A complete report of the trial of Miss Madeline Smith : for the alleged poisoning of Pierre Emile L'Angelier / Revised and corrected, with an introductory chapter, by John Morison ... With a correct portrait taken in the court.

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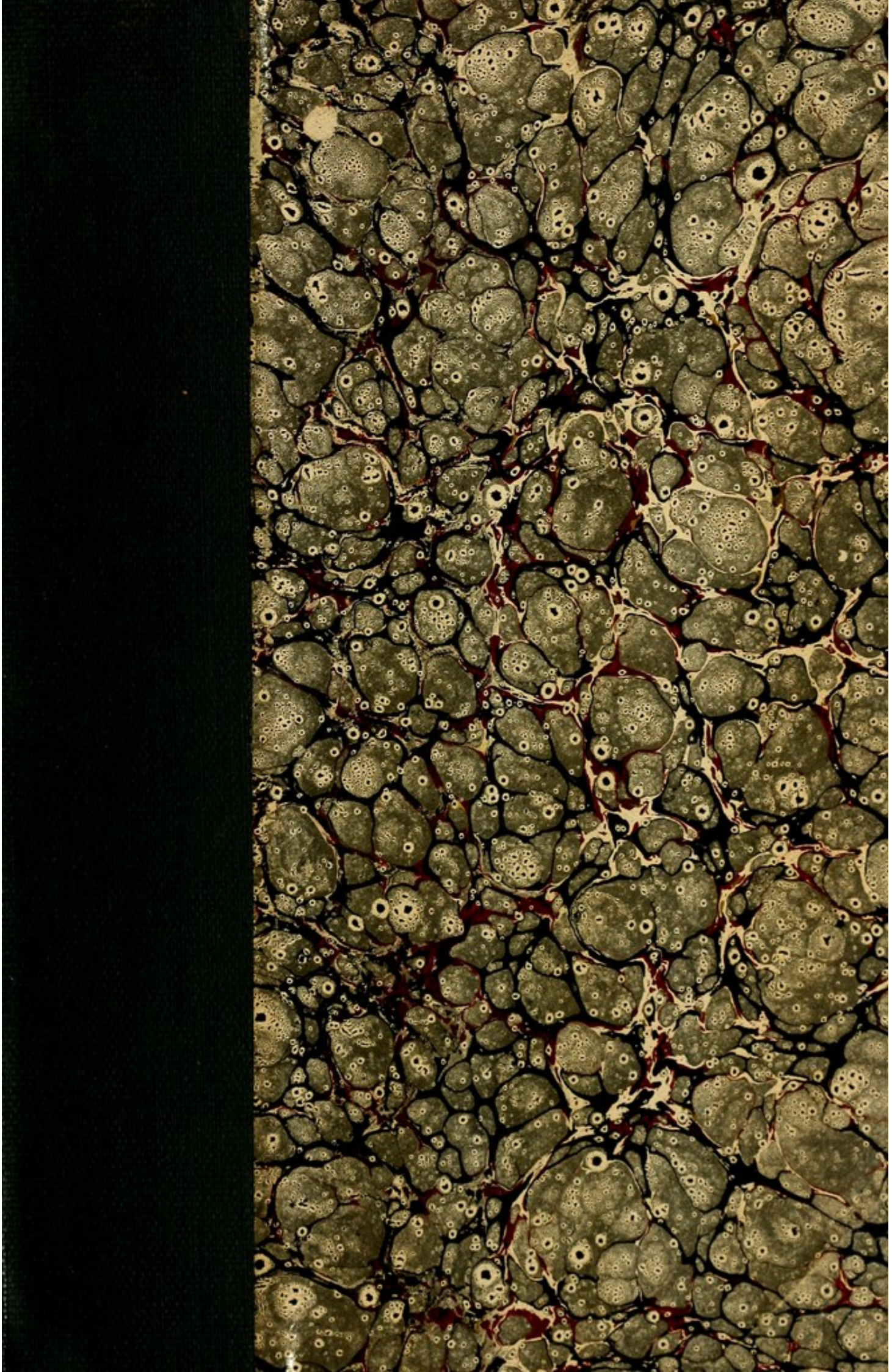

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Fourth Edition.

A

COMPLETE REPORT

OF

THE TRIAL

OF

MISS MADELINE SMITH,

FOR

THE ALLEGED POISONING OF

PIERRE EMILE L'ANGELIER.

REVISED AND CORRECTED BY

JOHN MORISON, ESQUIRE, ADVOCATE,

WITH AN INTRODUCTORY CHAPTER.

WITH

A CORRECT PORTRAIT TAKEN IN THE COURT.

EDINBURGH:

WILLIAM P. NIMMO, 17 HANOVER STREET.

M.DCCC.LVII.

Price One Shilling.

24619
v/u

MISS MADELINE SMITH.

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INTRODUCTION.

In the following pages will be found a report of what, in Scotland, has certainly been the most exciting and interesting trial which has occurred during this century. When it was first known that Miss Madeline Smith, a young lady moving in the middle rank of life, had been apprehended on a charge of poisoning, under circumstances which were said to evince the most deliberate premeditation, a Frenchman who had been her paramour, an incredulous world almost scouted the idea of so strange and horrible a story being true. But as different portions of the truth gradually oozed out, people began to shake their heads and doubt whether the charge might not turn out to be well founded. Every species of absurd report, too, was in circulation, the absurdity increasing as it passed from one mouth to another. The outline of the story, thus sketched in part from correct information and filled in by fancy, was so strange, foul, and unnatural, that it is not wonderful that public excitement rose to its highest pitch. The fact, too, that the young lady herself, and the gentleman who had been on the eve of making her his bride, were well known both among Edinburgh and Glasgow society, caused additional interest in the approaching trial. So soon as she was served with her indictment, and the day of the trial was made known, applications began to pour in for seats in the Court. Judges, advocates, agents, macers, officers of Court, the police, every one, from the highest to the lowest official, who was supposed to possess any autho-

rity or command any interest, was literally besieged by the eager applicants. At length, on the 30th day of June, Madeline Smith was brought to trial.

On that and each succeeding day a dense crowd assembled at a very early hour at the door of the Justiciary Court in the Parliament Square, and as soon as it was thrown open, which was done at eight o'clock, the portion of the Court-room assigned to the public was immediately packed. By ten o'clock every available inch of ground was occupied. The scene was indeed an imposing one. Curiosity and expectation were written upon every countenance; while the large muster of the Faculty of Advocates, who appeared in their Court dress, tended to increase the "pomp and circumstance" of the tribunal.

Notwithstanding that every eye was turned upon her when she entered, she ascended the stairs leading to the bar and took her seat with as much nonchalance and self-reliance as if she had been entering a concert-room. This calm and placid demeanour, which she preserved throughout, caused no small amount of speculation and dispute. While many contended that it of itself was proof of her innocence, others who believed her guilty as hotly maintained it to be conclusive of her guilt, and in perfect keeping with her whole character. As the trial proceeded, and the different parts of her "strange sad story" were one by one disclosed, the public excitement kept on increasing. But the case had so much of mystery and wild romance in it, that one wondered whether the whole thing were not a dream. No doubt we had heard of such tragedies occurring in warmer climes, "where love leads to madness, and madness to crime;" but in this country, at any rate, the story was without its parallel.

But the feeling of the greater proportion of the public ran strongly in her favour,—a fact which was afterwards clearly shewn by the applause with which the Dean's address was received, and with which the Jury's verdict of acquittal was greeted. This feeling arose partly from the very general impression that there was a hitch in the case

for the prosecution,—partly from the sympathy which her youth, her appearance, and her position in society created,—and partly from contempt for the conduct of the man whom she was accused of murdering. So prevalent was this latter feeling, that one frequently heard the remark, "Well, if she did not poison him, she ought to have done it."

Six days passed before the evidence for the prosecution and defence was closed; and on the seventh the Lord Advocate proceeded to address the Jury. He discharged his painful duty in a manner which reflects the greatest credit on him, both as an advocate and as a man. His speech, which was a most masterly synthesis, so to speak, of the evidence, and in which he exhausted almost every theory which could be started for the defence, was delivered in that temperate and dispassionate manner which so becomes a public prosecutor.

