. How is it possible under such circumstances to conduct an inquiry with the dignity and decorum that are observed in the superior Courts? There was a celebrated trial some years ago in France, in which I remember to have taken great interest, of the ministers of King Charles X. Upon that occasion one witness actually proved that he had read all the pamphlets that had been published on the subject, and he came forward to state what, upon the whole, was the result which those pamphlets had made upon his mind. It is true that that was in revolutionary times, but it shows to what extent the introduction of a loose system of questioning may go. I don't say that Dr. Taylor suggested any but proper questions; but you must consider the difficulties under which the coroner had to labour, and I am told that he is an exceedingly good lawyer, and a most able man. Dr. Taylor said that the coroner's omission to ask questions arose, in his opinion, rather from want of knowledge than from intention. Of course the coroner would not be likely to know the proper questions to put in such a case, but when he did know them he seems to have put them. He was right in refusing to put irrelevant questions to gratify the inquisitive juryman; we are ourselves constantly being rebuked by the learned judges, and told to adhere to the rules and not to put questions which are irrelevant. I have now pointed out such discrepancies in the evidence given by Mills before the coroner and before you, as will, I think, make it clear to you that you cannot rely upon her testimony. Since she first gave her evidence she has had the means of knowing what is the case on the part of the Crown. I do not mean to say that she has been tutored by the Crown; I believe that my learned friend would not have called her if he thought she had; but she has had an opportunity of discovering by interviews with several different people that the case for the prosecution is, that Palmer, having first prepared the body of Cook for deadly poison by the poison of antimony, afterwards dispatched him with the deadly poison of strychnine. Their case is, that there was an administration of something which had the effect of producing retching, nausea, and irritation of the stomach. Those symptoms are therefore attributed to the persevering intention of the prisoner to reduce Cook to such a state of weakness that, when once ingestion of the deadly poison occurred, he was sure to be carried off. In her evidence before the coroner she was asked whether she had tasted the broth? She said she had, and she thought it very good. She did not then say a word about any ill effects the broth had produced; but she has since learnt that it is part of the case of those out of whose hands the Crown has taken the prosecution, and that it is the theory of Dr. Taylor that all this retching and vomiting was the result of a constant dosing with antimonial poison. She has probably been frequently asked whether she was not sick after drinking the broth; perhaps she may have been sick on some Sunday or another, and she has persuaded herself—for I do not wish to impute perjury to her—that she was made sick by the two table spoonsful of broth which she drank. Is it not to the last degree incredible that a shrewd, intelligent man like Palmer should have exposed himself to such a chance of detection as sending broth which he had

poisoned from his house, to stand by the kitchen fire of the Talbot Arms, when, sure as fate, the cook would taste it? Did you ever know a cook who would not taste broth sent by another person and said to be particularly good? It is not in the nature of things. A cook is a taster, she tastes everything, and Palmer must have known that as sure as ever he sent into the kitchen broth containing antimony the cook would take it and be ill. Her statement is not credible, and cannot be relied on. Then she said in her evidence before the coroner that on Saturday Cook had coffee and vomited directly he swallowed it, and that up to the time she gave him the coffee she had not seen Palmer. She was not then aware that the theory of the gradual preparation of the body by antimony was to fit into the theory of death from strychnine, but by the time she came here she had become acquainted with that part of the case. My learned friend stated that "Palmer ordered him coffee on Saturday morning; it was brought in by the chambermaid, Elizabeth Mills, and given to the prisoner, who had an opportunity of tampering with it before giving it to Cook." There is all the difference between this state of my learned friend and that first made by Mills before the coroner. But the young woman did not go quite so far as that. She went however to this extent:—"Palmer came over at eight o'clock, and ordered a cup of coffee for Cook. I gave it to him. I believe Palmer was in the bedroom at the time. I did not seem him drink it. I observed afterwards that the coffee had been vomited." Her statement was not so strong as that of my learned friend, but a great deal stronger than the one she made before the coroner. The two statements are essentially different, and the difference between them consists in this—the one supports the theory suggested by the prosecution, the other is totally inconsistent with it. Can you rely on a woman who makes such alterations in her testimony? That is not all. The case suggested for the Crown now is, that Cook expressed reluctance to take the pills ordered for him, and that his reluctance was overruled by Palmer. Mill's first statement was that Cook said the pills made him ill. Here she said that the pills which Palmer gave him made him ill. Before the coroner, too, she did not say that Palmer was in the bedroom between nine and ten on Monday night, as she has stated here. She makes him more about the bedside of the man, she gives him a greater opportunity of administering pills and medicine, she shows an *animus*, the result, according to the most charitable construction that can be put upon it, of a persuasion that Palmer must be guilty, but still an *animus* which shows that she is not to be relied on. How easily may persons in her condition make mistakes without intending to deceive! It is the just punishment of all falsehood that when a lie has once been told it cannot be retracted without humiliation, and when once this young woman had been induced to vary her statement in a material particular she had not the moral courage to set herself right. But the particulars I have mentioned are nothing to those to which I will now call your attention. I impeach her testimony on the ground that she here gesticulated and gave her evidence in such a manner that if it had been natural and she had adopted it at the inquest it must have attracted the attention of Dr. Taylor. The remarkable contortions into which she put her hands, her mouth, and her neck would, if they had been observed at the inquest, have been reduced to verbal expression, and recorded in the depositions. I am told by Dr. Nunneley, Dr. Robinson, and other gentlemen, that the symptoms she described are inconsistent with any known disease. There was an extraordinary grouping of symptoms, some of them quite consistent with tetanus produced by strychnine administered under peculiar circumstances, others quite inconsistent with it. Now, in the last week in February a frightful case of strychnine occurred in Leeds. A person having the means of access to the bedside of a patient was supposed to have administered small doses, day by day, and after keeping her for some time in a state of irritation, to have at last killed her. The person who attended the patient spoke of her symptoms for about a week before her death, and said she had "twitchings" in the legs, that she was alarmed at being touched in the intervals between the spasms. I will now call your attention to the evidence of Mills. She states,—

"Cook said, 'I can't lie down; I shall be suffocated if I lie down. Oh, fetch Mr. Palmer!' The last words he said very loud. I did not observe his legs, but there was a sort of jumping or jerking about his head and neck and his body. Sometimes he would throw back his head upon the pillow, and then raise it up again. He had much difficulty in breathing. The balls of his eyes projected very much. He screamed again three or four times while I was in the room. He was moving and knocking about all the time. He asked me to rub his hands. I did rub them, and he thanked me. I noticed him 'twitch.' I gave him toast-and-water. His body was still jerking and jumping. When I put the spoon to his mouth he snapped at it and got it fast between his teeth, and seemed to bite it very hard. In snapping at the spoon he threw forward his head and neck. He swallowed the toast-and-water, and with it the pills. Palmer then handed him a draught in a wineglass. Cook drank this. He snapped at the glass as he had done at the spoon. He seemed as though he could not exactly control himself."

The expressions she used, particularly the word "twitching," are remarkable. It may well be that when this case became public she may have had her attention called to it, and then had questions put to her with regard to the symptoms of Cook which induced her to alter the evidence she had before given. I cannot otherwise account for the remarkable variance in her evidence. From the time she left the Talbot Arms till she came here she seems to have been a person of remarkable importance. She went to Dolly's, where Stevens visited her five or six times. What for? Stevens was unquestionably—and within proper limits he is not to be blamed for it—indignant at the circumstances of Cook's death. He is not in the same condition of life as Mills. Why did he call on her? Why did he converse with her in a private room? He came, she said, to inquire after her health and see how she liked London. Mr. Gardiner also saw her in the street, but he only asked her how she was, and talked of other things. I do not say that these gentlemen went to her with the deliberate intention of inducing her to say what was false; but they did go with the deliberate intention of stimulating her memory upon points as to which they thought it required stimulating. Mr. Hatton, the police officer at Rugeley, also saw her a few times. They could have gone to her for no purpose but that of taking her evidence. I may mention a circumstance which shows how differently minor matters may be stated by witnesses who do not wish to assert what is false. When Palmer went into the bedroom, after being called up, he remarked, "I do not think I ever dressed so quickly in my life," and it is suggested that he never went to bed, but waited up for the commencement of the paroxysm. Mills answered the question I put to her upon that point pretty fairly; she said, "He came in his dressing-gown, and I do not recollect that there was anything like a day-shirt about his neck." On the other hand, Lavinia Barnes, who gave her evidence in a most respectable manner, said that he was quite dressed; that he wore his usual dress. People get talking about what they have witnessed, the real image of what occurred becomes confused or altogether obliterated from their minds, and they at last unconsciously tell a story which is very different from the truth. Mills was examined three times before the coroner, and if that officer acted improperly on those occasions it was quite competent for the Crown to bring him here and give him an opportunity of vindicating himself, but he ought not to be blamed upon the evidence of a witness like her. In the course of her examination, however, there came out a fact which is worthy of remark. Is there not something extraordinary in the periodicity of the attacks she described in their recurrence on three nights nearly at the same hour? There are numerous cases in the books in which attacks of this kind occurred at the same distance of time after the patient had gone to bed. Without going into unnecessary details, I will now state what I intend to prove upon this part of the case. I shall call a great number of most respectable medical practitioners and surgeons in general practice, with a large experience in great cities, who will support the theory that these fits of Cook's were probably not tetanus at all, but violent convulsions, the result of a weak habit of body, increased by a

careless mode of life—by at least a sufficient amount of disease to render violent mineral poisons, in their opinion, desirable, and by habits which led to a chronic ulceration of the tonsils and difficulty in swallowing. They will prove that men with constitutions weakened by indulgence have often, under the influence of strong mental excitement and violent emotion of any kind, been suddenly thrown into such a state of convulsion that symptoms have been exhibited in the voluntary muscles of violent disease, and that persons suffering from those symptoms have constantly died asphyxiated or of exhaustion, leaving no trace whatever as to the cause of death. In addition, I will call several gentlemen who will speak to experiments they have made upon animals, and who will be ready to show you those experiments in any yard belonging to this building, if my Lords should think fit. They will tell you, on the authority of Orfila, that no degree of putrescence will decompose strychnine, and that if it is in the body they would be sure to find it even now.

Lord Campbell said that the Court could not see the experiments made, but witnesses might be called to prove them.

Mr. Serjeant Shee.—I have now done with that branch of the case, and will proceed to the last matter to which I propose to direct your attention. I propose to discuss whether the circumstantial evidence is inexplicable on the supposition of the prisoner's innocence; and, if I show you that in all its broad and salient features it is not so, I am sure that you will be only too happy to acquit him, recollecting that you represent the country, which is uninformed upon the case, which has no opportunity of hearing the witnesses on either side.

Lord Campbell.—In the language of the law "which country you are."

Mr. Sergeant Shee.—Which country you are. You are responsible not to render this kingdom liable to the charge of having, in a paroxysm of prejudice, proprgated by a professional man with no knowledge of his own upon the matter, condemned an innocent person. In discussing the circumstantial evidence, I will avoid no point that seems at all difficult; but, not to waste time, I will not, after the intimation which I have received from the bench, trouble you with such matters, as the pushing against Dr. Devonshire during the post-mortem examination or the cutting of a slit in the cover of the jar, which might be done accidentally with any of the sharp instruments which were being used, or the putting it at the further end of the room.

Lord Campbell.—What was said referred only to the pushing.

Mr. Serjeant Shee.—I take leave to suggest that in an examination in the town of Rugeley, where Palmer was perfectly well known, the facts of there having been a little apparant shoving, which may for the moment have disturbed the operator, is not to be allowed to have weight against the prisoner, especially as Mr. Devonshire said nothing was lost. The matter is one in which all present took considerable interest, and a little leaning over might easily have produced the effect which was spoken to. Then, as to the removal of the jar. It was not taken out of the room. It could not have been taken away without its removal being observed, and it would have been to the last degree foolish for any guilty person to attempt to remove it. That a man who knew himself to be innocent should be very unwilling that the jar should be removed out of the hands of persons upon whom he could rely for honest dealing is very probable. Palmer knew that there were some persons who did not want to pay him 13,000*l.*, and who had for a long time been doing all they could to undermine his character, and to impute to him most wicked conduct with regard to the death of a relation —suspicions in which none of his relatives had joined. It is clear from his observation, "Well, doctor, they won't hang us yet," that he knew that it was intended to ground a suspicion or a complaint upon the post-mortem examination, and ti was exceedingly natural that he should like to have the jar kept in safe custody, even in the crowded room. All his conduct is consistent with this explanation. To Dr. Harland, with whom he does not appear to have been particularly intimate, he says, "I am very glad you are come, because there is no knowing who might have done it." That is the conduct of a respectable man, who knew that his conduct would bear investigation if it were properly conducted. I dare say there

are in Rugeley many excellent and very serious people to whom the prisoner's habits of life, his running about to races and so on, would not much recommend him, and who he had reason to know entertained prejudices against him. As to his objection to the jar being taken to Mr. Frere's, there had, I believe, been some slight difference, arising out of Thirlby (Palmer's assistant) having come to him from Mr. Frere. I do not do Mr. Frere the injustice to think that this slight dispute would have led him to put anything into the jar, but it may account for Palmer's caution. Let us now come to those more prominent features of Palmer's conduct upon which, in accordance with his instructions, my learned friend principally relied. I will first call your attention to the evidence of Myatt, the postboy at the Talbot Arms. Mr. Stevens had come down from London, and had acted towards Palmer in such a way as would have induced some men to kick him. Assuming Palmer to be innocent, Stevens' conduct was most provoking. He dissembled with Palmer, cross-questioned him, pretended to take his advice, scolded him in a harsh tone of voice, almost insulted him, threatened a post-mortem examination, and acted throughout under the impression that some one had been guilty of foul play towards Cook, which ought to be brought to light and punished. Stevens had been there during the whole of the post-mortem examination—a gloomy, miserable day it must have been, poring over the remains of that poor dead man; the jar was ready, and the fly was at the door to take himself and Boycott to Stafford, in order that this jar might be sent to London, out of Palmer's ken and notice; so that if there was anybody base enough to do it either in support of a theory or to maintain a reputation—God forbid that I should suggest that to the prejudice of Dr. Taylor; I do not mean to do so—but if there was anybody capable of acting so great a wickedness, it might be done; and it was but a reasonable concern that Palmer should be anxious that it should stop at Dr. Harland's. He did not like its going with Stevens to London. Stevens had been particularly troublesome; he had been vexatious and annoying to the last degree. The fly was ready, when Palmer met Myatt, the postboy, and learned that he was going to drive Mr. Stevens to Stafford. According to Myatt's evidence, Palmer then asked him if he would upset "them." That word was first used in this court to designate the jars; but as there was at that time but one jar, it must have been intended to apply to Mr. Stevens and his companion. Palmer's conduct to Stevens had been most exemplary, and he must have been irritated to the last degree to find that he was suspected of stealing a paltry betting-book, which was of no use to any one, and of having played foully and falsely with the life of his friend, the deceased. That he was much annoyed was proved by his observation to Dr. Harland in the morning—"There has been a queer old fellow down here making inquiries, who seems to suspect that everything is wrong. He thinks I have stolen a betting-book, which every one who knows anything knows can be of no use to any one now that poor Cook is dead." This shows that Palmer's mind was impressed with a sense that Stevens had illtreated him. He, no doubt, said to himself, "He (Stevens) has encouraged and brought back suspicions which have well nigh destroyed me already, and which, if he proceeds in this course of bringing another charge against me, will probably render it impossible to get the sum which would be sufficient to release me from my embarrassments." In this state of mind Palmer met the postboy who was ready to drive Mr. Stevens to Stafford. What occurred then was thus described by Myatt:—

"He said he supposed I was going to take the jars.—What did you say then, or what did he say?—I said I believed I was.—After you said you believed you were, what did he say?—He says, 'Do you think you could upset them?'—What answer did you make?—I told him 'No.'—Did he say anything more?—He said, if I could, there was a 10*l.* note for me.—What did you say to that?—I told him I should not.—Did he say any more to you?—I told him that I must go, for the horse was in the fly waiting for me to start."

In cross-examination he was asked:—

"Were not these the words Palmer used,—'I should not mind giving 10*l.* to

break Mr. Stevens's neck?'—I do not recollect him saying 'to break his neck.' —Were they not words to that effect, 'I should not mind giving 10*l.* to break his neck?'—I do not recollect that.—Then '10*l.* to upset him?'—Yes.—Those were the words, were they?—Those were the words, to the best of my recollection.—Did he appear to have been drinking at the time?—I cannot say.—When he said 'to upset him,' did he use any epithet; did he describe him in any way, such as 'upset the fellow?'—He did not describe him in any way.—Did he say anything about him at the time?—He did say something about it; 'it was a humbugging concern,' or something to that effect.—That he was a humbugging concern, was that it?—No.—That 'it was a humbugging concern,' or something to that effect?—Yes."

I submit to you that, after this evidence, you can only regard this expression about "upsetting them" in its milder and more innocent sense, as a strong expression used by a man vexed and irritated by the suspicious and inquisitive manner which Stevens had from the first exhibited. That this is the correct view of the matter is confirmed by the fact that at the time of the inquest nothing was known of this, and Myatt was not called. Myatt was engaged at the Talbot Arms, and must frequently have conversed about the death of Cook and the post-mortem examination with servants and other persons about that inn. Had any serious weight been attached to this offer of Palmer, it would have excited attention, and would have been given in evidence before the coroner. On the other hand, it is to the last degree improbable that a medical man, knowing that he had given a large dose of strychnine, with the violent properties of which he was well acquainted, should have supposed that by the accidental spilling of a jar—the liver, spleen, and some of the tissues remaining behind—he could possibly escape detection. I will next call your attention to the evidence of Charles Newton, who swore that he saw Palmer at Mr. Salt's surgery at nine o'clock on Monday night, when he gave him three grains of strychnine in a piece of paper. He did not bring this to the knowledge of the Crown until the night before this trial commenced. He was examined before the coroner, but although then called to corroborate the statement of Roberts as to the presence of Palmer at Hawkins's shop, where he was said to have purchased strychnine, he then said nothing about the purchase on the Monday night. A man who so conducts himself, who when first sworn omits a considerable portion of what he tells three weeks afterwards, and again comes forward at the last moment and tells more than enough in his opinion to drive home the guilt to the person who is accused, that man is not to be believed upon his oath. There are other circumstances which render Newton's statement in the highest degree improbable. That Palmer should once in a way purchase strychnine in Rugeley is not to be wondered at. It is sold to kill vermin, to kill dogs. And whatever the evidence as to the galloping of the mares and their dropping their foals, it shows that Palmer had occasion for it, and for other purposes. But that, having bought enough for all ordinary purposes, he should go and buy more the next day, and should purchase it at the shop of a tradesman with whom he had not dealt for two years, is in the highest degree incredible. Nobody would believe it. Nobody can or ought to believe it. But observe this also. Palmer had been to London on the Monday, and in London there is no difficulty in procuring strychnine. It is sold to any one who, by writing down the technical description of what he wants, shows that he has had a medical education. Why did he not get it in London? And if he could not get it in London, why did he not get it at Stafford, or at any of the other places to which he had been? If he had bought it for this guilty purpose, would he not, as a wary man, have taken care that when his house was searched there should be found in it the paper containing the exact quantity of strychnine which he had purchased? What could have been easier to do than that? Newton's story, therefore, cannot be believed, but, in addition I will show that Palmer, who is stated by Herring to have been in London at a quarter-past three o'clock, could not have been in Rugeley at the time at which Newton says he was at Mr. Salt's. Palmer attended the post-

mortem examination; and is it credible that he, a skilful medical man, who studied in a London hospital, and made a note upon one of his books of the effect of strychnine, would ask that stupid sort of fellow Newton anything about its action upon a dog, and would, when the answer was given, snap his fingers and say, "It is all right, then, it cannot be found?" No one will believe it for a moment. The animus of Newton is shown by his omitting the word "poor," and representing Palmer as having said, "You will find this fellow suffering from a disease on the throat; he has had syphilis;" and then, when cross-examined upon the subject by my learned friend, Mr. Grove, replying, "I don't know whether he said poor or rich," as if that had anything to do with the question. I will now take you back to what occurred at Shrewsbury. The case for the Crown is that as early as Wednesday, the 14th of November, the scheme of poisoning Cook begun to be executed at Shrewsbury. It is suggested that Cook was dosed with something that was put into his brandy-and-water. You will remember that I read to you a letter from Cook to Fisher, dated the 16th of November, to which there is this postscript—"I am better." That must have referred to his illness at Shrewsbury. It is the postscript to a letter in which he speaks of the object he has in view, which is of great importance to himself and Palmer. Is his writing in that tone consistent with his having a belief that Palmer had drugged him with poison for the purpose of destroying his life at Shrewsbury? What did Palmer say about it?—"Cook says I have put something in his glass. I don't play such tricks." He treated it as though it had never been understood to be more than the expression of a man who, if not actually drunk, was very nearly so. Palmer did not arrive at the Raven until after the dinner hour. We have no evidence how Cook fared there; but we shall be able to prove that he went from there to the Unicorn, where he arrived pretty flush, and where he sat drinking brandy-and-water with Saunders, the trainer, and a lady. Seven or eight glasses of brandy-and-water did this good young man drink, and the result was that his unfortunate syphilitic throat was in a very dreadful state, if not of actual laceration, at least of soreness and irritation. [The learned Serjeant here read to the jury a long extract from an article which had appeared in some newspaper, which he did not mention, in which the occurrences at Shrewsbury were described in a style which seemed intended to be humorous, and in which Cook's sickness was attributed to his having taken too much brandy upon champagne, in order to "restore his British solidity." The learned Serjeant said that this entirely concurred with his own view of the case. He then continued.] Cook's own conduct afterwards proved that his illness was owing to his having drunk too much. He got up in the morning, breakfasted with Palmer, was good friends with him, and went with him to Rugeley. At Rugeley they received Pratt's letter of the 13th, in consequence of which Palmer wrote to Pratt to say that some one would call upon him and pay him 200*l.*, and Cook wrote to Fisher and asked him to call on Pratt and pay this money. Does that look as though he thought there had been an attempt to poison him? Mrs. Brook, who gave her evidence in a most creditable manner, proved that there was much sickness among the strangers who were at Shrewsbury; and the rest of her evidence did not tell much against Palmer, who might, after Cook's complaint, very naturally have been looking at the tumbler to see if anything had been put into it. Cook got worse, and at last had the good sense to put his money into Fisher's hands and go to bed. He was still very sick, and a doctor was sent for, who recommended an emetic. Cook made himself sick by drinking warm water and putting the handle of a toothbrush down his throat. He took a pill and a black draught, went to sleep, and next morning was quite well. This is really too ludicrous to receive a moment's consideration. A person named Myatt was in the room at the Raven all the evening. He has been put into the box, but I shall call him, and you will hear his account. Palmer and Cook having got back to Rugeley, the history of the slow poisoning continues. They went there together, and probably

talked on the way of their difficulties and the mode of getting out of them, and of the small way that the winnings at Shrewsbury would go to effect that object, both seeing ruin staring them in the face unless the Prince of Wales insurance-office could be made to pay the money which was due, and they could meanwhile remain free from all suspicion of insolvency or any sort of misconduct. When they got to Rugeley they provided for the temporary difficulty by sending 200*l.* to Pratt. They were then evidently on friendly terms, Cook's winnings being at Palmer's service, and probably both effecting their objects, because, as it would appear from what Palmer said, Cook had some interest in the bills which were outstanding. Probably his name might not be upon them, but as they were engaged in these racing transactions, were joint owners of one horse and had the same trainer, they were very probably equally interested in these bills—were in fact what I remember to have once heard a nobleman well known upon the turf call "confederates." The frequency of Palmer's visits to Cook during the illness of the latter at Rugeley affords no ground of suspicion against the prisoner. On the contrary, it tells in his favour. Cook had no friend in the town but Palmer, with whom he may almost be said to have been on a visit; for though he did not sleep in Palmer's house Palmer was in continual attendance on him, and, owing to the close proximity of his own residence, was enabled to bring him many little delicacies not easily attainable at an inn. Had he neglected the sick man, and only visited him occasionally, the inference of the Crown would probably have been that he was a black-hearted scoundrel, who only looked in now and then to give him his poison; but as he was zealously and laboriously attentive to him the conclusion is that he must have murdered him! It is said that Palmer was guilty of a falsehood in representing Cook as suffering from diarrhœa; but this is to put a very violent and a very uncharitable construction on his words, for you will remember that Bamford swore to Cook having told him that his bowels had been affected twice or three times on Sunday. But, leaving these minor points, I come to one which in this case of circumstantial evidence is of the very last importance, and should be deemed decisive of the prisoner's innocence. The supposition of the Crown is that Palmer intended to dose Cook with antimony—to keep his stomach in continual irritation by vomiting, in order that he might the more surely dispatch him with strychnine, and that during Sunday, the day on which he insisted on his taking the broth, Cook was under the influence of this insidious treatment. Now, supposing this to be true, and assuming it to be the fact that Palmer was indeed bent upon destroying Cook by this singular process, is it not manifest that there is one man who of all the men in the world would have been the very last whom he would have selected to be a witness of his proceedings? That man is a surgeon in the prime of life, a man intimately acquainted with Cook and very much attached to him—Mr. Jones, of Lutterworth. Yet this is the very man to whom, when he is about to set out for London, Palmer writes a letter, informing him that Cook is ill, and urging him to come over and see him without delay. I entreat of you to appreciate the full importance of that fact. The more you think of it, the more profound will become your conviction that it affords evidence irrefragable of Palmer's innocence. The imputation is that Palmer meant to kill Cook to possess himself of his winnings. Who was with Cook when the race was won? Who was by his side on Shrewsbury racecourse for the three minutes that he was speechless? Who saw him take out his pocketbook and count up his winnings? Who but Jones?—Jones, who was his bosomfriend, his companion, his confidant, and who knew to the last farthing the amount of his gains. Jones was of all men living the most likely to be the recipient of Cook's confidence, and the man who was bound by every consideration of honour, friendship, and affection to protect him, to vindicate his cause, and to avenge his death. Yet this was the man for whom Palmer sent, that he might converse with Cook, receive his confidences, minister to him in his illness, and even sleep in the same room with him! How, if Palmer is the

murderer they represent him, are you to account for his summoning Jones to the bedside of the sick man? If Cook really suspected—as we are assured he did—that Palmer was poisoning him, Jones was the man to whom he would have most willingly have unbosomed himself, and in whose faithful ear he would have most eagerly disburdened the perilous stuff that weighed upon his own brain. Palmer and Jones were both medical men, and it is not improbable that in the course of his studies the latter may have noted in his class-book the very passages respecting the operation of strychnine which also attracted the attention of the former. Is it conceivable that if Palmer meant to slay Cook with poison in the dead of night, he would have previously ensured the presence in his victim's bedroom of a medical witness, who would know from the symptoms that the man was not dying a natural death? He brings a medical man into the room and makes him lie withih a few inches of the sick man's bed, that he may hear his terrific shrieks and witness those agonising convulsions which indicate the fatal potency of poison! Can you believe it? He might have dispatched him by means that would have defied detection, for Cook was taking morphia medicinally, and a grain or two more would have silently thrown him into an eternal sleep. But instead of doing so he sends to Lutterworth for Jones. You have been told that this was done to cover appearances. Done to cover appearances! No—no—no! You cannot believe it. It is not in human nature. It cannot be true. You cannot find him guilty—you dare not find him guilty on the supposition of its truth. The country will not stand by you if you believe it to be true. You will be impeached before the world if you say that it is true. I believe in my conscience that it is false, and that consistently with the rules that govern human nature it cannot possibly be true. [Sensation and murmurs of applause.] With respect to the interviews and dialogues that took place between the prisoner and Mr. Stevens, I contend that, so far from telling against the former, they are in his favour. There is nothing but the evidence of a kind and considerate nature in the fact of his having ordered "a shell and a strong oak coffin" for the deceased; nor is it possible to torture into a presumption of guilt the few words of irritation that may have fallen from the prisoner in the course of a conversation in which Mr. Stevens treated him with scorn, not to say insolence. With respect to the betting-book, many persons had access to Cook's room—servants, both men and women, undertaker's men, and barbers; and though I do not venture to mark out any particular person for suspicion, one of them may have purloined the book and been afraid to return it. It is not fair in a case of this momentous importance to affix the opprobrium on a man who is not proved to have ever had it in his hand. The Crown had, no doubt, originally intended to rely upon the prisoner's medical books as affording damning proof of his guilt; but I will refer to those volumes for evidences that will speak eloquently in his favour. In youth and early manhood there is no such protection for a man as the society of an innocent and virtuous woman to whom he is sincerely attached. If you find a young man devoted to such a woman, loving her dearly, and marrying her for the love he bears her, you may depend upon it that he is a man of a humane and gentle nature, little prone to deeds of violence. To such a woman was Palmer attached in his youth, and I will bring you proof positive to show that the volumes cited against him were the books he used when a student, and that the manuscript passages are in the handwriting of his wife. His was a marriage of the heart. He loved that young and virtuous woman with a pure and generous affection; he loved her as he now loves her first-born, who awaits with trembling anxiety the verdict that will restore him to the arms of his father, or drive that father to an ignominious death upon the scaffold. [The prisoner here covered his face with his hand and shed tears.] Here in this book I have conclusive evidence of the kind of man that Palmer was seven years ago. I find in its pages the copy of a letter addressed by him while still a student to the woman whom he afterwards made his wife. It is as follows:—

"My dearest Annie,—I snatch a moment from my studies to your dear, dear

little self. I need scarcely say that the principal inducement I have to work is the desire of getting my studies finished, so as to be able to press your dear little form in my arms. With best, best love, believe me, dearest Annie,

"Your own WILLIAM."

Now this is not the sort of letter that is generally read in courts of justice. It was no part of my instructions to read that letter, but the book was put into prove that this man is a wicked, heartless, savage desperado; and I show you what he was seven years ago,—that he was a man who loved a young woman for her own sake—loved her with a pure and virtuous affection — such an affection as would, in almost all natures, be a certain antidote against guilt. Such is the man whom it has been my duty to defend upon this occasion, and upon the evidence that is before you I cannot believe him to be guilty. Don't suppose, gentlemen, that he is unsupported in this dreadful trial by his family and his friends. An aged mother, who may have disapproved of some part of his conduct, awaits with trembling anxiety your verdict; a dear sister can scarcely support herself under the suspense which now presses upon her; a brave and gallant brother stands by him to defend him, and spares neither time nor trouble to save him from an awful doom. I call upon you, gentlemen, to raise your minds to a capacity to estimate the high duty which you have to perform. You have to stem the torrent of prejudice; you have to vindicate the honour and character of your country; you have, with firmness and courage, to do your duty, and to find a verdict for the Crown if you believe that guilt is proved; but, if you have a doubt upon that point, depend upon it that the time will come when the innocence of that man will be made apparent, and when you will deeply regret any want of due and calm consideration of the case which it has been my duty to lay before you.

The speech of the learned Serjeant occupied exactly eight hours in its delivery. There were some slight indications of an attempt to applaud at its conclusion, but they were instantly repressed.

The court then adjourned till ten o'clock next day.

EIGHTH DAY.

ON the resumption of this case this morning the court was, as usual, densely crowded, and all its avenues were beset by eager applicants for admission. His Royal Highness the Duke of Cambridge was among the distinguished persons who were accommodated with seats upon the bench.

The learned Judges, Lord Campbell, Mr. Baron Alderson, and Mr. Justice Cresswell, took their seats at ten o'clock. The prisoner was at once placed on the bar. His demeanour was, as on the previous days of his trial, calm and attentive, but betrayed no additional anxiety.

Immediately after the learned Judges took their seats,

Lord Campbell said, Before the proceedings commence I must express a most earnest hope that, until this trial is concluded, the public journals will continue to abstain from any comments upon the merits of the case, or upon any part of the evidence. The propriety of this course is so obvious as to need no explanation. This warning ought to extend to the insertion of letters as much as to that of editorial articles.

Thomas Nunneley, examined by Mr. Grove.—I am Fellow of the College of Surgeons, and Professor of Surgery at the Leeds School of Medicine. I am also a member of several medical and learned societies, foreign and English, and have been in practice between twenty and thirty years. I have a large practice, and have seen cases of both traumatic and idiopathic tetanus. Of the latter disease I have seen four cases. They did not all commence with lockjaw. One did not commence so, nor did lockjaw become so marked in it as to prevent swallowing once during the course of the disease. I have heard the evidence as to the symptoms of Cook, and had previously read the depositions as to that part of the case. Judging from those symptoms, I am of opinion that death was caused by some convulsive disease. I found that opinion upon the symptoms described in the depositions and the evidence before the court.

Lord Campbell said that the witness could only be examined as to his opinion founded upon the vivâ voce evidence before the court.

Mr. Grove said that his object was to distinguish between the opinion founded on the vivâ voce evidence and that founded on the depositions.

Examination continued.—From the symptoms described by the witnesses in court I am of opinion that death was caused by some convulsive disease. Looking at Cook's general state of health—

Mr. Baron Alderson.—You have nothing to do with that. You must only give an opinion upon the symptoms described in evidence.

Examination continued by Mr. Serjeant Shee.—I have been in court during the whole of the trial. I have heard the evidence as to the symptoms of Mr. Cook's health previous to his final attack at Rugeley, the description of the actual symptoms during the paroxysms, and the appearance of the body on the post-mortem examination.

Do you remember the account of the syphilitic sores?

The Attorney-General objected to this mode of putting the question, because it was an assumption that these sores existed. A medical man ought to be asked his opinion on the supposition only that certain symptoms existed.

Mr. Justice Cresswell.—Let the witness describe what he assumes to have been the state of Cook's health, and you will then see whether he is justified in his assumption.