But the excitement, if it were possible, became greater on the eighth day of the trial, when the Dean of Faculty came to make his appeal to the Jury on her behalf. Great things were expected of him, and he did not disappoint that expectation. It is impossible that any one reading a report of his speech can form an adequate conception of the effect it had upon those who heard him. The look, the tone, the action—these no reporter can convey. For the time he fairly carried everything before him; and as, with quivering voice, he painted the anguish and despair of the unhappy girl in her attempts to recover those fearful letters which contained such damning evidence of her shame—as he indignantly denounced the man who refused to listen to those passionate appeals, and who determined to keep the letters "as an engine of terror and oppression"—and as he painted with the hand of a master the horror and remorse which must for ever haunt the Jury if they were to convict her, and her perfect innocence should be afterwards established—more than one of the Jury, as well as many of the audience, were dissolved in tears.

Of the Lord Justice-Clerk's charge to the Jury we shall say nothing more than that, while it was characterised by great impartiality, it

was a clear, lucid exposition of the evidence on both sides, and of its bearing on the charges in the indictment.

The interval occupied by the Jury in considering what verdict they should return, must, one would think, have been one of intense agony and suspense to the prisoner; and yet, to all outward appearance, she seemed the most unconcerned person in the Court. They came back to the box after an absence of half-an-hour; and, amid the most profound silence, their foreman read their verdict. And then arose a burst of cheering from the audience, which the officers of Court in vain attempted to suppress.

Outside of the Court, where a crowd numbering many thousands had assembled, a similar expression of public feeling took place on the announcement of the result. Whether they were right or wrong in this demonstration of joy, we express no opinion; but shall only add, in conclusion, that the verdict has met with the approbation of nearly the whole press throughout the kingdom.

THE

TRIAL OF MISS MADELINE SMITH.

HIGH COURT OF JUSTICIARY, EDINBURGH.

FIRST DAY.—Tuesday, June 30, 1857.

The Court met at half-past ten, the Lord Justice-Clerk and Lords Handyside and Ivory on the bench. The counsel for the Crown were the Lord Advocate, Solicitor-General, and D. M'Kenzie, Esq., Advocate-Depute. For the defence there appeared the Dean of Faculty, Mr George Young, and Mr Moncrieff.

The following is the substance of the indictment :—

The indictment charged Madeline Smith, or Madeline Hamilton Smith, with wickedly and feloniously administering arsenic, or some other poison, with intent to murder, as also with murder, in so far as, 1st, on the 19th or 20th days of February last (Thursday or Friday), in the house in Blythswood Square, Glasgow, occupied by James Smith, her father, she did wickedly and feloniously administer to, or cause to be taken by, Emile L'Angelier or Pierre Emile L'Angelier, now deceased, and then or lately before in the employment of W. B. Huggins & Co., merchants, Bothwell Street, Glasgow, as a clerk or in some other capacity, and then or lately before residing with David Jenkins, a joiner, and Anne Duthie or Jenkins, his wife, in Franklin Street, Glasgow, a quantity or quantities of arsenic, or other poison to the prosecutor unknown, in cocoa or coffee, or some other article or articles of food, or of drink, to the prosecutor unknown, or in some other manner to the prosecutor unknown, with intent to murder the said Emile L'Angelier, and that he having taken the said arsenic or other poison, or part thereof, so administered or caused to be taken by her, he did, in consequence thereof, and immediately or soon after taking the same, suffer severe illness; 2d, on the 22d or 23d February (Sunday or Monday), in the house at Blythswood Square aforesaid, she did administer, or cause to be taken by, the said Emile L'Angelier, a quantity or quantities of

arsenic or other poison in cocoa or in coffee, or in some other article of food or drink, or in some other manner, with intent to murder him, and that in consequence of taking the said poison he again suffered severe illness; and, 3d, on the 22d or 23d March (Sunday or Monday), in the house in Blythswood Square aforesaid, she did administer to, or cause to be taken by, the said Emile L'Angelier, in some other article or articles of food or drink to the prosecutor unknown, or in some other manner to the prosecutor unknown, a quantity or quantities of arsenic or other poison to the prosecutor unknown, and the said Emile L'Angelier having taken the said arsenic or other poison, or part thereof, administered or caused to be taken by the prisoner, he did immediately or soon after suffer severe illness, and died on the 23d March, in consequence of the said arsenic or other poison having been so taken by him, and was thus murdered by the said Madeline Smith.

INVENTORY OF PAPERS, DOCUMENTS, LETTERS, ENVELOPES, PRINTS, LIKENESSES OR PORTRAITS, BOOKS, AND ARTICLES, referred to in the foregoing indictment.

A letter, on two pieces of paper, commencing, "My dear Emile I do not feel;" and an envelope, addressed "Emile L'Angelier Esq 10 Bothwell Street Glasgow."

A letter, on three pieces of paper, commencing, "My dear Emile Many thanks for your last kind epistle;" and an envelope, addressed "Emile L'Angelier Esq 10 Bothwell Street Glasgow."

A letter, commencing, "My dear Emile I now perform the promise;" and an envelope, addressed "Emile L'Angelier, Esq ——— Clark, Esq Botanical Gardens Glasgow."

A letter, commencing, "In the first place I do not deserve," and ending with the words, "I cannot put it into my mind that you that you are at the bottom of all this."

A letter, on two pieces of paper, commencing, "Wednesday My dearest own Emile Another letter so soon;" as also an envelope, addressed "Emile L'Angelier Esq. No. 10 Bothwell Street Glasgow."

A letter, on two pieces of paper, commencing, "dearest Miss Perry Many, Many, kind thanks."

A letter, commencing, "Monday 3d My dearest Emile How I long to see you. It looks an age;" as also a letter, commencing, "Tuesday Morning Beloved Emile I have dreamt all night of you;" as also an envelope, addressed, "Mr L'Angelier Post Office Jersey."

A letter, commencing, "Tuesday 2 o'c My own darling husband I am afraid;" and an envelope, addressed, "Mr L'Angelier 10 Bothwell Street Glasgow."

A letter, on two pieces of paper, dated "Tuesday 20th April /56," commencing, "My own my beloved Emile I wrote you Sunday night;" and an envelope, addressed, "Mr L'Angelier 10 Bothwell Street, Glasgow."

A letter, on two pieces of paper, commencing, "dearest Mary Emile will have told you that."

A letter, on two pieces of paper, commencing, "Friday My own my beloved Emile—The thought of seeing you so soon;" and an envelope, addressed, "Mr L'Angelier 10 Bothwell St Glasgow."

A letter, on two pieces of paper, commencing, "Wednesday Morning 5 o'c My own my beloved husband I trust to God;" and an envelope, addressed, "Emile L'Angelier, Esq. No. 10 Bothwell Street Glasgow."

A letter, commencing, "My dearest and beloved Wife Mimi Since I saw you;" and an envelope, bearing the word or name, "Mimi."

A letter, commencing, "My dear Mary—I cannot thank you enough for writing to me in such a free and friendly style."

A letter, commencing, "Monday Night—My dearest Mary a thousand thanks for your dear kind note."

A letter or letters, on two pieces of paper, commencing, "My own my darling husband. To-morrow night by this time;" and an envelope, addressed, "Emile L'Angelier Esquire Botanical Gardens near Glasgow."

A letter, on three pieces of paper, commencing, "My own my dearest my kindest husband how I have reproached myself;" and an envelope, addressed, "Mr L'Angelier 10 Bothwell Street Glasgow."

A letter, on two pieces of paper, commencing, "Friday night—Beloved dearly beloved husband sweet Emile;" as also a piece of paper with writing thereon, commencing, "If dear love you could write me;" as also an envelope, addressed, "Mr L'Angelier, Botanical Gardens Glasgow."

A letter, on two pieces of paper, commencing, "Dearest and beloved Emile—I shall begin and answer;" as also, a letter, commencing, "My sweet beloved & dearest Emile I shall begin and answer your dear long letter;" also, an envelope, addressed "Mr L'Angelier 10 Bothwell Street Glasgow."

A letter, commencing, "Friday evening—My beloved my ever darling Emile. I got home this evening;" as also, a letter or writing, commencing, "Saturday morning—dearest and ever beloved I am just going down to Helensburgh;" as also, an envelope, bearing to be addressed, "Mr L'Angelier 10 Bothwell Street, Glasgow."

A letter, on two pieces of paper, bearing to be dated, "Tuesday morning July 24th," commencing, "My own Beloved Emile I hope and trust you arrived safe home on Monday."

A letter, on two pieces of paper, commencing, "Saturday night 11 o'c Beloved and darling husband dear Emile I have just received your letter."

A letter, on two pieces of paper, commencing, "dearest Mary What a length of time since I have written you."

A letter, on two pieces of paper, commencing, "Wednesday afternoon Beloved & ever dear Emile—All by myself so I shall write to you dear husband;" as also a letter, commencing, "Wednesday night 11 o'c Beloved husband—This time last night you were with me;" also, an envelope, addressed, "For Mr L'Angelier at 10 Bothwell Street Glasgow."

A letter, on two pieces of paper, commencing, "Thursday evening—My own dear Emile how must I thank you for your kind dear letter;" also, a letter, commencing with the following words, "Saturday night half past 12 o'c My own dear Emile I must bid you adieu;" also, an envelope, addressed, "Mr L'Angelier at 10 Bothwell Street Glasgow."

A letter, on two pieces of paper, commencing, "My own ever dear Emile—I did not write you on Saturday, as C. H. was not;" also, a letter, commencing, "I have just got word of."

A letter, on three pieces of paper, commencing with the following

words, "Tuesday morning My dear Emile—The day is cold so I shall not go out;" also, a letter, commencing with the following words, "Wednesday My own dear little pet—I hope you are well."

A letter, on two pieces of paper, commencing with the following words, "Sunday evening 11 o'c My very dear Emile—This has been a long wet nasty day."

A letter, on two pieces of paper, commencing, "Friday night 12 o'c —My own darling my dearest Emile—I would have written you ere this."

A letter, written in pencil, bearing to be addressed "Mr L'Angelier," commencing, "Beloved Emile I hope you will have this to-night."

A letter, on two pieces of paper, commencing, "Monday evening My own sweet darling—I am at home all safe;" as also an envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow."

A letter, on two pieces of paper, commencing, "Thursday evening 11 o'c. My very dear Emile—I do not know when this may be posted."

A letter, commencing, "Tuesday afternoon—I received your note my own my ever darling and dearest Emile. I thank you much."

A letter, on two pieces of paper, commencing, "I wish I had been with you to nurse you;" and also a letter or writing, commencing, "Sunday evening 11 o'c—My dearest Emile—Your note of Friday pained me."

A letter, on three pieces of paper, commencing, "Thursday eveng ½ past 11 o'c—My dearest love my own fond husband my sweet Emile—I cannot resist the temptation of writing you a line."

A letter, on two pieces of paper, commencing, "Sunday morning 1 o'c—Beloved and best of husbands;" also a letter, commencing, "My dear L'Angelier, I met Mimi again to-day with Bessie."

A letter, on two pieces of paper, commencing, "Tuesday night 12 o'c My own Beloved my darling I am longing for."

A letter, on three pieces of paper, commencing, "Thursday night 11 o'c My beloved my darling Do you for a second think."

A letter, commencing, "Thursday night 11 o'c My very dear Emile I hope you are well this night."

A letter, on two pieces of paper, commencing, "Monday My beloved my darling husband Why did I ever do anything to displease you."

A letter, on two pieces of paper, commencing, "Saturday night my own My ever beloved Emile Your dear letter of Thursday."

A letter, commencing, "Monday evening My dear Mary how very kind of you to remember me."

A letter, commencing, "Friday evening January 9th It is just 11 o'c and no letter from you;" also a letter, commencing, "My own sweet one."

A letter, on two pieces of paper, commencing, "Saturday night 12 o'c My own dear beloved Emile I can not tell you."

A letter, commencing, "Monday night My own beloved darling Husband I have written;" a letter, commencing, "Tuesday My dear Emile it is very late."

A letter, commencing, "Friday 3 o'c Afternoon—My very dear Emile I ought ere this to have written you."

A letter in pencil, commencing, "Monday 5 o'c. My sweet Beloved—I could not get this posted for you to day;" also a letter, or part of a letter, in pencil, commencing, "P.S. I dont think I should send."

A letter, commencing, "5 o'c Wednesdy afternoon My dearest Emile I have just 5 minutes to spare."

A letter in pencil, commencing, "Sunday night ½ past 11 o'c—Emile my own Beloved—You have just left me;" also a letter, commencing, "Thursday 12 o'c My dear Emile I was so very sorry that I could not see you to night."

A letter, on two pieces of paper, commencing, "I felt truly astonished to have my last letter returned to me;" also a letter, commencing, "You may be astonished at this sudden change."

A letter, commencing, "I attribute it to your having cold that I had no answer to my last Note."

A letter, on two pieces of paper, commencing, "Monday night Emile I have just had your Note."

A letter, on two pieces of paper, commencing, "Tuesday evening 12 o'c.—Emile I have this night received your Note."

A letter, commencing, "Saturday My dear Emile I have got my finger cut."

A letter, commencing, "Wednesday dearest sweet Emile I am so sorry to hear you are ill."

A letter, commencing, "Friday My dear sweet Emile I can not see you this week."

A letter, commencing, "My dearest Emile I hope by this time you are quite well."

A letter, commencing, "dearest Emile I have just time to give you a line."

A copy of a letter, on three pieces of paper, commencing, "My dear sweet pet Mimi I feel indeed very vexed that the answer."

A letter, commencing, "My sweet dear pet—I am so sorry you should be so vexed," and an envelope, bearing the following or similar address or words, "For my dear and ever beloved sweet little Emile."

A letter, commencing, "My own best loved pet. I hope you are well."

A letter, commencing, "dearest & Beloved—I hope you are well I am very well and anxious."

A letter in pencil, commencing, "Dear Tom I arrived safe and feel a deal better," and bearing to be subscribed in pencil, "Emile L'Angelier."

A letter, commencing, "Edinburg Monday Dear Tom We recd your note on Saturday," and bearing to be subscribed "Emile L'Angelier."

A letter in the French language, commencing, "Mon cher Monsieur Je viens de recevoir la votre," and bearing to be subscribed "Emile Langelier."

A letter, on two pieces of paper, commencing, "My dearest William It is but fair after your kindness to me," and an envelope, bearing to be addressed "William Minnoch Esqr 124 St Vincent St Glasgow."

A letter, commencing, "Bridge of Allan 20th March—Dear Mary I should have written to you before," and an envelope, bearing to be addressed "Miss Perry 144 Renfrew St Glasgow."

A letter, commencing, "Bridge of Allan Friday Dear William I am happy to say I feel much better," and bearing to be subscribed "P. Emile Langelier."

A letter, commencing, "Bridge of Allan Friday 20 March Dear Tom I was sorry to hear from Thuau," and bearing to be subscribed "P. Emile L'Angelier."

A letter, commencing, "Why my beloved did you not come to me."

A letter, in the French language, commencing, "Samedi soir 6 heures Mon cher Monsieur," and bearing to be subscribed "A. Thuau."

A phial, with a brown or other liquid therein, labelled "The Draught to be taken as directed, Mr Langelier."

A bottle, labelled "Cough Mixture."

A bottle, labelled "Camphorated Oil."

A phial, labelled "Laudanum."

A phial, containing a quantity of liquid, labelled "A teaspoonful every two hours in water."

A bottle, containing a white or other powder, labelled "For Cholera.

A bottle, containing a brown or other liquid, labelled "A table-spoonful to be taken thrice daily."

Four packets, containing powders, and having a label attached thereto.

A bottle, containing a white or other powder.

A likeness or portrait, and a frame.

A likeness or portrait, and a leather or other case.

A phial, containing glycerine or other fluid, labelled "Glycerine and Rose Water."

A phial, containing a yellowish or other substance.

A book, entitled "Fisher's Sale of Poisons Registry Book."

A glass bottle, labelled "Pickles."

A card, bearing the words "Emile L'angelier."

A tube, labelled "Powder from contents of Stomach."

A bottle, having a label attached, bearing the date and words, "27th March 1857. Portion of prepared fluids from contents of stomach."

A bottle, containing a liquid, and labelled "L'Angelier Portion of prepared Fluid from stomach."

A bottle, having a label attached, bearing the words, "Contents of small Intestine."

A jar, containing a portion of small intestine or other substance or substances.

A jar, having a label attached, bearing the date and words, "Large intestine 31st March 1857."

A jar, having a label attached, bearing the date and words, "31st March 1857 Portion of Liver."