Examination continued.—I assume that Cook was a man of very delicate constitution—that for a long period he had felt himself to be ailing, for which indisposition he had been under medical treatment; that he had suffered from syphilis; that he had disease of the lungs; and that he had an old standing disease of the throat: that he led an irregular life; that he was subject to mental excitement and depression; and that after death appearances were found in his body which show this to have been the case. There was an unusual appearance in the stomach. The throat was in an unnatural condition. The back of the tongue showed similar indications. The air vessels of the lungs were dilated. In the lining of the aorta there was an unnatural deposit, and there was a very unusual appearance in the membranes of the spinal marrow. One of the witnesses also said that there was a loss of substance from the penis. That scar on the penis could only have resulted from an ulcer. A chancre is an ulcer, but an ulcer is not necessarily a chancre. The symptoms at the root of the tongue and the throat I should ascribe to syphilitic inflammation of the throat. Supposing these symptoms to be correct, I should infer that Cook's health had for a long time not been good, and that his constitution was delicate. His father and mother died young. Supposing that to have been his state of health, it would make him liable to nervous irritation. That might be excited by moral causes. Any excitement or depression might produce that effect. A person of such health and constitution would be more susceptible of injurious influence from wet and cold than would one of stronger constitution. Upon such a constitution as that which I have assumed Cook's to have been, convulsive disease is more likely to supervene. I understand that Cook had three attacks on succeeding nights, occurring about the same hour. As a medical man, I should infer from this that the attacks were of a convulsive character. I infer that in the absence of other causes to account for them. According to my personal experience and knowledge from the study of my profession, convulsive attacks are as various as possible in their forms and degrees of violence. It is not possible to give a definite name to every convulsive symptom. There are some forms of convulsion in which the patient retains his consciousness. Those are forms of hysteria, sometimes found in the male sex. It is also stated that there are forms of epilepsy in which the patient retains consciousness.

By Lord Campbell.—I cannot mention a case in which consciousness has been retained during the fit. No such case has come under my notice.

Examination continued.—I know by reading that that, although rarely, does sometimes occur. The degree of consciousness in epilepsy varies very much. In some attacks the consciousness is wholly lost for a long time. Convulsive attacks are sometimes accompanied by violent spasms and rigidity of the limbs. Convulsions, properly so called, sometimes assume a tetanic complexion. I heard the passage from the works of Dr. Copland read to the Court yesterday. I agree with what he states. Convulsions arise from almost any cause—from worms in children, affections of the brain in adults, hysteria, and in some persons the taking of chloroform. Adults are sometimes attacked by such convulsions. Affections of the spinal cord or eating indigestible food will produce them. I know no instance in which convulsions have arisen from retching and vomiting. I agree with Dr. Copland that these convulsions sometimes end immediately in death. The immediate proximate cause of death is frequently asphyxia.

By Lord Campbell.—Death from a spasm of the heart is often described as death by asphyxia.

Examination continued.—I have seen convulsions recurring. I have seen that in very various cases. The time at which a patient recovers his ease after a violent attack of convulsions varies very much. It may be a few minutes, or it may be hours. From an interval between one convulsion and another I should infer that the convulsions arise from some slight irritation in the brain or the spinal cord. When death takes place in such paroxysms there is sometimes no trace of organic disease to be found by a post-mortem examination. Granules between the dura-mater and the arachnoid are not common at any age. I should

not draw any particular inference from their appearance. They might or might not lead to a conjecture as to their cause and effect. I do not form any opinion upon these points. They might produce an effect upon the spinal cord. There are three preparations in museums where granules are exhibited in the spinal cord, in which the patients are said to have died from tetanus. Those are at St. Thomas's Hospital. To ascertain the nature and effect of such granules the spinal cord ought to be examined immediately after death. Not the most remote opinion could be formed upon an examination made two months after death, more especially if the brain had been previously opened. Independently of the appearance of granules, it would not after that period be possible to form a satisfactory opinion upon the general condition of the spinal cord. If there were a large tumour, or some similar change, it might be exhibited; but neither softening nor induration of the structure could be perceived. The nervous structure changes within two days of death. To ascertain minutely its condition it is necessary to use a lens or microscope. That is requited in an examination made immediately after death. I have attended cases of traumatic tetanus. That disease commonly begins with an attack upon the jaw. One of the cases of idiopathic tetanus that I have seen was my own child. In three of those cases the disease began with lockjaw. The fourth case commenced in the body, the facility of swallowing remaining. I have within the last twelve months made post-mortem examinations of two persons who had died from strychnia. I did not see the patients before death. In both cases I ascertained by chymical analysis that death had been caused by strychnia. In both I found the strychnia. In one case—that of a lady aged twenty-eight years—I made my examination forty-two hours after death, and in the other thirty hours. In the former case the body had not been opened before I commenced my examination. [The witness read a report of this examination, in which it was stated that the eyelids were partially open and the globes flacid, and the pupils dilated. The muscles of the trunk were not in the least rigid; indeed, they were so soft that the body might be bent in any direction. The muscles at the hip and shoulder joints were not quite so flaccid, but they allowed these joints to be easily moved; while those of the head and neck, fore-arms, &c., were rigid. The fingers were curved, and the feet somewhat arched. All the muscles, when cut into, were found soft and dark in colour. The membranes of the liver were exceedingly vascular. The membrane of the spinal cord was much congested. There was a bloody cerum in the pericardium; the lungs were distended, and some of the air cells were ruptured. The lining membrane of the trachea and bronchial tubes were covered with a layer of dark bloody mucus of a dark chocolate colour. The thoracic vessels and membranes were much congested, and the blood was everywhere dark and fluid.] After reading this report the witness continued:—In the second case I made my examination thirty hours after death. I first saw the body about twelve hours after death. It was a woman somewhere near twenty years of age. [The witness also read the report of the examination in this case. The appearances of the body were substantially similar to those presented in the previous case.] In two other cases I have seen a patient suffering from over doses of strychnia. Neither of those cases was fatal. In one case I had prescribed the twelfth of a grain, and the patient took one-sixth. That was for a man of middle age. Strychnia had been given in solution. In a few minutes the symptoms appeared. They were a want of power to control the muscles, manifested by twitchings, rigidity, and cramp, more violent in the legs than in any other part of the body. The spasms were not very violent. They continued six hours before they entirely disappeared. During that time they were intermittent at various intervals. As the attack passed off the length of the intervals increased. At first their length was but a few seconds. The spasms were not combated by medical treatment. The other case was a very similar one. The quantity taken was the same—double what I had prescribed. I have experimented upon upwards of sixty animals with strychnia. Those animals were dogs, cats, rats, mice, guinea pigs, frogs, and toads. The symptoms of the attack in all animals present great resemblances. Some animals are, however, much more susceptible of its influence than others are. The period elapsing between the injection of the poison and the commencement of the symptoms has been from two minutes to thirty,—more generally five or six. I administered the poison occasionally in solution, but more generally in its solid state. It was sometimes placed dry upon the back of the tongue, and some fluid poured down the throat; sometimes it was enclosed between two portions of meat; sometimes mixed up with butter or suet, and sometimes rolled up in a small piece of gut. To frogs and toads it was administered by putting them into a solution of strychnia. I have also applied it direct to the spinal cord, and in other cases to the brain. The first symptom has been a desire to be quite still; then hurried breathing; then slavering at the mouth (when the poison had been given through that organ); then twitching of the ears, trembling of the muscles, inability to walk, convulsions of all the muscles of the body, the jaws being generally firmly closed; the convulsions attended by a total want of power in the muscles, which on the least touch were thrown into violent spasms with a galvanic-like shock. Spasms also came on if the animal voluntarily attempts to move; that is usually the case, but occasionally the animal is able to move without inducing a recurrence of the spasms. These spasms recur at various periods, but do not always increase in violence. The animals die after periods varying from three hours to three hours and a half. In the cases where the animals live longest, the paroxysms occur at the longest intervals. In all cases in the interval before death the rigidity ceases (I know no exception to

this) and the muscles become quite soft, powerless, and flaccid. The limbs may be put in any position whatever. There is but little difference from ordinary cases of convulsive death in the time at which the *rigor mortis* comes on. I have destroyed animals with other poisons, and there is very little difference between the rigidity in their cases and that in the cases of death from strychnia. In the two women I have mentioned the *rigor mortis* was much less than is usual in cases of death from natural disease. I have known fatal cases of poisoning animals by strychnia in which there has between the first and the second paroxysm been an interval of about half-an-hour, but that is not common. I have examined the bodies of upwards of forty animals killed by strychnia. I have invariably found the heart full on the right side; very generally the left ventricle firmly contracted, and the blood usually dark, and often fluid. There is no particular appearance about the spine. I have experimented with other poison upon upwards of 2,000 animals, and have written upon this subject. It very often happens that in the case of animals dying suddenly from poisoning the blood is fluid after death. That also happens in cases of sudden death from other causes. I have attended to the evidence as to the symptoms exhibited by Cook on the Sunday, Monday, and Tuesday nights. The symptoms on Sunday night I assume to have been great excitement. Cook described himself as having been very ill, and in such a state that he considered himself mad for a few minutes. He stated that the cause of this was a noise in the street. These symptoms in the three nights I have mentioned, do not resemble those which I have seen follow the administration of strychnia. Cook had more power of voluntary motion than I have observed in animals under the influence of this poison. He sat up in bed, and moved his hands about freely, swallowed, talked, and asked to be rubbed and moved, none of which, if poisoned by strychnia, could he have done. The sudden accession of the convulsions is another reason for believing that they were not produced by strychnia. Other reasons for believing that the convulsions were not produced by strychnia are their sudden accession without the usual premonitory symptoms, the length of time which had elapsed between their commencement and the taking of the pills which are supposed to have contained poison, and the screaming and vomiting. I never knew an animal which had been poisoned with strychnia to vomit or scream voluntarily. I apprehend that where there is so much spasm of the heart there must be inability to vomit. In the cases related in which attempts were made to produce vomiting they did not succeed. There is such a case in the 10th volume of the *Journal de Pharmacie*, in which an emetic was given without success. The symptoms exhibited after death by animals poisoned by strychnia differ materially from those presented by the body of Cook. In his case the heart is stated to have been empty and uncontracted.

Lord Campbell.—I do not remember that. I think it was said that it was contracted.

Mr. Baron Alderson.—According to my note, Dr. Harland said that the heart was contracted, and contained no blood.

Examination continued.—The lungs were not congested, nor was the brain. In the case of animals which have recovered the paroxysms have subsided gradually. I never knew a severe paroxysm followed by a long interval of repose. I have experimented upon the discovery of strychnia in the bodies of animals in various stages of decomposition, from a few hours after death up to the forty-third day, in which latter case the body was quite putrid. It has never happened to me to fail to discover the poison. I have experimented in about fifteen cases.

Supposing a person to have died under the influence of strychnia poison in the first paroxysm, and his stomach to have been taken out and put into a jar on the sixth day after death, must strychnia have, by a proper analysis, been found in the body?—Yes. If the strychnia be pure, such as is almost invariably found among medical men and druggists, the test is nitric acid, which gives a red colour, which in a great measure disappears on the addition of protochloride of tin. If the strychnia be pure, it does not undergo any change on the addition of sulphuric acid, but on the addition of a mixture of bichromate of potash, with several other substances it produces a beautiful purple, which changes to varying shades until it gets to be a dirty red. There are several other tests. In this case the stomach was not, in my opinion, in an unfavourable condition for examination. The circumstances attending its position in the jar and its removal to London would give a little more trouble, but would not otherwise affect the result. If the deceased had died from strychnia poison it ought to have been found in the liver, spleen, and kidneys. I have seen this poison found in similar portions of animals which had been killed by it. I have also seen it found in the blood; that was by Mr. Herapath, of Bristol.

Could the analyses be defeated or confused by the existence in the stomach of any other substance which would produce the same colours?—No. Supposing that pyrozantine and salicine were in the parts examined, their existence would not defeat the analysis. Pyrozantine is very unlikely to be found in the stomach. It is one of the rarest and most difficult to be obtained. The distinction between pyrozantine and strychnia is quite evident. Pyrozantine changes to a deep purple on the addition of sulphuric acid alone, and the bichromate of potash spoils the colour. In strychnia no change is produced by sulphuric acid. It requires the addition of the bichromate to produce the colour.

Supposing the death to have been caused by a dose of strychnia, not more than sufficient to destroy the animal, would it be so diffused by the process of absorption that you would not be able by these tests to detect it in any portion of the system?—No; I believe it would not.

Had that question occupied your attention before you were called upon to give evidence upon this trial?—It had.

What is your reason for stating that strychnine, when it has done its work, continues as strychnine in the system?—Those who say that some change takes place argue that as food undergoes a change when taken into the body, so does the poison; it becomes decomposed. But the change in food takes place during digestion; consequently its traces are not found in the blood. Substances like strychnine are absorbed without digestion, and may be obtained unchanged from the blood. They may be administered in various ways.

In your judgment will any amount of putrefaction prevent the discovery of strychnine?—To say that it is absolutely indestructible would be absurd, but within ordinary limits, no. I have found it at the end of forty days.

What is the probable relative rapidity of the action of strychnine in an empty and a full stomach?—The emptier the stomach the quicker the action.

Cross-examined by the Attorney-General.—I am a lecturer on surgery. Mr. Morley, who was called for the prosecution, is a lecturer on chemistry. Part (perhaps half) of the experiments on the sixty animals were made by me and Mr. Morley jointly. There was nothing to distinguish the experiments which I made alone from those which I made jointly with him. I state the apparent results of the whole. My experiments were spread over a period of thirty years. Many of them have been made since the Leeds case. Some of them were made in reference to this case. I can't say how many.

Now, don't put yourself in a state of antagonism to me, but tell me how many of your experiments were made in reference to this particular case?—I cannot answer that question. The great bulk certainly were not. I was first concerned in this case about the time of the death of the person at Leeds. I was applied to. I was in correspondence with the attorney for the defence. The details of the Leeds case were forwarded to him by me, and I called his attention to them. The general dose in these experiments was from half a grain to two grains. Half a grain is sufficient to destroy life in the larger animals. I have seen both a dog and cat die from that dose, but not always. Some animals as a species are more susceptible than those of a different species, and among animals of the same species some are more susceptible than others. The symptoms in the experiments I have mentioned did not appear after so long a period as an hour. We have had to repeat the dose of poison in some instances when half a grain has been given. That happened in the case of a cat. Symptoms of spasm were produced, but the animal did not die. She had not, however, swallowed the doses. I think I have known animals of the cat species killed with half a grain.

Have you any doubt about it?—Yes.

Half a grain, then, is the minimum dose which will kill a cat?—I think it would be the minimum dose in the case of an old strong cat. If administered in a fluid state I think a smaller dose would suffice. Hurried breathing is one of the first symptoms, afterwards there are twitchings and tremblings of the muscles, then convulsions.

Is there any diversity, as in the intervals and the order of the symptoms, in animals of the same species?—They certainly don't occur after the same intervals of time, but I should say they generally occur in the order I have described. There is some difference in the periods at which the convulsions take place. Some animals will die after less convulsion than others but an animal generally dies after four or five. In one or two instances an animal has died after one convulsion. In those instances a dose has been given equal in amount to another dose which has not produced the same effect. The order in which the muscles are convulsed varies to some extent. The muscles of the limbs are generally affected first. The convulsions generally occur simultaneously.

Do you know any case of strychnine in which the rigidity after death was greater than the usual *rigor mortis*?—I think not. I don't think there is any peculiar rigidity produced by strychnine.

Have you never found undue rigidity in a human subject after death from strychnine?—Considerably less.

In the anonymous case to which we have referred were not the hands curved and the feet arched by muscular contraction?—Not more than is usual in cases of death from ordinary causes. The limbs were rigid, but not more than usual.

In the face of the medical profession, I ask you whether you signed a report stating that "the hands were curved and the feet decidedly arched by muscular contraction," and whether you meant by those words that there was no more than the ordinary rigidity of death?—Certainly; I stated so at the time.

Where? In the report?—No; in conversation. Allow me to explain that a distinction was drawn between the muscles of the different parts of the body. I heard Mr. Morley's evidence with regard to experiments on animals, and his statement that "after death there was an interval of flaccidity, after which rigidity commenced more than if it had been occasioned by the usual *rigor mortis*."

You don't agree with that statement?—I do not. I generally found the right side of the heart full.

Does the fact of the heart in Cook's case having been found empty lead you to the conclusion that death was not caused by strychnine?—Among other things it does. I heard the evidence of Dr. Watson as to the case of Agnes Sennett, in which the heart was found distended and empty; also, that of Mr. Taylor as to the post-mortem examination of Mrs. Smyth. No doubt he stated that the heart in that case also was empty.

And do those facts exercise no influence on your judgment?—They would not unless I knew how the post-mortem examination had been made. If it was commenced at the head, the blood being fluid, the large drains would be opened, and the blood, from natural causes, would drain away.

Do you know how the post-mortem examination was made in this case?—No. Excuse me, I do. The chest and the abdomen, not the head, were first opened.

The heart, then, was not emptied in the first instance?—No.

Then what occasioned the contraction of the heart?—When the heart is emptied it is usually contracted.

But how do you account for its contraction and emptiness?—I cannot account for it.

Lord Campbell.—Would the heart contract if there was blood in it?—No.

Lord Campbell.—When you find the heurt contracted you know, then, that it was contracted at the moment of death?—It is necessary to draw a distinction between the two cavities. It is very common to find the left ventricle contracted and hard, while the right is uncontracted.

Lord Campbell.—That is death by asphyxia ?—Precisely.

By the Attorney-General—In Cook's case the lungs were described as not congested. Entosthema is of two kinds; one of them consists of dilation of the cells, the other of a rupture of the cells. When animals die from strychnine entosthema occurs. I do not know the character of the entosthema in Cook's case. It did not occur to me to have the question put to the witnesses who described the post-mortem examination.

To what constitutional symptoms about Cook do you ascribe the convulsions from which he died ?—Not to any.

Was not the fact of his having syphilis an important ingredient in your judgment upon his case?—It was. I judge that he died from convulsions, by the combination of symptoms.

What evidence have you to suppose that he was liable to excitement and depression of spirits?—The fact that after winning the race he could not speak for three minutes.

Anything else?—Mr. Jones stated that he was subject to mental depression. Excitement will produce a state of brain which will be followed, at some distance, by convulsions. I think Dr. Bamford made a mistake when he said the brain was perfectly healthy.

Do you mean to set up that opinion against that of Dr. Devonshire and Dr. Harland, who were present at the post-mortem?—My opinion is founded in part on the evidence taken at the inquest, in part on the depositions. With the brain and the system in the condition in which Cook's were, I believe it is quite possible for convulsions to come on and destroy a person. I do not believe that he died from apoplexy. He was under the influence of morphia. I don't ascribe his death to morphia, except that it might assist in producing a convulsive attack. I should think morphia was not very good treatment, considering the state of excitement he was in.

Do you mean to say, on your oath, that you think he was in a state of excitement at Rugeley?—I wish to give my evidence honestly. Morphia, when given in an injured state of the brain, often disagrees with the patient.

But what evidence have you as to the injured state of the brain?—Sickness often indicates it. I can't say whether the attack of Sunday night was an attack of convulsions. I think that the Sunday attack was one of a similar character, but not so intense, as the attack of Tuesday, in which he died. I don't think he had convulsions on the Sunday, but he was in that condition which often precedes convulsions. I think he was mistaken when he stated that he was awoke by a noise. I believe he was delirious. That is one of the symptoms on which I found my opinion. Any intestinal irritation will produce convulsions in a tetanic form. I have known instances in children. I have not seen an instance in an animal. Medical writers state that such cases do occur. I know no name for convulsions of that kind.

Have you ever known a case of convulsions of that kind, terminating in death, in which the patient remained conscious to the last?—I have not. Where epilepsy terminates in death consciousness is gone. I have known four cases of traumatic, and five or six of idiopathic tetanus.

You heard Mr. Jones make this statement of the symptoms of Cook after the commencement of the paroxysms:—"After he swallowed the pills, he uttered loud screams, threw himself back in the bed, and was dreadfully convulsed. He said, 'Raise me up! I shall be suffocated.' The convulsions affected every muscle of the body, and were accompanied by stiffening of the limbs. I endeavoured to raise Cook with the assistance of Palmer, but found it quite impossible, owing to the rigidity of the limbs. When Cook found we could not raise him up he asked me to turn him over. He was then quite sensible. I turned him on to his side. I listened to the action of his heart. I found that it gradually weakened, and asked Palmer to fetch some spirits of ammonia, to be used as a stimulant. When he returned the pulsations of the heart were gradually ceasing, and life was almost extinct. Cook died very quietly a very short time afterwards. When he threw himself back in bed he clinched his hands, and they remained clinched after death. When I was rubbing his neck, his head and neck were unnaturally bent back by the spasmodic action of the muscles. After death his body was so twisted or bowed that if I had placed it upon the back it would have rested upon the head and feet!" Now, I ask you to distinguish in any one particular between those symptoms and the symptoms of tetanic convulsions?—It is not tetanus at all; not idiopathic tetanus.

I quite agree with you that it is not idiopathic tetanus; but point out any distinction that you can see between these symptoms and those of real tetanus.—I do not know that there is any distinction, except that in a case of tetanus I never saw rigidity continue till death and afterwards.

Can you tell me of any case of death from convulsions in which the patient was conscious to the last?—I do not know of any; convulsions occurring after poison has been taken are properly called tetanic.

We were told by Sir B. Brodie that while the paroxysms of tetanic convulsion last there is no difference between those which arise from strychnine and those which arise from tetanus properly so called, but the difference was in the course the symptoms took. Now, what do you say is the difference between tetanus arising from strychnine and ordinary tetanus?—The hands are less violently contracted; the effect of the spasm is less in ordinary tetanus. The convulsion, too, never entirely passes away. I have stated that tetanus is a disease of days, strychnine of hours and minutes; that convulsive twitchings are in strychnine the first symptoms, the last in tetanus; that in tetanus the hands, feet, and legs are usually the last affected, while in strychnine they are the first. I gave that opinion after the symptoms in the case of the lady at Leeds, which were described by the witness Witham, and I still adhere to it. I never said that Cook's case was one of idiopathic tetanus. I do not think it was a case of tetanus in any sense of the word. It differed from the course of tetanus from strychnine in the particulars I have already mentioned.

Repeat them.—There was the sudden accession of the convulsions.

Sudden—after what?—After the rousing by Jones. There was also the power of talking.

Don't you know that Mrs. Smyth talked and retained her consciousness to the end; that her last words were "turn me over?"—She did say something of that kind. No doubt those were the words she used. I believe that in poison tetanus the symptoms are first observed in the legs and feet. In the animals upon which I have experimented twitchings in the ears and difficulty of breathing have been the premonitory symptoms.

When Cook felt a stiffness and a difficulty of breathing, and said that he should be suffocated on the first night, what were those but premonitory symptoms?—Well, he asked to be rubbed; but, as far as my experience goes with regard to animals—

The Attorney-General.—They can't ask to have their ears rubbed, of course. (A laugh.)

Mr. Serjeant Shee said the witness was about to explain the effect of being rubbed upon the animals.

Cross-examination continued.—In no single instance could the animals bear to be touched.

Did not Mrs. Smyth ask to have her legs and arms rubbed?—In the Leeds case the lady asked to be rubbed before the convulsions came on, but afterwards she could not bear it, and begged that she might not be touched.

Can you point out any one point, after the premonitory symptoms, in which the symptoms in this case differ from those of strychnine tetanus?—There is the power of swallowing, which is taken away by inability to move the jaw.

But have you not stated that lockjaw is the last symptom that occurs in strychnine tetanus?—I have. I don't deny that it may be. I am speaking of the general rule. In the Leeds case it came on very early, more than two hours before death, the paroxysms having continued about two hours and a half. In that case we believed that the dose was four times repeated. Poison might probably be extracted by chemical process from the tissues, but I never tried it, except in one case of an animal. I am not sure whether poison was in that case given through the mouth. We killed four animals in reference to the Leeds case, and in every instance we found strychnine in the contents of the stomach. In one case we administered it by two processes, and one failed and the other succeeded.

Re-examined.—In making reports upon cases such as that which has been referred to, we state ordinary appearances; we state the facts without anything more.

Mr. William Herapath, examined by Mr. Grove, Q.C.—I am a professor of chymistry and toxicology at the Bristol Medical School. I have studied chymistry for more than forty years, toxicology for thirty. I have experimented on the poison of strychnine. I have seen no case of a human subject during life, but I have examined a human body after death. In one case I examined the contents of the stomach, and I found strychnine about three days after death. There are several tests—sulphuric acid and bichromate of potash, sulphuric acid, and pure coloured oxide of lead, sulphuric acid and peroxide of lead, sulphuric acid, and peroxide of maganese, &c. The lower oxides of lead would not succeed. These are all colour tests, and produce a purple colour, passing to red. Another class of tests gives a different colour with impure, but not with pure, strychnia. The process used previous to these tests is for the purpose of producing strychnia. I obtained evidence of strychnia by the colour tests in the case I have mentioned. I have experimented upon animals with regard to strychnine in eight or nine cases. I have analysed the bodies in two cases in which I destroyed the animals myself. Both of them were cats. I gave the first one grain of strychnia in a solid form. The animal took the poison at night, and I found it dead in the morning. It was dreadfully contorted and rigid, the limbs extended, the head turned round—not to the back, but to the side—the eyes protruding and staring, the iris expanded so as to be almost invisible. I found strychnine in the urine, which had been ejected, and also in the stomach, by the test I have mentioned. I administered the same

quantity of strychnine in a solid form to another cat. It remained very quiet for fifteen or sixteen minutes, but seemed a little restless in its eyes and in breathing. In thirty-five minutes it had a terrible spasm, the extremities and the head being drawn together, and the feet extended. I watched it for three hours. The first spasm lasted a minute or two. The saliva dripped from its mouth, and it forcibly ejected its urine, It had a second spasm a few minutes afterwards. It soon recovered and remained still, with the exception of a trembling all over. It continued in that state for three hours. During nearly two hours and a-half is was in a very peculiar state; it appeared to be electrified all through; blowing upon it or touching the basket in which it was placed produced a kind of electric jump like a galvanic shock. I left it in three hours, thinking it would recover, but in the morning I found it dead, in the same indurated and contorted condition as the former animal. I examined the body thirty-six hours after death, and found strychnine in the urine, in the stomach and upper intestine, in the liver, and in the blood of the heart. I have discovered strychnia in all other cases by the same tests, but I took extraordinary means to get rid of organic matter. In all cases in which strychnia has been given I have been able to find it, and not only strychna, but also the nux vomica from which it is taken. I have found nux vomica in a fox and in other animals. The detection of nux vomica is more complicated than that of strychnia. In one case the animal had been buried two months. I have experimented with strychnia not in a body, but mixed purposely with organic putrifying matter. I have found it in all cases, whatever was the state of decomposition of the matter.

Are you of opinion that where strychnia has been taken in a sufficient dose to poison it can and ought to be discovered?—Yes; unless the body has been completely decomposed; that is, unless decomposition had reduced it to a dry powder. I am of opinion, from the accounts given by Dr. Taylor and the other witnesses, that if it had existed in the body of Cook it ought to have been discovered. I am aware of no cause for error in the analysis, if the organic matter had been properly got rid of. The experiments I have mentioned were made in Bristol. I have made experiments in London, and found strychnia in the stomach, liver, and blood of an animal.

Cross-examined by the Attorney-General.—I don't profess to be a physiologist. I have principally experimented on the stomach until lately. I tried my chemical process on the 8th of this month with a view to the present case. The experiment here was on a dog. I experimented on the tissues of a cat at Bristol and of a dog in London. I found strychnia in the blood, the heart, and the urine of the cat, besides the stomach. One grain was given to the dog. It was a large dog. I have seen a cat killed with a quarter of a grain. I have said that Dr. Taylor ought to have found strychnia.

Have you not said that you had no doubt strychnia had been taken, but that Dr. Taylor had not gone the right way to find it ?—I may have said so. I had a strong opinion from reading various newspaper reports,—among others the *Illustrated Times*,—that strychnia had been given. I have expressed that opinion, no doubt, freely. People have talked a great deal to me about the matter, and I can't recollect every word I have said, but that was my general opinion.

Re-examined by Mr. Grove.—What is the smallest quantity of strychnia that your process is capable of detecting?—I am perfectly sure I could detect the 50,000th part of a grain if it was unmixed with organic matter. If I put ten grains in a gallon or 70,000 grains of water I could discover its presence in the 10th part of a grain of that water. It is more difficult to detect when mixed with organic matter. If a person had taken a grain, a very small quantity would be found in the heart, but no doubt it could be found. I made four experiments with a large dog to which I had given the eighth part of a grain. I have discovered it by change of colour in the 32nd part of the liver of a dog.

Mr. Grove said he believed his Lordship was of opinion that experiments could not be shown.

Lord Campbell.—We have intimated that that is our clear opinion.

Mr. Rogers, examined by Mr. Gray.—I am professor of chemistry at St. George's School of Medicine, in London. I have made experiments upon one animal (a dog poisoned by strychnia. The experiments commenced at the close of last December, and ended about ten days since. I gave it two grains of pure strychnia in meat. Three days after death I removed the stomach and contents, and some of the blood. The blood became putrid in about ten days, and I then analysed it with a view to find strychnine. I separated the strychnine by colour tests. I cannot say how much it was by weight. In a month or five weeks, when the matter had putrified, I analysed the stomach and its contents. I treated it with acidulated distilled water, and succeeded in discovering strychnia in large quantities about ten days ago. I never analysed a human subject with a view to find strychnia, but I have many times done so to find other poisons. Strychnia must unquestionably have been discovered in this case if it had been present and the proper tests had been used.

Cross-examined by the Attorney-General.—I have only made one experiment. If the contents or the stomach were lost it would make a difference, but not if they were only shaken up. The operation would then be more difficult. I am a medical man. I did not analyse the tissues of the body of the dog. If I had tried the tissues of Cook's body it might have been found if it were there, notwithstanding the time that had elapsed since he died. I don't say that the time would prevent its discovery if there.

Re-examined by Mr. Gray.—If strychnia were in the stomach a portion would probably be smeared over the muceous membrane, and then I should expect to find it on the surface.

Dr. Henry Letheby, examined by Mr. Kenealy.—I am a bachelor of medicine, professor of chemistry and toxicology in the London Hospital of Medicine, and Medical Officer of Health to the City of London. I have been engaged for a considerable time in the study of poisons and their action on the living animal economy. I have also been frequently engaged on behalf of the Crown in prosecutions in cases of this nature during the last fourteen years. I have been present during the examination of the medical witnesses, and have attended to the evidence as to the symptoms which have been described as attending the death of Cook. I have witnessed many cases of animals poisoned by strychnine, and many cases of poisoning by nux vomica in the human body, one of which was fatal. The symptoms described in this case do not accord with the symptoms I have witnessed in the case of those animals. They differ in this respect:—In the first place I never witnessed the long interval between the administration of the poison and the commencement of the symptoms which is said to have elapsed in this case. The longest interval I have known has been three-quarters of an hour, and then the poison was administered under most disadvantageous circumstances. It was given on a very full stomach and in a form uneasy of solution. I have seen the symptoms begin in five minutes. The average time in which they begin is a quarter of an hour. In all cases I have seen the system has been in that irritable state that the very lightest excitement, such as an effort to move, a touch, a noise, a breath of air, would send the patient off in convulsions. It is not all probable that a person, after taking strychnia, could pull a bell violently. Any movement would excite the nervous system, and bring on spasms. It is not likely that a person in that state could bear to have his neck rubbed. When a case of strychnia does not end fatally, the first paroxysm is succeeded by others, gradually shaded off, the paroxysms becoming less violent every time, and I agree with Dr. Christison that they would subside in twelve or sixteen hours. I have no hesitation in saying that strychnine is, of all poisons, either mineral or vegetable, the most easy of detection. I have detected it in the stomach of animals in numerous instances, also in the blood and in the tissues. The longest period after death in which I have detected it is about month. The animal was then in a state of decomposition. I have detected very minute portions of strychnia. When it is pure, the 20,000th part of a grain can be detected. I can detect the tenth part of a grain most easily in a pint of any liquid, whether pure or putrid. I gave one animal half a grain, and I have the strychnia here now within a very small trifle. I never failed to detect strychnia where it had been administered. I have made post-mortem examinations on various animals killed by it. I have always found the right side of the heart full. The reason is that the death takes place from the fixing of the muscles of the chest by spasms, so that the blood is unable to pass through the lungs, and the heart cannot relieve itself from the blood flowing to it, but therefore becomes gorged. The lungs are congested and filled with blood. I have administered strychnia in a liquid and a solid form; I agree with Dr. Taylor that it may kill in six or eleven minutes when taken in a solid state in the form of a pill or bolus. I also agree with him that the first symptom is that the animal falls on its side, the jaws are spasmodically closed, and the slightest touch produces another paroxysm. But I do not agree with him that the colouring tests are fallacious. I do not agree that it is changed when it is absorbed into the blood, but I agree with its absorption. I think it is not changed when the body is decomposed. The shaking about of the contents of the stomach with the intestines in a jar, would not prevent the discovery of strychnia, if it had been administered. Even if the contents of the stomach were lost, the muceous membrane would, in the ordinary course of things, exhibit traces of strychnia. I have studied the poison of antimony. If a quantity had been introduced into brandy-and-water, and swallowed at a gulp, the effect would not be to burn the throat. Antimony does not possess any such quality as that of immediate burning. I have turned my attention to the subject of poison for seventeen or eighteen years.

Cross-examined by the Attorney-General.—I am not a member of the College of Physicians or of Surgeons. I do not now practise. I have been in general practice for two or three years. I gave evidence in the last case of this sort, tried in this court in 1851. I gave evidence of the presence of arsenic. The woman was convicted. I stated that it had been administered within four hours of death. I was the cause of her being respited, and the sentence was not carried into effect, in consequence of a letter I wrote to the Home-Office. Other scientific gentlemen interfered, and challenged the soundness of my conclusions before I wrote that letter. I have not since been employed by the Crown.

By Mr. Justice Cresswell.—I was present at the trial. I perfectly remember it.

Cross-examination continued.—I detected the poison. I said in my letter that I could not speak as to possibilities, but merely as to probabilities. I have experimented on animals for a great number of years. On five recently. I have never given more than a grain, and it has always been in a solid form—in pills or bread. In the case where poison was administered under disadvantageous circumstances it was kneaded up into a hard mass of bread.

Mr. Baron Alderson.—Did the animal bolt it or bite it?