A jar, having a piece of leather attached, bearing the date and words, "31st March 1857 Portion of Brain."

A jar, containing portions of lungs and heart or other substance or substances.

A packet, containing arsenic or other powder, bearing to be marked "Murdoch's Arsenic."

A packet, bearing to be marked "Currie's Arsenic."

A bottle, containing arsenic or other powder, and bearing to be labelled "Arsenic Poison."

A bottle, containing arsenic or other powder, and bearing to be labelled "Arsenic Poison."

Mr Young took an objection to the words "or cause to be taken," in the first and second charges of the indictment, on the ground that if they were precisely equivalent to the word "administer" they were superfluous

and objectionable on that ground, and that if they meant anything different they were not covered by the major proposition of the indictment.

The Lord Advocate said the words were not material in any way. They were substantially an interpretation or enlargement of the word "administer," and if they were objected to he would strike them out.

The words having been struck out accordingly,

The prisoner was called upon to plead to the indictment, when she pleaded "Not guilty," in a clear and firm tone of voice.

Dr Penny, an important witness from Glasgow, did not arrive till a quarter past twelve, and, by the order of the Lord Justice-Clerk, was called into Court.

The Lord Justice-Clerk, addressing Dr Penny, informed him that he had kept the Court waiting for two hours, and inquired whether he had not been cited for ten o'clock.

Dr Penny replied that he had been so cited, but was not aware that it was necessary for him to be so soon.

The Lord Justice-Clerk told him that, by absenting himself, he had been guilty of great contempt of Court, and that he had no right to judge of the time when he would be required. His Lordship added that, from Dr Penny's character, they could not suppose for a moment that this was anything else than a singular disregard of the orders of the Court; and he trusted that this exposure would be sufficient.

The trial then proceeded.

Mr Archibald Smith, Sheriff-Substitute of Lanarkshire, was the first witness called. He said—I know the panel. She was judicially examined before me, and emitted a declaration on the 31st March. Several letters and envelopes shewn to the witness were identified. There were just four letters in all. She was examined on the charge of murder before her declaration was emitted. The greater part of the questions at the examination were put by me. The statements made in the declaration were all given in answer to questions. The answers were given clearly and distinctly. There was no appearance of hesitation or reserve. There was a great appearance of frankness and candour. The declaration is of considerable length.

Mr George Gray, clerk in the Sheriff-Clerk's Office, Glasgow, stated that he was present when the declaration was emitted by the prisoner.

Ann Duthie or Jenkins—I am the wife of David Jenkins, and live at No. 11 Franklin Place, Glasgow. I knew the late Mr L'Angelier. He lodged in my house. He first came to me about the end of July. He remained in my house a lodger until his death. His usual habits were civil; but he was in the habit of staying out at night; not very often. He enjoyed general good health. Recollect his having an illness somewhere about the middle of February. That was not the first serious illness he had since he came to lodge with me; he had one eight or ten days before. One night he wished a pass-key, as he thought he would be out late. I went to bed, and did not hear him come in. I knocked at his door about eight in the morning, and got no answer. I knocked again, and was answered, "Come in, if you please."

The Lord Advocate here preferred a request that the Court would allow the medical witnesses to hear that part of the evidence descriptive of the symptoms manifested by Mr L'Angelier before his death.

The Dean of Faculty said the proposal had taken him by surprise,

and that, had notice been given, he might have acceded to the request, but as the medical witnesses for the defence were not present he could not do so.

The COURT, seeing that both parties would not consent, refused to allow the medical men to be present.

Ann Duthie or Jenkins continued—I went into Mr L'Angelier's room. He said, "I have been very unwell; look what I have vomited." I said I thought that was bile. It was a greenish substance. There was a great deal of it. It was thick stuff, like gruel. I said, "Why did you not call upon me?" He said that while on the road coming home he was seized with a violent pain in his bowels and stomach, and when he was taking off his clothes he thought he would have died upon the carpet, and no human eye would have seen him. He was not able, he said, to ring the bell. He asked me to make a little tea, and said he would not go out. I emptied what he had vomited. I advised him to go to a doctor, and he said he would. Told me not to make breakfast, but to make a little tea. He took a little breakfast, and then went to sleep until nine o'clock—about an hour. I went back to him then. He said he was a little better, and he would go out. Mr Thuau, who also lodges in my house, saw him. He rose between ten and eleven o'clock. His place of business was 10 Bothwell Street—Messrs Huggins'. It is two streets off. After going out he returned about three in the afternoon. He said he had been at the doctor, and brought a bottle in with him. He took the medicine, and complained of being very thirsty. When he returned at three o'clock he still complained of being thirsty, but not so much as at first. The illness made a great change in his appearance. He looked yellow and dull to appearance. Before that his complexion was fresh. He became dark under the eyes, and the red of his cheeks seemed to be more broken. He complained of cold after he came in—of being very cold. He lay down upon the sofa, and I laid a railway rug over him. I did nothing for his feet. He never was the same after this illness. When asked how he felt, he was accustomed to say, "I never feel well." I have nothing by which to remember the date of his first illness. I think the second was about the 23d February. On a Monday morning about four o'clock he called me. He was vomiting. It was the same kindof stuff as before, in colour and otherwise. There was not quite so much of it. He complained on this occasion likewise of pain in the bowels and stomach, and of thirst and cold. I did not know he was out the night before. He did not say anything about it. I put more blankets upon him, put jars of hot water to his feet, and made him tea. I gave him also a great many drinks—toast and water, lemon and water, and such drinks. That was because he was thirsty. I called again about six in the morning, and found him a little better. He did not rise until the forenoon. I think it was on the 23d, because he had bought a piece of meat for soup from one Stewart on Saturday the 21st. The date of the pass-book enables me to remember this. Identifies the pass-book. See the piece of meat entered on the 21st February. Recollect that this meat was sent home on the Saturday before this second illness. Dr Thomson came to attend him. He came on Monday. Thuau went for him. The doctor saw L'Angelier, and left a prescription for powders, which I got. L'Angelier was about eight days in the house at that time, away from his office.

He took one or two of the powders, but I don't know whether he took the rest. He said they were not doing him the good he expected. He said that the doctor was always saying that he was getting better, but he did not feel well. He used often to say that he did not feel that he was getting better. Some time after this, he went to Edinburgh. I don't remember the date of his going. He was, I think, about eight days at Edinburgh. Recollect his coming back; it was, I think, a Tuesday. Thuau told me he was coming back that evening, and I got in some bread and butter for him. [Identifies L'Angelier's pass-book containing account with Chalmers, a baker, St George's Road.] The entry for the bread is on the 17th March. He returned that day about half-past ten. He was in the habit of receiving letters, but I thought they were addressed in a gentleman's hand. There were a great many letters in the same hand. Sometimes they came in yellow, and sometimes, I think, in white envelopes. [Identifies some of the white envelopes; identifies, also, some of the yellow envelopes, but is not so sure of the white.] He never told me whom these letters were from. Remember seeing the photograph of a lady lying about his chamber. [Identifies the photograph.] I said, "Is that your intended, sir?" He said, "Perhaps, some day." I never thought these letters came from a lady. Mr L'Angelier never said anything to me about taking in these letters. Knew from Mr L'Angelier that he expected to be married. About the end of September 1856 he wished to engage a dining-room and bed-room. He told me he was going to be married about the end of March, and he would like me to take him in. I did not agree to do so. There was one time I said it would be a bad job for him to be ill if he got married. When he came home on the 17th March, he asked if I had any letter for him. I said no. He seemed disappointed at not finding a letter. He stopped at that time until the 19th. Before he went away, he said that any letters that came were to be given to Thuau, who would address them. He said he was going to the Bridge of Allan. He went away about ten o'clock in the morning. A letter came for him upon the 19th. It was like the letters which had been in the habit of coming, and I gave it to Mr Thuau. I don't remember of receiving any letters on the Friday, but there was one on the Saturday more like a lady's handwriting. I also gave this to Mr Thuau. Mr L'Angelier said he would not be home until Wednesday night or Thursday morning next week. He was very much disappointed at not getting a letter before he went away; and he said "If I get a letter, perhaps I will be home to-night." I don't know whether he went anywhere else before going to the Bridge of Allan. Identifies an envelope as like the one which came on Saturday, but could not speak as to another which was shewn. I next saw L'Angelier on Sunday night about eight o'clock. Was surprised to see him so soon. He said the letter sent brought him home, and on his asking when it came, I told him that it came on Saturday afternoon. He said he had walked fifteen miles, but did not say where he had come from. I understood he had been at the Bridge of Allan. He said he intended to go back to-morrow morning, and desired to be called early. Do not remember whether he said he was going back to the Bridge of Allan, but I understood so. He looked much better; and, on being asked, said he was a great deal better. He went out that night about nine o'clock. Before going out he said, "If you please, give me the pass-key,

for I may be late." He told me to call him early for the first train. It was about half-past two in the morning, as far as I can remember, when I next saw him. He did not use the pass-key in coming in, but rung the bell with great violence. I rose and asked who was there, and Mr L'Angelier answered. When I opened the door he was standing with his arms across his stomach. He said, "I am very bad, I am going to have another vomiting of that bile." The first time I saw the vomitings I said it was bile. He said, "I never was troubled with bile." He said, he thought he never would have got home he was so bad on the road. He did not say how he had been bad. The first thing he asked for was a little water. I filled up the tumbler, and he tried to vomit. He wished a little tea. I went into the room. He was half undressed, he was vomiting severely. It was the same kind of matter as I had seen before. There was a light. The vomiting was attended with great pain. I asked whether he had taken nothing to disagree with his stomach; he said, "No, I have been taking nothing since I was at the Bridge of Allan." He was chilly and cold, and wished a jar of hot water to his feet, and another to his stomach. I got these for him—three or four pairs of blankets and two mats. He got a little easier, but about four o'clock he became worse; and on my proposing to go for the doctor, he said he was a little better, and that I need not go. About five o'clock he again got worse, and his bowels became bad. It had only been vomiting up to this time. I said I would go to the nearest doctor —one Dr Steven. He asked what kind of a doctor he was, and told me to go and bring him. About five o'clock I went for Dr Steven, who said he could not come so early, but told me to give him twenty-five drops of laudanum, and put a mustard-blister on his stomach, and said, that if he did not get better he would come. L'Angelier said he never took laudanum. I gave him some warm water, and he vomited freely. About seven o'clock he got worse. He was dark about the eyes. At L'Angelier's request, I went again for the doctor, and he came. When the doctor came, he immediately ordered him mustard. I said to the doctor, "Look what he has vomited;" the doctor said, "Take it away, for it is making him faintish." I got the mustard, and the doctor put it on; and I think he gave him a little morphia. When I was changing the hot water, I said to Mr L'Angelier, "This is the worst attack you have had." The doctor stayed about a quarter of an hour or twenty minutes. I took the doctor into the dining-room and asked what was wrong with him. The doctor asked whether he was a person who tippled? I answered he was not. I said that this was the second time he went out well, and came in ill, and asked what could be the reason. He said that that was a matter for after explanation. The first time I went back, L'Angelier asked what the doctor had said. I replied, that he thought he would get over it. L'Angelier said, "I am far worse than the doctor thinks." About nine o'clock, when I drew the curtains, he looked very ill, and I asked if there was no one he would like to see? He then asked to see a Miss Perry in Renfield Street. I sent for her. He said that if he could get five minutes' sleep he thought he would be better. These were the last words I heard him use. I came back to the room in about five minutes; he was then quite quiet, and I thought he was asleep. The doctor then returned, and I told him that he was asleep. The doctor then went in, felt the pulse, and lifted L'Angelier's head,

which fell back, and said he was dead. I had no reason to suspect where he had been. I knew that there was a private correspondence kept up, after he said he was going to be married. This made me not so ready to ask him where he had been. I did not ask him where he had been, and he never told me. I had no reason to know or suspect where he had been; but he told me he was to get married, but I did not know to whom. Miss Perry came, but she was too late. I sent my little boy to Mr Clark, another lodger. Mr Clark came, and Mr Chrystal, who keeps a grocer's shop. Mr Stevenson came, but not at that time. Mr Chrystal went into the room and shut his eyes. The body was still lying in the bed. He said he would send to his employers; but Mr Menzies, the undertaker, came first, then Miss Perry, then Mr Stevenson, and I think Mr Thuau came too, and Dr Thomson. Stevenson is one of the young men in Huggins' employment. When he came I told him I wanted him to lock up what belonged to L'Angelier, and he did so. The clothes he took off at night were laid on the sofa. He took a letter out of his pocket, and some person—I don't remember who—said this explained all. I saw the letter and said, "That is the letter that came on Saturday." Thuau and Stevenson, and I think Mr Kennedy, were there. I can't say whether it was Stevenson or Thuau who said, "This explains all:" I think it was Stevenson. But all this time I recognised the letter that had come to him on the Saturday, and said so. Stevenson locked up the things. At that time I don't remember anything being said as to having an examination. He was coffined the night he died, and I think they examined the wardrobe that night. But there was no examination of his body, till, I think, on Wednesday. Till Stevenson locked them up, everything was left as L'Angelier died. When L'Angelier came from Bridge of Allan the night before he died, I can't say whether he wore a coat or jacket; but it was closely buttoned and short, and I remember seeing a handkerchief in it. He wore a Glengarry bonnet on his head. I did not see him go out; he had a bonnet on when he came back, but I can't say if it was the same. On all three occasions, when he vomited so much, he had always bowel complaint.

Cross-examined by the DEAN—One illness was on the 22d February; there was an illness before that, but I can't say its date; it might be eight or ten days before the illness of 22d February, but I cannot speak to it. The first illness was a great deal worse than the second. I think it was in January he first complained of ill health. He first complained of his tongue, then a boil came out on his neck, and shortly after that another boil. That was in January. On these illnesses I suggested that it was bile that was the matter with him. I was troubled with that myself, and my symptoms were something the same as his, but not so violent. On these occasions there was a good deal of purging as well as vomiting. As to the illness of the 22d February, he dined at home on the Sunday. On the Saturday night he said he did not intend to go out next day. He said he was not very well. He was taking fresh herring on the Saturday. I thought that was against him. I said I did not think chicken good for him at that time of the year. He made a sauce of vinegar and egg, and I said that was not good for him. He was also, I thought, using too many vegetables. He said that when he was at college in France he used a good many vegetables. I have no recollec-

tion of his going out on the Sunday. I don't remember his asking me for the check-key. I think I would have recollected if he had done so. I can't bring it to my recollection whether he was out that night. He was confined to the house eight days after that Sunday. Thuau sometimes let him in. He was only out once, about the 23d or 24th. I don't remember him being out oftener. Dr Thomson continued to visit him during these eight days that he was in the house. After his first illness, he brought home medicines with him; the doctor wrote a prescription, and I sent for the powders; but I never recollect him bringing more. There were eight bottles in his room after his death; in one there was laudanum, and in another there was something which appeared to be rhubarb. The authorities got the bottles away. I think Mr Murray was one of the parties who took them, and Mr Stevenson. I don't recollect when they got them. It was some days after his death. I think it was more than a week after, but I am not sure. I was in the room when they took them away. Mr Murray put some questions to me, but I do not recollect what they were. When L'Angelier went to the Bridge of Allan, he said if there was a letter he would be back perhaps that night. That was Thursday night. A letter did come, and it was sent after him by Mr Thuau, but he did not come till Saturday. I don't remember a letter coming on Friday, but one came on Saturday between three and four: it was re-addressed by Mr Thuau and sent off; that would be about six o'clock, when he came in to dinner. I think it came by the last post before dinner. He said he was a little better when he came from Edinburgh, but I knew a greater difference on him when he came from Bridge of Allan; he looked very much better. When he came on Sunday evening from Bridge of Allan, he took some tea and a slice of cold toast, but nothing else. I did not see him go out; I knew he was at the water-closet before he went out; I did not see the dress he wore when he went out. I did not observe what he had on when he came home at two in the morning. The gas was out in the lobby, and when he went into the bed-room he was half undressed. He did not say that he had vomited on the way home. He vomited a great deal the morning that he died—the chamber-pot was quite full, and he vomited a very little after I emptied it; he was also purged twice—once before the doctor came, and once after. After sending for the doctor, I gave him hot water that made him vomit, and he was a good deal better after that; the chamber-pot was not emptied till after the doctor came. Before I went for the doctor he said he would go to the water-closet, but I would not allow him, and I said I would keep what he had vomited, and let the doctor see it. Among the things the doctor suggested I should give him was laudanum. There was laudanum in L'Angelier's press, but he refused to take it, and said he never could take it. "Besides," he said, "it is not good, it has been standing without a cork." After the doctor's visit, I told him the doctor said he would get over it. The doctor said so to me. I had asked him particularly, and he said he would get over it the same as before. On the morning of his death I remember him complaining about his throat being sore. The doctor gave him some water, and he said it was choking him, or that it was going into his chest. I don't know whether his throat was sore. When he was in bed that morning he had his arms always out on the bed-clothes; I don't remember his

hands being clenched; his right hand was clenched when he died. I think Miss Perry came that morning about ten. When she came in I said, "Are you the intended?" and she said, "Oh, no, I am only a friend." When he asked me to send for Miss Perry, I supposed she was his intended. I told her he was dead; and she seemed very sorry. Her grief was very striking; she seemed very much overwhelmed, and cried a great deal. I was surprised at the excess of her grief.