Witness.—I opened the mouth and put it into the throat. About half an hour elapsed before the symptoms appeared in one case in which half a grain had been given. In another case death took place within thirteen minutes. I have noticed twitching of the ears, difficulty of breathing, and other premonitory symptoms. There are little variations in the order in

which the symptoms occur. I have known frequent instances in which an animal has died in the first paroxysm. I heard the evidence of Mrs. Smyth's death, and I was surprised at her having got out of bed when the servant answered the bell. It is not consistent with the cases I have seen. That fact does not shake my opinion. I have no doubt that Mrs. Smyth died from strychnine. Cook's sitting up in bed and asking Jones to ring the bell is inconsistent with what I have observed in strychnine cases.

If a man's breath is hurried is it not natural for him to sit up?—It is. I have seen cases of recovery of human subjects after taking strychnine. There is a great uniformity in its effects; that is, in their main features, but there is a small variation as to the time in which they are produced.

What do you attribute Cooke's death to?—It is irreconcileable with everything with which I am acquainted.

Is it reconcileable with any known disease you have ever seen or heard of?—No.

Re-examined by Mr. Serjeant Shee—We are learning new facts every day, and I do not at present conceive it to be impossible that some peculiarity of the spinal cord, unrecognisable at the examination after death, may have produced symptoms like those which have been described. I, of course, include strychnia in my answer, but it is irreconcileable with everything I have seen or heard of. It is as irreconcileable with everything else; it is irreconcileable with every disease that I am acquainted with natural or artificial. Touching an animal during the premonitory symptoms will bring on a paroxysm. Vomiting is inconsistent with strychnia. The Romsey case was an exceptional one, from the quantity of the dose. The ringing of the bell would have produced a paroxysm. I am still of opinion that the evidence I gave on the trial in 1851 is correct. I am not aware that there is any ground for an imputation upon me in respect of that evidence. I have no reason to think Government was dissatisfied with me. I have been since employed in Crown prosecutions. After that case Dr. Pereira came to my laboratory and asked me, as an act of mercy, to write a letter to him to show to the Home-office, admitting the possibility of the poison which I found in the stomach having been administered longer than four hours before death. I wrote the letter, drawing a distinction between what was possible and probable, and the woman was transported for life.

Mr. R. E. Gay, examined by Mr. Serjeant Shee.—I am a member of the Royal College of Surgeons. I attended a person named Forster for tetanus in October, 1855. He had sore throat, muscular pains in the neck, and in the upper portion of the cervical vertebræ. He was feverish, and had symptoms ordinarily attending catarrh. I put him under the usual treatment for catarrh, and used embrocations externally to the muscles of the neck and throat, and also gargles. About the fourth day of my attendance the muscular pains extended to the face, difficulty of swallowing came on, the pains in the cervical vertebræ increased, also those of the muscles of the face, particularly the lower jaw. In the evening of the same day the jaw became completely locked, the pains come on in the muscles of the bowels, the legs, and the arms. He became very much convulsed throughout the entire muscular system, had frequent involuntary contractions of the arms, and hands, and legs, his difficulty of swallowing increased, and not a particle of food, solid or liquid, could be introduced into the mouth. Attempting to swallow the smallest portions brought on violent convulsions; so strong were they throughout the system that I could compare him to nothing but a piece of warped board. The head was thrown back, the abdomen thrust forward, and the legs frequently drawn up and contracted; the attempt to feed him with a spoon, the opening of a window, or placing the fingers on the pulse brought on violent convulsions. While the patient was suffering in this manner he continually complained of great hunger, and repeatedly exclaimed that he was hungry, and could not eat. He was kept alive to the 14th day entirely by injections of a milky and farinaceous character. He screamed repeatedly, and the noises that he made were more like those of a wild man than anything else. On the 12th day he became insensible, and continued in that state until he died, which was in the 14th day from the commencement of the attack of lockjaw. The man was an omnibus driver, and when I first attended him he had been suffering from sore throat for several days. There was no hurt or injury of any kind about his person that would account for the symptoms I have mentioned. His body was not opened after death, because it was considered unnecessary. I consider his disease was inflammatory sore throat from cold and exposure to the weather, and that the disease assumed a tetanic form on account of the patient being a very nervous, excited, and anxious person. His condition in life was that of an omnibus driver. He was a hardworking man, and had a large family dependent upon him, and this, no doubt, acting upon his peculiar temperament, tended to produce the tenanic symptoms. The witness, in conclusion, said he had not heard all the evidence in this case, but he thought it right to communicate to the prisoner's solicitor the particulars of the case to which he had now referred, as he considered it had an important bearing upon the charge against the prisoner.

Cross-examined by the Attorney-General—The case I have mentioned was, undoubtedly, one of idiopathic tetanus. It is the only one of the kind I ever had to deal with. It arose from exposure to cold acting upon a nervous and irritable temperament. I have a good many patients who are nervous and irritable, but I never met with such another case. The disease was altogether progressive from the first onset, and, although for a short time there was a remission of the symptoms, they invariably recurred. The locking of the jaw was one of the very first symptoms that made their appearance.

Serjeant Shee then addressed the court, and said that the next witness he proposed to call would occupy some time in examination, and, as it was nearly six o'clock, he suggested that it would be better to adjourn the examination to the next day.

The Lord Chief-Justice said he had no objection to the course proposed by the learned Serjeant, and he then inquired of him how much time the case for the defence was likely to occupy.

Serjeant Shee said he hoped to conclude the defence to-morrow; and he should endeavour to do so if he possibly could.

The Lord Chief-Justice said there was no desire to hurry him. It was most essential in so important an inquiry that the most ample opportunity should be allowed for a full and satisfactory investigation.

The court then adjourned to this morning at ten o'clock.

NINTH DAY.

THERE was as great a crowd as usual in court this morning, long before the commencement of the proceedings.

The Duke of Wellington, the Earl of Albermarle, Lord Donoughmore, Lord Dufferin, Lord Feversham, Sir J. Pakington, Mr. Harcourt Vernon, General Peel, Mr. Tollemache, Mr. S. Warren, and other members of Parliament were present.

The learned Judges, Lord Campbell, Mr. Baron Alderson, and Mr. Justice Cresswell, took their seats upon the bench at about 10 o'clock, and, the prisoner having been placed at the bar, the examination of witnesses for the defence was resumed. No alteration has taken place in the prisoner's demeanour.

Counsel for the Crown—the Attorney-General, Mr. E. James, Q.C., Mr. Welsby, Mr Bodkin, and Mr. Huddleston; for the prisoner, Mr. Serjeant Shee, Mr. Grove, Q.C., Mr. Gray and Mr. Kenealy.

Mr. J. B. Ross, examined by Mr. Grove.—I am house-surgeon to the London Hospital. I recollect a case of tetanus being brought into the hospital on the 22nd of March last. A man, aged 37, was brought in about half-past 7 in the evening. He had but one paroxysm in the receiving-room; his pulse was rapid and feeble, his jaws were closed and fixed, there was an expression of anxiety about the countenance, the features were sunken, he was unable to swallow, and the muscles of the abdomen and the back were somewhat tense. After he had been in the ward about ten minutes he had another paroxysm, and his body became arched; it lasted about a minute. He was afterwards quieter for a few minutes, and then had another attack and died. The whole lasted about half-an-hour. There was an inquest held on the body. It was examined, and no poison was found. I think tetanus was the cause of death. There were three wounds on the body, two at the back of the right elbow each about the size of a shilling, and one on the left elbow about the size of a sixpence. The man had had those wounds for 12 or 16 years. They were old chronic indurated ulcers, circular in outline, the edges thickened and rounded, and covered with a white coating, without any granulation. I am unable to say what was the origin of those ulcers, but I have seen other wounds like them. I have seen old chronic syphilitic wounds like them in other places. Those wounds were the only things which would account for tetanus.

Cross-examined by the Attorney-General.—I ascertained that poultices had been applied to the wounds a day or two before, but I am not certain as to the exact time. The man's wife had objected to their application. They were made of linseed meal. The man's jaws were fixed so as to render him perfectly incapable of swallowing anything. He said he had first been taken with symptoms of lockjaw at eleven o'clock—as he told me, at dinner, but, as he told my colleague, at breakfast. He was able to speak, but could not open the jaw. That is a symptom of tetanus. There were symptoms of rigidity about the abdominal and lumbar muscles. He did not say how long he had felt that rigidity. I gathered that some other medical man, a surgeon, had seen him in the afternoon before he came to the hospital, but I am not certain as to that; he was a labouring man.

Have you any doubt that the disease had been coming on since the morning?—No doubt at all. The sores were ugly sores of a chronic character—ulcers. There was an integument which connected the two on the right arm, so that they would be likely to run into one another. The wounds continued under the skin, and there were no signs of healing. They had the appearance of old neglected sores. They were at the seat of the ulnar nerve—a very sensitive nerve—that which is commonly called the "funny-bone." I believe he had successive paroxysms all the afternoon before he came to the hospital. I think his attack arose from tetanus. My opinion is founded upon the facts that he had had wounds, that he

had died of spasms, that he had lockjaw, that the muscles of the abdomen and back were rigid, and that he complained of pain in the stomach. I did not hear the account of the symptoms of Cook's death. An affection of the ulnar nerve was peculiarly liable to produce tetanus.

Re-examined by Mr. Grove.—Strychnine was suspected in that case. The nerves of the tongue are very delicate, as are also those of the throat and fauces. I have read descriptions of tetanus in the books. The case described by Mr. Gay was idiopathic, having been caused by a cold. An injury to any delicate nerve would decidedly be a cause of tetanus.

Mr. Ryners Mantell, examined by Mr. Gray.—I am a house-surgeon at the London Hospital. I saw the case mentioned by Mr. Ross, and his statement with respect to the symptoms is correct. In my judgment, the disease of which the patient died was tetanus, produced by the sores on the arms.

Dr. Wrightson, examined by Mr. Kenealy:—I was a pupil of Liebig at Giessen. I am a teacher of chemistry in a school in Birmingham. I have studied the nature and acquired a knowledge of poisons, and I have been engaged by the Crown in the detection of poison in a prosecution. I have experimented upon strychnia. I have found no extraordinary difficulties in the detection of strychnia. It is certainly to be detected by the usual tests. I have tested and discovered both pure and mixed with impure matter after decomposition has set in. I have detected it in a mixture of bile, bilious matter, and putrifying blood. Strychnia can be discovered in the tissues. I have discovered it in the viscera of a cat, in the blood of one dog, and in the urine of another dog, both of them having been poisoned by strychnia. I am of opinion that strychnia does not undergo decomposition in the act of poisoning or in entering into the circulation. If it underwent such a change, if it were decomposed, I should say it would not be possible to discover it in the tissues; it might possibly be changed into a substance, in which, however, it would still be detectable. It can be discovered in extremely minute quantities indeed. When I detected it in the blood of a dog I had given the animal two grains. To the second dog I gave one grain, and I detected it in the urine. Half a grain was intended to be administered to the cat, but a considerable portion of it was lost. Assuming that a man was poisoned by strychnine, and if his stomach were sent to me for analysation within five or six days after death, I have no doubt that I should find it, generally. If a man had been poisoned by strychnine I should certainly expect to detect it.

Cross-examined by the Attorney-General.—Supposing that the whole dose were absorbed into the system, where would you expect to find it?—In the blood.

Does it pass from the blood into the solids of the body?—It does; or I should rather say it is left in the solids of the body. In its progress towards its final destination, the destruction of life, it passes from the blood, or is left by the blood in the solid tissues of the body.

If it be present in the stomach, you find it in the stomach; if it be present in the blood, you find it in the blood; if it be left by the blood in the tissues, you find it in the tissues?—Precisely so.

Suppose the whole had been absorbed;—Then I would not undertake to find it.

Suppose the whole had been eliminated from the blood, and had passed into the urine, should you expect to find any in the blood?—Certainly not.

Suppose that the minimum dose which will destroy life had been taken, and absorbed into the circulation, then deposited in the tissues, and then a part of it eliminated by the action of the kidneys, where should you search for it?—In the blood, in the tissues, and in the ejections; and I would undertake to discover it in each of them.

Re-examined by Mr. Serjeant Shee.—Suppose you knew a man to have been killed by strychnia administered to him an hour and a-half before he died, in your judgment would that strychnia certainly be detected in the stomach in the first instance?—Yes.

Suppose it to have been administered in the shape of pills, and completely absorbed and got out of the stomach, would it still be found?—I can't tell. If it were found, it would be in the liver and kidneys.

Could it be detected under those circumstances in the coats of the stomach?—Not knowing the dose administered and the power of absorption, I cannot say that it could certainly be detected, but probably it could.

When death has taken place after one paroxysm, and an hour and a-half after ingestion of the poison, can you form an opinion as to whether the dose was considerable or inconsiderable?—I cannot.

Mr. Baron Alderson.—How do you suppose strychnine acts when taken into the stomach?—I cannot form an opinion.

Mr. Baron Alderson.—It goes, I suppose, from the stomach to the blood, and from the blood somewhere else, and, arriving at that somewhere else, it kills.

Lord Campbell.—I cannot allow this witness to leave the box without expressing my high approbation of the manner in which he has given his evidence.

Mr. Serjeant Shee requested to be allowed to ask the witness whether a strong dose was likely to pass through all the stages his Lordship had mentioned.

Mr. Baron Alderson.—That depends on where the killing takes place.

Professor Partridge, examined by Mr. Grove.—I have been many years in extensive practice as a surgeon, and I am a Professor of Anatomy in King's College. I have heard the evidence as to Cook's symptoms and post-mortem examination. I have heard the statements as to the granules that were found on his spine. They would be likely to cause inflammation, and no doubt that inflammation would have been discovered if the spinal cord or its

membranes had been examined shortly after death. It would not be likely to be discovered if the spinal cord was not examined until nine weeks after death. I have not seen cases in which this imflammation has produced tetanic form of convulsions, but such cases are on record. It sometimes does, and sometimes does not produce convulsions and death.

Can you form any judgment as to the cause of death in Cook's case?—I cannot. No conclusion or inference can be drawn from the degree or kind of the contractions of the body after death.

Lord Campbell.—Can you not say from the symptoms you heard whether death was produced by tetanus, without saying what was the cause of tetanus?

Witness.—Hypothetically I should infer that he died of the form of tetanns which convulses the muscles. Great varieties of rigidity arise after death from natural causes. The half-bent hands and fingers are not uncommon after natural death. The arching of the feet in this case seemed to me rather greater than usual.

Cross-examined by the Attorney-General.—Granules are sometimes, but not commonly, found about the spine of a healthy subject,—not on the cord itself; they may exist consistently with health. No satisfactory cases of the inflammation I have described have come under my notice without producing convulsions. It is a very rare disease. I cannot state from the recorded cases the course of the symptoms of that disease. It varies in duration, sometimes lasting only for days, sometimes much longer. If the patient lives it is accompanied with paralysis. It produces no effect on the brain, which is recognisable after death. It would not effect the brain prior to death. I do not know whether it is attended with loss of sensibility before death. The size of the granules which will produce it varies. This disease is not a matter of months, unless it terminates in palsy. I never heard of a case in which the patient died after a single convulsion. Between the intervals of the convulsions I don't believe a man could have twenty-four hours' repose. Pain and spasms would accompany the convulsions. I cannot form a judgment as to whether the general health would be affected in the intervals between them.

You have heard it stated that from the midnight of Monday till Tuesday Cook had complete repose. Now, I ask you, in the face of the medical profession, whether you think the symptoms which have been described proceeded from that disease?—I should think not.

Did you ever know the hands completely clinched after death except in case of tetanus?—No.

Have you ever known it even in idiopathic or traumatic tetanus?—I have never seen idiopathic tetanus. I have seen the hands completely clinched in traumatic tetanus. A great deal of force is often required to separate them.

Have you ever known the feet so distorted as to assume the form of a club foot?—No.

You heard Mr. Jones state that if he had turned the body upon the back it would have rested on the head and the heels. Have you any doubt that that is an indication of death from tetanus?—No; it is a form of tetanic spasm. I am only acquainted with tetanus resulting from strychnine by reading. Some of the symptoms in Cook's case are consistent, some are inconsistent, with strychnine tetanus. The first inconsistent symptom is the intervals that occurred between the taking of the supposed poison and the attacks.

Are not symptoms of bending of the body, difficulty of respiration, convulsions in the throat, legs, and arms perfectly consistent with what you know of the symptoms of death from strychnine?—Perfectly consistent. I have known cases of traumatic tetanus. The symptoms in those cases had been occasionally remitted, never wholly terminated. I never knew traumatic tetanus run its course to death in less than three or four days. I never knew a complete case of the operation of strychnine upon a human subject.

Bearing in mind the distinction between traumatic and idiopathic tetanus, did you ever know of such a death as that of Cook according to the symptoms you have heard described?—No.

Re-examined by Mr. Grove.—Besides the symptom which I have mentioned as being inconsistent with the theory of death by strychnine there are others—namely, sickness, beating the bed clothes, want of sensitiveness to external impressions, and sudden cessation of the convulsions and apparent complete recovery. There was apparently an absence of the usual muscular agitation. Symptoms of convulsive character arising from an injury to the spine vary considerably in their degrees of violence, in their periods of intermission, and in the muscles which are attacked. Intermission of the disease occurs, but is not frequent, in traumatic tetanus. I don't remember that death has ever taken place in fifteen hours; it may take place in forty-eight hours during convulsions. Granules about the spine are more unusual in young people than in old. I don't know of any case in which the spine can preserve its integrity, so as to be properly examined, for a period of nine weeks. I should not feel justified in inferring that there was no disease from not finding any at the end of that time. The period of decomposition varies from a few hours to a few days. It is not in the least probable that it could be delayed for nine weeks.

By the Attorney-General.—Supposing the stomach were acted on by other causes, I do not think sickness would be inconsistent with tetanus.

John Gay, examined by Mr. Gray.—I am a Fellow of the Royal College of Surgeons, and I have been a surgeon to the Royal Free Hospital. A case of traumatic tetanus in a boy came under my observation in that hospital in 1843. The patient was brought in during the time he was ill. He was brought on the 28th of July and died on the 2nd of August. He had met with an accident a week before. During the first three days he had paroxysms of unusual

severity. His mother complained that he could not open his mouth, and he complained o stiff neck. During the night he started up and was convulsed. On the following night h was again convulsed. At times the abdominal muscles, as well as those of the legs and back, were rigid; the muscles of the face were also in a state of great contraction. On the following (the third) day he was in the same state. At two o'clock there was much less rigidity of the muscles, especially those of the abdomen and back. On the the following morning the muscular rigidity had gone, he opened his mouth and was able to talk; he was thoroughly relieved. He had no return of spasms till half-past five the following day. He then asked the nurse to change his linen, and as she lifted him up in the bed to do so violent convulsions of the arms and face came on, and he died in a few minutes. About thirty hours elapsed between the preceding convulsion and the one which terminated his life. Before the paroxysm came on the rigidity had been completely relaxed. I had given the patient tartar emetic (containing antimony) in order to produce vomiting on the second day; it produced no effect. I gave a larger dose on the third day, which also produced no effect. I gave no more after the third day.

Cross-examined by the Attorney-General—The accident which had happened to him was that a large stone had fallen upon the middle toe of the left foot, and completely smashed it. The wound had become very unhealthy. I amputated the toe. The mouth was almost closed up when I first saw him. The jaw remained closed until the 1st of August, but I could manage to get a small quantity of tartar emetic into the mouth. The convulsions were intermitted during the day, but the muscles of the body, chest, abdomen, back, and neck were all rigid, and continued so for the two days on which I administered tartar emetic. Rigidity of the muscles of the chest and stomach would no doubt go far to prevent vomiting. The symptoms began to abate on the morning of the 1st of August (the fourth day), and gradually subsided until the rigidity entirely wore off. I then thought he was going to get well. The wound might have been rubbed against the bed when he was raised, but I don't think it probable. Some peculiar irritation of the nerves would give rise to the affection of the spinal cord. No doubt the death took place in consequence of something produced by the injury to the toe.

Re-examined by Mr. Gray—There may be various causes for that irritation of the spinal cord which ends in tetanic convulsions. It would be very difficult merely from seeing symptoms of tetanus, and in the absence of all knowledge as to how it had been occasioned, to ascribe it to any particular cause.

Dr. W. Macdonald, examined by Mr. Kenealy—I am a licentiate of the Royal College of Surgeons of Edinburgh. I have been in practice for fourteen years, and have had considerable experience, practical and theoretical, of idiopathic and traumatic tetanus. I have seen two cases of idiopathic tetanus, and have made that disease the subject of medical research. Tetanus will proceed from very slight causes. An alteration of the secretions of the body, exposure to cold or damp, or mental and sensual excitement would cause it. The presence of gritty granules in the spine or brain might produce tetanic convulsions. I have seen cases in which small gritty tubercules in the brain were the only assignable cause of death, which had resulted from convulsions. I believe that in addition to the slight causes which I have named tetanic convulsions result from causes as yet undiscoverable by human science. In many post-mortem examinations of the bodies of persons who had died from tetanus no trace of any disease could be discovered beyond congestion or vascularity of some of the vessels surrounding the nerves. Strychnia, however, is very easily discoverable by a scientific man. I remember the case of a woman, Catherine Watson, who is now present, and who was attacked with idiopathic tetanus on the 20th of October, 1855. [The witness read a report of the circumstances attending this case, the subject of which was a young woman twenty-two years of age, who, after going about her ordinary occupation during the day, was attacked with tetanus at ten o'clock at night. By the administration of chloroform the violence of the spasms was gradually diminished and she recovered. After her recovery she slept for thirty-six hours.] In that case there was lockjaw, which set in about the middle of the attack. It is generally a late symptom. I had a patient named Coupland who died of tetanus. It must have been idiopathic, as there was no external cause. The patient died in somewhat less than half-an-hour, before I could reach the house. I have made a number of experiments upon animals with reference to strychnia poison. I have found the post-mortem appearances very generally to concur. The vessels of the membranes of the brain have generally been highly congested. The sinuses gorged with blood. In one case there was hemorrhage from the nostrils. That was a case of very high congestion. In some cases there has been an extravasation of blood at the base of the brain. I have cut through the substance of the brain, and have found in it numerous red points. The lungs have been either collapsed or congested. The heart has invariably been filled with blood on the right side, and very often on the left side also. The liver has been congested, the kidneys and spleen generally healthy. The vessels of the stomach on the outer surface have been congested, and on the mucous or inner surface highly vascular. The vessels of the membranes of the spinal cord have been congested, and sometimes red points have been displayed on cutting it through. From a post-mortem examination you may generally judge of the cause of death. I have in a great many cases experimented for the discovery of strychnia. You may discover in the stomach the smallest dose that will kill. If you kill with a grain you may discover traces of it. By traces I mean evidences of

its presence. You can discover the fifty-thousandth part of a grain. I have actually experimented so as to discover that quantity. The decomposition of strychnia is a theory which no scientific man of eminence has ever before propounded. I first heard of that theory in this court. In my opinion, there is no well-founded reason whatever for it. I have disproved the theory by numerous experiments. I have taken the blood of an animal poisoned by two grains of strychnia, about the least quantity which would destroy life, and have injected it into the abdominal cavities of smaller animals, and have destroyed them, with all the symptoms and post-mortem appearances of poisoning by strychnia. Strychnia being administered in pills would not affect its detection. If the pills were hard they would keep it together, and you might find its remains more easily. I do not agree with Dr. Taylor that colour tests are fallacious. I believe that such tests are a reliable mode of ascertaining the presence of strychnia. I have invariably found strychnia in the urine which has been ejected. Strychnia cannot be confounded with pyrozanthe. After strychnia has been administered there is an increased flow of saliva. In my experiments that has been a very marked symptom. Animals to which strychnia had been given have always been very susceptible to touch. The stamp of a foot or a sharp word would throw them into convulsions. Even before the paroxysms commenced touching them would be likely to throw them into tonic convulsions.

Lord Campbell.—As soon as the poison is swallowed?—No; it would be after a certain time. The first symptoms of poisoning must have been developed.

Examination continued.—I do not think rubbing them would give them relief. I think it extremely improbable that a man who had taken a dose of strychnia, sufficient to destroy life, could, after the symptoms had made their appearance, pull a bell violently. I have attended to the evidence as to Cook's symptoms. To the symptoms I attach little importance as a means of diagnosis, because you may have the same symptoms developed by many different causes. A dose of strychnia sufficient to destroy life would hardly require an hour and a-half for its absorption. I think that death was in this case caused by epileptic convulsions, with tetanic complications. I form that opinion from the post-mortem appearances being so different from those that I have described as attending poisoning with strychnia, and from the supposition that a dose of strychnia sufficient to destroy life in one paroxysm could not, so far as I am aware, have required even an hour for its absorption before the commencement of the attack. If the attack were of an epileptic character, the interval between the attacks of Monday and Tuesday would be natural, as epileptic seizures very often recur at about the same hours of successive days.

Assuming that a man was in so excited a state of mind that he was silent for two or three minutes after his horse had won a race, that he exposed himself to cold and damp, excited his brain by drink, and was attacked by violent vomiting, and that after his death deposits of gritty granules were found in the neighbourhood of the spinal cord, would these causes be likely to produce such a death as that of Cook?—Any one of these causes would assist in the production of such a death.

As a congeries would they be still more likely to produce it?—Yes.

Cross-examined by the Attorney-General.—I am a general practitioner, and am parochial medical officer. I have had personal experience of two cases of idiopathic tetanus. What I have said about mental and sensual excitement and so on has not come within my own observation. In the case of Catherine Watson I saw the patient at about half-past ten at night. She had been ill nearly an hour, and had five or six spasms. She had gone about her usual duties up to evening. She felt a slight lassitude for two days previous to the attack. It was only by close pressing that I ascertained that lockjaw came on about an hour or two after I was called in. The case of Coupland was that of a young child between three and four years old. I was attending the mother, and saw the child in good health half-an-hour before it came on. It was seized with spasm, what I conjectured to be of the diaphragm, and died in about half-an-hour. I had seen the child asleep, but I did not examine it. I don't know whether I saw the face of the child, but it was in bed; I judged that it was asleep.

Is that the same as seeing it asleep?—Sometimes a medical man can form a better opinion than a lawer. Mr. Smith applied to me to be a witness in this case. I communicated to him the case of Catherine Watson, as resembling the case of Cook. I furnished my notes to be copied the night before last. I have been here since the commencement of the trial. I have been at all the consultations. I began the experiments for this case in January. I had made experiments before. That was eight or ten years ago. I then found out that strychnia could be discovered by chemical and physiological tests. I killed dogs, cats, rabbits, and fowls. The doses I administered were from three-quarters up to two grains. To dogs the smallest quantity administered was a grain. In four cases I killed with one grain, five with a grain and a-half, one with a grain and a quarter, and two with two grains. I never killed a dog with half a grain of strychnia, and therefore never experimented to find that quantity after death. I have always found the brain and heart highly congested. The immediate cause of the fulness of the heart is that the spasm drives the blood from the small capillaries into the large vessels. The spasm of the respiratory muscles prevents the expansion of the lungs. The congestion of the brain is greatest when the animal was young and in full health. It does not depend on the frequency of the spasms. I have seen cases of traumatic tetanus. I have had two in my own practice. One lasted five or six days, the

other six or seven days, and the patient recovered. I have never seen a case of strychnia in the human subject. So far as I can judge, Cook's was a case of epileptic convulsions, with tetanic complications. Nobody can say from what epilepsy proceeds. I have not arrived at any opinion on the subject. I have seen one death from epilepsy. The patient was not conscious when he died. I can't mention a case in which a patient dying from epilepsy has preserved his consciousness to the time of death.

You have been reading up this subject?—I am pretty well up in most branches of medicine. (A laugh.) I know of no case in which a patient dying from epilepsy has been conscious. My opinion is that Cook died of epileptic convulsions with tetanic complications.

By Lord Campbell.—That is a disease well known to physicians. It is mentioned in Dr. Copeland's Dictionary.

Examination continued.—I believe that all convulsive diseases, including the epileptic forms and the various tetanic complications, arise from the decomposition of the blood acting upon the nerves. Any mental excitement might have caused Cook's attack. Cook was excited at Shrewsbury, and whenever there is excitement there is consequent depression. I think Cook was afterwards depressed. When a man is lying in bed and vomiting he must be depressed.

This gentleman was much overjoyed at his horse winning, and you think he vomited in consequence?—It might pre-dispose him to vomit.

I am not speaking of "mights." Do you think that the excitement of three minutes on the course at Shrewsbury on the Tuesday accounts for the vomiting on the Wednesday night?—I do not. I find no symptoms of excitement or depression reported between that time and the time of his death. The white spots found in the stomach of the deceased might, by producing an inflammatory condition of the stomach, have brought on the convulsions which caused death.

The Attorney-General.—But the gentlemen who made the post-mortem examination say that the stomach was not inflamed.

Witness.—There were white spots, which cannot exist without inflammation. There must have been inflammation.

The Attorney-General.—But these gentlemen say that there was not.

Witness.—I do not believe them. (A laugh.) Sensual excitement might cause epileptic convulsions, with tetanic complications. The chancre and syphilitic sores were evidence that Cook had undergone such excitement. That might have occurred before he was at Shrewsbury.

Might sexual intercourse produce epilepsy a fortnight after it occurred?—There is an instance on record in which epilepsy supervened upon the very act of intercourse.

Have you any instance in which epilepsy came on a fortnight afterwards? (A laugh).—It is within the range of possibility.

Do you mean, as a serious man of science, to say that?—The results might.

What results were there in this case?—The chancre and the syphilitic sores.

Did you ever hear of a chancre causing epilepsy?—No.

Did you ever dream of such a thing?—I never heard of it.

Did you ever hear of any other form of syphilitic disease producing epilepsy?—No; but tetanus.

The Attorney-General.—But you say this was epilepsy; we are not talking of tetanus?

Witness.—You forget the tetanic complications. (Roars of laughter).

The Attorney-General.—If I understand right, then, it stands thus—the sexual excitement produces epilepsy, and the chancre superadds tetanic complications?

Witness.—I say that the results of sexual excitement produce epilepsy.

Mr. Baron Alderson said he had heard some person in court clap his hands. On an occasion on which a man was being tried for his life such a display was most indecent.

Examination continued.—I cannot remember any fatal case of poisoning by strychnia in which so long a period as an hour and a-half intervened between the taking of the poison and the appearance of the first symptoms.

What would be the effect of morphia given a day or two previously? Would it not retard the action of the poison?—No; I have seen opium bring on convulsions very nearly similar.

What quantity?—A grain and a half. From my experience I think that if morphia had been given a day or two before it would have accelerated the action of the strychnia. I have seen opium bring on epileptic convulsions. If this were a case of poisoning by strychnia, I should suppose that as both opium and strychnia produce congestion of the brain, the two would act together, and would have a more speedy effect. If congestion of the brain was coming on when morphia was given to Cook on the Sunday and Monday night it might have increased rather than allayed it.

But the gentlemen who examined the body say there was no congestion after death?—But Dr. Bamford says there was.

You stick to Dr. Bamford?—Yes, I do, because he was a man of experience, could judge much better than younger men, and was not so likely to be mistaken.

But Dr. Bamford says that Cook died of apoplexy; do you think this was apoplexy?—No it was not.

What, then, do you think of Dr. Bamford, who certified that it was ?—That was a matter of opinion, but the existence of congestion in the brain he saw.

The Attorney-General.—The other medical men said there was none.

Lord Campbell.—That is rather a matter of reasoning than of evidence.

Re-examined by Mr. Serjeant Shee.—I have seen a great many children asleep, and can tell whether they are so without seeing their faces. In the case of the child who died of tetanus the mother had told me that it was asleep. Dr. Mason Good is a well known author upon convulsions From my reading of his work and others I have learnt that there are convulsions which are not, strictly speaking, epilepsy, although they resemble it in some of its features. I also know the works of M. Esquirolle. From reading those and other works I know that epileptic convulsions sufficiently violent to cause death frequently occur without the patient entirely losing his consciousness. Epilepsy, properly so called, is sudden in its attack. The patient falls down at once with a shriek. That disease occurs very often at night, and in bed. It sometimes happens that its existence is known to a young man's family without his knowing anything about it. Convulsions of an epileptic character are sometimes preceded by premonitory symptoms. It sometimes happens that during such convulsions actual epilepsy comes on, and the patient dies of an internal spasm. It often happens that if a patient has suffered from epilepsy and convulsions of an epileptic kind during the night he may be as well next day as if nothing had happened, more especially when an adult is seized for the first time. In such cases it often happens that such fits succeed each other within a short period. I heard the deposition of Dr. Bamford. If it were true that the mind of the deceased was distressed and irritable the night before his death, I should say that he was suffering from depression. From what Cook said about his madness in the middle of the Sunday night I should infer that he had been seized by some sudden cramp or spasm. Supposing that there was no such cramp, I should refer what he said to nervous and mental excitement. There might be some disturbance of the brain. I do not believe that inflammation can be absent while spots on the stomach be present. About eighteen months ago I examined the stomach of a person who had died from fever, in which I found white spots. I consulted various authors. In an essay on the stomach by Dr. Sprodboyne, a medical man who practised in Edinburgh, I found mention of similar spots in the stomach of a young woman who had died suddenly.

Dr. Bainbridge, examined by Mr. Grove.—I am a doctor of medicine, and medical officer to the St. Martin's workhouse I have had much experience of convulsive disorders. Such disorders present great variety of symptoms. They vary as to the frequency of the occurrence and as to the muscles affected. Periodicity, or recurrence at the same hours, days, or months, is common. I had a case in which a patient had an attack on one Christmas night, and on the following Christmas night, at the same hour, he had a similar attack. The various forms of convulsions so run into each other that it is almost impossible for the most experienced medical men to state where one terminates and the other begins. In both males and females hysteria is frequently attended by tetanic convulsions. Epileptic attacks are frequently accompanied by tetanic complications.