By the COURT—The message I sent was that Mr L'Angelier was very bad, and that she should come as soon as convenient.

By the DEAN—I don't recollect if she asked to see the body, but I took her in and shewed it to her. When she told me she was not the intended, I said I heard he was going to be married, and how sorry the lady would be. When she went into the room, she kissed his forehead several times. She was crying very much. Mr Scott, the undertaker, was present at this time, and I think my sister also. Miss Perry said how sorry she was for his mother. I don't remember her saying she knew his mother. Mr L'Angelier had two wooden writing-desks in his room. I did not see the letters taken away; some of the clothes I knew about, but not the letters. I was not in the room when the officers searched his boxes and clothes. They rung the bell, and said they wanted to search them, and then said, "That is all that is required." I don't recollect any ladies calling on Mr L'Angelier; one old lady called with her husband, and took tea with him. Sometimes there were messages from other ladies. When he was ill, there was a jar of marmalade sent, and some books and a card along with it. On the card was "Mrs Overton." About the end of August or beginning of September he told me he had an illness. He said his bowels had been very bad, and that he had not been in bed all night. That was the same night there was a fire in Windsor Terrace.

Re-examined by the LORD ADVOCATE.—Shewn a gray goat and Glengarry bonnet. These are his clothes. He had two or three Glengarry caps the same as this. Shewn a small leather portmanteau. Witness identified it as his. When I said to Miss Perry how sorry the lady would be to whom he was to be married, she said not to say much about it, or anything about it—I don't recollect which. Shewn a small morocco leather bag. Identified it as having been taken to Bridge of Allan by Mr L'Angelier.

By the COURT—When I asked if he had taken anything which had disagreed with him, I meant had he taken anything at the Bridge of Allan which disagreed with him. I did not refer to his taking anything that night. I said, had he taken anything when he was away that disagreed with him? and he said, No; he never felt better than when he was at the country. I did not ask him where he had been that night, because I thought he had been visiting his intended. My husband was from home, and only saw him once at the New-Year time. The two letters which came on the Thursday and Saturday were re-addressed by Mr Thuau. I gave them to him whenever they were delivered. The second letter I took into the bed-room, and put it on the glass. I noticed that it was very like a lady's handwriting. Could not identify which letter it was that came on Saturday. I paid no attention to the one that came on Thursday.

By the DEAN OF FACULTY—While L'Angelier was lodging with me, I

was from home for six weeks, the end of August and the whole of September.

By the COURT—Mr Thuau had been away in Edinburgh from the Saturday before L'Angelier's death, and returned on the Monday.

JAMES HEGGIE, examined by the LORD ADVOCATE—I am salesman to Mr Chalmers, baker, St George's Road. Shewn pass-book between Mr Chalmers and L'Angelier. Under date 17th March there is an entry of some bread and butter got for L'Angelier on that day.

JOHN STEWART, flesher, St George's Road, examined by the LORD ADVOCATE—Identified his pass-book with Mr L'Angelier. On 21st February there is an entry of 7 lbs. of beef, which was sent to Mr L'Angelier on that day.

CATHERINE ROBERTSON, lodging-house keeper, Elm Row, Edinburgh, examined by the LORD ADVOCATE—I remember about the 10th March a gentleman coming to my house for lodgings. He was a foreigner. He did not tell me his name, but I saw Mr L'Angelier on his portmanteau. He came on the 10th March, and left on the 17th. He said he had come from Glasgow, and that he was going to the Bridge of Allan. He appeared to be in very good health, but he told me he had been an invalid. He was in good health when he left me.

PETER POLLOCK, stationer, Leith Street, Edinburgh, examined by the LORD ADVOCATE—I knew Mr L'Angelier. I remember seeing him on the 19th March last. He had come from Glasgow that day. He called at my shop in Leith Street. He said he had come from Glasgow for a letter which he expected to find at the Post Office in Edinburgh. I knew he had been living in Mrs Robertson's for a week before; he told me so. He did not find the letter. He left Edinburgh on the day I saw him, about a quarter past four, for the Bridge of Allan.

By the DEAN—I saw him about two o'clock. He said he had come straight from Glasgow, and for the purpose of receiving a letter. He said there was no letter, as he told me again. I saw him first at two, and then in about half-an-hour afterwards he returned and said there was no letter. He left my shop about three o'clock, and said he was going to the Bridge of Allan. This was on a Thursday.

JANE GILLON or BAIN—I live in Bridge of Allan. Recollect of Mr L'Angelier coming to my house on the 19th March last, between five and six o'clock. He took lodgings. He stayed from Thursday 19th March till Sabbath. Shewn small leather bag, and said he had a bag like it with him. He seemed in good health while with me, and in good spirits. He took his meals well. He left me on Sunday after the churches went in in the afternoon. He did not tell me why he left. He had intended to stay longer.

By the LORD JUSTICE-CLERK—The night post comes in to Stirling, I suppose, very early in the morning?—I do not know.

CHARLES RUTHERFORD, druggist and postmaster at Bridge of Allan, was next examined—I was postmaster at Bridge of Allan in the beginning of this year. Shewn an envelope, No. 153, and asked if he remembered the letter with that envelope coming on 22d March—I do not recollect; but, from the stamp, it must have come through the office on the 22d. A gentleman named L'Angelier left his card about the 20th of March at my office. I gave that letter to him. On the 22d?—When it was called for.

By the DEAN OF FACULTY—I know nothing about the letter except from the postmark. The postmark is "March 22, Bridge of Allan," and "Glasgow, 21st March." The distinguishing letter-marks shew that the letter came with the morning mail, which left at 7, and arrived at Bridge of Allan at 10.30. I keep a shop, and sell drugs and stationery.

WILLIAM FAIRFOUL—I was guard of the train that left Stirling in the afternoon of Sunday, 22d of March. It left Stirling at half-past three o'clock. A gentleman, apparently a foreigner, left Stirling, on his way to Glasgow, by that train. Shewn a photograph of Mr L'Angelier, and recognised it as the portrait of the foreigner who travelled in the train that day. He went the length of Coatbridge, the nearest point to Glasgow. He asked me the way to Glasgow. I asked him if he wanted a machine. He said no; that he was in no hurry to get to Glasgow before night, and asked for a place where he could get something to eat. I shewed him a place. Mr Ross came also in the train from Stirling, and left at Coatbridge. They went together to the inn, and I shewed them the road. I left the train at Coatbridge. I shewed him a place to get something to eat. He got roast-beef, and ate very heartily. He drank porter. I stopped with him, and saw him and Mr Ross start for Glasgow.

By the DEAN OF FACULTY—There were about eight passengers of all classes in the train. Nobody stopped at Coatbridge except Ross and the gentleman whom I have been told is the deceased. I am quite sure. I never saw Ross before that day nor since. Mr Miller, the party engaged for the defence, told me that his name was Ross. I never saw any of these two persons before nor since, and I did not know their names, nor anything about them. About four or five days after the death of L'Angelier, I was told I was wanted by the Fiscal. I saw the foreigner eating in Donald's house in Coatbridge. I saw him eating heartily. Ross and I did not eat. Ross was here brought in, and witness identified him as the man who accompanied L'Angelier.

THOMAS ROSS, auctioneer, Glasgow—I recollect being in Stirling on 22d March last, and leaving by afternoon train for Glasgow. I went to Coatbridge by train. I saw a foreign gentleman when I got out of the train. I did not know his name. The guard introduced him to me as a gentleman who was going to walk to Glasgow. I had nothing to eat, but the other gentleman had some roast-beef and a small bottle of porter. We started at 5.20, and reached Glasgow about 7.30. It took us rather more than two hours to walk to Glasgow. It is eight miles from Coatbridge to Glasgow. He had a Balmoral cap on his head. [Shewn the cap]—It was one like that. [Shewn coat]—That is not the coat he had on. He walked well, and was not tired. He was smoking several times. We parted at top of Abercrombie Street, in the Gallowgate. He told me he was going to the Great Western Road. I do not know whether Franklin Place is near that.

Cross-examined—He told me he had come from Alloa that morning. He said he had walked from Alloa to Stirling. He said it was eight miles. He said nothing about Bridge of Allan. Our conversation was merely on local affairs, scenery about us, and different places we passed on the road. He did not eat a great deal when he dined. He told me he had been at Stirling, and presented a cheque at the bank there either that day or day previous, and that they would not cash it, he being a

stranger. Abercrombie Street is about the middle of the Gallowgate. I was not in any house with him from Coatbridge to Glasgow. I am quite certain of that. We were in no shop.

By the LORD ADVOCATE—We left Coatbridge twenty minutes after five.

WILLIAM STEVENSON, warehouseman, Glasgow—I am warehouseman in the employment of Huggins & Co. The late Mr L'Angelier was in our warehouse. He was in the department under me. He was unwell in March last. I am aware of his being unwell one day in my absence. He did not at that time get leave of absence. I had occasion to be away for several days, except at morning and evening. He got leave of absence in the month of March. He was going to Edinburgh. I'm aware he afterwards went to the Bridge of Allan. I did not see him between his going to Edinburgh and then to the Bridge of Allan. I got a letter from him from the Bridge of Allan :—

March 20.

DEAR WILLIAM,—I am happy to say I feel much better, though I fear I slept in a damp bed, as my limbs are all sore, and scarcely able to bear me. But a day or two will put me to rights. What a dull place this is. I went to Stirling to-day, but it was so cold and damp, I soon hurried home again. Am I wanted? If so, I am ready to come home at any time. Just drop me a line at the Post Office. You were talking of taking a few days to yourself, so I shall come up whenever you like. If any letters come, please send them to my house. I intend to be home not later than Thursday morning.—Yours, &c., P. EMILE L'ANGELIER.

He usually signed in that way. He was generally addressed "Emile" in the office. I answered that letter. I found that letter in the Post Office, Bridge of Allan, after L'Angelier's death. That was in the forenoon of Friday, 27th March. I never saw L'Angelier after he went to Edinburgh. He had been in our warehouse four and a-half years. I got notice of his death on Monday, 23d March, in the forenoon. Mr Corbett, a partner in the firm, mentioned it to me. I went direct to our place of business, and then to the French Consul's office. I saw Mr Thuau, a fellow-lodger of L'Angelier's, there. He told me Dr Thomson was L'Angelier's medical man. I got Dr Thomson to go to Mrs Jenkins' lodgings. I saw L'Angelier's corpse there. I heard of another medical man having attended him—Dr Steven, and I sent for him. He came while Dr Thomson was there; and they proposed an examination of the body. There was at that time no suspicion. I did not then authorise them to make a *post mortem* examination; but I did the next day. I informed the Procurator-Fiscal on Tuesday. I was present when the examination commenced, and saw it was L'Angelier's body. I did not expect L'Angelier would be in Glasgow on the Sunday night. That would have been inconsistent with his letter. His clothes were lying on the sofa of his bedroom when I called. I examined the clothes, and found various articles, such as pipes of tobacco, three finger-rings, some silver, and a bunch of keys, &c.; and there was also a letter in his vest pocket. It was a letter and an envelope. Shewn letter and envelope—These are them.

Why, my beloved, did you not come to me? O beloved, are you ill? Come to me. Sweet one, I waited and waited for you, but you came not. I shall wait again to-morrow night—the same hour and arrangement. Do come, sweet love, my own dear love of a sweetheart. Come, beloved, and clasp me to your breast. Come, and we shall be happy. A kiss, fond love. Adieu, with tender embraces.—Ever believe me to be your own dear, fond MIMI.

The letter was addressed "M. Emile L'Angelier, Mrs Jenkins', 11 Franklin Place, Great Western Road." I made some remarks on that letter, but I do not remember what they were. I remembered that that letter explained why he was in Glasgow and not in Edinburgh. I found a bunch of keys in his pocket. I took them with me. I gave them to Mr T. F. Kennedy, our cashier. I knew Mr L'Angelier had a memorandum-book. I saw it on the Monday. I had it when I came from his lodgings, but I cannot say where I got it. I got it in his lodgings, but I cannot tell where. Shewn a memorandum-book, and asked if that was the book, and he replied that it was, identifying the handwriting as his. I took it with me to the office, and put it into a parcel and sealed it up. I saw it subsequently given up to the public authorities. When Murray came I marked a label upon it, but not at that time. I marked it afterwards, and I know the book. [The Dean here objected to the entries being read.]

Cross-examined by the DEAN OF FACULTY.—Look at that label and read it.—"Glasgow, 30th March 1857. Found in the desk of the deceased Pierre L'Angelier, in the office of W. B. Huggins & Co., 10 Rothchurch Street.—J. Mackenzie, B. M'Lauchlan, W. Anderson, J. Stevenson." You signed that?—I did. You signed that document, which states that the book was found in his desk in Huggins' warehouse, and you swore just now that you got it in his lodgings?—I put it in his desk sealed up, and it was opened afterwards, and labelled when it was taken out.

By the COURT—Did you put that sealed parcel into L'Angelier's desk after you sealed it up?—I did.

By the DEAN OF FACULTY—When you put it into his desk, was it sealed up?—It was not. Did you take it out of his desk?—Not after it was put in, till the officers got it. Did you take it out of his desk at any time whatever after you put it in?—No. Do you know who took the book out of the desk?—I am not quite certain which of the officers it was. Do you know at all who took it out?—I saw two officers take the things out. What do you mean by saying on the label that this was found in the desk?—I meant that they found it there. Is that what you say? You say it was found? Why did you say so?—Because they took it out. How do you know they took it out that day?—The book was there when they came. How do you know that?—I saw the book. When? On the 30th March?—On the day they took it. When was that label signed?—I don't remember the day. Did you read what you signed?—I did. Did anybody see you find the book in the lodgings?—I am not aware. What day was it?—On the Monday. Who was present on the Monday?—Dr Steven, Dr Thomson, Mr Thuau, Mr Wilson, and Mrs Jenkins might be in the room. Can you tell me whether any one of these people was aware of your having found this book in the lodging?—I am not aware. How long, after finding it in the lodging-house, was it before you put it into the desk?—I cannot tell how long. Was it the same day?—I do not mind. Was it the same week?—The same week. That is all you can say about it?—That is all. Did you carry it about in your pocket?—I did not, beyond taking it from the lodging to the office. But how long a time elapsed between finding it in the lodging-house and putting it in the desk?—I cannot tell; it stood on one of the desks of the office, and I sealed it up. You sealed it, and put it on the desk, did you?—I

did. Did you find it there again?—I did. How long might it be on the desk?—I cannot tell how long. A day?—It was the afternoon of a day that I came with it to the office. Well; how long did it remain upon that desk? Till next day?—I think it remained until the Tuesday. What Tuesday?—The next day. After L'Angelier's death?—Yes. What did you do with it on the Tuesday?—I do not mind of putting it into the desk, so that I cannot speak definitely about that. You do not mind of putting it into the desk?—No. From the time you left it upon that desk, when did you next see it?—I saw it several times that afternoon; and it was opened once or twice that afternoon. Is that the Tuesday?—No; the Monday. By whom was it opened?—By me.

By the COURT.—Was it sealed?—It was sealed, and opened, and sealed again.