Cross-examined by the Attorney-General.—Hysteric convulsions very rarely end in death. I have known one case in which they have done so. That occurred within the last three months. It was the case of a male. It occurred in St. Martin's workhouse. The man had for years been subject to this complaint. On the occasion on which he died he was ill only a few minutes. I did not make a post-mortem examination. I was told he was seized with sudden convulsions, fell down on the ground, and in five minutes was dead. There was slight clinching of the hands, but I think no locking of the jaw. The man was about thirty-five years of age. He was the brother of the celebrated æronaut, Lieutenant Gale. In many cases of this description consciousness is destroyed. It is not so in all. I have met with violent cases in which it has been preserved. I never knew a case in which during the paroxysm the patient spoke. Epilepsy is sometimes attended with opisthotonis. I have seen cases of traumatic tetanus. In such cases the patient retains his consciousness. I have known many cases of epilepsy terminating in death. Loss of consciousness—not universally, but generally—accompanies epilepsy. I never knew a case of death from that disease where consciousness was not destroyed. I have known ten or twelve such fatal cases.

Re-examined by Mr. Grove.—Persons almost invariably fall asleep after an epileptic attack.

The Attorney-General.—And after taking opium?—Yes.

Edward Austin Steddy, examined by Mr. Gray.—I am a member of the Royal College of Surgeons, and am in practice at Chatham. In June, 1854, I attended a person named Sarah Ann Taylor for trismus and pleuro-tothonos. When I first saw the patient she was bent to one side. The convulsions came on in paroxysms. The pleuro-tothonos aad trismus lasted about a fortnight. The patient then recovered so far as to be able to walk about. About a twelvemonth afterwards, on the third of March, 1855, she was again seized. That seizure lasted about a week. She is still alive. The friends of the patient said that the disease was brought on by depression, arising from a quarrel with her husband.

Cross-examined by Mr. James.—I do not know how long before the attack this quarrel occurred. During it the woman received a blow upon her side from her husband. During the whole fortnight the lockjaw or trismus continued. In March, 1855, she was under my care about a week, during the whole of which the trismus continued.

Dr. George Robinson, examined by Mr. Kenealy.—I am a licentiate of the Royal College of Physicians, and physician to the Newcastle-on-Tyne Dispensary and Fever Hospital. I have devoted considerable attention to the subject of pathology. I have practised as a physician for ten years. I have heard the whole of the medical evidence in this case. From the symptoms described I should say that Cook died of tetanic convulsions, by which I mean, not the convulsions of tetanus, but convulsions similar to those witnessed in that disease. The convulsions of epilepsy sometimes assume a tetanic appearance. I know no department of pathology more obscure than that of convulsive diseases. I have witnessed post-mortem examinations after death from convulsive diseases, and have sometimes seen no morbid appearances whatever, and in other cases the symptoms were applicable to a great variety of diseases. Convulsive diseases are always connected with the condition of the nerves. The brain has a good deal to do with the production of convulsive diseases, but the spinal cord has more. I believe that gritty granules in the region of the spinal cord would be very likely to produce convulsions, and I think they would be likely to be very similar to those described in the present case. I think that, from what I have heard described of the mode of life of the deceased, it would have predisposed him to epilepsy. I have witnessed some experiments with strychnia, and have performed a few. I have also prescribed it in cases of paralysis.

By the Attorney-General.—I have seen twenty cases where epilepsy has been attended by convulsions of a tetanic character. I have never seen the symptoms of epilepsy proceed to anything like the extent of the symptoms in Cook's case. I never saw a body in a case of epilepsy so stiff as to rest upon the head and the heels. I never knew such symptoms to arise in any case except tetanus. When epilepsy presents any of these extreme forms it is always accompanied by unconsciousness. In almost every case of epilepsy the patient is unconscious at the time of the attack. In cases of epilepsy I have found gritty granules on the brain, and any disturbing cause in the system, I think, would be likely to produce convulsions. I believe that the granules in this case were very likely to have irritated the spinal cord, and yet that no indication of that irritation would have remained after death. I think that these granules might have produced the death of Mr. Cook.

The Attorney-General.—Do you think that they did so?

Witness.—Putting aside the assumption of death by strychnia, I should say so.

The Attorney-General.—Are not all the symptoms spoken to by Mr. Jones indicative of death by strychnia?

Witness.—They certainly are.

By the Attorney-General.—Then, it comes to this—that if there were no other cause of death suggested, you would say that the death in this case arose from epilepsy?

Witness.—Yes.

By Serjeant Shee.—Epilepsy is a well-known form of disease which includes many others.

Dr. Richardson said,—I am a physician, practising in London. I have never seen a case of tetanus, properly so called, but I have seen many cases of death by convulsions. In many instances they have presented tetanic appearances without being strictly tetanous. I have seen the muscles fixed, especially those of the upper part of the body. I have observed the arms stiffened out, and the hands closely and firmly clinched until death. I have also observed a sense of suffocation in the patient. In some forms of convulsions I have seen contortions both of the legs and the feet, and the patient generally expresses a wish to sit up. I have known persons die of a disease called angina pectoris. The symptoms of that disease, I consider, resemble closely those of Mr. Cook. Angina pectoris comes under the denomination of spasmodic diseases. In some cases the disease is detectable upon post-mortem examination; in others it is not. I attended one case. A girl ten years old was under my care in 1850. I supposed she had suffered from scarlet fever. She recovered so far that my visits ceased. I left her amused and merry in the morning; at half-past ten in the evening I was called in to see her, and I found her dying. She was supported upright at her own request, her face was pale, the muscles of the face rigid, the arms rigid, the fingers clinched, the respiratory muscles completely fixed and rigid, and with all this there was combined intense agony and restlessness, such as I have never witnessed. There was perfect consciousness. The child knew me, described her agony, and eagerly took some brandy and water from a spoon. I left for the purpose of obtaining some chloroform from my own house, which was thirty yards distant. When I returned her head was drawn back, and I could detect no respiration; the eyes were then fixed open, and the body just resembled a statue; she was dead. On the following day I made a post-mortem examination. The brain was slightly congested; the upper part of the spinal cord seemed healthy; the lungs were collapsed; the heart was in such a state of firm spasm and solidity, and so emptied of blood, that I remarked that it might have been rinsed out. I could not discover any appearance of disease that would account for the death, except a slight effusion of serum in one pleural cavity. I never could ascertain any cause for the death. The child went to bed well and merry, and immediately afterwards jumped up, screamed, and exclaimed, "I am going to die."

By the Attorney-General.—I consider that the symptoms I have desbribed were those of angina pectoris. It is the opinion of Dr. Jenner that this disease is occasioned by the ossification of some of the small vessels of the heart. I did not find that to be the case in this instance. There have been many cases where no cause whatever was discovered. It is called angina pectoris, from its causing such extreme anguish to the chest. I do not think the

symptoms I have described were such as would result from taking strychnia. There is th difference,—that rubbing the hands gives ease to the patient in cases of angina pectoris. must say there would be great difficulty in detecting the difference in cases of angina pectoris, a strychnia. As regards symptoms I know of no difference between the two. I am bound say that if I had known so much of these subjects as I do now in the case I have referred I should have gone on to analysis to endeavour to detect strychnia. In the second case discovered organic disease of the heart, which was quite sufficient to account for the sym toms. The disease of angina pectoris comes on quite suddenly, and does not give any noti of its approach. I did not send any note of this case of any medical publication. It is not all an uncommon occurrence to find the hands firmly clinched after death in cases of natu disease.

By Mr. Serjeant Shee.—There are cases of angina pectoris in which the patient has rec covered and appeared perfectly well for a period of twenty-four hours, and then the atta has returned. I am of opinion that the fact of the recurrence of the second fit in Cook's ca is more the symptom of angina pectoris than of strychnia poison.

Dr. Wrightson was re-called, and in answer to a question put by Serjeant Shee he said was his opinion that when the strychnia poison was absorbed in the system it was diffus throughout the entire system.

By the Attorney-General.—The longer time that elapsed before the death would render t absorption more complete. If a minimum dose to destroy life were given, and a long inter elapsed to the death, the more complete would be the absorption and the less the chance finding it in the stomach.

By Serjeant Shee.—I should expect still to find it in the spleen and liver and blood.

Catherine Watson said,—I live at Garnkirk, near Glasgow. I was attacked with a fit October of last year. I had no wound of any kind on my body when I was attacked. I not take any poison.

By the Attorney-General.—I was taken ill at night. I had felt heavy all day from t morning, but had no pain till night. The first pain I felt was in my stomach, and then had cramp in my arms, and after that I was quite insensible. I have no recollection of an thing after I was first attacked, except that I was bled.

Serjeant Shee then said that he was now about to enter into another part of the case the defence, and probably the Court would think it a convenient period to adjourn.

The Lord Chief Justice said that the Court had no objection to adjourn if the learn serjeant thought it would be a convenient time to do so.

The Attorney-General requested that before the Court was formally adjourned a witn named Saunders, whose name was upon the back of the bill, and who was not in attendan and who he believed had not made his appearance during the trial, should be called upon recognisances. He added that he believed this witness was also subpœnaed on behalf of prisoner, but he (the Attorney-General) intended to have called him for the Crown.

The Court directed that the witness should be called upon his recognisances, and this done, but he did not appear.

The Court then adjourned until ten o'clock on Saturday morning.

TENTH DAY.

The court sat again this morning at ten o'clock. As on former days, the court-house crowded to inconvenience, and the avenues remained blocked up with persons anxious, unable to obtain admission. The Lord Chief Justice, Baron Alderson, and Mr. Just Cresswell, took their seats on the bench at the usual hour, and the prisoner was placed in dock. He presented the same appearance, and maintained the same demeanour.

Oliver Pemberton, examined by Serjeant Shee.—I am lecturer on anatomy in the Que College, Birmingham, and surgeon to the General Hospital there. I was present at examination of the late Mr. Cook after exhumation in January last. I observed the c dition of the spinal cord, and, in my judgment, it was not in a condition that would ena me to state in what condition it had been immediately after death. The upper part, wh the brain had been separated, was green in colour from the effects of decomposition. remaining portion, although fairly preserved, was so soft as not to enable me to draw opinion as to the state in which it was immediately after death.

Cross-examined by the Attorney-General.—I do not know how many hours the body been opened before I saw it; but I saw it the day after the bony canal had been ope The opening of that canal would, to a considerable extent, expose the spinal cord to the at sphere, but it still remained covered by a strong membrane. It is decidedly my impres that the outer covering—the dura-mater—was not open when I saw it. Mr. Bolton, fessor, of Queen's College, was present, and shared in the examination.

This witness's evidence closed the medical testimony for the defence.

George Myatt was called, but did not answer.

Henry Mathews, inspector of police at the Euston-square railway station, examined by Mr. Grove.—I was stationed at Euston-square on Monday, the 29th November last. The last train from Euston-square that stopped at Rugeley was the train that left at two o'clock p.m. The express train left at five o'clock in the afternoon. That train got to Stafford that night at 8.45. It was due at 8.42. The distance from Stafford to Rugeley by railway is nine miles; the distance by road I do not know. The quickest way of getting to Rugeley from Euston-square, after the ten o'clock train has left is by the express train to Stafford, and by road from Stafford to Rugeley

George Myatt was again called, but did not answer.

George Pell was called, but did not answer.

Joseph Foster was called, but did not answer.

Baron Alderson.—Call another.

Serjeant Shee.—They are all at the hotel in Hart-street, and they have been sent for.

Baron Alderson.—And they'll all come together probably.

The proceedings of the Court stood still for five minutes.

Lord Chief Justice.—Brother Shee, is there no other witness? I should be sorry to disturb the order for the defence——

At this moment

Joseph Foster, who had been called, was announced, and examined.—I am a farmer and grazier at Sivitop, Northamptonshire. I kept the George Hotel at a place called Wells up to Lady-day last. I knew Cook for many years previous to his death, and had often met him at race-courses. I think he was of weak constitution. I formed that judgment from knowing him at many times to have had a bilious attack and sick headache. That is the only circumstance upon which I have founded my judgment.

Cross-examined by Mr. James.—Cook hunted regularly in Northamptonshire. He kept sometimes two and sometimes three hunters. He hunted pretty regularly three days a week when he seemed well. I know George Pell, attorney at Northampton. There was a cricket club. I can't say whether Cook was a member. I last saw Cook about the middle of October last. Hunting had not commenced then. I knew him last to have had a sick headache a year and a half ago. I saw him when he had the sick headache in my own house. He came down to my house that morning, intending to hunt, but did not go out that day. He stayed at my house for two or three hours. He did not dine at my house the day before. I could not swear I did not see him hunting within a week after that.

Re-examined by Mr. Gray.—I never saw him sick upon any other occasion than the one I have mentioned, except six or seven years ago. That was after dinner.

George Myatt, examined by Mr. Grove.—I am a saddler, and reside at Rugeley. I was at Shrewsbury races on the Tuesday that "Polestar" won. I was at the Raven Hotel on Wednesday evening. I saw Mr. Cook and Mr. Palmer at the Raven that night at about twelve o'clock. I was waiting in the room when they came. I consider Mr. Cook was the worse of liquor. They proposed to have some brandy-and-water. Each of us had a glass of brandy-and-water. Cook made some remark—that he fancied it was not good. He drank part of it off, and then made the remark that it was somewhat bad, and gave it to some one to taste. Mr. Cook proposed to have some more, and Palmer said he would not have any more unless Cook drank his out. There came no more brandy, and we went to bed. I slept in the same room with Palmer. The brandy was brought in a decanter. Mine was poured out of it. I don't know by whom. I did not leave the room at all from the time Cook and Palmer came in until they went to bed. I did not see anything put into the brandy-and-water. Nothing could have been put in without my seeing it. Palmer and I left the sitting-room, and went to bed together; I slept in the same room with Palmer. We left Cook in the sitting-room. Nothing further took place that night. When we went to bed I locked the door, and Palmer did not leave the room. When I got up the next morning Palmer asked me to call Cook. I did so. I went to Cook's bed-room door, rapped, and he called me to come in. I went in, and he told me how ill he had been during the evening. He said he had been obliged to send for a doctor. He asked me what had been put into the brandy-and-water, and I told him I did not know of anything. He asked me to send for the doctor—meaning Palmer. I did so. I saw him next when he came into the sitting-room to breakfast. Palmer was then in the room. Palmer and I breakfasted first; Cook came in directly after we had had our breakfast. He breakfasted in the same room. Cook, Palmer, and myself left for Rugeley at night. We dined together first at the Raven. It was about six o'clock when we left for Rugeley. We returned by the express train from Shrewsbury. Palmer paid for the three tickets. Palmer was sick on the road. Both Cook and he said they could not account for "what it were." Palmer vomited. This was not on the railway but on the road from Stafford to Rugeley. We had stopped at the Junction Inn, at Stafford; we got into a fly. They could not account for Palmer's sickness, unless, as Palmer said, the dinner was cooked in some brass vessel, or that it was in the water; he said there had been a great many people ill at Shrewsbury races. I myself had heard that there had been a great many people ill, and that it could not be accounted for. The distance by the road from Stafford to Rugeley is nine miles.

Cross-examined by Mr. James.—I have known Palmer all his life. He dealt for his

saddlery with me. I have not been in the habit of going to races with him. I was never at Doncaster races with him in my life. I have never slept with him at Doncaster. I was at Wolverhampton races with him in the August of last year. I went with him. I did not sleep in the same room with him at Wolverhampton. I did not live in the same hotel with him. I stopped with my brother-in-law at Wolverhampton. I was at Wolverhampton races, I believe a couple of days. I neither dined nor breakfasted with Palmer there. I was at Lichfield races last year with him in September. The course is within ten miles of Rugeley. I did not go with Palmer. I came home to sleep, but not with Palmer. That is about all the races I was at last year.

Have you ever slept in a double-bedded room with Palmer at any races except at Shrewsbury?

The witness hesitated: He at length said, "I believe not." Will you swear it?—Yes.

Witness.—I was never at Worcester in my life. Palmer paid the expenses of my living at Shrewsbury, and he paid my fare back. I will swear that he has never paid my expenses at the races. I was at two or three races the year before, but I am not sure of the number. I had an interview with Palmer in Stafford gaol. I was about a couple of hours with him. That, I think, was about a month or five weeks ago, but I am not sure. I cannot call to my mind, whether it was since the Stafford assizes. I cannot say whether it was before or after I went, because Mr. Smith said he was going, and I thought I should like to see him. I have betted a half sovereign or a sovereign on Palmer's horses.

He "put you on" his horses?—The witness hesitated.

Don't you know the meaning of the phrase?—Yes, I do. I did not bet at Shrewsbury on any horses at all,—neither on Palmer's nor on Cook's. I have stood a sovereign or so with Palmer on his horses at races. I saw Cook first in Palmer's company at the Raven on Wednesday night, as near as possible at twelve o'clock. I had not been dining with Palmer. I dined that day at home at Rugeley, and got to Shrewsbury that night at eight or nine o'clock. I went then to the Raven, in which I knew where Palmer's room was, and I went to see if Palmer was in. That was between eight or nine o'clock. The first person I saw by Palmer's room door was Cook, who asked me, "What brought you here?" I told him I was come to see how "they was getting on." Palmer, I found, was gone out, and then I went into the town. I might be about an hour away, when I returned, and went into Palmer's sitting-room. Palmer was not there. I waited until he came. I waited about a couple of hours before Palmer came. It was about twelve o'clock when he came in, but I am not sure. He came in with Mr. Cook. Cook was worse for liquor, but not very drunk—rather. I could easily see that he was worse for liquor. The brandy-and-water was produced directly after they came in. The brandy was brought in in a decanter; the water might be on the table—I can't say. There were tumblers on the table, but I should say they were all brought up together, the tumblers and the brandy, but I can't say about the water. I don't remember Mrs. Brookes coming, nor Palmer being called out of the room. I remember a gentleman coming in, whom I now know to be Mr. Fisher. Palmer did not leave the room before Mr. Fisher came: that I'll swear. Palmer, I positively swear, never left the room from the time he and Cook joined me till he went to bed. I was sitting close to him the whole time. When Mr. Fisher came in, Cook asked Palmer to have some more brandy-and-water. Palmer said he would not have any more unless he (Cook) drank his brandy-and-water. Cook was the worse for liquor, evidently, to anybody who saw him. Cook then drank his glass off at a draught. Directly after he drank it, he said, "There is something in it."

Will you swear he did not say, "It burns my throat?"—No—Yes, I will. I will swear he said nothing to that effect. He made no other observation after saying, "There is something in it." He gave it to some one—I believe to Fisher—to taste. I can't swear whether it was Palmer or Cook who did that. I do not know that a Mr. Reed came in; I believe there were but four persons in the room at the time. I don't know that Mr. Reed came in after. I cannot say if anybody else came in before we went to bed. As near as possible there was a little left after Cook drank off his glass.

Did Palmer touch the glass after Cook drank it?—I believe not; but I rather think he tasted what was in it. I believe he said he could not taste anything but brandy and water, and handed it to Fisher. I don't know, and can't say, that Fisher said "It's no use giving me the glass, its empty." I don't swear that he did, or that he did not say so. It might be twenty minutes after that that we left the room. Cook did not leave the room before Palmer. I did go to bed; that I'll swear. I did not hear at all that night that Cook had been ill. I took only one glass that night. The brandy-and-water was cold. I dined with Palmer the following day at the Raven, and Mr. Cook carved. I was at home the first two days of the inquest. I did not go to the inquest at all.

Re-examined by Mr. Grove, Q.C.; I was examined by the Crown in this case, but they did not subpœna me. During my interview with Palmer in Stafford gaol there was an officer of the gaol present the whole time. We did not speak a word about this case.

By the Attorney-General: I never spoke to Mr. Gardner at all about the brandy-and-water. I did not tell Mr. Stevens that I did not remember anything about the brandy-and-water.

Attorney-General: Were you not examined before the inquest by them, and did you not say you knew nothing about it?

No, I did not. I told them what I say now.

John Sargeant, examined by Serjeant Shee.—I am in no business or profession, but live on my means. I am in the habit of attending races. I knew the late Mr. Cook intimately, and also the prisoner Palmer. A few days before Mr. Cook's death, during the Shrewsbury races, I received a letter from him. I was subpœnaed on the part of the Crown, but I have not had notice to produce it. I sought for the letter when I was asked about it, but I could not find it, as I had sent it to Saunders, the trainer. I made application by letter to Saunders for it. I received a letter from Saunders in answer to it. The letter is signed W. Saunders. I have seen Saunders, and have taken every means in my power to obtain it.

The Attorney-General.—Have you any objection to my seeing the letter?

Witness.—Oh, no, here it is.

Serjeant Shee.—Will you allow me to give evidence as to the contents?

The Attorney-General.—I think I must object. We must have Saunders, the trainer, first.

Examination resumed.—I only know what Cook lost or won from the letter that he wrote to me.

Serjeant Shee.—You must not tell me that.

Examination resumed.—I had an opportunity of seeing the state **of his** throat before he died. I was with him at the Liverpool meeting the week previous to the Shrewsbury meeting. We slept at the same hotel and in adjoining rooms. One morning he called me in to his room and drew my attention to his throat, which was very much inflamed. There were ulcers upon it, and the tongue was so swollen, that I said I was surprised at the state of his mouth. He said he had been in that state for weeks and months, and now, he said, "I don't take notice of it." That is all that passed on the occasion on the sore throat. He had shown me his throat before this at almost every meeting we attended. He took some gingerbread and cayenne on the platform at Liverpool after the races. I saw him take it. He told me afterwards that it very nearly killed him.

Serjeant Shee.—Did he say more particularly then what effect it produced upon him?—He did not.

Witness.—When he was at Liverpool he was very poor. That was the week before the Shrewsbury races. The means I have of knowing it are that he owed me 25*l*. He gave me 10*l*. on account, and said he had not sufficient to pay his expenses at Liverpool, but I should have the balance of the 25*l*. at the Shrewsbury meeting. I have the means of knowing that Cook and Palmer were in the habit of "putting on" for each other, and they did so at the Liverpool meeting. I have the means of knowing that Cook lost money. I executed a commision for Mr. Ferrier, who told me that Cook stood a portion of the money. I have known Palmer supply Cook with blackwash shortly before his death. I do not know myself whether that is a mercurial lotion. I never saw his throat dressed by anybody.

Cross-examined by Mr. James.—The blackwash was not to drink. I saw it applied at the Warwick Spring Meeting in 1855, where Polestar won. He attended nearly all the race meetings throughout the year. The Liverpool Meeting was the week before Shrewsbury. I was surprised to see him eat and drink so well. His appetite was pretty good. The cayenne pepper nut is made up as a kind of trick.

Serjeant Shee called for a letter of the 4th March, 1855, from Cook to Palmer.

Jeremiah Smith, examined by Serjeant Shee:—I am an attorney at Rugeley, and was acquainted with Palmer and the late Mr. Cook. I saw Mr. Cook at the Talbot Arms on Friday, the 16th of November. I saw him about ten in the morning. I was present at his breakfast. He breakfasted on the bed. He took tea, and a wine glass of brandy was brought and put into his one cup of tea. I dined in his company at Palmer's that day. I am not quite positive I saw him before breakfast and dinner. He had champagne at dinner, and port wine after dinner. Cook drank three bottles of wine altogether. We had either two of port and four of champagne, or two of champagne and four of port. The dinner was over about half-past two o'clock. I then left the house with Cook, as Palmer had to go and write his letters. He went first to my house, and then to the Albion hotel, next door. We had each a glass of brandy-and-water, cold. Cook left me there. Before he went away he said he felt cold, and put his feet on the fender and warmed them. He borrowed a book from the landlady, and said he would go home and read in bed. In the afternoon of that day we were talking about racing. I asked him for 50*l*. He gave me 5*l*. then. As he was taking the note out of his note case, I said, "Why, you can pay me the whole." He said, "No; there is only 4*l*. 10*s*. due to you. I have given Palmer money, and will pay you on my return from Tattersall's on Monday." Nothing more occurred on the occasion. On the Saturday night Cook was unwell, and I slept in his room. I retired to bed about twelve. In the early part of the night Cook was unwell. He got some toast-and-water, and was washing his mouth. A night chair was in room, and he used it. He used the toast-and-water to gargle his throat. He was sick, and tried to vomit. About two o'clock I went to sleep, as I was tired, and I slept until Palmer came in in the morning. I lay still in bed, and I heard a conversation between Palmer and Cook. Palmer said, "How are you this morning?" Cook said, "I am not very well this morning." I slept from about two o'clock, from which time the house became quiet. Palmer called in Bamford, who said he would send in some medicine. I know Mrs. Palmer, the prisoner's mother. On the evening of Monday I went to Mrs. Palmer's house, and saw her. I went to see if the

prisoner had returned to Rugeley from London. I should think it was about 9 o'clock. I did not find him at that hour. He did not arrive until about 10 minutes past 10 o'clock, and then I saw him coming in the direction of Stafford in a car. He said, "Have you seen Cook to-day?" I said, "No I have not." Then he said, "Well, we had better go up and see him before I go to my mother's." We went up to Cook's room together. I heard what passed between Cook and Palmer. Cook said to Palmer, "You're late doctor, I didn't expect you to look in. He said, "I have taken the medicine you gave me." We did not stay more than two or three minutes. He described the effect of the medicine. He said he had taken the medicine. Enquiries were made as to his state of health. Cook said he had been talking to Saunders, the trainer, who had been up. That was all that passed. Palmer and I left the room together. Mrs. Palmer's house is about twenty-four or twenty-five yards from the Talbot Arms. We stayed there about half-an-hour, and then leaving the house together, we went to Palmer's own house. We left the house after that. I left Palmer in the house. I asked Cook and Palmer to dine with me the next day. Cook did not dine with me; he sent me a message that he was unwell, and could not leave his room. I sent some broth to Cook from the Albion by a charwoman: I think her name was Rowley; I borrowed 200*l.*, and negociated a loan with Pratt for 500*l.* for Cook before his death. I borrowed 100*l.* from Mrs. Palmer, and 100*l.* for William Palmer to make up the 200*l.* I only know that Cook and Palmer were jointly interested in one horse. Cook and Palmer "put on" for each other respectively, when their horses ran in several races. I saw Thirlby dress Cook's throat with caustic before the Shrewsbury races. (Two notes handed to witness, bearing the signatures J. P. Cook and John Parsons Cook.) I saw them signed by Cook. I was never present when a writ was served on Cook, but he was served with a writ. I cannot say that shortly before his death he employed me as his attorney to appear to a writ. [Documents were handed in, and read by the officer of the court. The first was a long letter from Cook to witness, stating that a writ was issuep against him: another letter was read, enquiring if a bill could be renewed for two months; also a memorandum signed G. P. Cooke, for a mortgage of Polestar and Syrius to secure 500*l.* (The handwriting of Cook was proved by the witness.)

Cross-examined by the Attorney-General.—I have known Palmer long and intimately. I have been employed as attorney a good deal. I cannot recollect that he applied to me in December 1854, to attest a proposal of insurance of Walter Palmer for £13,000 to the Solicitors' and General office. I do not recollect that in January, 1855, I as asked to attest a proposal on Walter Palmer's life for £13,000 to the Prince of Wales office. Walter Palmer had been in no business himself. I knew that he had an allowance from his mother, and I believe that his brother William gave him money. In 1852 and 1853 I lived at Rugeley, sometimes with the prisoner's mother. I had only a proper intimacy with her. I am a single man. I slept two or three times a week at Mrs. Palmer's for several years. I had lodgings in Rugeley at the time, about a quarter of a mile from Mrs. Palmer's. Sometimes some of her sons used to come to visit her; her son Joseph was one of them, and he is now living at Liverpool. The other son who visited her was Walter; he sometimes resided in Stafford and sometimes in Liverpool. I believe he died at Stafford. I went to the mother's to see them, and we took a glass of gin-and-water, and played cards and had a smoke. They used to go to Buxton in the summer. I have been in the house when the mother was there, and when the sons were not there; that happened sometimes two or three times a week. Sometimes I did not go there for weeks. The mother, daughter, and servants were there. I don't recollect that I was called on to attest another proposal in the Universal Office for £1,300. But if I could see any document or circumstance that would remind me of it, I might do so. Most likely I might have got £5 for attesting such an assignment from Walter Palmer to William.

Attorney-General.—Just look at that; is that your signature?

Witness.—It is very like my signature, but I have a doubt of it. (After a pause)—I believe it is not my handwriting. I swear it is not my handwriting. I think it is a very good imitation of my handwriting. I believe that is Walter Palmer's signature. The attestation is in the handwriting of Mr. Pratt. I did not receive the document from Mr. Pratt. I might have received it from William Palmer, I don't recollect. (After some hesitation). No doubt he did give it to me. (Sensation). I got it before it was signed.

Attorney-General.—Do you now say that is not your signature?

Witness.—I do; I applied to the Midland County Office to be appointed their agent; I sent them a proposal for 10,000*l.* on the life of Bates. William Palmer and Bates came together with the prospectus to me, and Palmer asked me if the Midland Office had any agent. He then asked me to write and get appointed, as he wanted to effect an insurance on Bates's life. I wrote to the office to get appointed their agent, in order to have an insurance effected on Bates's life for 10,000*l.* Bates was at that time superintending William Palmer's stud and stables. I went to the widow of Walter Palmer to get her to give up her claim on the policy of her husband; she said she should like her solicitor to see the document. I took it to her to sign. I believe that Walter Palmer ultimately got something for the assignment of the policy to William Palmer; I believe he got the house furnished for him. I don't know that he got a bill for 200*l.*

The Attorney-General.—I will refresh your memory with regard to these proposals: look at that and tell me whether it is your handwriting?

Witness?—Yes.

Attorney-General.—Now, refreshing your memory with that document, were you applied to, in December, 1854, to attest a proposal of Walter Palmer to the Solicitors' and General Office for 13,000*l.*?

Witness.—That is my own signature, certainly.

Attorney-General.—I ask you, were you applied to to attest a proposal of Walter Palmer in December, 1854, for 13,000*l.* to the Solicitors' and General Office?

Witness.—I don't recollect (sensation).

Attorney-General.—What, with your own signature staring you in the face?

Witness.—I might have been a witness to it. I am speaking from memory.

Attorney-General.—Have you any doubt about it after looking at that document?

Witness.—I have no doubt.

Attorney-General.—At last we have got at it from you. Now look to that document, and see if another month afterwards—in January, 1855—you were asked to attest another proposal for 13,000*l.* to the Prince of Wales Office.

Witness (hesitating).—That is my signature. (A pause.) Perhaps if I saw the paper I could answer.

Attorney-General—There is the paper.

Witness (after a pause).—I might have signed it in blank. I have no doubt whether I did not sign some of these in blank. The body of the papers is in the handwriting of William Palmer.

Attorney-General.—Upon your oath, don't you believe that William Palmer applied to you to attest the proposal on his brother's life for 13,000*l.*?

Witness.—He did apply to me.

Attorney-General.—Was it not to attest the proposal for 13,000*l.* on his brother's life?

Witness.—One of them was for 13,000*l.* I don't think I was present when Walter Palmer signed the assignment. I believe Jeremiah Smith's handwriting is very like mine.

After much fencing with the question, the witness saying, he might or he might not have attested Walter Palmer's signature to a deed of assignment, the Attorney-General put a cheque for 5*l.* into the witness's hand, and asked him if it was William Palmer's signature to it?—It is.

Did you take that piece of paper to the bank and get 5*l.* for it, and that for attesting the signature of Walter Palmer to the deed of assignment?—I may have got the 5*l.* at the bank; but upon my honour I do not know what for. (Laughter.) Cook, with reference to the 200*l.* bill, gave Palmer 10*l.* for the accommodation, and he took the money to Shrewsbury races. I cannot say who saw me on the Monday night when I went up to Cook's room at the Talbot Arms. I did not notice. I believe that either the chamber-maid, the waitress, or the cook saw me go into the hotel. I don't know who drove the fly to Stafford.

Re-examined by Serjeant Shee.—I have known Mrs. Palmer many years—before her husband's death—it is upwards of thirty years since he died. She is upwards of sixty. Her eldest son Joseph is a timber-merchant at Liverpool; he is forty-five or forty-six years of age. George, I think, is the next son. He is here. He lived at Rugeley, and was frequently at his mother's. He is acquainted with me. There is a son, a clergyman, who, until within two years since, lived with his mother. There is a sister who lives with her mother. They kept three servants. They do not visit much, nor are they much visited. Their house is a large house, and there are, I think, five or six bed-rooms altogether. I slept in the room nearest the church.

Mr. Serjeant Shee.—Is there any pretence for saying you have ever been charged with any improper intimacy with Mrs. Palmer?

Witness.—I hope not.

Mr. Serjeant Shee.—Is there any pretence for saying so?

Witness.—There ought not to be.

Mr. Serjeant Shee.—Is there any truth in the statement or suggestion that you have had any improper intimacy with Mrs. Palmer?

Witness.—They might have said so, but they had no reason for saying so.

Mr. Serjeant Shee.—Is there any truth in the statement?

Witness.—I should say not. (Laughter.)

William Joseph Sanders, a witness, subpœnaed both by the Crown and the prisoner, was then called upon his recognisance, but did not appear.

The Attorney-General said he should be extremely sorry to commence his reply if there were any chance of the witness making his appearance.

Lord Campbell.—There does not appear to be the slightest chance. He has been called repeatedly.

Mr. Serjeant Shee said, he should now ask for the production of a letter written by Cook to Palmer on the 4th of January, 1855.

The letter, of which the following is a copy, was then put in and read:—

"Lutterworth, Jan. 4, 1855.

"My dear Sir,—I sent up to London on Tuesday to back St. Hubert for 50*l.*, and my commission has returned 10s. 1d. I have, therefore, booked 250 to 25 against him, to gain money. There is a small balance of 18*l.* due to you, which I forgot to give you the other

day. Tell Wil, to debit me with it on account of your share of training Pyrrhine. I will also write to him to do so, as there will be a balance due from him to me.

Yours faithfully,

"W. Palmer, Esq." "J. Parsons Cook."

Mr. Serjeant Shee contended that he was entitled to reply on the part of the evidence. The course taken by the Attorney-General in getting at the contents of the cheque, the contents of an assignment of the policy on Walter Palmer's life, and the contents of the proposals to the various offices for the insurance, he submitted entitled him to a reply on those points.

The Lord Chief Justice.—We are of opinion that you have no right to reply.

Mr. Baron Alderson.—That is quite clear.

The Attorney-General said, he had been taken somewhat by surprise yesterday by the evidence of Dr. Richardson with respect to the disease known as angina pectoris. Dr. Richardson adverted to several books and authorities. He had now those books in his possession, and he was desirous of putting some questions arising out of that part of the evidence.

The Court decided against the application.

The case for the defence having been concluded,

The Attorney-General rose to reply on the part of the Crown, and spoke as follows—May it please your lordships and gentlemen of the jury, the case for the prosecution and that for the defence are before you, and it now becomes my duty to address to you such observations upon the whole of the evidence as suggest themselves to my mind. I feel that I have a most solemn and important duty to perform. I wish I could have answered the appeal made to me the other day by my learned friend, Serjeant Shee, and say that I am satisfied with the case which he submitted to you for the defence; but standing here as the instrument of public justice, I feel that I should be wanting in the duty I had to perform if I did not revert to my original position, and again solicit at your hands a verdict of guilty against the accused. I approach the consideration of the case in what, I hope, I may term a spirit of fairness and moderation. My business is to convince you, if I can, by facts and legitimate arguments, of the prisoner's guilt; and if I cannot establish it to your satisfaction, no man will rejoice more than I shall in a verdict of acquittal. Gentlemen, in the mass of evidence which has been brought before you two main questions present themselves prominently for your consideration. Did the deceased man, into whose death we are now inquiring, die a natural death, or was he taken off by the foul means of poison? And if the latter proposition be sanctioned by the evidence, then comes the important question, whether the prisoner at the bar was the author of his death? I will proceed with the consideration of the subject in the order I have mentioned. Did John Parsons Cook die by poison? I again assert the affirmative of that proposition. The case submitted to you on behalf of the Crown is this—that having been first practised upon by antimony, Cook was at last killed by strychnine. The first question to be considered is—what was the immediate and proximate cause of his death. The witnesses for the prosecution have told you, one and all, that, in their judgment he died of tetanus, which signifies a convulsive spasmodic action of the muscles of the body. Can there be any doubt that their opinion is correct? Of course it does not follow that, because he died of tetanus, it must be the tetanus of strychnine. That is a matter for after consideration. But, inasmuch as strychnia produces death by tetanus, we must see, in the first place, whether it admits of doubt that he did die of tetanus. I have listened with great attention to every form in which that disease has been brought under your consideration—whether by the positive evidence of witnesses, or by reference to the works of scientific writers—and assert deliberately that no case, either in the human subject or in the animal, has been brought under your notice in which the symptoms of tetanus have been so marked as in this case. From the moment the paroxysms came on in which the unhappy man died, the symptoms were of the most marked and striking character. Every muscle, says the medical man who was resent at the time, was convulsed—he expressed the most intense dread of suffocation—entreated them to lift him up lest he should be suffocated—every fibre of his body, om the crown of his head to the soles of his feet, was contracted—the flexibility of the unk and of the limbs was gone—and you could only have raised him up as you would ave lifted a corpse. In order that he might escape from the sense of suffocation they turned him over, and then, in the midst of that fearful paroxysm, one mighty spasm seems to have seized his heart, to have pressed from it the life-blood, and the result was death. And when he died his body exhibited the most marked symptoms of this fearful disease. He was convulsed from heat to foot. You could have rested him on his head and heels—his hands were clasped with a grasp that it required force to overcome, and his feet were twisted so as to resemble a natural malformation. Then, if it was a case of tetanus—into which fact I will not waste your time by inquiring—the question arises, was it a case of tetanus produced by strychnine? I will confine myself for a moment to the exhibition of the symptoms as described by the witnesses. Tetanus may proceed from natural causes as well as from the administration of poisons, and while the symptoms last they are the same. But in the course of the symptoms, and before the disease reaches its consummation in the death of the patient, the distinction between the two is marked by characteristics which enable any one conversant with

the subject to distinguish between them. We have been told that the distinctions are these —natural tetanus is a disease not of minutes, not of hours, but of days. It takes, say several witnesses, from three to four days; and will extend to a period of even three weeks before the patient dies. Upon that point we have the most abundant and conclusive evidence. We have examined Sir Benjamin Brodie, a man, I need scarcely say, of the most exalted eminence in his profession, Mr. Curling, Dr. Todd, Dr. Daniel, a gentleman who has seen between 25 and 30 cases of natural tetanus in India, and all these distinguished witnesses give exactly the same description of the course which the case invariably takes. Idiopathic or natural tetanus, therefore, is out of the question. Traumatic tetanus is out of the question for a different reason. That description of disease in brought on by the lesion of some part of the body. But what is there is in this case to show that there was anything like lesion at all? We have had several representations of the death of Cook by witnesses who appear to have come into Court—I say it with the deepest sorrow—for the express purpose of studiously misconceiving and misinterpreting the facts of this case. We have called before you an eminent physician who had Cook under his care. It seems that, in the spring of the year 1855, Cook, having found certain small spots in one or two parts of his body, and having something of an ulcerated tongue and a sore throat, conceived that he was labouring under symptoms of a particular character. He addressed himself to Dr. Savage, who found that the course of medicine he had been pursuing was an erroneous one. He enjoined the discontinuance of mercury. His injunction was obeyed, and the result was that the patient was suffering neither from disease nor wrong treatment. But lest there should be any possibility of mistake, Dr. Savage made him come to him again and again to see that all was going on well, and this medical witness assures us that long before the summer advanced every unsatisfactory symptom had entirely disappeared; there was nothing wrong about Cook except that affection of the throat to which thousands of people are subject. In other respect the man was better than he had been, and might be said to be convalescent. On the very day that he left London to go into the country, a fortnight before the races, his stepfather, who accompanied him to the station, congratulated him upon his healthy and vigorous appearance; and the young man, conscious of restored health, struck his breast, and said, "I am well, very well." Then he goes to Shrewsbury, and shortly afterwards arose those matters to which I am about to call your attention. I want to know in what part of the evidence there is the slightest pretence for saying that this man had an affection which might bring on traumatic tetanus? It is said that he had exhibited his tongue to witnesses and applied for a mercurial wash, but it is clear that, although he had at one time adopted that course, he had, under the recommendation of Dr. Savage, got rid of it, and there is no justification for saying he was suffering under syphilitic affection of any kind. The statement has been negatived by a man of the highest authority and distinction. There is not a shadow of foundation for it, and I should be false to my duty if I did not denounce it as utterly undeserving of your attention. There was nothing about the man to give even a colour of probability to the suppositon that there was in any part of his body any mark, wound, or lesion—syphilitic or otherwise—that could result in traumatic tetanus. One or two cases of traumatic tetanus have been adduced in the evidence which has been brought forward for the defence. One is the case of a man in the London Hospital, who was brought into that institution one evening and died the same night. But what are the facts? The facts are, that before he had been brought in he had had a paroxysm early in the morning, and that he was suffering from ulcers of the most aggravated description. His symptoms had run their course rapidly, it is true, but the case was not one of minutes, but of hours. Another case has been brought forward in which a toe was amputated, but there we have disease existing some time before death. But then it is suggested that this may be a case of idiopathic tetanus proceeding from—what? They say that Cook was a man of delicate constitution, subject to excitement; that he had something the matter with his chest; that in addition to having something the matter with his chest he had a diseased condition of throat; and, putting all these things together, they say that if the man had taken cold he might have got idiopathic tetanus. We are here launched into a sea of speculations and possibilities. Dr. Nunneley, who comes here for the purpose of inducing you to believe there was something like idiopathic tetanus, goes through the bead-roll of Cook's supposed infirmities, talks about his excitability, his delicacy of chest, his affection of the throat, and says these things would predispose to idiopathic tetanus if he took cold. But what evidence is there that he did take cold? Not the slightest in the world. There is not the smallest pretence that he ever complained of a cold or was treated for a cold. I cannot help saying that it is a scandal upon a learned, distinguished, and liberal profession that men should come forward with speculations and conjectures such as these, and that they should misinterpret facts and extract from them sophistical and unwarrantable conclusions with the view of deceiving a jury. I have the greatest respect for science. No man can have a greater. But I cannot repress my indignation and abhorrence when I see it perverted and prostituted to the prejudice of truth in a court of justice. A medical witness has talked to you about certain excitements being the possible causes of idiopathic tetanus. You remember the sorts of excitement of which he spoke. They are unworthy of your notice. They were topics discreditable to be put forward by a witness as worthy of your consideration. But suppose for a single moment that excitement at the time could produce any such effect, where is the excitement manifested by Cook as leading to the supposed disease? They say

that the man when his horse won at Shrewsbury was for a moment excited. And well he might be. His fortunes depended upon the result of the race, and I will not deny that he was overpowered with emotions of joy. But those emotions subsided, and we have no further trace of them from that time to the moment of his death. The man passed the rest of the day with his friends in ordinary conversation and enjoyment. No symptom of emotion was exhibited. He is taken ill. He goes to Rugeley. He is taken ill there again. But is there the slightest symptom of excitement about him, or of depression? Not the least. When he is ill, like most people, he is low-spirited. As soon as he gets a little better, he is cheerful and happy. He invites his friends and converses with them. On the night of his death his conversation is full of merriment and joy; he is mirthful and happy; little thinking, poor wretch, of the awful fate that is hanging over him. He is cheerful, and talks of the future, but not in the language of frantic excitement. What pretext, then, is there for this idle story about excitement so intense and convulsive as possibly to have excited idopathic tetanus? There is not a shadow of a pretext for any such theory. But even if there were excitement or depression—if these things were capable of producing idiopathic tetanus, the tetanus of disease is so unlike the tetanus of poison it is impossible to mistake the two. What are the cases which they attempt to set up against us? They brought all the way from Scotland a girl named Watson, who deposed that, though she had not taken any poison and had no wound of any kind on her body, she was attacked with a violent paroxysm in the month of October last year. But in cross-examination it appeared that she had been ill all day, was taken worse at night, had a pain in her stomach and cramps in her arms, was for a while quite insensible, but soon recovered, and went about her business. That is the case they have brought forward as a parallel for that mortal anguish—the spasms—the convulsions—the death agony of this unhappy man! This is the sort of evidence with which they attempt to meet the appalling case that now engages your attention. Gentlemen, I venture, upon the evidence which has been brought before you, to assert boldly that the cases of idiopathic and traumatic tetanus are marked by clear and obvious characteristics—distinguishing them from the tetanus of strychnine; and I say that the tetanus which accompanied Cook's death is not referable to either of these forms of tetanus. It was the tetanus not of disease, but of poison. You have upon this point the evidence of men of the highest competency and most unquestionable integrity, and upon their testimony I am satisfied you can come to no other conclusion than that this was not a case of either idiopathic or traumatic tetanus. But, then, various attempts have been made to set up various causes as capable of producing this tetanic disease. First, we have the theory of general convulsions; and Dr. Nunneley, having gone through the bead-roll of the supposed infirmities of Cook, says, "Oh, this may have been a case of general convulsions —I have known general convulsions assuming a tetanic character." Therefore I asked him this question, "Have you ever seen one single case in which convulsions marked by tetanic symptoms were not also accompanied by entire unconsciousness on the part of the patient?" He replied, "No; I have never seen any such case, but I am told that in the books some such case is reported." And then he went on to cite Dr. Copland's book as an authority for the theory that general convulsions may be accompanied by tetanic symptoms. Now, Dr. Copland, I apprehend, would stand higher as an authority than the man who quotes him. Dr. Copland might have been called, but was not called, notwithstanding the challenge that I threw out, because it is, unfortunately, easier to gather together from the east and from the west practitioners of more or less celebrity, than to bring to bear on the subject the light of science as treasured in the breasts of eminent practitioners. But I say, as regards general convulsions the distinction is plain. If they destroy the patient they previously destroy his consciousness. But here we have no such state of facts. It is beyond all controversy that from the first moment of Cook's attack till his bursting heart ceased to beat consciousness remained. But then comes another supposed condition, from which it is conjectured that death in this particular form may have resulted. It appears from the evidence that at the post-mortem examination certain granules were discovered in the spinal marrow of Cook, and it is attempted to be shown, upon authority of Mr. Partridge,—a surgeon, I admit, of the highest eminence and the most unblemished honour—that these granules may have occasioned tetanic convulsions. Mr. Partridge was called to prove that this may have been a case of what is called arachnitis, arising from granules. I asked him to explain the symptoms which he would find in such a case. I called his attention to what it had evidently not been called to before, namely, the symptoms in Cook's case, and I asked him in simple terms whether, looking at the symptoms, he would pledge his reputation, in the face of the medical world and in the face of this court, that this was a case of arachnitis? He would not do so, and the case of arachnitis went. Then we had a gentleman from Scotland to inform us as the next proposition, that Cook's was a case of epileptic convulsions with tetanic complications. Well, I asked him this question, "Did you ever know of epilepsy, with or without tetanic complications, in which consciousness was not destroyed before the patient died!" His reply was, "No, I cannot say that I ever did, but I have read in some book that such a case has occurred."—"Is there anything to make you think this was epilepsy?"—"It may have been epilepsy, because I don't know what else it was."—"But you must admit that epilepsy is characterised generally by loss of consciousness; what difference would the tetanic complications have made?" That he was unable to explain. I remind you of this species of evidence that you may perceive that you have

had before you witnesses who have resorted to the most speculative reasoning and put forward the barest possibilities in support of theories for which there is little if any foundation. But this I undertake to assert, that there is not a single case to which they have spoken from their experience, or as the result of their own knowledge, in which there were the formidable and decisive symptoms of marked tetanus which existed in the present case. Having gone through these four sets of diseases—general convulsions, arachnitis, epilepsy proper, and epilepsy with tetanic complications, I supposed we had pretty nearly exhausted the whole of their scientific theories. But we were destined to have another, and that assumed the formidable name of angina pectoris. It must have struck you when my learned friend opened his case, that he never ventured to assert the nature of the disease to which they refer the death of Cook; and it strikes me as most remarkable that no less than five distinct and separate theories are set up by the witnesses who have been called—general convulsions, arachnitis, epilepsy proper, epilepsy with tetanic complications, and, lastly, angina pectoris. My learned friend had an advantage in not stating to you what his medical witnesses would set up, because I admit that one after another they took me by surprise. The gentleman who was called yesterday, and who talked of angina pectoris, would not have escaped so easily if I had been in possession of the books to which he referred; for I should have been able to expose the ignorance or the presumption of the assertions he dared to make. I say the ignorance or the presumption, or, what is worse, the deliberate intention to deceive. I lay to his charge one or other of these three, and, in the presence of this Court, and in the face of the whole medical profession, I assert that one or other of these charges I should have been able to substantiate. The medical witnesses for the defence differ one and all in their views; but there is a remarkable coincidence between the opinions of some of them and the opinions of those who have been examined on the other side. All the medical men brought forward by the defence—Partridge, Robinson, and Letheby, concur with Sir B. Brodie and the other Crown witnesses in declaring that, in the whole course of their experience, and in the whole range of their learning and observation, they know of no disease to which the symptoms in Cook's case can be referred. When such men as these agree upon any point it is impossible to exaggerate its importance. If it be the fact that there is no known disease which can account for such symptoms as those in Cook's case, and that they are referable to poison alone, can you have any doubt that that poison was strychnia? The symptoms, at all events, from the time the paroxysms set in, are precisely the same. Distinctions are sought to be made by the sophistry of the witnesses for the defence between some of the antecedent symptoms and some of the others. I think I shall show you that these distinctions are imaginary, and that there is no foundation for them. I think I may say that the witnesses called for the defence admit this, that, from the time the paroxysm set in of which Cook died, until the time of his death, the symptoms are precisely similar to that of tetanus by strychnine. But then they say—and this is worthy of most particular attention—there are points of difference which have led them to the conclusion that these symptoms could not have resulted from strychnine. In the first place, they say that the period which elapsed between the supposed administration of the poison and the first appearance of the symptoms is longer than they have observed in the animals on which they have experimented. The first observation which arises in this: that there is a known difference between animal and human life, in the power with which certain specific things act upon their organisation. It may well be that poison administered to a rabbit will produce its effect in a given time. It by no means follows that it will produce the same effect in the same time on an animal of a different description. Still less does it follow that it will exercise its baneful influence in the same time on a human subject. The whole of the evidence on both sides leads to establish this fact, that not only in individuals of different species, but in individuals of the same species, the same poison and the same influence will produce effects different in degree, different in duration, different in power. But again, it is perfectly notorious that the rapidity with which the poison begins to work depends mainly upon the mode of its administration. If it is administered in a fluid state it acts with great rapidity. If it is given in a solid state its effects come on more slowly. If it is given in an indurated substance it will act with still greater tardiness. Then what was the period at which this poison began to act after its administration, assuming it to have been poison? It seems, from Mr. Jones's statement, that Palmer came to administer the pills somewhere about 11 o'clock, but they were not administered on his first arrival, for the patient, as if with an intuitive sense of the death that awaited him, strongly resisted the attempts to make him take them; and no doubt these remonstrances, and the endeavours to overcome them, occupied some period of time. The pills were at last given. Assuming—which I only do for the sake of argument—that the pills contained strychnine, how soon did they begin to operate? Mr. Jones says he went down to his supper, and came back again about 12 o'clock. Upon his return to the room, after a word or two of conversation with Cook, he proceeded to undress and go to bed, and had not been in bed ten minutes before a warning came that another of the paroxysms was about to take place. The maidservant puts it still earlier, and it appears that as early as ten minutes before twelve the first alarm was given, which would make the interval little more than three-quarters of an hour. When these witnesses tell us that it would take an hour and a half, or two hours, we see here an another of those exaggerated determinations to see the facts only in the way that will be

most favourable to the prisoner. I find in some of the experiments that have been made that the duration of time, before the poison begins to work has been little, if anything, less than hour. In the case of a girl at Glasgow it was stated that it was three-quarters of an hour before the pills began to work. There may have been some reason for the pills not taking effect within a certain period after their administration. It would be easy to mix them up with substances difficult of solution, or which might retard their action. I cannot bring myself to believe that if in all other respects you are perfectly satisfied that the symptoms, the consequences, the effects, were analogous, and similar in all respects to those produced by strychnine, you will conclude that in this case strychnine was not administered, and found your conclusion on the simple fact that a quarter of an hour more than usual may have elapsed before the pills operated. But they say the premonitory symptoms were wanting. They assert that in the case of animals the animal at first manifests some uneasiness, shrinks, and draws itself into itself, as it were, and avoids moving; that certain involuntary twitchings about the head come on, and that there were no such premonitory symptoms in Cook's case. I utterly deny the proposition. I say there were premonitory symptoms of the most marked character. He is lying in his bed; he suddenly starts up in an agony of alarm. What made him do that? Was there nothing premonitory there—nothing that warned him the paroxysm was coming on? He jumps up, says, "Go and fetch Palmer—fetch me help! I am going to be ill as I was last night!" What was that but a knowledge that the symptoms of the previous night were returning, and a warning of what he might expect unless some relief were obtained? He sits up and prays to have his neck rubbed. What was the feeling about his neck but a premonitory symptom, which was to precede the paroxysms that were to supervene? He begs to have his neck rubbed, and that gives him some comfort. But here they say this could not have been tetanus from strychnine, because animals cannot bear to be touched, for a touch brings on a paroxysm—not only a touch, but a breath of air, a sound, a word, a movement of any one near will bring on a return of the paroxysm. Now, in three cases of death from strychnine we have shown that the patient has endured rubbing of the limbs, and received satisfaction from that rubbing. In Mrs. Smith's case, when her legs were distorted, she prayed and entreated that she might have them straightened. The lady at Leeds, in the case which Dr. Nunneley himself attended, implored her husband between the spasms to rub her legs and arms in order to overcome the rigidity. That case was within his own knowledge, and yet in spite of it, although he detected strychnine in the body of the unhappy woman, he dares to say that Cook's having tolerated the rubbing between the paroxysms is a proof that he had not taken strychnine. Then there is the case of Clutterbuck. He had taken an overdose of strychnine, and suffered from the reappearance of tetanus, and his only comfort was to have his legs rubbed. Therefore, I say that the continued endeavour to persuade a jury that the fact of Cook's having had his neck rubbed proves that this is not tetanus by strychnine, shows nothing but the dishonesty and insincerity of the witnesses who have so dared to pervert the facts. But they go further, and contend that Cook was able to swallow. So he was before the paroxysms came on. But nobody has ever pretended that he could swallow afterwards. He swallowed the pills, and, what is very curious, and illustrates part of the theory is this—that it was the act of swallowing the pills, a sort of movement in raising his head, which brought on the violent paroxysm in which he died. So far from militating against the supposition that this was a case of strychnine, the fact strongly confirms it. Then they call our attention to the appearances after death, and they say there are circumstances to be found which go against this being a case of strychnine. They say the limbs became rigid either at the time of death or immediately after, and that ought not to be found in a case of strychnine. Dr. Nunneley says, "I have always found the limbs of animals become flaccid before death, and I have not found them become rigid after death." Now, I can hardly believe that statement. The very next witness who got into the box told us that he had made two experiments upon cats and killed them both, and he described them as indurated and contracted when he found them some hours after death. And yet the presence of rigidity in the body immediately after death is put forth by Dr. Nunneley as one of his reasons for saying that this is not a death by strychnine, although Dr. Taylor told us that, in the case of one of the cats, the rigidity of the body was so great that he could hold it out by the leg in a horizontal position. Notwithstanding that evidence Dr. Nunneley has the audacity to say that he does not believe this is a case of strychnine, because there was rigidity of the limbs, because the feet were distorted, the hands clinched, and the muscles rigid. This shows what you are to think of the honesty of this sort of evidence, in which facts are selected because they make in favour of particular hypotheses of the person advancing them. The next point relied on is that the heart was empty, and that in the animals operated upon by Dr. Nunneley and Dr. Letheby the heart was full. I don't think that applies to all cases. But it is a remarkable fact connected with the history of the poison that you never can rely upon the precise form of its symptoms and appearances. There are only certain great, leading, marked characteristic features. We have here the main, marked, leading characteristic features; and we have what is more—collateral incidents, similar to the cases in which the administration and the fact of death have been proved beyond all possibility of dispute. Why, in two cases which have been mentioned—that of Mr Smyth and the Glasgow girl—the heart was compressed and empty. We know that in of

tetanus death may result from more than one cause. All the muscles of the body are subject to the exciting action of the poison. But no one can tell in what order these muscles may be affected, or where the poisonous influence will put forth. When it arrests the play of the lungs and the breathing of the atmospheric air, the result will be that the heart is full; but if some spasm seizes on the heart the heart will be empty. You have never any perfect certainty as to the mode in which the symptoms will exhibit themselves. This is brought forward as a conclusive fact against death by strychnine, and yet the men who make this statement under the sanction of scientific authority, have heard both cases spoken to by the gentlemen who examined the bodies. Then, with regard to congestion of the brain, and other vessels, the same observation applies. Instead of being killrd by action on the respiratory muscles of the heart, death is the result of a long series of paroxysms, and you expect to find the brain and other vessels congested by that series of convulsive spasms. As death takes place from one or the other of these causes, so will the appearances be. There is every reason to believe that the symptoms in this case were symptoms of tetanus in the strongest and most aggravated form. Looking at the peculiar sufferings which attended this unhappy man, setting aside the theory of convulsions, of epilepsy, of arachnitis, and *angina pectoris*, and excluding idiopathic and traumatic tetanus—what remains? The tetanus of strychnine, and the tetanus of strychnine alone. And I pray your attention to the cases in which there was no question as to strychnine having been administered in which the symptoms were so similar, so analogous—that I think you cannot hesitate to come to the conclusion that this death was death by strychnine. Several witnesses of the highest eminence, both on the part of the Crown and for the defence, agree that in the whole range of their experience, observation, and knowledge, they have known of no natural disease to which these remarkable symptoms can be attributed. That being so, and there being a known poison which will produce them, how strong, how cogent, how irresistible is the conclusion that it is that poison and that poison alone to which they are to be traced! On the other hand, I am bound in candour to admit that the case is not without its difficulties. Strychnine was not found in this body, and we have it, no doubt, upon strong evidence that, a great variety of experiments upon the bodies of animals killed by strychnine, strychnine has been detected by tests which science places at the disposal of scientific men. If strychnine had been found of course there would have been no difficulty in the case, and we should have had none of the ingenious theories which medical men have been called here to propound. But the question for your consideration is whether the absence of its detection leads conclusively to the conclusion that this death was not caused by the administration of strychnine? Now, in the first place, under what circumstances was the examination made by Dr. Taylor and Dr. Rees? They have told us that the stomach of the man was brought to them for analysation under the most favourable circumstances. They state that the contents of the stomach had been lost, and that, therefore, they had no opportunity of experimenting upon them. It is true that they who put the portions of the body into the jar make statements somewhat different. But there appears to have been by accident some spilling of the contents, and there is the most undeniable evidence of considerable bungling in the way in which the stomach had been cut and placed in the jar. "It was cut," says Dr. Taylor, "from end to end, and it was tied up at both ends." It had been turned among the intestines, and placed among a mass of feculent matter, and was altogether in the most unsatisfactory condition for analysation. It is very true that Dr. Nunneley, Mr. Herapath, and Dr. Letheby say that whatever impurities there may have been, if strychnine had been in the stomach they would have found strychnine there, no matter how decomposed or putrescent the organic matter might be. Bearing in mind Mr. Herapath's eminence in his profession, I should have had much confidence in his testimony were it not for the active and zealous feeling of partizanship which he has manifested on repeated occasions in the course of this inquiry. It had come to my knowledge that he had been heard to assert, that this was a case of death by strychnine, but that Dr. Taylor had not gone the right way to find out the poison. I pressed him urgently on this point, and I am sure you will be of opinion with me that his explanation of his having formed his judgment merely from the newspaper reports was anything but satisfactory. There can be no doubt that in his conscience Mr. Herepath believes this to be a case of death by poison—indeed he has said as much; and yet we have seen him mixing himself up in this case with all the enthusiasm of a partisan, and suggesting to my learned friend questions with a view to the protection of a man whom he feels to be guilty of murder. I reverence the man who, from a sense of justice and an innate love of truth, comes forward on behalf of any accused person who is in danger of being swept to destruction by the torrent of prejudice; but I have no language to express my abhorrence for that traffic testimony which from professional pique or for the sustentation of a particular theory, men of science—I grieve to say it—occasionally are led to offer. But assuming all that they say on the question of detecting strychnine to be true, is it certain that the poison can be found in all cases? Dr. Taylor says, "No," and that it would be a most mischievous and dangerous proposition to assert that the poison must in all cases be detected, for such a theory might enable many a guilty man to escape who would take care to administer only such quantities as being large enough to destroy would not be large enough to admit of subsequent detection by analysis in the stomach. What have these gentlemen done? They have given large doses in the experiments they

have made for the purposes of this case, in which they have been "retained"—I use the word "retained," for it is the proper word—in all these cases, I say, they have given doses large enough to be detected. But the gentlemen who made the experiments in Cook's case failed in detecting strychnine in two cases out of four in which they had administered it to animals. The conclusion I draw is that there is no positive mode of detection. But this case does not rest here. Alas, I wish it did! I must now draw your attention to one part of the case which has not been met or attempted to be disputed in the slightest degree by my learned friend. My learned friend said that he would contest the case for the prosecution step by step. Alas! we are now upon ground upon which my friend has not even ventured a word in explanation. Was the prisoner at the bar possessed of the poison of strychnine? This is a matter with which it behoved my learned friend to deal, and to exhaust all the means in his power in order to meet this part of the case. The prisoner obtained possession of strychnine on the Monday night. It may have been that Dr. Taylor did not go the right way to work. It may have been that Mr. Herapath would have found the strychnine, but the man did experiment failed in two cases out of four to reproduce the poison with a similar test; and although I cannot have the advantage which the positive detection of strychnine would have afforded, there is no room for the opposite conclusion the converse of the proposition, for which my learned friend and his witnesses contend, that the fact of strychnine not having been discovered affords negative conclusive proof that there was no strychnine there. I have no positive proof; but on the other hand my learned friend is in the same predicament. He cannot say that he has negative conclusive proof that this gentleman was not poisoned with strychnine. But is there no other proof? Do I ask you to come to the conclusion that the prisoner administered strychnine to his friend simply because the symptoms are reconcileable with no form of disease with which the most enlarged experience and knowledge are acquainted? No, gentlemen, it does not rest there. Or, because these symptoms are precisely those which show themselves in cases of poisoning by strychnine? No, the case does not rest there. I wish it did. I must draw your serious attention to a part of the case which has not been met or grappled with. My learned friend said he would contest the ground with the prosecution foot by foot. Alas! we are now upon ground which is, as it were entirely abandoned by the defence. Alas! with this part of the case my learned friend has not grappled at all. When death reached its dread manifestation was the prisoner at the bar possessed of that poison? Did he obtain it upon the eve of the death? These are matters of fearful moment. They are matters upon which it behoved my learned friend to comment with all the vigour of which he is capable and all the means which this case afforded to him. Yet this part of the case he has left entirely untouched. The prisoner at the bar obtained strychnine on the Monday night. He got it again on Tuesday morning. The fact of his having got it on Monday night rests, it is true, upon the evidence of a person whose statement, as I told you on the outset, and as I now repeat, requires at your hands the most careful and anxious attention before you convict the prisoner. This man, Newton, tells us, that on the night, after Palmer came back from London, he obtained from him three grains of the poison, which, had it been administered, would have produced just the symptoms with which Cook was that night attacked. Is Newton speaking the truth, or is he not? It is open to observation—I said so in the beginning, and my learned friend has done no more than to repeat the warning which I gave to you.—It is open to serious observation that Newton never made that statement until the day previous to the commencement of this trial. He has explained to you the reasons which induced his silence. His employer had for a long time been upon unpleasant terms with Palmer. The young man, who appears to have been on more or less intimate terms with him, did not hesitate to give him three grains of strychnine. Palmer was a medical man, and there was, therefore, nothing extraordinary, at a time when the shops might be expected to be shut, in his asking for this strychnine. Newton gave it to him, and probably thought little more about it. But when afterwards this question of the mode in which Cook's life had been taken away became rife in Rugeley, when suspicion of poisoning by strychnine arose, when Roberts came forward and said that on the Tuesday morning Palmer had purchased strychnine of him, when this young man was called to confirm the statement of Palmer having been at the shop, and heard that there was a question about strychnine, it seemed to him that it might seriously implicate him with his employer, and even cast a shadow of doubt and suspicion upon himself if he came forward voluntarily, and stated that he had supplied Palmer with poison on the night of Monday. Therefore he locked this secret in his breast. When, however, the trial came on, and he knew that he would be subjected to examination here, he felt oppressed by this concealment, and voluntarily came forward and made the statement which he has repeated here. It is for you to say whether you are satisfied with that explanation. It is unquestionably true that this long concealment detracts from the otherwise perfect credibility of this witness; but, on the other hand, there is a consideration which I cannot avoid pressing upon your attention. What possible conceivable motive except a regard for truth can this young man have had for coming forward on this occasion? My learned friend has, with justice and propriety, asked your most attentive consideration to the question of motives involved in this case. Before you convict a man of having taken away the life of another, it is important to see whether there were motives which could operate upon him. But does that not equally apply to this witness? Even the odious crime of taking life

by poison is not so horrible to contemplate as the notion of a judicial murder effected through a false witness. Can you suppose that this man Newton can have the remotest shadow of a motive for coming forward on an occasion like this, and, under the solemn sanction of an oath, taking away the life of a fellow-man; for, alas! if you believe this evidence it must take away life. If you believe that on the night of Monday, without any conceivable or assignable purpose, except the deed of darkness which was to be done that night upon the person of Cook, the prisoner at the bar obtained from Newton a fatal and deadly instrument whereby life might be destroyed, it is impossible for you to come to any other conclusion than that the prisoner is guilty, and that conclusion you are bound to express in your verdict. What says my learned friend? He says that Newton does not speak the truth—firstly, because he did not make that statement until the last minute, and, secondly, because he fixes the time of his interview with the prisoner at 9 o'clock, the fact being that the prisoner was not at Rugeley until 10. Now, in the first place, I must remark that the young man does not say 9 o'clock, he says "about 9," and every one knows how easy it is to make a mistake of half an hour, three-quarters of an hour, or even an hour, if your attention is not called to the circumstances until a week, a fortnight, or three weeks afterwards. A man may be reading in his study or surgery, having no clock before him, and nothing occurring to impress upon his mind the precise hour at which the circumstance occurs; and to say that if he afterwards, when speaking under the sanction of an oath, makes a slight mistake as to time, he must therefore be taken to be speaking untruly as to all the circumstances, appears to me to be a most unsatisfactory and untenable position. It is true that my learned friend has sought to meet this part of the case. He has to-day produced a witness, of whom all I can say is, that I implore you, for the sake of justice, not tho allow te man who stands at the bar to be prejudiced by that most unworthy and most discreditable witness. Of this I am sure, that to not one word which that man said will you attach the slightest value. Before I come to him, however, I must make this remark. If Newton could not have been mistaken as to the time, how is it possible that the prisoner should be so? Yet he was; because, on Tuesday morning, he told Dr. Bamford that he visited Cook between nine and ten o'clock the night before; and now there comes a witness who tells us that at ten minutes after ten o'clock he had not alighted from the car which brought him from Stafford, and therefore it must have been nearly half-past ten o'clock before he went to the Talbot Arms. The prisoner says that he saw Cook between nine and ten o'clock, and Lavinia Barnes, to whose testimony there is not attached the slightest shadow of discredit, asserts that he came to the hotel before nine o'clock. It is clear she must have been mistaken. He could not have been there much before ten o'clock. I am told that it takes about an hour to go from Stafford to Rugeley, and the prisoner therefore arrived at the latter place shortly before ten o'clock. Of the statement of the witness who was called this morning, that he saw Palmer alight from the car, that they went together to see Cook, and afterwards went to Palmer's mother's and stayed there a certain time, so as to cover the whole evening, I ask you not to believe a single word, and I do so because I do not believe one single word of it to be true. It is a remarkable fact, which perhaps has not escaped your attention, that my learned friend never opened one single word of that evidence. He said that he hoped, and believed that he should be able, to cover the period by evidence from Rugeley. Did he tell us who the witness was whom he was about to call and what he would prove; that Mr. Jeremiah Smith had been upstairs, and had been seen by some of the people at the inn going upstairs to Cook's room? No! He did not, for if he had, we should have had plenty of time to ascertain the truth or falsehood of this, and to meet Mr. Jeremiah Smith with evidence. It is well when you are uncertain what a witness will say, or what case you can get up, not to disclose too much, because if you do you will be met with conflicting evidence—evidence better than that of the miserable man who to-day exhibited a spectacle which in the whole course of my experience I have never seen surpassed in a court of justice. He calls himself a member of the legal profession. I blush for that profession that it numbers such a man upon its rolls. There was not one who heard him to-day who was not satisfied that that man came here to tell a false tale. There cannot be one who is not convinced that he has been mixed up in many of the villanies, which, if not perpetrated, have been attempted to be perpetrated, and that he came now to save, if he can, the life of his companion and friend, the son of the woman with whom he has that intimacy which he to-day sought in vain to disguise. Looking at all these circumstances, balancing the evidence on both sides, and seeing that Newton cannot possibly have any motive for coming here to give false evidence (which must be fatal to a man whom, if that evidence be not true, he must believe to be innocent) —and to suppose that he would do so without a motive is to suppose human nature to be a hundred times more wicked and perverse than in its worst and most repulsive form experience has ever found it to be,—I cannot but submit to you that you ought to believe that evidence. If you believe it, it is conclusive. But the case does not stop there. We have the clearest and most unquestionable evidence that on the morrow of that day Palmer bought six grains more strychnine at Hawkins's shop. The circumstances attending that purchase are peculiar. He comes to the shop and gives an order for prussic acid. Having got the prussic acid he gives an order for strychnine. Before the strychnine is put up, Newton, the man from whom he had got the strychnine on the previous night, came into the shop. What does the prisoner do? He immediately takes Newton by the arm, says that he has something particular to

say to him, and leads him to the door. What was it he had to say? Was it anything particular? Was it anything of the slightest importance? Was it anything which might not have been said in the presence of Roberts? Certainly not. It was to ask Newton when young Mr. Salt was going to a farm which he had taken. In that question there was nothing to prevent its being put in the presence of anybody whatever. At the same time a person named Brassington comes up, who has something to say to Newton about some bills which Mr. Salt owed him. Brassington and Newton get into conversation a short distance from the door; the prisoner immediately takes advantage of their being engaged in conversation, goes back and completes the purchase of the strychnine. While the strychnine is being made up, however, he stands in the doorway with his back to the shop and his face to the street so as to have a perfect command of the persons of Newton and Brassington, and to be in such a position that, if their conversation had ended and Newton had been returning to the shop, he might have taken positive steps to prevent his going in until the strychnine had been safely put up. I ask you whether having this description of the transaction given to you by Roberts, and confirmed by Newton, you can have any reasonable doubt that the prisoner was anxious to prevent Newton knowing that he was purchasing strychnine .You can very well understand why he should have that desire; because, if it be true that Newton let him have three grains the night before, his attention would naturally have been roused by so strange a circumstance as the purchase of six grains on the following day. Three grains was sufficient to kill three, perhaps six people. What could a man want with nine within so short a space of time? Therefore it would attract Newton's attention; and it did, for he immediately asked what Palmer had wanted there?—for he was, in the first place, surprised that Palmer, who had two years before withdrawn his custom from Mr. Hawkins, and given it to his former assistant, Thirlby, should have been at the shop at all. It was remarkable that he should, on this occasion, go to Hawkins's shop to get the strychnia. Why did he not go to Thirlby? I will tell you. Thirlby would have known perfectly well that he would have no legitimate use for such an article. Thirlby had taken his practice. Palmer no longer practised, except in a small circle of his relatives and particular friends; and if he had gone to Thirlby for strychnia, Thirlby would naturally have asked what he was going to do with it? Therefore he did not go to Thirlby. I agree with my learned friend that it is one of the mysteries of the case why he should have purchased strychnia on two successive days; but that he did so is undeniably true; and if some little difficulty arise from this, is it not infinitely more difficult to account for the motive which could have induced him to purchase strychnia either on the Monday night or the Tuesday? If it were for professional use—for the benefit of some patient to whom small doses might be advantageous, where is that patient? why is he not produced? My learned friend did not in his powerful address even advert to the question of the second day's purchase of strychnia. He passed it over in mysterious but significant silence. Account for that six grains of strychnia, the purchase of which is an undoubted and indisputable fact! Throw doubt if you please—I blame you not—upon the story of the previous night, but it is unquestionably true that on the Tuesday six grains of strychnia were purchased by the prisoner. Purchased for whom—purchased for what? If for any patient, who is that patient; Produce him. If for any other purchase, at least let us have it explained. Has there been the slightest shadow of an attempt to explain it? Alas! I grieve to say none—none. At the outset of the case something was said about some dogs which had been troublesome in the paddocks where the mares and foals were kept, but that proved to have been in September. If there had been any recurrence of such a thing, where are the grooms who had charge of these horses? why are they not here to state the fact? If this poison was used to destroy dogs, some one must have assisted Palmer in the attempts which he made for that purpose. Where are they? Why are they not called? Not only are they not called, they are not even named. My learned friend does not venture to go into the question. I ask you, gentlemen, what conclusion can we draw from all these things, save one? Death in all the convulsive throes and agonies which that fatal poison produces in the frame of man—death with all the appearances which follow upon such an end, and mark how it has come to pass? these things leading in the minds of those who can discuss and consider them with calm and dispassionate attention, who do not mix themselves up with the case as advocates or partisans—leading to one and but one conclusion; and then the fact of strychnia having been purchased by the prisoner on the day of this horrible death—even if it were not, as sworn to, obtained by him also on the previous night,—and this part of the case left wholly uncovered, wholly unmet, without a shadow of explanation! Alas! is it possible that you can come to any other conclusion than the one dreadful one of guilt? I protest I can suggest none. But, said my learned friend, why should Palmer have purchased strychnia in Rugeley when he might have got it in London? I feel the force of the observation; and if he could have shown that he had done anything with the strychnia which he undoubtedly did purchase—if he could have shown any legitimate purpose to which it was intended to be applied, then I should say that that would be a matter worthy of your gravest and most attentive consideration. But let us see how the facts stand. He was in town on the Monday, and had the opportunity, as my learned friend suggests, of purchasing strychnia there. On the other hand, he had much to do on that day. He had the train to catch at a certain hour, and, in the meantime, he had his pecuniary embarrassments to solve if he could. Time may have

flown too fast to permit him to purchase this strychnia. Even if it had not, I do not believe that strychnia is sold in chymists' shops without the requisite of some name or voucher; and it would have been worse to have bought strychnia in London than at home. I do not say that this is not a difficulty in the case—a matter well worthy of your consideration; but, on the other hand, I say that there is proof of the purchase of strychnia under circumstances which cannot fail to lead to the conclusion that he shrunk from the observation of Newton at the time that he was buying it; and there is a total absence of all proof—nay, of all suggestion, of any legitimate purpose to which that fatal poison was intended to be, or was, in point of fact, afterwards applied. But it is said that there are other circumstances in the case which make strongly in favour of the prisoner and negative the presumption of a guilty intention. One of these facts is that he called in two medical men. I admit that this is a matter to which all due consideration ought to be given. He called in Mr. Bamford on Saturday, and on Sunday he wrote to Mr. Jones, desiring his presence with his sick friend. It is quite true that, as medical men, they would be likely to know the symptoms produced by strychnia, and to suspect that death had been caused by it. But here I am struck by one of the single inconsistencies in which the witnesses for the defence involved my learned friend. If all these were not exclusively the symptoms of strychnia, if they were referrable to that multiform variety of diseases of which these witnesses have spoken, why should the prisoner have the credit of having selected medical men who would be likely to know that these were symptoms of poisoning by strychnia? But I pass that by; it was matter of minor importance. It is true that he did have these to medical men. He called in old Mr. Bamford. I speak of that gentleman in terms of perfect respect, but I think I do him no injustice if I say that the vigour of his intellect and his power of observation have been impaired—as all human powers are liable to be impaired by the advance of life. I do not think that he was a person likely to make very shrewd observations upon any symptoms that might be exhibited to him either immediately after death or upon a post-mortem examination. The best proof of this is to be found in that which he has done and written. To Mr. Jones the same observation does not apply. He was a young man in the full possession of his intellect and professional knowledge, yet the prisoner appears to have selected his man well; for what has come to pass shows how wisely he judged what was likely to be the case. This death occurred in the presence of Mr. Jones with all those fearful symptoms which you have heard described, yet Mr. Jones suspected nothing, and if Mr. Stevens had not come down—if he had not exhibited that sagacity and firmness which he did manifest—if Palmer had succeeded in getting the corpse hastily introduced into the strong oak coffin which he had had made for him, the body would have been consigned to the grave, and nobody would have been the wiser; the presence of Mr. Jones and the attendance of Mr. Bamford would not have led to detection—would not have frustrated the designs which I shall presently contend before you that this death was to accomplish. On the other hand, the matter is, perhaps, capable of this explanation. It may have been that a man whose skill was equal to his boldness may have thought that the best course to adopt to avoid suspicion, and to prevent its possibility, was to take care that medical men should be called in and should be present at the death; nor is there anything to show that he (Palmer) had the slightest information that Mr. Jones intended to sleep in Cook's room. Had he not done so his friend would have been found dead in the morning; he would have gone through his mortal struggles of intense and fearful agony—would have died alone and untended—and would next morning have been found dead in bed. The old man would have said it was apoplexy; the young man that it was epilepsy. If any one had whispered suspicion, the same argument would have been used which has been used now with so much power and force by my learned friend—"Can you suspect a man who called in medical men to be witnesses of the death?" But, gentlemen, if pills were on the Monday night administered to Cook by Palmer—and that I believe will be your conclusion, notwithstanding the statement made by a witness to-day, that he heard Cook say to Palmer that he had taken the pills already because he was so late; for the witness Mills told you that when next morning Cook reminded her of the agony which she had seen him go through the night before, he said that he ascribed it to the pills which Palmer had given him at half-past ten o'clock—if you believe that statement that the pills were given to him at half-past ten o'clock, if you find that a few short minutes before Palmer had purchased poison, and if you find that on that first night there were paroxysms, which, though not so violent, were analogous in character to those of Tuesday night, can you doubt that on that evening Palmer administered this poison? For what purpose I know not; I can only speculate. It may be that he intended by some minute dose to bring about convulsions which should not have the complete character of tetanus, which should resemble natural convulsions, and which should justify his afterwards saying that those of the next evening were merely a succession of similar fits, and that the man had died of convulsions. It may be that he on the Monday night attempted to carry out his fatal purpose to its fullest extent, but that the poison did not take effect. We hear that an inferior form of this poison called bruchia is occasionally sold, and it may have been—but this is only speculation. I cannot tell. I only know that Palmer purchased poison on the Tuesday, and that on that night Cook died with all the symptoms of that poison; that the poison is not now in any way accounted for; that the symptoms, although greater in intensity, were the same in character on the Tuesday as on the Monday night; and I cannot avoid the conclusion to

which my reasoning power irresistibly compels me, that the poison was administered on the first night, but failed, and that on the second it took fatal effect. Alas! it does not stop there. There is another part of this case which, although it does not immediately refer to the cause of death, is still of considerable importance. We have had witnesses—medical men and analytical chymists—and they have told us a great deal about strychnine, but not one word about antimony. On the Wednesday night, at Shrewsbury, this man drinks a glass of brandy-and-water, fancies there is something in it that burns his throat, exclaims at the time, and is immediately seized with vomiting. On the same night Mrs. Brook sees the prisoner shaking something in a glass, evidently dissolved in some fluid. A man has been called to-day—the boon companion, chosen associate, and racing confederate of the prisoner—to come and tell you that all that was nothing—the woman never came, Palmer never carried out the brandy-and-water; there is not a word of fact in it; Palmer and Cook only came in at 12 o'clock, and this Mr. Myatt had been waiting for them two hours. This story is, according to him, an entire invention from beginning to end, and he swears that if anything had been put into the brandy-and-water he must have seen it, and that nothing was. I think you will be more ready to believe Mrs. Brook than people who have been the associates of the prisoner and the partners in his transactions. It is a remarkable fact that Cook drinks this brandy-and-water, and is immediately afterwards taken ill. Other people were taken ill at Shrewsbury, and it may be that this illness of Cook's was only some form of the same complaint. I do not want to press it further than I ought; but it is remarkable that a man should be seen holding a tumbler to the light, and immediately afterwards one who is drinking at the same table with him, and who, if Myatt is telling the truth, was then somewhat in liquor, and therefore ought not to have been pressed by Palmer to take any more, is told by him as an inducement to drink, that he (Palmer) will not take any more until he has drunk his glassful, and afterwards that man is taken ill. These are circumstances which are not incapable of exciting suspicion; but I will pass from them to what occcured at Rugeley. From the Saturday until the Monday morning this poor man suffered from vomiting. It is clear that could not have been the Shrewsbury disease. He had got rid of that, and was well upon the Thursday and Friday. It was not until the Saturday morning, the day after he had been dining with Palmer, that he was taken ill. Then we have Palmer administering remedies, and sending over toast-and-water and broth, and whenever these are taken Cook is seized with incessant vomiting. The broth is said to-day, by Mr. Jeremiah Smith, to have been sent by him from the Albion; but it is taken not to the Talbot Arms, but to the prisoner's kitchen. What is done with it there? Instead of leaving it, as one would have expected, to the woman who was to take it to the Talbot Arms, Palmer himself takes it from the fire, puts it into a cup, and gives it to her to take over; it is taken over, and as soon as Cook has drunk it, he vomits and is ill for the whole day. On Sunday the same thing occurs again. Broth is brought from the same quarter, and is attended by the same results. Of that broth a woman took a couple of spoonfuls; and with what results? She is sick for some hours, vomits twenty times, and is unable to leave her bed for five or six hours. It is urged by my learned friend that she did not state this before the coroner. Perfectly true, she did not. Nevertheless, it is the fact, because it is sworn to by the other servant, who perfectly remembers her being ill. I quite understand why she did not at first mention it, and to me it shows the honesty and simplicity of the woman's character. It did not at first occur to her to connect the sickness from which she suffered with the taking of the broth; but afterwards, when the question of antimony came up, and Cook's sickness was connected with it, she remembered perfectly well, after her evidence had been given, how she had taken the broth, and immediately afterwards became ill. The fact is not now capable of dispute. It may be that she did not mention it at the inquest, but it is undoubtedly the fact as she states it, and I think you will deem it to be an important and significant fact. On Monday Palmer is absent and Cook is better. On Tuesday he vomits again, though not to the same extent. After the death—now comes the important fact—antimony is found in the tissues of his body and in his blood. Its presence in the blood shows that it must have been taken recently—within the last 48 hours before his death? How came it there? The small quantity that is found does not afford the slightest criterion of the quantity that had been administered to him. Part of it would be thrown up by the act of vomiting, and part would pass away by other means; but none would be there unless he had taken it. Now, what did he take it for? I find that he is suffering from vomiting for days before his death; the prisoner is constantly administering things to him, and after taking these he vomits; the prisoner sends over a basin of broth for his especial use, and a woman servant taking two spoonfuls of it is for many hours reduced to the same condition as himself; antimony is an irritant which will produce vomiting and retching. To what other conclusion, then can you come than that antimony must have been given to him by some one, and who is there but the prisoner at the bar who could have given it? My learned friend says that he might have taken some at a former time—he might have taken James's powder. Is there the slightest trace of his having, during the whole period over which this evidence extends, ever taken that medicine? Moreover, as I have just said, the antimony was in the blood, and therefore must have been taken within 48 hours before death. I ask you to form your own judgment, but I submit that the conclusion is irresistible. For what purpose was it administered? It is difficult to say with anything like precision. We can only speculate. It may have been to produce an appearance of

natural disease and to account for the calling in of the medical men, and for the catastrophe which was then in contemplation; but it may also have had a different object. If we are right as to the motive which impelled the prisoner to commit this great crime, it was, at all events, in part that he might possess himself of the money which Cook was to receive on the Monday at Tattersall's. Cook intended to go himself to receive it. If he had done so the prisoner could not have obtained the money; but by making Cook ill at Shrewsbury he got him to go to Rugeley instead of to London or anywhere else; and the making him ill and keeping him ill at Rugeley, at all events over Monday, might be part of a cleverly-contrived scheme. It might have been with one or other of these designs, or it might have been with both, that the antimony was administered; but that sickness was produced and antimony was afterwards found in the body are facts incapable of dispute. If you are satisfied that antimony was given to Cook to produce vomiting and sickness, then I say that there is no one who can have given it to him within the period within which it must have been taken, except the prisoner at the bar. Neither the doctor at Shrewsbury nor the doctor at Rugeley ever gave him one fraction of antimony. If you are satisfied that the prisoner gave him the antimony which produced these natural effects, can it have been given with any other view than that of paving the way for the more important act which was to follow. You cannot arrive at any conclusion but that the antimony was given for the purpose I have stated. See the important influence which this circumstance exercises upon the case. Antimony can have been given with no legitimate object, it can have been given by no one but the prisoner at the bar; the conclusion therefore is that, in order to carry out the purpose he had in his mind, he administered that antimony of which the effects have been proved. It is important, next, to consider the conduct of the prisoner in the after stages of the transaction, and I fear that if you look at it in all its circumstances you will find but too cogent reason to believe his guilt. Let us begin with a remarkable incident that took place on Tuesday, the day of the death. The deceased has had what every one admits to have been a most severe fit the night before, and Dr. Bamford comes in, but not a word does the prisoner say to him about it; he is even very solicitous that Dr. Bamford should not see Cook, for twice in the course of the morning, when the doctor expressed a desire to go to him, he says, "No; he is tranquilly dozing, don't disturb him." If Dr. Bamford had seen the young man, possibly he would have told him what had happened the night before. In the meanwhile Mr. Jones arrives. One would expect Mr. Jones, having been invited to come by the prisoner for the express purpose of seeing Cook, that the first thing the prisoner would mention would be how he had found the unfortunate man that morning. Instead of that, he talks of nothing but bilious symptoms; "bilious," at Shrewsbury, "bilious," to Dr. Bamford, "bilious" to Mr. Jones, and yet all the medical men agree that there were no bilious symptoms, no fever, no unnatural pulse! The moment Jones sees him, he says, referring to the letter he had received from the prisoner, "This is not a bilious attack; here is no diarrhœa." The answer is, "You should have seen him before." Not one single word is said about the fit of the night before. The three medical men consult at the patient's bedside, and the only remarkable circumstance which then occurs is, that the patient turns round and says, "Mark, I'll have no more pills or medicine to-night," thus intimating that he ascribed his suffering on the previous night to the pills and medicine he had taken. No observation is even then made by Palmer as to the nature of the night attack. They go into the lobby and converse about what is the best thing to be done. The man has declared his strong aversion to take pills or medicine, and Palmer proposes that Bamford should make up some pills like those of the night before, but says to Jones—"Don't tell him their contents, for he has a strong objection to them." Then it is arranged that these pills shall be made up, and Palmer, instead of waiting, although it is early in the evening, accompanies Bamford home. I cannot for the life of me understand what necessity there was for Bamford to make up those pills. The prisoner might have made them up himself in two minutes; instead of which he goes with Bamford and gets him to make them up and write a direction on them. He then takes them away, and an interval of an hour or two occurs, during which he has abundant opportunity of going to his surgery and substituting others for them. He then goes to Cook, but before administering the pills he calls the attention of Jones to the handwriting on the direction as being remarkable for a man at such an advanced age as Bamford. Was it not, think you, part of the scheme, in case a question should afterwards arise as to the cause of the man's death, that he should say—Why you know the pills were Bamford's. Were you not present at the bedside when I administered them? Did I not call your attention to the handwriting on the direction? Who knows that such a circumstance might not have prevented suspicion from being excited? No one of these circumstances in itself, gentlemen, could I venture to submit to you as conclusive as to the guilt or innocence of the prisoner; but I ask your attention to the series of facts following closely one upon the other —facts of the most remarkable character—facts, which can, I think, lead you to but one conclusion. Death having taken place after a short interval, the father-in-law arrives. What is now the conduct of the prisoner? The father-in-law applies to him for information on the subject of the son's attack, and hearing that he had died in comparative property something is said as to burying him. "Well," says Mr. Stevens, "rich or poor, poor fellow, he must be buried." Palmer interposes—"If that is all, I'll bury him myself. The brother-in-law also expresses a desire to bury him; but Stevens says

"No, I will do it." Now, Palmer may have most innocently made the offer to bury his friend, but this remarkable circumstance follows:—Mr. Stevens expresses his regret at putting the people of the inn to inconvenience, but says that he wishes the body to remain there two or three days, so that it may be taken to London and laid in the mother's grave. "Oh! there is no harm in that," says Palmer; "the body can stay as long as you like, but it ought to be put in a coffin immediately." Mr. Stevens then gets into a conversation with his son-in-law, during which Palmer slips away. He returns in about half-an-hour, and Mr. Stevens, upon asking him for the name of an undertaker, finds that Palmer has taken on himself, without any authority, to order a shell and a strong oak coffin, in order that the body might be immediately enclosed. Why should he meddle in a matter that did not concern him, but that he had made up his mind that the body should be consigned to its last resting-place and removed as soon as possible from the sight of man? You have heard what further conversation took place on that occasion, and I now come to the Saturday when Palmer and Mr. Stevens met upon the railway and had some conversation at various stations between London and Stafford. Mr. Stevens having seen the corpse with its clinched hands, that and other circumstances had engendered suspicions in his mind which he was determined to satisfy, and he made known to Palmer his resolution to have the body opened and examined. It is but fair to Palmer to observe that he did not flinch from the trying ordeal of Mr. Stevens's scrutinising glance when the post-mortem examination was mentioned. But what does he do afterwards? He is anxious to know who is to perform the operation, but Mr. Stevens will not inform him. It is to take place on the Monday, and on the Saturday occurs that remarkable conversation with Newton which was not stated by him before the coroner, but which had been in the possession of the Crown for some time. He did not state it before the coroner because he was only called to corroborate the evidence of Roberts with regard to the purchase of strychnine, and no questions were put to him except upon that point, but he afterwards communicated it to the Crown. What is his statement? He is sent for by Palmer, he goes to Palmer's house, he is treated with brandy-and-water, and suddenly Palmer says, "What strychnine would you give if you wanted to kill a dog?" "From half a grain to a grain," is the reply. "Would you expect to find any appearance in the stomach after death?" "No." Upon which there is a kind of half ejaculation from Palmer, accompanied with a motion of the hand, "That's all right!" Do you believe that conversation? It may have proceeded from two causes. It may be that the prisoner was in a state of great anxiety with regard to the post-mortem examination, and wished to know whether the views of another medical man as to the appearance of a body after death from strychnine coincided with his own. It may be that he meditated some jugglery which involved the total destruction of the body; it may be that he contemplated an attempt to poison a dog in order to account for the purchase of strychnine which he knew could be proved against him. Whether any such attempt was made I know not. I surmised that some evidence to that effect would have been brought forward, but it has not—not the slightest account has been given as to how the strychnine that was purchased was disposed of. Has it been found among the prisoner's effects? If not, what has become of it? This and many other matters remain enveloped in mystery, but in no aspect can I look at it in which it does not reflect light on the darkness in which the whole transaction is involved. But I will now leave that conversation and the other matters of a similar kind in your hands. It is for you to say whether you entertain any doubt that the death of Cook was caused by strychnine, or that strychnine was administered by the prisoner from the quantity he bought either on the Monday or the Tuesday. But my learned friend says that the man had no motive to take away Cook's life, If, gentlemen, I have satisfied you beyond the reach of reasonable doubt that the death was caused by strychnine, if the evidence for the defence has failed to neutralise that evidence, and to show that it was not so caused, if I have also shown that strychnine could have been administered by no one but Palmer, the question of motive becomes a matter of secondary consideration. It is often difficult to dive into the breast of man, to discover the motives working there, and by them account for actions. If facts are proved against a man beyond the possibility of reasonable doubt, it is not because we may not have sufficient scrutinising power to ascertain his motives that we are to doubt those facts. Nevertheless, the question of whether there was a motive for the commission of the crime is no doubt an important element in the case. But we must recollect that that which to the good would appear no motive at all—that which would not exercise the remotest influence in inducing them to commit a crime, will often exercise a strong influence upon the bad. Palmer, as I have before said, was in circumstances of the direst embarrassment, with ruin actually staring him in the face, which nothing could avert save pecuniary means at once procured. The proofs I have offered fully come up to my opening statement upon that point. In November, 1854, it appears that Palmer was in this position.—He owed upon bills, all of them forged, the sum of 19,000*l.* Of this, 12,500*l.* was in the hands of Pratt; 6,500*l.* was in the hands of Wright, and two of the bills (2,000*l.* each) held by Pratt were overdue. It is quite clear that the prisoner looked to the 13,000*l.* which he hoped to obtain on Walter Palmer's policy as the means of relieving himself. He was disappointed; the Insurance-office, for reasons that I will not now discuss, declining payment, and Pratt then gave him to understand in distinct terms that the bills must be met. Bills for 4,000*l.* were becoming due at the end of the month, and it was necessary immediately to obtain the sum of 5,500*l.* Pratt gave notice that he could grant

no longer delay, inasmuch as the office had resolved to dispute the policy, and it was no longer a valid security, and he could not represent it as such to his clients who, he said, had discounted the bills. Palmer pays two sums of 250*l.*, and one of 300*l.*—in the whole 800*l.* But 200*l.* goes for the renewal of the bills, leaving only 600*l.* applicable to the principal. He is told at once that he must do a great deal more, or writs will be issued against his mother and himself. He knows that this must bring matters to a termination, he entreats that the writs may not be served, and obtains the concession that they shall not be served until May, he undertaking to make further payments in the interval. On the 13th of November Pratt presses for further payments. On that day Polestar won. Cook was in an ecstacy of delight, feeling that his difficulties were overcome for the time, and that he should now have cash to carry him through the winter until the spring races. Little did he think what was about to take place! If the accusation against the prisoner be true, the winning of that mare, and his becoming entitled to a large sum of money, was the most fatal accident that could possibly have befallen him. Alas, how great is the shortsightedness of mortal man! Where we deem we have the greatest cause for joy we often find the destruction of our prosperity and happiness, while calamities which for the moment seem fatal may produce in the end the most beneficial results. From that fatal day, if the prisoner be guilty, was the poor young man doomed. It became perfectly clear to Palmer at that moment that an important crisis was approaching. What was he to do? He had no source to which to turn for money. He could not go to his mother; that source had clearly been long since exhausted, or he need not have forged her name. How could he satisfy Pratt's demands? Pratt is a kind, indulgent man as long as he is certain of payment, as long as his security is satisfactory; but let that once become doubtful, you may as well ask for pity from the rabid tiger, as well seek for mercy from a stone as from him. He gives fair warning that the bills must be met or instalments paid to keep them down. Where is the money to come from? My learned friend says, Cook was Palmer's best friend, and as long as he kept Cook alive, there was a friend in need to whom he could resort for assistance. But in what way could Cook assist him? Would Cook give acceptances to Pratt? Would Pratt accept Cook's acceptances unless the instalments of principal and interest were paid to the day? Clearly he would not: he refused to take Cook's personal security for the 500*l.* without the further security of an assignment of the horses. Cook had already assigned the whole of his property as security for the 500*l.*, and all that he possessed in the world was his winnings on the races, part of which he received at Shrewsbury, and part he was to receive at Tattersall's. Yet you are asked to believe that he would still be useful to Palmer as a resource. On the other hand just see what interest Palmer had in his death. My learned friend says they were mixed up in transactions, they were confederates on the turf; but "putting on" horses for one another would not make Cook responsible for Palmer's liabilities. Can any one suppose that Cook ever intended to find means to enable Palmer to meet Pratt's insatiable demands -to leave himself destitute in order to secure his friend? Yet that is the proposition which my learned friend has to establish before he can contend that it was Palmer's interest that Cook should live rather than that he should die. My learned friend says that proof of their being mixed up in several transactions is to be found in Cook's letter to his agent, Fisher (written on the Friday after dining with Palmer):

"It is of great importance, both to Mr. Palmer and myself, that a sum of 500*l.* should be paid to a Mr. Pratt, of 5, Queen-street, May-fair, to-morrow, without fail. 300*l.* has been sent up to-night, and if you will be kind enough to pay the other 200*l.* to-morrow, on the receipt of this, you will greatly oblige me, and I will give to it you on Monday at Tattersall's."

I submit that this transaction is fatal to my learned friend's arguments. Its explanation is to me as clear as the sun at noonday. Cook had brought with him 600*l.* or 700*l.* from Shrewsbury. He had not had time to spend it since it was seen in his possession. There was only one transaction with Pratt in which he and Palmer could have had a common interest, and that was the 500*l.* loan raised by the assignment of Polestar. The 200*l.* was advanced by Fisher, but who knows that the 300*l.* ever was sent up that night? It was not sent up. Then where is it to be found? Where has Cook's money gone? I can understand his handing over 300*l.* to Palmer to pay Pratt, and requesting Fisher to make up the other 200*l.*, but on account of what transaction? Why, on account of the loan raised by the assignment of the mare which had just won at Shrewsbury, and which he naturally wished to redeem, knowing that the bill was becoming due and that he had money to receive on Monday at Tattersall's. That is the only transaction with Pratt in which they had a common interest. Except with regard to this 500*l.*, Pratt had nothing to do with Cook. How then does this letter apply? It shows that Cook sent to Fisher, asking him to advance 200*l.* for the purpose of redeeming the mare, that he gave another 300*l.* for the same purpose, and that the 300*l.* were not applied to that purpose. What was done with it? Was it carried to the joint account? No such thing. It went towards the payments from Palmer to Pratt, and it is a false pretence to say that Cook was in any way responsible for any bills beside the one of 500*l.*, although it might be intended to represent that he was so responsible when he was no more. The matter does not stop there. I now come to the transaction of the Monday, when 1,020*l.* of Cook's money was applied to the prisoner's use. He goes to London, and ascertains by some means the amount Cook has to receive. Probably Cook had desired him to hand the account to Fisher, who was to go to Tatter-

sall's and receive the money. We know that he did not do it; but, says my learned friend, Cook, in concert with Palmer, meditated a fraud; they intended to apply the 200*l.* which ought to have been repaid to Fisher to their own use. That is nothing but a surmise, and there is no reason to believe that Cook would have consented to be a party to any such transaction. Observe, that if the prisoner's representation to Cheshire was true, he had a genuine check of Cook's for the whole sum he was to receive from Messrs. Weatherby on account of the Shrewsbury stakes. Is it a reasonable proposition that he would hand over to the prisoner the whole 1,020*l.* he was to receive? However, he goes to London, and instead of proceeding to Fisher, Cook's regular agent, who would have repaid himself his advance of 200*l.* out of the money to be received at Tattersall's, and who would not have parted with the balance except on Cook's authority, he takes the account to a stranger, who had never before acted as Cook's agent, and who therefore has no hesitation in paying the money according to the directions of the man who had authorised him to receive it. He gives Mr. Herring the list of the bets Cook has to receive at Tattersall's, and how does he direct him to dispose of them? He says to Herring, "Pay yourself 200*l.*, pay Pratt 450*l.*, and pay Padwick 350*l.*" It is clear that this 450*l.* was a debt from Palmer to Pratt, and it is untrue that Cook had anything to do with it. With regard to Padwick's debt, there is evidence that Palmer treated it as his own. Both Pratt and Padwick were getting impatient for their money, and Padwick would, no doubt, have resented the non-payment of a debt of honour, which no doubt this was, by enforcing the early payment of Palmer's 1,000*l.* bill. That event did actually come to pass, for in consequence of Mr. Herring not receiving all the money he had expected to receive at Tattersall's Padwick was not paid, and put the law in motion to recover the amount of his bill. A large portion, if not the whole 350*l.*, was a debt of Palmer's, the 450*l.* was a payment on account of Palmer's liabilities, and the 200*l.* was a payment in respect of one of Palmer's acceptances. Thus he had a clear interest in the appropriation of the money; it was his only means of staving off the evil hour. The degree of motive must not be measured by this alone. He knew that not only might process be at any moment issued against him on account of the bills, but that the moment the law was put in motion, the crimes of which he had been guilty—fraud and forgery—would come to light, and he would be exposed to the consequences of a violation of the law—transportation or penal servitude. It is said that he had a checque from Cook which entitled him to receive the amount of the winnings. But no suggestion is made as to Cook's reason for giving it to him, and it is not produced. It is clear that it is in the prisoner's hands. It is proved that it was returned to him. Why is it not produced that we may see whether it is genuine or not? Let us look at the circumstances under which he presents it for payment. He asks Cheshire to fill up the body of the checque, and when Cheshire expresses his surprise, he says, "Cook, poor fellow, is ill, and I am apprehensive that if I fill it up Messrs. Weatherby will know my handwriting." Why should they not know it if the transaction was an honest one? Some fraud was going on here, too, which he was afraid might be detected. Why on earth should he send for Cheshire, who was busily engaged at the post-office, at seven in the evening, at the very time when he had to meet Bamford and Jones in consultation upon the patient's case, and when, if he had not wished to write the checque, and Cook had wished to give it, he might have asked Cook's intimate friend Jones to fill it up? Does not this transaction bear fraud upon the face of it? Before the prisoner was finally arrested on civil process, which, unluckily for him, took place before the verdict of the coroner's jury secured his person to answer a criminal charge, he had undisputed possession of his own papers, and it is clear, since this checque has not since been found, that he must have dealt with it in some way or other. The inference from its non-production is that the transaction will not bear inspection. That is not all. It is clear that he meditated another fraud of a different kind. Almost as soon as the breath is out of the poor man's body he intimates that he has a claim of 3,000*l.* or 4,000*l.* for bills for which he was liable, but which had, in fact, been negotiated for Cook's benefit. He had before taken Cheshire a document with the signature of John Parsons Cook, purporting to be an acknowledgment that certain large bills had been negotiated for him, and that Palmer had derived no benefit from them. There were no such bills in existence. If there were, who knows better than the prisoner at the bar that there would be no difficulty in satisfying you of the fact and removing this great stumbling-block from his case? But he asks Cheshire to attest this document, and on the same day, the day following the poor man's death, he writes to Pratt, "Mind I must have Polestar." Having got every shilling of the man's money, his purpose was to secure his remaining property—Polestar, the value of which he may have considerably exaggerated, or with which he may have intended to speculate in future races. His intention, if the document had been attested, was doubtless to force Cook's executors to purchase some of the bills out of the estate. If Cheshire had had the weakness to comply with this request he would have had the man in his power, and have brought him trembling and reluctant into the witness-box to swear that he had seen the dead man sign the paper. If that document is genuine, not a forgery, produce it, and let us test it! Here again I must remind you that the prisoner's papers were in his own possession until the time of his arrest. Who can doubt that the document taken to Cheshire has been destroyed because, if it had been found, it would have exposed some meditated fraud to the completion of which Cook's death was necessary? I have now gone through that part of the case which relates to the motive. It is for you to say whether, if you are satisfied that strychnine was the cause of the man's

death, and that the prisoner had the opportunity of administering pills to him containing strychnine, you do not in this state of things find sufficient motive to account for the act. Another part of the prisoner's conduct, throws, I think, great light upon the question you have to determine. What has become of Cook's betting-book? What has been the language and conduct of the prisoner with regard to that betting-book? On the very night when Cook dies, ere the breath has well parted from the poor man's body, the prisoner was rummaging his pockets and searching among his papers. He might have done that innocently, but what comes next? He tells Jones that it is his duty, as the nearest friend of the deceased, to take possession of his watch and other effects; Jones does so. My learned friend endeavours to explain this awkward part of his case by saying that other persons, the undertaker's men, the women, and the servants had access to the bedroom. But even before the women came to lay out the corpse. Jones seeks for the book. The prisoner is asked about it, and he says it is of no use. The father-in-law comes down, and shortly after requests Jones to seek for it. They go upstairs—Jones and Palmer—but, of course, they do not find it, and they return to inform Stevens. "You can't find it," says Stevens, "how is that?" "Oh," says Palmer, "the betting book is of no use." "No use," replies Stevens, "I am the best judge of that. Why is it of no use?" "Because," he is told, "dead men's bets are void, and Cook received some of his money on the course." Dead men's bets are void! True; but they are not void when they have been received. Who received the dead man's bets? The prisoner at the bar. Who appropriated the proceeds of the bets? The prisoner at the bar. Who was answerable for the bets? The prisoner at the bar. Who was interested in concealing the amount of the bets? The prisoner at the bar. The executor of the deceased wanted to know what he was entitled to receive. The prisoner tells him the record is of no use. If it had been found Stevens would have seen that he was entitled to receive 1,020*l.* Does this throw no light upon the case? There is more yet in the conduct of the prisoner on which I must say a few words. Mr. Stevens determined on having a post-mortem examination. Observe the conduct of the prisoner in respect to that most important proceeding. He is on the watch for Mr. Stevens and for the local medical men wherever they go, and when Dr. Harland says to him, as was natural enough, speaking to a brother medical man, "What is this case; I hear there is a suspicion of poison?" "No," says Palmer, "the man had two epileptic fits on Monday and Tuesday, and you'll find old disease of the head and heart." There was no disease, however, either of the head or heart. That very man had gone to Dr Bamford on the day before, and had asked him to certify to the cause of Cook's death. "No," said Dr. Bamford, "he is your patient; you certify." Palmer says, however, that he had rather that Dr. Bamford should certify, and he does so accordingly. The very next day Palmer tells Dr. Harland that Cook died of epilepsy. The post-mortem examination then takes place, and the contents of the stomach, or a portion of them, are put into a jar. It is fastened with a parchment covering doubled over it and sealed, and Dr. Harland discovers that the prisoner has removed the jar from the spot where it was placed. The prisoner has, in fact, taken it to the other end of the room, near the door, and says, "I thought that it would have been more convenient for you as you were going out." That is possible; but is it not strange and remarkable that the jar containing the contents of the dead man's body should be found in the hands of the person against whom rests the suspicion of having deprived the deceased of life? Still the proceeding might have been an innocent one. We are left in conjecture upon this point, but I am afraid that there is no conjecture which is consistent with the innocence of the prisoner. It might have been done in order to put something into the jar, which it was supposed would neutralise and destroy the evidence of poison. I can't say what was the motive; but he is restless and uneasy as to what is to be done with the jar, and he remonstrates with Dr. Bamford, as if he had any interest in the matter; as if Dr. Bamford had any concern in Cook's death. The jar is taken away; and we know well, because it must made a painful impression upon your minds, that Palmer went to the postboy Myatt, who was to drive the fly, and asked him to upset those who were to take the jar to Birmingham or to London for examination. My learned friend endeavoured to explain that matter, and told you that the bribe of £10 to upset the man who had charge of the jar arose simply out of resentment against that "officious, meddling, stepfather, who had dared to interfere;" that he had been guilty, in return for the consideration, and courtesy, and kindness with which he had been treated by the prisoner, of prying, meddling, and insolent curiosity. Surely the man who saw his stepson, to whom he was tenderly attached, lying dead, under circumstances which naturally excited grave suspicion, was justified in insisting upon inquiry; and one would have thought that the matter was of sufficient weight to protect him against the suggestion of insolent curiosity. It was known that Mr. Stevens insisted upon inquiry. Was that a reason or a motive which, operating upon the mind of Palmer, should have induced him to entertain anger or resentment, and have made him offer 10*l.* to the postboy to upset Mr. Stevens on the road? No; but if he had upset Mr. Stevens he would have upset the jar; the contents would have been lost or rendered unfit for analysis; and that was all that the prisoner wanted. Then again we find the prisoner sending presents to that important officer the coroner during the time that the inquest was sitting—presents, unquestionably, of game and of things of that description; and, if the evidence has not misled us, of money also. For what purpose was all that done? Then, again, there is his obtaining a knowledge of the communication which is sent by the eminent

chymist, who is employed to analyse the contents of the stomach, to Mr. Gardner, the attorney at Rugeley, who was instructed on behalf of Mr. Stevens—is that the conduct of innocence or guilt? Why should he be desirous of knowing whether strychnine, above all things, had been found in the stomach? Look at his letter to the coroner, in which he states that he has seen it in black and white that Dr. Taylor has been unable to discover strychnine, and adds, "I hope the verdict to-morrow will be that death resulted from natural causes, and that there the matter will end." But the verdict was not so, and it did not end there. Now, gentlemen, it is for you to say whether, upon a review of the whole of this evidence, you can come to any other conclusion than that the death of the deceased was occasioned by poison administered by the prisoner at the bar. Look to all this restless anxiety. It might possibly be compatible with innocence if it stood by itself alone; but you must remember that it is one of a series of things which, though small perhaps in their individual capacity, do, when grouped together, lead to the inevitable and irresistible conclusion that the prisoner was the cause of this man's death. This is the case which you have to decide. You have in the prisoner a man labouring under a pressure almost overwhelming, with pecuniary liabilities which he is utterly unable to meet, involving penalties of the law which must bring down disaster and ruin upon him. The only mode by which he can prevent those consequences is by obtaining money; and under such circumstances we know that a comparatively small amount, if it will meet the exigencies of the moment and will avert the impending catastrophe of ruin, will operate with immense power. You then find that he had access to the bedside of the man whose death you have now to inquire into. You find that he has means of administering poison to him, and that within forty-eight hours of the death he has twice acquired possession of the poison which we suppose him to have administered to the deceased. Then you have the death itself in its terrible and revolting circumstances, all of which are characteristic only of death by that poison—strychnine—and no other. You have then the fact that to the utmost of his ability the prisoner realises the purpose for which it is suggested to you that death was accomplished. Whether these facts, coupled with the undoubted and undisputed fact that a subsidiary poison—antimony—was used, of which traces were found, although none were found of the principal poison, justify you in returning a verdict of "guilty" against the prisoner, it is for you to determine; and you must take all these circumstances into your consideration. You have, indeed, had introduced into this case one other element, which I own, I think, had better have been omitted. You have had from my learned friend the unusual, I think I may say the unprecedented, assurance of his conviction of the innocence of his client. I can only say upon that point that I think it would have been better if my learned friend had abstained from giving such an assurance. What would he think of me if, imitating his example, I should at this moment declare to you, on my honour, as he did, what is the intimate conviction which has followed from my own conscientious consideration of this case? My learned friend also, in his address, of which all admired the power and ability, adopting a course which is sometimes resorted to by advocates, but which, in my mind, involves more or less a species of insult to the good sense or good feeling of the jury—endeavoured to intimidate you, by an appeal to your consciences, from discharging firmly and honestly the great and solemn duty which you are called upon to perform. My learned friend told you that, if your verdict in this case should be "guilty," the innocence of the prisoner would one day be made manifest, and that you would never cease to regret the verdict which you had given. If my learned friend were sincere in that—and I know that he was, for there is no man in whom the spirit of truth and honour is more keenly alive—if he saip what he believed, I can only answer that it shows how, when a man enters upon the consideration of a case with a strong bias on his mind, he is liable to err. I think then that my learned friend had better have abstained from making any assurance which involved his conviction of the prisoner's innocence. I think, further—in justice and consideration to you—that he should have abstained from representing to you that the voice of the country would not sanction the verdict which you might give. I say nothing of the inconsistency which is involved in such a statement, coming from one who but a short hour before had complained in eloquent terms of the universal torrent of passion and of prejudice by which he said that his client would be borne down; but in answer to my learned friend I say this to you:—Pay no regard to the voice of the country, whether it be for condemnation or for acquittal; pay no regard to anything but to the internal voice of your own consciences, and to that sense of duty which you owe to God and man upon this occasion, seeking no reward except the comforting assurance that when you look back to the proceedings of this day you will feel that you have discharged to the utmost of your ability and to the best of your power the duty which it was yours to perform. If on a review of this whole case, comparing the evidence on one side and on the other, and weighing it in the even scales of justice, you can come to the conclusion of innocence, or can even entertain that fair and reasonable amount of doubt of which the accused is entitled to the benefit, in God's name acquit him; but if, on the other hand, all the facts and all the evidence lead your minds, with satisfaction to yourselves, to the conclusion of his guilt, then—but then only—I ask for a verdict of "guilty" at your hands. For the protection of the good, for the repression of the wicked, I ask for that verdict by which alone—as it seems to me—the safety of society can be secured, and the demands, the imperious demands of public justice, can be satisfied.

The learned Attorney-General concluded his address shortly before half-past six o'clock.

The Lord Chief Justice then informed the jury that, inasmuch as he felt it due to the cause of justice to read over nearly the whole of the evidence in this important case, he could not think of attempting to discharge that duty at so advanced a period of the day. He feared, therefore, that he must for another Sunday sequester the jury from their family and friends.

The Court was then adjourned till ten o'clock this day.

The reporters' box in this court is in a most inconvenient spot. Instead of being between the bench and the jury, or between the bar and the jury, it is at the rear of the barristers table, so that the council in addressing the jury must speak with their backs to the reporters. This renders it so difficult to hear that a conscientious reporter feels much embarrassed in discharging his duty. During the summing up, we fear that this difficulty will be experienced even to a greater extent, unless the Lord Chief Justice will somewhat raise his voice above the conversational tone which is usually adopted on such occasions.

ELEVENTH DAY.

THE proceedings in this protracted case were resumed this morning at the Old Bailey. The public interest which it has excited from the first appears in no degree to have abated, and the court was again densely crowded. The prisoner was placed at the bar precisely at ten o'clock, and we were unable to trace any change in his appearance or demeanour, although he naturally listened with marked attention, in which one might occasionally detect a shade of anxiety, to the summing up of the Lord Chief Justice. Still it must be admitted that he looked as little concerned as any one in court.

Several persons of distinction were present during portions of the day, and among them we noticed Mr. Gladstone, M.P., General Fox, Mr. Milnes Gaskell, M.P., Mr. C. Forster, M.P. Mr. Oliveira, M.P., Lord G. Lennox, M.P., the Recorder, the Common Serjeant, Alderman Sir R. W. Carden, the Sheriffs, and other gentlemen officially connected with the administration of justice in the city.

Silence having been proclaimed,

The Lord Chief Justice (Campbell) proceeded to sum up the case to the jury; but spoke in so low a tone that some part of his address was not audible in the reporters' inconvenient box. He said,—Gentlemen of the Jury, we have at length arrived at that stage in this solemn and important case when it becomes the duty of the Judge to explain to you the nature of the charge brought against the prisoner, and the questions and considerations upon which your verdict ought to be given. Gentlemen, I must begin by conjuring you to banish from your minds all that you may have heard before the prisoner was placed in that dock. There is no doubt that a strong prejudice elsewhere did prevail against the prisoner at the bar. In the county of Stafford, where the offence for which he has to answer was alleged to have been committed, that prejudice was so strong that the Court of Queen's Bench made an order to remove the trial from that county. The prisoner, by his counsel, expressed a wish that the trial might take place at the Central Criminal Court; and to enable that wish to be accomplished an act has been passed by the Legislature, authorising the Court of Queen's Bench to direct the trial to be held in this court, so as to secure to the prisoner that he shall have a fair and impartial trial. Gentlemen, I must not only warn you against being influenced by what you have before heard, but I must also warn you not to be influenced by anything but by the evidence which has been laid before you with respect to the particular charge for which the prisoner is now arraigned. It is necessary that I should so warn you in this case, because the evidence certainly implicates the prisoner in transactions of another description which are very discreditable. It appears that he has forged a great many bills of exchange, and that he had entered upon transactions which were not of a creditable nature. Those transactions, however, must be excluded from your consideration altogether. By the practice in foreign countries it is allowed to raise a probability of the prisoner having committed the crime with which he is charged by proving that he has committed other offences—by showing that he is an immoral man, and that he is not unlikely, therefore, to have committed the offence with which he is charged. That is not the case in this country. You must presume that a man is innocent until his guilt be established, and his guilt can only be established by evidence directly criminating him on the charge for which he is tried. Gentlemen, it gives me great satisfaction that this case has been so fully laid before you. Everything has been done that could have been accomplished for the purpose of assisting the jury in arriving at a right conclusion. The prosecution has been taken up by the Government, so that justice may be duly administered, the Attorney-General, who is the first law officer of the Crown, having conducted it in his

capacity of a minister of justices. The prisoner also appears to have had ample means for conducting his defence; witnesse have very properly been brought from all parts of the kingdom to give you the benefit of their information; and he has had the advantage of having his case conducted by one of the most distinguished advocates of the English bar. Gentlemen, I must strongly recommend to you to attend to everything that fell from that advocate, so eloquently, so ably, and so impressively. You are to judge, however, of the guilt or innocence of the prisoner from the evidence, and not from the speeches of counsel, however able or eloquent those speeches may be. When a counsel tells you that he believes his client to be innocent, remember that that is analogous to the mere form by which a prisoner pleads "Not Guilty." It goes for nothing more; and the most inconvenient consequences must follow from regarding it in any other light. I will now say a few words in order to call to your minds what are the allegations in this case on one side and on the other. On the part of the prosecution it is alleged that the deceased, John Parsons Cook, was first tampered with by antimony, that he was then killed by the poison of strychnia, and that his symptoms were the symptoms of poisoning by strychnia. Then it is alleged that the prisoner at the bar had a motive for making away with the deceased, that he had an opportunity of administering poison, that suspicion could fall upon no one else, and that a few day before the time when the poison is supposed to have been administered he had purchased strychnia at two different places. It is also alleged by the prosecution that his conduct during that transaction and after it was that of a guilty and not of an innocent man. The prisoner at the bar, on the other hand, puts forward these allegations —that he had no interest in procuring the death of John Parsons Cook, but, on the contrary, that it was his interest to keep him alive; that the death was not occasioned by strychnia, but by natural disease, and that the symptoms were those of natural disease, and were by no means consistent with the supposition of death by strychnia. Those are the allegations which are urged upon one side and the other, and it is for you to say upon the evidence which of those allegations you believe to be founded on truth. Gentlemen, you have a most anxious duty to perform. The life of the prisoner is at stake; if he be guilty, it is necessary that he should expiate his crime; if he be innocent, it is requisite that his innocence should be vindicated. If his guilt be proved to you on satisfactory evidence, it is your duty to society and to yourselves to convict him; but unless his guilt be fully sustained by the evidence it is your duty to acquit him. You must bear in mind that in a case of this sort you cannot expect that witnesses should be called to state that they saw the deadly poison mixed up by the prisoner and by him openly administered. Circumstantial evidence of the fact is all that can be expected; and if there be a series of circumstances leading to the conclusion of guilt a verdict of guilty may be satisfactorily pronounced. With respect to the motive, it is of great importance in cases of this description that you should consider whether there was any motive for committing the crime with which a prisoner is charged, for if there be no motive there is an improbability of the offence having been committed. If on the other hand, there be any motive which can be assigned for the commission of the deed the adequacy of that motive becomes next a matter of the utmost importance. The great question which you will have to consider is whether the symptoms of Cook's death are consistent with poisoning by strychnia. If they are not, and you believe that the death arose from natural causes, the prisoner is at once entitled to your verdict of not guilty. If on the other hand, you think that the symptoms are consistent with poisoning by strychnia, you have another and important question to decide—namely, whether the evidence which has been adduced is sufficient to convince you that death was effected by strychnine, and, if so, whether such strychnine was administered by the prisoner. In cases of this sort the evidence has often been divided into the medical and the moral, or circumstantial, evidence. They cannot be separated, however, in the minds of a jury, because it is by a combination of those two species of evidence that their verdict ought to be given. In this case you must look at the medical evidence, to see whether the deceased died from strychnia or from natural causes; and you must look to what is called the moral evidence, to consider whether that shows that the prisoner not only had the opportunity, but that he actually availed himself of that opportunity, and administered the poison to the deceased. Now, gentlemen, with these preliminary observations, I will proceed to read over the evidence which has been given in the course of this long trial, praying you most earnestly to weigh that evidence carefully, and to be guided entirely by it in the verdict at which you may arrive. I begin with that part of the case which was first raised by the Attorney-General with respect to the motive which the prisoner is supposed to have had for taking away the life of John Parsons Cook. Now, I think that that arises out of certain pecuniary transactions which must be fresh in the minds of all of you. It appears that the prisoner had borrowed large sums of money upon bills of exchange, which he drew, and which purported to be accepted by his mother—a lady, it seems, of considerable wealth, residing at Rugeley. Those acceptances were forged, and the lady was not aware of them until a recent period, when they became due, and proceedings were taken upon them. One of those acceptances, for 2,000*l.*, was in the hands of a gentleman named Padwick; 1,000*l.* had been paid, and 1,000*l.* remained due to Mr. Padwick upon that bill. A solicitor, named Pratt, of Queen-street, Mayfair, had advanced large sums of money to the prisoner upon similar bills—to the amount, I think, of 12,500*l.* Several of those bills had been renewed without the knowledge of the mother; but there were two which remained unrenewed—one, for 2000*l.*, became due on the 25th of October, 1855, and

another, for 2,000*l.*, became due on the 27th of October, 1855. Besides these, Mr. Pratt held one bill for 500*l.*, and another for 1,000*l.*, which were overdue, but not renewed. and which Pratt held over, charging a very high rate of interest upon them. In addition to these large sums, which had been advanced by Pratt to the prisoner, it appears that upon similar bills Palmer had contracted a very large debt with an attorney at Birmingham, named Wright, to whom he owed 10,400*l.* It had been stated by Palmer that he should be able to liquidate those bills by the proceeds of a policy of assurance which had been effected on the life of his brother, Walter Palmer. Gentlemen, the law of this country wisely forbids an insurance being effected by one person upon the life of another who has no interest in that life; but, unfortunately, it does not prevent a man from insuring his own life to any amount, however large, and whatever his position may be, and assigning the policy of that insurance to another person. It has been proved in evidence that there had been an insurance for 13,000*l.* effected on the life of Walter Palmer, who was a bankrupt, without any means except such as were furnished to him by his mother; and that the policy had been assigned by Walter Palmer to the prisoner at the bar. It was expected that the 13,000*l.*, insured upon the life of his brother would be the means of enabling the prisoner to meet the acceptances to which I have referred, but the directors of the Prince of Wales Insurance-office denied their liability upon that policy, and refused to pay it. Hence arose the most pressing embarrassments; claimants were urging the payment of their accounts, and it was evident that, unless they were immediately paid, the law would be put in force against the prisoner and his mother, and that the system of forgeries which had been so long carried on would be made apparent. Now I begin with the evidence of Mr. John Espin, a solicitor practising in Davies-street, Berkeley-square. [The learned Judge then read the evidence of Mr. John Espin with respect to the 2,000*l.* bill held by Mr. Padwick, the dishonouring of the check for 1,000*l.*, and the final issuing of a *ca. sa.* against the person of the prisoner on the 12th of December.] This, continued the noble Lord, is certainly strong evidence to show the desperate state of the prisoner's circumstances at that time; but we now come to the evidence of Mr. Thomas Pratt, who had advanced money to the prisoner upon bills of exchange, which bore the forged acceptance of the prisoner's mother, to the amount of 1,200*l.* [The learned Judge then proceeded to read the whole of the evidence of Mr. Pratt, together with the voluminous correspondence between that gentleman and the prisoner, detailing the entire history of the transactions which had taken place between them from the date of their first acquaintance in November, 1853, down to the period of the apprehension of the prisoner upon the present charge. They will be found reported in *The Times* of the 21st inst.] With regard to the letter subjoined, and marked "strictly private and confidential,"

"My dear Sir,—Should any of Cook's friends call upon you to know what money Cook ever had from you, pray don't answer that question or any other about money matters until I have seen you. "And oblige yours faithfully,

"WILLIAM PALMER."

the learned Judge observed that the jury would recollect that when that letter was written Mr. Stevens, the stepfather of Cook, was making inquiries of a nature which were certainly very disagreeable to Palmer. [Having first disposed of that portion of the correspondence respecting money due from Palmer to Pratt, and with regard to which Cook was supposed to have no interest, the learned Judge next proceeded to read that branch of the correspondence relating to the assignment of the two race horses, Polestar and Sirius, and to some other occurrences to which Cook was supposed to have been a party]. With respect to the cheque for 375*l.* sent by Pratt to Palmer for Cook, from which the words "or bearer" had been struck out, his Lordship observed:—Now, it is rather suggested on the part of the prosecution upon this evidence, that Cook had been defrauded of this money by Palmer, and certainly the endorsement was not in Cook's handwriting; but, as was very properly argued on the part of Palmer, it is very possible that Cook may have authorised Palmer or some one else to write his name. Cheshire, a clerk in the bank, is then called, and says that the cheque was carried to Palmer's account. Now, all this may have happened with the consent of Cook, in pursuance of some agreement between him and Palmer. [His Lordship then read the cross-examination of Pratt, the bill of 500*l.* drawn by Palmer on Cook, and payable on the 2nd of December, and also the evidence of Armshaw, who proved that on the 13th November Palmer was in a state of embarrassment, and that on the 20th he received from him two 50*l.* notes]. It is for you, gentlemen, to draw your own inference from this evidence. Having, before the races been pressed for money, on the night of the Tuesday on which Cook died, he has two 50*l.* notes in his possession. [His Lordship next read the evidence of Spillbury, who on the 22d of November received a 50*l.* note from Palmer, and of Strawbridge, who proved that on the 19th of November his balance at the bank was only 9*l.* 6*s.*] This evidence certainly shows that the finances of the prisoner were at the lowest ebb, and he had no means of meeting his bills. [His Lordship next read Wright's evidence as to the large debts due to his brother from Palmer, and the bill of sale given by Palmer, as security, upon the whole of his property; Strawbridge's evidence as to the forgery of Mrs. Palmer's name to acceptances; and the further evidence of Mr. Weatherby, particularly calling the attention of the jury to the fact of the cheque purporting to be signed by Cook having been returned to Palmer by Mr. Weatherby, when he refused payment of it]. A great deal, said his Lordship, turn

upon the question of whether that cheque was really signed by Cook or not, as, if not, it shows that Palmer was dealing with Cook's money and appropriating it to his own use.

Mr. Serjeant Shee observed that Mr. Weatherby expressed an opinion that the cheque was Cook's.

Lord Campbell.—Mr. Weatherby said that the body of the check was not in Cook's handwriting, and he had paid no attention to the signature. You, gentlemen, must consider all the evidence with regard to this part of the case. The cheque is not produced, although it was sent back by Mr. Weatherby to Palmer and notice to produce it has been given. If it had been produced we could have seen whether Cook's signature was genuine. It is not produced! [His Lordship then read the evidence of Butler, to whom Palmer owed money in respect of bets, and of Bergen, an inspector of police, who had searched Palmer's house for papers after the inquest.] It might have been expected that the cheque which was returned by Mr. Weatherby to Palmer, who professed to set store upon it and to have given value for it, and who required Mr. Weatherby not to pay away any money until it had been satisfied, would have been found, but it is not forthcoming. It is for you to draw whatever inference may suggest itself to you from this circumstance. We then come to the arrest of Palmer. Now, as it strikes my mind, the circumstance that Palmer remained in the neighbourhood after suspicion had arisen against him is of importance, and ought to be taken into consideration by you, although he may, perhaps, have done so thinking that from the care he had taken nothing could ever be discovered against him. It seems, however, that he was imprisoned on civil process before the verdict of the coroner's jury rendered him amenable to a criminal charge. Besides the cheque purporting to be signed by Cook, the prisoner also had in his possession a document purporting that certain bills had been accepted by him for Cook, but neither that document nor any such bills have been found. All the papers which were not retained were returned to the prisoner's brother, and notice has been given to produce them, but neither the bills nor the document are produced. With regard to this witness's statement that, Field was at Rugeley, I know not how it is connected with the present investigation. If Field was employed to inquire into the health of Walter Palmer at the time the insurance was effected on his life, and into the circumstances of his death, I know not what he can have to do with the question you are to determine. This, then, is the conclusion of the evidence upon one branch of the case, and now begins the evidence relating to the health of Cook and the events immediately preceding his death. [His Lordship then read the evidence of Ishmael Fisher, observing in the course of it that one of the most mysterious circumstances in the case was that after Cook had stated his suspicion as to Palmer having put something in his brandy he remained constantly in Palmer's company; he appeared to have entire confidence in Palmer, and during the few remaining days of his life he sent for Palmer whenever he was in distress; in fact, he seemed to be under the influence of Palmer to a great extent. His Lordship also directed the attention of the jury to the circumstance of the 700*l.* which Cook had entrusted to the care of Fisher having been returned to him on the morning of the day on which he went with Palmer to Rugeley. His Lordship then read Fisher's statement that he had been in the habit of settling Cook's account.] And now, he continued, comes the very important letter of the 16th of November. Certainly if Cook induced Fisher to make an advance of 200*l.* on the security of his bets, and then employed another person to collect these bets, there was a fraud on his part. In the letter of the 16th of November Cook says—"It is of great importance, both to Mr. Palmer and myself, that a sum of 500*l.* should be paid to Mr. Pratt, of 5, Queen-street, May-fair, to-morrow, without fail. 300*l.* has been sent up to-night, and if you will be kind enough to pay the other 200*l.* to-morrow, on the receipt of this, you will greatly oblige me, and I will give it to you on Monday at Tattersall's.

Mr. Serjeant Shee.—There is a postscript, my lord.

Lord Campbell.—Yes. "I am much better." Now, the signature to this letter is undoubtedly genuine, and it shows, first, that Cook at that time intended to be in London on the Monday, and, secondly, that he desired an advance of 200*l.* to pay Pratt. How he came to alter his intention as to going to London, and how Herring came to be employed for him instead of Fisher, you must infer for yourselves. But if he authorised the employment of Herring in order to prevent Fisher from reimbursing himself, he was a party to a fraud. You must infer whether he did so or not. [His lordship then read the remainder of Fisher's evidence, and also the evidence of Mr. Jones, the law stationer, of Gibson, and of Mrs. Brook.] This, he said, ends the history of Cook's illness at Shrewsbury. Then with regard to what took place at the Talbot Arms, at Rugeley, where Cook lodged, you have a most important witness—Elizabeth Mills. [His lordship then read the evidence of Mills, observing that the events of Monday and Tuesday, the 19th and 20th of November, and the symptoms which immediately preceded the death of Cook, formed a most material part of the case.] It has been suggested, continued the learned judge, by the counsel for the defence, that Elizabeth Mills may have been bribed by Mr. Stevens, the father-in-law of Cook, to give evidence prejudicial to the prisoner, but, in justice both to Mr. Stephens and to Elizabeth Mills, I am bound to declare that not one fact has been adduced to warrant us in believing that there is the slightest foundation for any such statement. It has also been alleged that Mr Stevens called upon Elizabeth Mills, and read to her an extract from a newspaper, with the view, it is presumed, of influencing her evidence or guiding it in a particular direction; but this, too, is a gratuitous assertion, and, so far from

being supported by the evidence, it is distinctly denied. As regards the manner in which Palmer was dressed when he ran over from his own house to the Talbot Arms on the night of Cook's death, there is, no doubt, a difference between the testimony of Elizabeth Mills and that of her fellow-servant, Lavinia Barnes, the former asserting that he wore a plaid dressing-gown, and the latter a black coat; but it is for you to decide whether the point is of sufficient significance to justify a suspicion dishonourable to the veracity of either witness. It is asserted also that there are certain discrepancies between the evidence given by Elizabeth Mills before the coroner and that which she gave in your presence. That you may the more accurately estimate the importance of those differences it is competent for the prisoner's counsel to require that the depositions shall be read. What say you, brother Shee?

Mr. Serjeant Shee.—With your Lordship's permission, we desire to have them read.

Lord Campbell.—Then let them be read by all means.

The Clerk of Arraigns then read the depositions of Elizabeth Mills, as taken before the coroner.

Lord Campbell.—You have now heard the depositions read, and you will decide for yourselves whether her statements before the coroner are not substantially the same as those which she made before you in the course of her examination. You will have to determine whether there is any material discrepancy between them. Her own explanation of her omission to state before the coroner that she was sick after partaking of the broth prepared for Cook is that she was not asked the question; but that she was sick the evidence of another witness goes distinctly to prove, and it is for you to say whether, corroborated as it thus is, the testimony of Elizabeth Mills is worthy of being believed, and, if so, what inference should be drawn from it. The next witnesses are Mr. James Gardner, attorney, Rugeley, and Lavinia Barnes, fellow servant of Elizabeth Mills at the Talbot Arms Inn. The learned Judge, having read his notes of the evidence of the witnesses in question, observed the testimony of Lavinia Barnes corroborates that of Mills as to the latter having been seized with illness immediately after she had taken two spoonsful of the broth. There is some little difference of evidence as to the exact time when Palmer was seen at Rugeley on the Monday night after his return from London, but you have before you the statements of all the witnesses, and you will decide whether the point is one of essential importance. [The learned Judge then read over without comment his notes of the evidence given by the witnesses Anne Rowley and Sarah Bond, and then proceeded to recapitulate the facts deposed to by Mr. Jones, surgeon of Lutterworth.] Your attention, he observed, has been very properly directed to the letter written by the prisoner on Sunday evening to Mr. Jones, summoning the latter to the sick bed of his friend Cook. The learned counsel for the defence interprets that document in a sense highly favourable to the prisoner, and contends that the fact of his having insured the presence of such a witness is conclusive evidence of the prisoner's innocence. You will say whether you think that it is fairly susceptible of such a construction. It is important, however, to consider at what period of Cook's illness Jones was sent for, and in what a condition he was when Jones arrived. Palmer's assertion in his letter to Jones was that Cook had been suffering from diarrhœa, but of this statement we have not the slightest corrobation in the evidence. When Jones, looking at Cook's tongue, observed that it was not the tongue of a bilious attack, Palmer's reply was, "You should have seen it before." What reason could Palmer have had for using these words, when there is not the slightest evidence of Cook's having suffered from such an illness? It is a matter for your consideration. [The deposition of Jones taken before the coroner having been read at the instance of Mr. Serjeant Shee, the learned Judge remarked,—] It is for you to say whether, in your opinion, this deposition at all varies from the evidence given by Mr. Jones when examined here; I confess that I see no variation and no reason to suppose that Mr. Jones's evidence is not the evidence of sincerity and of truth. After observing that the evidence of Dr. Savage (which he read) went to show that down to the hour of the Shrewsbury races and the attack on the Wednesday night, Cook was in perhaps better health than he had enjoyed for a long time, the learned judge called the attention of the jury to the evidence of Charles Newton who deposed to having furnished three grains of strychnia to Palmer on the Monday night and to having seen him at the shop of Mr. Hawkins on the Tuesday. Having read the evidence of this witness and his deposition before the coroner, his lordship said:—"This is the evidence of Newton, a most important witness. It certainly might be urged that he did not mention the furnishing of the strychnia to Palmer on the Monday night before the coroner; he did not mention it until the Tuesday morning, when he was coming up to London. That certainly requires consideration at your hands; but then you will observe that in his deposition, which has been read to you, although there is an omission of that, which is always to be borne in mind, there is no contradiction of anything which he has said here. Well, then, you are to consider what is the probability of his inventing this wicked lie—a most important lie, if lie it be. He had no ill-will towards the prisoner at the bar; he had never quarrelled with him, and had nothing to gain by injuring him, much less by betraying him to the scaffold. I cannot see any motive that he could have for inventing a lie to take away the life of the prisoner. No inducement was held out to him by the Crown; he says to himself that no inducement was held out to him, and that he at last disclosed this circumstance from a sense of duty. If you believe him his evidence is very strong against the prisoner at the bar; but we will now turn to the next witness, Charles Joseph Roberts, whose evidence is closely

connected with that of Newton. [Having read the evidence of Roberts, Mr. Hawkins' assistant, who stated that on the Tuesday he sold to the prisoner, at his master's shop, three grains of strychnia, his Lordship continued,—] This witness was not cross-examined as to the veracity of his testimony, nor is he contradicted in any way. It is not denied that on this Tuesday morning the prisoner at the bar got six grains of strychnia from Roberts. If you couple that with the statement of Newton—believing that statement—you have evidence of strychnia having been procured by the prisoner on the Monday night before the symptoms of strychnia were exhibited by Cook, and, by the evidence of Roberts, undenied and unquestioned, that on the Tuesday six grains of strychnia were supplied to him. Supposing you should come to the conclusion that the symptoms of Cook were consistent with death by strychnia—if you think that his symptoms are accounted for by merely natural disease, of course the strychnia obtained by the prisoner on the Monday evening and the Tuesday morning would have no effect; but if you think that the symptoms which Cook exhibited on the Monday and Tuesday nights are consistent with strychnia, then a case is made out on the part of the Crown. After the most anxious consideration, I can suggest no possible solution of the purchase of this strychnia. The learned counsel for the prisoner told us in his speech that there was nothing for which he would not account. He quite properly denied that Newton was to be believed. Disbelieving Newton, you have no evidence of strychnia being obtained on the Monday evening; but, disbeliving Newton and believing Roberts, you have evidence of six grains of strychnia being obtained by the prisoner on the Tuesday morning, and of that you have no explanation. The learned counsel did not favour us with the theory which he had formed in his own mind with respect to that strychnia. There is no evidence, —there is no suggestion how it was applied, what became of it. That must not influence your verdict, unless you come to the conclusion that the symptoms of Cook were consistent with death by strychnia. If you come to that conclusion, I should shrink from my duty, I should be unworthy to sit here, if I did not call your attention to the inference that, if he purchased that strychnia, he purchased it for the purpose of administering it to Cook. [The evidence next read by the learned Judge was that of Mr. Stevens, the stepfather of Cook. Upon this the noble Lord observed,—] The learned counsel for the prisoner, in the discharge of his duty, made a very violent attack upon the character and conduct of Mr. Stevens. It will be for you to say whether you think it deserved that censure. In the conduct of that gentleman I cannot see anything in the slightest degree deserving of blame or reprobation. Mr. Stevens was attached to this young man, who was his stepson, and who had no one else to take care of him; and, whatever the result of the trial may be, I think there were appearances which might well justify suspicion. I know nothing which Mr. Stevens did which he was not perfectly justified in doing. Having been to Rugeley and seen the body of the deceased, he goes to his respectable solicitors in London, who recommend him to a respectable solicitor, Mr. Gardiner, at Rugeley. Under his advice Mr. Stevens acts; a conversation ensues between himself and the prisoner Palmer, but I see nothing in the proceedings which he took at all deserving of animadversion. Whether Palmer had any right to complain of what was said about the betting book, and whether Mr. Stevens could be blamed for suspecting that Palmer had taken it, it is for you to say. [Having read the evidence of the woman Keeley, who laid out the body of Cook, and of Dr. Harland, who spoke to the circumstances attending the two post-mortem examinations, to the pushing of Mr. Devonshire, who operated, and the removal of the jar on the first occasion, the learned Judge continued,—] From that push no unfavourable inference can be drawn, as it might easily be the result of accident. In the removal of the jar there would be nothing more than in the pushing, were it not coupled with the evidence afterwards given, which may lead to the inference that there was a plan to destroy the jar and prevent the analysis of its contents. [The learned Chief Justice then read the evidence of Mr. Devonshire, the surgeon of Rugeley; Dr. Monckton, the physician; and Mr. John Boycott, the clerk to Messrs. Landor, Gardner, and Landor, the Rugeley attorneys: and of James Myatt, the postboy of the Talbot Arms, who swore that Palmer offered him 10*l.* to upset the fly containing Mr. Stevens and the jar with the contents of the deceased's stomach. Remarking upon the evidence of this last witness, the Chief Justice said,—] In cases of circumstantial evidence you must look to the conduct of the person charged, and you must consider whether that conduct is consistent with innocence or is compatible with guilt. I see no reason to doubt the evidence of that postboy. An attempt was made upon cross-examination to show that the offer of 10*l.* was not made in reference to the jar, but as an inducement to upset Mr. Stevens. It was suggested, you will remember, that Stevens had wantonly provoked Palmer, and that Palmer might be excused, therefore, if he wished him to be upset. I see no ground for supposing that Stevens gave Palmer any such provocation, and if you believe the postboy, that bribe was offered to him to induce him to upset the jar. That is not indeed a decisive proof of guilt, but it is for you to say whether the prisoner did not enter upon that contrivance in order to prevent an opportunity of examining the contents of the jar, which might contain evidence against him. We have next the evidence of Samuel Cheshire, formerly postmaster at Rugeley. [The learned Judge read the evidence, remarking upon the circumstance of Palmer calling upon him to witness a document said to have been signed by Cook as if he had been present and had seen Cook sign it; upon the remarkable fact of Palmer endeavouring to obtain information from Cheshire as to the contents of the letter from Dr. Taylor to

Mr. Gardner; and upon the impropriety of the following letter addressed by the prisoner to the coroner, Mr. Ward, during the progress of the inquest:—

"My dear Sir,—I am sorry to tell you that I am still confined to my bed. I don't think it was mentioned at the inquest yesterday that Cook was taken ill on Sunday and Monday night, in the same way as he was on the Tuesday, when he died. The chambermaid at the Crown Hotel (Master's) can prove this. I also believe that a man by the name of Fisher is coming down to prove he received some money at Shrewsbury. Now, here he could only pay Smith 10*l.* out of 41*l.* he owed him. Had you not better call Smith to prove this? And, again, whatever Professor Taylor may say to-morrow, he wrote from London last Tuesday night to Gardiner to say, 'We (and Dr. Reeshave this day finished our analysis, and find no traces of either strychnia, prussic acid, or opium.' What can beat this from a man like Taylor, if he says what he has already said, and Dr. Harland's evidence? Mind you, I know, and saw it in black and white what Taylor said to Gardiner; but this is strictly private and confidential, but it is true. As regards his betting-book I know nothing of it, and it is of no good to any one. I hope the verdict to-morrow will be that he died of natural causes, and thus end it. "Ever yours, "W. P."]

Palmer says in that letter that he had seen it in black and white. Cheshire states that he had not shown him the letter. However that might be, there can be no question that this was a highly improper letter for the prisoner to write; and, speaking as the chief cornoner of England, and being desirous for the due administration of justice and of the law, I have no hesitation in saying that it was not creditable to Mr. Ward to receive such a letter without a public condemnation of its having been written. You will say, gentlemen, whether the conduct of the prisoner in that respect—suggesting to the coroner the verdict which he should obtain from the jury—is consistent with innocence. The noble and learned lord then read the evidence of Ellis Crisp, the police inspector at Rugeley, who produced a medical book, which had been found in the prisoner's house, and in which the following passage occurred in the prisoner's hand-writing:—"Strychnia kills by causing tetanic fixing of the respiratory muscles;" and, remarking that this was a book which was in the possession of the prisoner seven years ago, when he was a student, he said that there was nothing in it which ought to weigh for a moment against the prisoner at the bar. Having read without comment the evidence of Elizabeth Hawkes, the boarding-house keeper, with respect to the sending of game to Ward, of Slack, her porter, and of Herring, who spoke to the directions given him by Palmer as to the disposal of Cook's bets, his Lordship called the particular attention of the jury to the statement in the evidence of Bates, that the prisoner had told him not to let any one see him deliver the letter to Ward. The next witness, he continued, is Dr. Curling, and now, gentlemen, you will be called upon to come to some conclusion with regard to the evidence of the scientific men respecting the symptoms of the deceased before death and the appearance of his body after death. You will have to say how far those symptoms and those appearances are to be accounted for by natural disease, and how far they are the symptoms and appearances produced by strychnine. It will be a question of great importance whether, in your judgment, they correspond with natural, that is, with traumatic or idiopathic tetanus, or with any other disease whatever. [His Lordship read the evidence of Dr. Curling, and the examination in chief of Dr. Todd, without comment, and directed the Clerk of Arraigns to read the depositions of Dr. Bamford. The depositions were accordingly read, and his Lordship then remasked,—] When this deposition was first given in evidence, Dr. Bamford was too ill to come into court, but he partially recovered, and on a subsequent day he was examined and gave the *viva voce* evidence, which I will now read. [The learned Lord here read the evidence, observing with regard to the pills made up by Dr. Bamford that the prisoner had an opportunity of changing them if he pleased; that circumstance deserved their serious consideration.] There is not, he continued, the slightest reason to impute any bad faith to Dr. Bamford, but it is allowed on all hands that the old man was mistaken in saying that the death was caused by apoplexy. All the witnesses on both sides say that, whatever the disease may have been, it was not apoplexy; but he filled up a certificate that it was apoplexy, in compliance with a recent Act of Parliament which renders a certificate of the cause of death necessary. [The cross-examination of Dr. Todd was then read, and his Lordship pointed out that the case of strychnine seen by that witness, bore a certain resemblance to Cook's attack on the Monday night.] The next witness is a gentleman of high reputation and unblemished honour, Sir B. Brodie, one of the most distinguished medical men of the present time. [His Lordship read Sir B. Brodie's evidence.] That distinguished man tells you, as his solemn opinion, that he never knew a case in which the symptoms he had heard described arose from any disease. He is well acquainted with the various diseases which afflict the human frame, and he knows of no disease answering to the description of the symptoms which preceded Cook's death. If you agree with him in opinion, the inference is that Cook died from some cause other than disease. [The learned Judge then read the evidence of Dr. Daniel, who agreed with Sir B. Brodie, and of Dr. Solly, who also thought that natural disease would not account for death.]

Mr. Sergeant Shee wished to have the cross examination of this witness read.

Lord Campbell.—Certainly. I dare say it is very applicable.

Mr. Serjeant Shee read a part of the cross-examination:—

"not the risus sardonicus very common in all forms of violent convulsions? No, it is

not common. Does it not frequently occur in all violent convulsions which assume, without being tetanus, a tetanic form and appearance?—Yes, it does. Are they not a very numerous class?—No, they are not numerous. Is it not very difficult to distinguish between them and idiopathic tetanus?—In the onset, but not in the progress. I think you say you have only seen one case of idiopathic tetanus?—I have only seen one. When you answered that question of mine you spoke from your reading and not from your experience?—I did not know your question applied to idiopathic tetanus alone. Does epilepsy sometimes occur in the midst of violent convulsions?—Epilepsy itself is a disease of a convulsive character. I am aware of that; but you heard the account that was given by Mr. Jones of the few last moments before Mr. Cook died? Yes, I did. That he uttered a piercing shriek, fell back and died; did he not?—Yes. Tell me whether that last shriek and the paroxysm that occurred immediately afterwards—would not that bear a strong resemblance to epilepsy? In some respects it bears a resemblance to it. Are all epileptic convulsions—I do not mean epileptic convulsions designated by scientific men as of the epileptic character—are they all attended with an utter want of consciousness?—No, not all. Does not death by convulsions frequently occur without leaving any trace in the body behind it?—Death from tetanus, accompanied with convulsions, leaves seldom any trace behind; but death from epilepsy leaves a trace behind it generally."

Lord Campbell.—The jury have heard you read it. It is for them to say whether it is important in their view or not. Evidence is next given of various cases of tetanus arising from strychnine; it is for you, gentlemen, to consider how far the symptoms in those cases resemble the symptoms in this case, or how far the symptoms in this case resemble those of ordinary tetanus, idiopathic or traumatic. [The learned Judge read his notes of the evidence given by Dr. Robert Corbett, Dr. Watson, Dr. Patterson, and Mary Kelly, witnesses examined to prove the symptoms in the Glasgow case, and then proceeded to call the attention of the jury to the testimony of Caroline Hickson, Mr. Taylor, surgeon, and Charles Bloxham, all of whom were examined with reference to the case of Mrs. Smyth, of Romsey. He then passed on to the Leeds case—that of Mrs. Dove, whose name had transpired so frequently in the course of the trial that it would be vain to affect any reserv on the subject now. After reading the evidence of Jane Witham and George Morley, the learned Judge observed,—] It is beyond all controversy that strychnia was not discovered in the dead body of Cook, but it is important to bear in mind that the witness Morley declares that in cases where the quantity of strychnine administered had been the minimum dose that will destroy life it is to be expected that the chemist should occasionally fail in detecting traces of the poison after death. That case of Mrs. Dove is a very important one, because it is a case in which it is beyond all question that death was caused by strychnine, however administered. It is for you to determine how far the symptoms of this unhappy lady corresponded with or differed from those of Cook. You will remember that she had repeated attacks of convulsions. She recovered from several, but at last a larger dose than usual was given, and death ensued. With regard to the possibility of the poison being decomposed in the blood, that appears to be a vexed question among toxicologists, and Mr. Morley differs on the point from other and, I doubt not, most sincere witnesses. The great question for your consideration at this part of the inquiry is whether there may not be cases of death by strychnia in which, nevertheless, the strychnia has not—let the cause be what it may—been discovered in the dead body. [The learned Judge then read the evidence of Edward Moore in the Clutterbuck case, where an over-dose of strychnia had been administered; and proceeded as follows:—] I have now to call your attention to the evidence of Dr. Taylor; but before doing so I think it right to intimate that I fear it will be impossible to conclude this case to-night. It is most desirable, however, to finish the evidence for the prosecution this evening. When that is concluded I shall be under the necessity of adjourning the court, and asking you to attend here again to-morrow, when, God willing, this investigation will certainly close. [The learned Judge then proceeded to read his notes of Dr. Taylor's evidence, and on arriving at that portion of it in which the witness described the results of his own experiments upon animals observed,—] There is here a most important question for your consideration. Great reliance is placed by the prisoner's counsel, and very naturally so, upon the fact that no trace of strychnine was detected in the stomach of Cook by Dr. Taylor and Dr. Rees, who alone analysed it and experimented upon it. But, on the other hand, you must bear in mind that we have their own evidence to show that there may be and have been cases of death by strychnine in which the united skill of these two individuals has failed to detect the presence of the strychnine after death. Both Dr. Taylor and Dr. Rees have stated upon their oaths that in two cases where they knew death to have been occasioned by strychnine—the poison having, in fact, been administered with their own hands—they failed to discover the slightest trace of the poison in the dead bodies of the animals on which they had experimented. It is possible that other chymists might have succeeded in detecting strychnine in those animals and strychnine also in the jar containing the stomach and intestines of Cook; but, however this may be, it is beyond all question that Dr. Taylor and Dr. Rees failed to discover the faintest indications of strychnine in the bodies of two animals which they had themselves poisoned with that deadly drug. Whatever may be the nature of the different theories propounded for the explanation of this fact, the fact itself is deposed to on oath; and, if we believe the witnesses, does not admit of doubt. With regard to the letter from Dr Taylor to Mr. Gardner, stating that neither strychnia, prussic acid, nor opium had been found in the body, his

Lordship said this letter was written before Cook's symptoms had been communicated to Dr. Taylor and Dr. Rees; but they had been informed that prussic acid, strychnia, and opium had been bought by Palmer on the Tuesday. They searched for all these poisons, but they found none. The only poison they found in the body was antimony, and therefore they did not, in the absence of symptoms, attribute death to strychnia, as they could not at that time; but they say that it possibly may have been produced by antimony, because the quantity discovered in the body was no test of the quantity which might have been taken into the system. As to the letter which was written by Professor Taylor to the *Lancet*, the learned Judge remarked, I must say I think it would have been better if Dr. Taylor, trusting to the credit which he had before acquired, had taken no notice of what had been said; but it is for you to say whether, he having, as he says, been misrepresented, and having written this letter to set himself right, that materially detracts from the credit which would otherwise be given to his evidence. [Having concluded the reading of Dr. Taylor's evidence, his Lordship said,—This is Dr. Taylor's evidence. I will not comment upon it, because I am sure that you must see its importance with regard to the antimony and the strychnia. For the discovery of strychnia Dr. Taylor experimented upon the bodies of two animals which he had himself killed with that poison, but in them no strychnia could be found. [The learned Judge next read the evidence of Dr. Rees, in commenting upon which he said,]—I do not know what interest it could be supposed that Dr. Taylor had to give evidence against the prisoner. He was regularly employed in his profession, and knew nothing about Mr. Palmer until he was called upon by M. Stevens, and the jar was given to him. He could have no enmity against the prisoner and no interest whatever to misrepresent the facts. [Mr. Serjeant Shee reminded the learned Judge that the experiments upon the two rabbits were not made until after the inquest]. That makes no difference. If the witnesses are the witnesses of truth they are equally cases where there has been the death of an animal by strychnia, and no strychnia can be found in the animal; if that experiment had been made this morning the fact would have been the same. Dr. Taylor has been questioned about some indiscreet letter which he wrote, and some indiscreet conversation which he had with the editor of the *Illustrated Times*. Against Dr. Rees there is not even that imputation, and Dr. Rees concurs with Dr. Taylor that in these experiments the rabbits were killed by strychnia; that they did whatever was in their power, according to their skill and knowledge, to discover the strychnia, as they did after the contents of the jar, and no strychnia could be discovered. As to the antimony, he corroborates the testimony of Dr. Taylor. Antimony is a component of tartar emetic, tartar emetic produces vomiting, and you will judge from the vomiting at Shrewsbury and Rugeley whether antimony may have been administered to Cook at those places. Antimony may not have produced death, but the question of its administration is a part of the case which you must seriously consider. His Lordship then read the evidence of Professor Brande, of Dr. Christison, a man above suspicion who said that if the quantity of strychnia administered was small, he should not expect to find it after death, and of Dr. John Jackson, who spoke to the symptoms of idiopathic and traumatic tetanus as he had observed them in India, which concluded the evidence on the part of the Crown. Having thus gone through all the evidence for the prosecution, his Lordship intimated that he should defer the remainder of his charge until the following day; and the court was therefore (at eight o'clock) adjourned till ten o'clock to-morrow (Tuesday) morning.

TWELFTH DAY.

THE Learned Judges took their seats on the bench precisely at ten o'clock. There were present, the Marquis of Anglesey, the Earl of Dunraven, Mr. Milnes Gaskell, M.P., Lord Denman, Mr. G. Vernon, M.P., Mr C. Forster, M.P., Mr. C. P. Villiers, M.P., and other gentlemen. Palmer has not changed in appearance since he has been on his trial, and this morning was perfectly cool and self-possessed

Lord Campbell continued his charge to the jury. He said at the adjournment of the Court yesterday evening he had gone over all the evidence of the prosecution, and it certainly did present a serious case against the prisoner at the bar. It appeared that in the middle of November last he was most seriously embarrassed, and that he had to make payments for which he was entirely unprepared. There were actions against himself and his mother, and he had no credit left in any quarter. Cook by the races at Shrewsbury became master of 1,000*l.*, and the inference had been drawn that Palmer formed a design of appropriating it to his own purposes, in order to relieve himself from his embarrassments. Again it was proved that the prisoner drew a cheque in the name of Cook, which was a forgery, for the purpose of appropriating to himself Cook's

property. What would have been the effect of the survival of Cook under those circumstances it would be for the jury to consider. No doubt, if Cook had lived that cheque would have been brought forward, and would have led to an exposure of all Palmer's delinquencies. With respect to the joint liability of Cook and Palmer, it was said that it was disadvantageous to Palmer that Cook should die; but there seemed to be some doubt whether it was not the intention of Palmer to possess himself of the whole of Cook's property, and in that case he had a direct interest in his death. Then as to the medical evidence which had been adduced for the prosecution. The jury had heard the evidence of able and honourable men, who said that the deceased did not die a natural death, and that the symptoms were consistent with death by strychnine, and not consistent wtih death by ordinary tetanus. There was no point of law which required that the strychnine should be found in the body of the deceased, and it would therefore be for the jury on this point to consider whether the evidence of the prosecution was sufficient, or whether they could rely upon the answer which had been put in by the defence. There was direct evidence that the prisoner procured the poison of strychnine on Monday and Tuesday. What he did with it was not for him in that place to affirm. It was impossible for the jury not to pay attention to the conduct of the prisoner both before and after the death of Cook, and they would not fail to consider, as part of those circumstances, his very remarkable proceedings in reference to the betting-book, which had never been discovered. Then as to the evidence which had been put in for the defence, the jury had had before them gentlemen of great ability and high honour, who had given in detail the results of their experience. With that evidence he would now proceed to deal. (The learned Judge read in extenso the voluminous evidence of Mr. Nunneley, the surgeon, of Leeds.) The Jury had heard the manner in which Mr. Nunneley had given his evidence, and they must form their own opinion of it. Certainly he seemed to display an interest in the case not altogether consistent with the character of a witness. He differed very much from several witnesses who were examined for the prosecution, and particularly in reference to rigidity being produced by strychnine after death. These and similar questions were for the Jury. The next witness who was examined was Mr. Herapath, of Bristol, a very eminent analytical chemist, who had paid great attention to the subject of poisons. That gentleman said that where there had been death by strychnine it ought to be discovered. But it appeared, on cross-examination, that he had expressed an opinion, on another occasion, that Cook died from strychnine, but that Dr. Taylor had not taken the proper means to find it. After adverting to the evidence of Mr. Rogers, his lordship read that of Dr. Letheby, of the London Hospital, the medical officer of the City of London, of whom he said that he seemed to prove that cases of this sort were very variable, and that he admitted that the Romsey case was an exception. Now, while these exceptional cases existed, it could hardly be said that the principles laid down by Dr. Letheby were sufficient to rebut the evidence in chief. His lordship next referred to Mr. Gay's case of the omnibus conductor. This, he said, was a case of idiopathic tetanus. The jury would say, on comparing it with the symptoms in Cook's case, whether his was also a case of idiopathic tetanus. The great weight of evidence seemed to show that Cook's was not a case of idiopathic any more than it was a case of traumatic tetanus. Mr. Gane's case differed altogether from that of Cook, and as far as he could see there was no analogy between them. Passing next to the evidence of Mr. Ross and to his case of a man who died from ulcers, his lordship remarked that he did not see why this case was brought before the court unless to prove that Cook's was of the same sort. This was a case, whether of idiopathic or of traumatic tetanus, in which it was sought to prove that death was caused by bruises on the body. But there were no bruises of any sort about Cook, and therefore the analogy failed. In reference to the important evidence of Dr. Wrightson, who said he had detected strychnine in putrifying blood and decomposed matter, and that strychnine did not under such circumstances decompose, he must say that this witness was a scientific and honourable man, and had spoken throughout with proper cantion. According to Dr. Wrightson, the discovery of the poison should have been proved, but at the same time his evidence did not overthrow the case for the prosecution; and it would be for the jury to say whether in the event of poison actually being in the body, the tests employed to detect it were sufficient. Referring to the evidence of Mr. Partridge, his lordship said that the witness had stated that the symptoms in Cook's case did not correspond with what he should have expected to have found from strychnine, but he spoke from his own experience, and he admitted that the symptoms were very variable; and he did not seem, therefore, to speak with any degree of certainty upon the subject. Mr. Gay's case of a boy who suffered from tetanus from an injury to his toe was, his lordship thought, not at all analogous to that of Cook; nor was that of the young woman who had an attack of tetanus without any apparent cause, and recovered, as deposed to by Dr. McDonald. This last witness had given his opinion that Cook died from epileptic convulsions, accompanied with tetanic complications, and this he thought might have been produced by mental or sensual excitement. The jury would see to what length this witness went, and it would be for the jury to say what weight they attached to his evidence. Having adverted to several cases adduced by the defence, and which his lordship considered bore no analogy to Cook's, he read the evidence of Dr. Robinson, of Newcastle-on-Tyne, who ascribed the death to epilepsy. He then passed on to Dr. Richardson, who narrated the particulars of a remarkable case of angina pectoris, to the symptoms of which disease he said Cook's bore a

remarkable resemblance. The witness, his lordship said, seemed a most respectable man, and he said that the symptoms in this case were consistent with those arising from strychnine, and that if he had known as much of strychnine at that time as he did now, he should have searched for it in that case. It would be for the jury to consider whether Cook's symptoms were consistent with strychnine, and if so that ought to lead them as to the opinion they should form on the case. His lordship having adverted to the evidence of Catherine Watson, the girl who was attacked with tetanus in Scotland, and to other witnesses who were recalled, said this was all the medical evidence that had been adduced by the counsel for the defence of the prisoner, and this therefore might be a convenient period for the Court to adjourn.

The Court, therefore, at ten minutes before one, adjourned.

As Lord Campbell disposed of case after case brought forwurd by the defence, and showed how they failed to tend in any respect to the prisoner's advantage, Palmer buried his face in his hands, and when he resumed his original position his countenance bore strong indications of the violent emotions with which he was contending. He seemed to be labouring under the impression—an opinion which was shared by every one in the Court—that the observations of the judge were producing a marked effect upon the jury, and lessening every moment the chance of the prisoner's acquittal. Strange as it may appear in the face of this statement, it is perfectly true that, as Palmer was stepping out of the dock on the adjournment of the Court, he dropped a note to Mr. Smith, his solicitor, stating that he felt perfectly certain of an acquittal.

At a quarter past one the Judge returned into Court.

Lord Campbell proceeded with his address. He said, that having disposed of the medical evidence, he would now proceed to the facts of the case. It had been stated that when Palmer was in London he could not have got to Rugeley until past ten o'clock on Monday night, whereas it had been sworn that on the evening of that day, about nine o'clock, he obtained the poison at Rugeley. It was possible that some mistake might have been made as to the hour, he might have gone by the express train, or there might have been some intermediate way of reaching Rugeley by means of Lichfield or Birmingham. Then as to Cook's state of health. Several witnesses had been called; amongst them a person named Forster, at whose house Cook was in the habit of staying when hunting in Northamptonshire. The evidence he had given in reference to Cook's general health was very slender. His lordship detailed with great minuteness all the particulars connected with the meeting of Palmer, Cook, and others, at Shrewsbury, and of their subsequent journey to Stafford, and thence to Rugeley. His lordship then read the evidence of Mr. Wyatt, and said it was at variance with the evidence for the prosecution, and the jury had to judge between the two statements. The next witness was Mr. Sargent, and observed that it was for the jury to say whether they believed his testimony with regard to the bad state of Cook's health before the attack. That was in direct opposition to the evidence for the prosecution, and they must say whether they could place reliance upon it. Then came a very material witness, and his evidence was very important, with regard to one feature in the case—he meant Jeremiah Smith. His lordship then read the evidence of this witness, and observed that it was for the jury to say whether they could believe his testimony. They saw how he prevaricated in denying his handwriting, and could they believe him? They had to say whether they could believe a witness who had only lived upon the allowances of his friends, and who got himself made an agent to an insurance office, and then endeavoured to get his insurance accepted by the office which he represented. It was for the jury to say whether they believed him; and if they did not, it was for them to say what effect their discredit might have upon their verdict. The only other evidence was a letter written from Cook to Palmer. His lordship read the letter, and continued:—This was the evidence on the part of the prisoner at the bar, and it was for them to give what weight they thought to it. Several of the witnesses called on the part of the defence said that the symptoms were those of strychnine, although in the absence of any other cause being assigned they should attribute it to other causes. The conduct of the prisoner in requesting to have the body fastened up remained unanswered, as did also the bribe he offered to the postboy. No explanation was offered as to the strychnine purchased by the prisoner. The case was now before the jury. They must not act upon suspicion nor even upon strong suspicion, and they must only pronounce a verdict of guilty if their minds were fully made up. If however, they could come to the conclusion that he was guilty, they would return such a verdict unfettered and undeterred by any intimidation.

Sergeant Shee objected to the question which his lordship had put to the jury. He submitted that the question, whether the symptoms of Cook's death were consistent with death by strychnine, was a wrong question, unless coupled with the word, and inconsistent with death from natural causes, and that the question should then be whether the medical evidence established beyond all reasonable doubt that the death of Cook was attributable to strychnin

Baron Alderson—That is the question which has been put.

Lord Campbell (to the jury) was understood to say he did not submit to them the question whether the symptoms of Cook's death were those of strychnine, without going into the other

point of the case. If they believed that those symptoms were consistent with death by strychnine, they would, God willing, return a verdict of guilty.

The jury retired to consider at twenty minutes past two.

Upon the re-assembling of the Court, his lordship said I have now gone through the whole of the medical evidence for the defence, and shall proceed to that portion of it that relates to the other part of the defence, and went through the evidence of the police inspector as to the time the train left London for Rugeley, and also that of the publican, who spoke of Cook belonging to a cricket club, and his hunting, which proved deceased to have been in good health at that time. The learned judge then went through the evidence of the witness Sargent, and asked them if they thought that Cook was in bad health. He now came to a most important witness, that was Mr. Jeremiah Smith—he was most material in determining one part of the case, and it would be for you to say what faith can be placed in what he has said His lordship then went through the whole of the evidence, which spoke of the pills, upon the Monday night, and about the state of the deceased's throat when dressed by Thirlby. Gentlemen, you have heard the account which this witness has given of his handwriting to the documents upon which the subject of Walter Palmer's life. He admitted to you that he received 5*l.*, and it is for you to say whether he did not received that for having attested the policy upon Walter Palmer's life; if you believe this, you will say what reliance you can place upon his verdict. You can find that he knew that for six years Walter Palmer had been a penniless man. Take the transaction with Bates. He knew the condition of the man, and yet he tried to effect an insurance for 10,000*l.* upon his life. Could they doubt that he got himself made an agent for the purpose of forwarding that view. It will be for you to say whether you can believe a man whom you find engaged in such transactions. His evidence was most important, as it proved, if believed, that the pills made by Dr. Bamford on the Monday night could not have been interfered with by Palmer, as they were taken by Cook before Palmer could get at them. His lordship then read the letter upon racing matters which had been put in at the close of the defence to show that the prisoner and deceased were connected in business matters. He had now gone through the whole of the evidence, and it was for them to say how far it affected that upon the part of the Crown. The important question was, were the symptoms of the deceased's death consistent with death by strychnia, and if so, was it changed by the medical evidence given for the defence. Prisoner's witnesses agreed that Cook's symptoms were those of strychnia, although they could not account for its absence after death. Then with regard to the facts, there was a difference about the brandy-and-water supposed to have been dosed, and the evidence of Jeremiah Smith respecting the return of prisoner to Rugeley upon the Monday night, and it was for them to say whether that altered the opinion which the previous evidence would have upon their minds as to the prisoner's conduct. There was the fact of his eagerness to get the body disposed of. No answer had been given to that, nor yet with regard to the absence of the betting-book and the prisoner tampering with the coroner, and bribing the postboy. Then, above all, there was no explanation as to what had become of the strychnine purchased by the prisoner. The case was before them, and unless they thought that clear conviction was brought to their minds as to the prisoner's guilt, it was their duty to acquit him. They were not to proceed upon suspicion, or even strong suspicion, but there must be strong conviction in their minds, and if there was any reasonable doubt, give the prisoner the benefit of the doubt; but if they came to a clear conclusion as to his guilt, they were not to allow any suggestions made by the defence to deter them from doing their duty. They were to remember the oath which they had taken, and upon that act. The learned judge, who was moved to tears, added, in conclusion, "And may God direct you to a right verdict."

Serjeant Shee submitted to the Court that the question whether the symptoms were consistent with strychnia ought not to have been submitted.

Lord Campbell—I have told the jury, unless they think the symptoms described agree with the supposition that the deceased died from strychnine, and, consistent with the facts, they ought to acquit the prisoner.

Mr. Baron Alderson said that had been stated in the speech.

After some further remarks from Mr. Serjeant Shee,

Lord Campbell told the jury that not only must they be satisfied that the symptoms described agreed with the supposition that deceased died from strychnia, but that it was administered by the prisoner.

It was then twenty minutes past two, and the jury retired, and having been absent until twenty-five minutes to four, returned into court.

The prisoner, who had retired below, was then brought up, and again placed at the bar. He seemed perfectly calm.

The jury having answered to their names,

Mr. Straight put the usual question—Are you agreed in your verdict; do you find the prisoner guilty or not guilty?

The foreman said, in a firm tone of voice, we find the prisoner guilty.

The crier of the Court (Harker) then made the usual proclamation commanding silence to be kept whilst the sentence of death was being passed.

Their lordships having put on their black caps,

Lord Campbell, in a voice that at times was scarcely audible, said—William Palmer, you have, after a long and impartial trial, by a jury of your own countrymen, been found guilty of the crime of wilful murder, and with that verdict my learned brothers, who have watched the trial with the utmost anxiety throughout, and myself, entirely agree. A case like this is attended with such circumstances that it is doubtful whether this is your first crime or not —that is known only to God and yourself. There can be no doubt that you were, from long experience intimate and familiar with the means of death. For this offence you must prepare to die. You must not look for or expect any mercy in this world, but by prayer seek to obtain it from another tribunal. You have, at your own request, and by an act of Parliament passed on purpose, been tried at this Court; and this Court has the power to order you to be executed either at the place of execution pertaining to this gaol, or remove you to the county where your crime was committed. We think for the sake of public example that it ought to take place in the county of Stafford, and I hope that the terrible example will deter others from such atrocious crimes, and show that whatever art, caution, or experience is exercised to prevent the discovery of such crimes, and that however secret or destructive such poisons may be, it is ordained by Providence, for the safety of its creatures, that there should be means of detecting those using them. I again implore of you to prepare for the awful change which you are about to undergo. I do not wish to harrow your feelings by entering into the details of this horrid case, but shall content myself with passing upon you the sentence of death, and that is that you be taken from where you are now standing to the gaol of Newgate, and from htence conveyed in custody to the gaol of Stafford, and from thence to the place of execution and there to be hanged by the neck until you are dead, and may the Lord have mercy upon your soul, and that after death your body be buried within the precincts of the gaol from whence you were taken.

The prisoner heard the sentence perfectly unmoved. At one time he drew himself up, as if about to make some remark, but did not attempt to speak. He stood quite calm during the passing of the sentence, and when his lordship had concluded, turned round and walked from the dock in the same way he has done during the trial.

The Court was densely crowded, and hundreds who had tickets could not gain admission, whilst outside there was above a thousand people waiting to hear the result of this most remarkable trial.

Before the Court broke up, Lord Campbell, in the warmest terms, thanked the jury, and also the under-sheriffs, for their exertions in preserving the order which had been maintained throughout.

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