By the DEAN OF FACULTY.—Was it sealed with the office seal?—Yes. Was there nothing to prevent anybody breaking the seal, opening the book, and sealing it again?—Nothing. When did you see it next after you saw it on the desk?—I do not mind. Did you ever see it after that until you saw it in the hands of the officers?—I saw it after that in the desk. Tell me when that was?—I think it was on the Wednesday morning, as the Fiscal requested me to bring some letters to him, and on going into the desk for these letters on the Wednesday morning I saw it then in the desk. The Fiscal requested you to bring over letters to him which were in L'Angelier's desk, and you did so?—I did so. You took some of the letters, not all?—Not all. You saw the book then?—Yes. Was it sealed?—No, it was open. Had you the key of the desk?—I had. Where did you get the key?—In the bunch I got from his pocket. Was the back of the desk in a very frail state?—I was aware the lock was. Are you aware the back was?—I am not aware. Are you aware L'Angelier had complained that some of the lads in the back warehouse had got into his desk?—I am aware that he complained to me. You saw the book in the desk upon Wednesday morning; when did you see it next?—I do not mind. Did you ever see it again till to-day?—Yes. When?—I saw it repeatedly in the desk, but I cannot say when. Did you ever see it out of the desk after that?—Yes. Where?—I saw it out of the desk in the Fiscal's office. Did you see it receive this label?—I did. Did you ever see it before you found it in the lodging?—I did. When?—When he complained of the lock of his desk not being in good condition; I looked at his desk, and saw a book lying like that one. That is what you mean by saying that you saw it before?—Yes. Did you ever see him write in this book?—I did not. How many times do you suppose the desk was opened between the time L'Angelier died and the time you signed this label?—I cannot tell. Has it not been a great number of times?—Frequently. And by other persons?—I was always present, although some other persons were looking at the letters and books.

By the COURT.—Who were these people?—Mr T. F. Kennedy, our cashier; Mr Wilson, our invoice-clerk; and I think Mr Miller was present, and one of the warehouse lads.

By the DEAN OF FACULTY—Anybody else?—There may have been some young men belonging to the works in the same apartment. Any people who were strangers to your establishment?—No. Are you quite

sure of that?—Not a single one. What do you say to Mr Miles?—He was not in that day. Has he not been in your warehouse since L'Angelier's death?—Several times. I suppose he saw the letters?—I do not think he saw any of the letters in our place; not to my knowledge. What did he come for?—He came to inquire after the death of Mr L'Angelier. Did he not ask to see anything?—I am not aware that he did. Did he address himself to you or to other people?—I saw him once or twice when he was in, and he addressed himself to me. Were you not at one time under the impression that you found this book in the desk at the warehouse, and not at the lodging?—I stated so. You stated so more than once, did you not, in your precognition?—I am not aware that I did so more than once; I did so once, and that was my impression at that time. How long is it since you changed your mind?—It was on the day that I wrote a note to Mr Hart, whenever I minded that I had found the book. How long ago?—It is a few days ago. Did you make any inventory or list of the things you found in L'Angelier's lodging?—None. Did you make any inventory of the letters he had in his desk in the warehouse?—No. You never saw any list of them, did you?—No. You are not aware of any list being made of letters, or clothes, or any of the other things that were found in his lodging-house before 30th March?—No.

By the Solicitor-General—I have turned over the memorandum-book, but did not attend to entries. [Shewn the book.] The entries are all in L'Angelier's handwriting. The last entry is on 14th March. All these entries, from 11th February and 14th March inclusive, are in the handwriting of L'Angelier.

Cross-examined—They are in pencil; very faint some of them.

By the Solicitor-General—I was accustomed to see L'Angelier write in pencil in the course of my business.

The Solicitor-General then asked the witness to read the entries. Objection having been taken to that by the Dean of Faculty, the witness was removed.

The Dean of Faculty argued that there was no evidence whatever of this book being a journal at all. It might be a memorandum-book; but there was no reason to believe that the entries were put under their proper dates.

The Lord Advocate said they had proved that the memoranda were in L'Angelier's handwriting, and that they were written under certain dates. Whether all these entries were written on the dates they bore was another matter; but they would be able to prove that very many of the things mentioned in that book did happen on the dates when they were entered. That, therefore, this was most material and weighty as evidence he thought it was impossible to deny. They had there, in the deceased's handwriting, and under certain dates, a mention of circumstances which tallied with many of the events, as they would be able to prove. He thought, if they shewed, as they could shew, that the entries after 7th March were all entered at their proper dates, it would go far to prove that the other entries also represented circumstances which took place under their dates.

The Judges then retired to consider the point. On their return, after the lapse of nearly a quarter of an hour, they decided that the entries were not to be read at that stage.

William Stevenson recalled—On Monday, did you see two desks brought in?—I did not see them on Monday. I did not examine the repositories in Mrs Jenkins' on the Monday at all. I saw no letters except the one found in the vest pocket. On that day I examined his desk in my office. I found a great many letters there. Some of them I examined that day. I observed they were principally in the same hand. I locked the desk. I went to the Bridge of Allan on Friday. I went to Mrs Bain's lodgings there. She shewed me things that had belonged to L'Angelier—a leather portmanteau, a hat, a cigarette case, a little travelling-bag, a dressing-case, and a rug. The portmanteau and travelling-bag were both locked. [These articles being shewn witness, he identified them.] I think the dressing-case was open. I don't remember exactly. I desired Mrs Bain to send them to Huggins' office. I found keys to open both the portmanteau and travelling bag amongst those I got at L'Angelier's lodgings. On opening the bag, I found it to contain a little leather case for holding letters. There were several letters in it. In the portmanteau I found clothes and a prayer-book, but no letters. I sent the bag first to Mrs Jenkins', along with the portmanteau. I gave the letters and papers in the desk to Murray, the police-officer, on Monday. It was a paper box into which they were put. I assisted, or at least saw that they were put in. I sealed the box as soon as they were put in. I did not initial the letters when they were opened in the Fiscal's office. I did initial several of them some days afterwards. I went with the officer and Mrs Jenkins. The little leather-bag was not opened in his presence. Murray took possession of it, and carried it away. I do not think I gave him the key then. I afterwards saw it opened in the Fiscal's office. I took the key there for that purpose. On that Monday I saw Murray open L'Angelier's desks in Mrs Jenkins', and noticed that the letters found in them were similar in handwriting to those in the desk in the warehouse. I saw Murray take away all the letters that were in different articles at Mrs Jenkins'. I saw them at the Fiscal's office. I did not accompany Murray there. I saw Murray take possession both of those in the office and those in Mrs Jenkins'; but could not say afterwards which had been found in the one place and which in the other. [Witness having been shewn a number of letters, declared them to be all in L'Angelier's handwriting.] I was at the funeral of L'Angelier. It took place in the burying-ground of St David's Church. I was also present when the body was exhumed. The funeral was on the Thursday. I saw the body when exhumed in the hands of Dr Steven and Dr Corbett. That was, I think, on Tuesday the 31st. I examined the letters that were in the small bag. I read some of them, and marked "bag" on several. I kept the letters in their original envelopes. That applies to all the letters I examined. I did not shift the envelopes in any way. [Shewn letter commencing, "My sweet dear pet—I am so sorry you should be so vexed," and with an envelope bearing "For my dear and ever-beloved sweet Emile."] That was in the bag. It is marked by me in the same way. The envelope of letter commencing "My own best beloved pet—I hope you are well," was in the bag, but I have not marked the letter; but if this is its envelope, it was there too. The letter commencing, "Dearest and beloved, I hope you are well, I am very well and anxious," I can't speak to. Witness also spoke of other three letters as being found in the bag. So far as I examined the docu-

ments in the bag, I kept the letters in their original envelopes, and delivered it locked to the officer. I did not shift the letters and envelopes to my knowledge.

It being now after six o'clock, the Court adjourned till Wednesday morning at ten.

SECOND DAY.—Wednesday, July 1.

The Court met at ten o'clock this morning, when Miss Smith was again placed at the bar, looking quite as cool and collected as yesterday.

William Stevenson, whose evidence was not concluded last night, was again examined by the Solicitor-General.—Before the great mass of the letters were taken possession of by Murray, I had handed some of them to the Fiscal on Wednesday morning the 25th. I handed them personally to Mr Young. I did not mark them, but I took a note of the dates at the time. I have not that note with me; but I have the numbers which I saw afterwards put on the same letters.

By the Court—The Fiscal did not mark them when I gave them. I took the note when the numbers were put on.

By the Dean—I had a note of the postmarks, and they corresponded; I think there was one without a postmark. I have not my note of the postmarks.

The Dean—It is extremely loose this sort of evidence.

The Lord Justice-Clerk—Nothing can be looser or more singularly unsatisfactory than that there should be the slightest deficiency in the proof in such a case.

By the Dean—Mr Wilson, Mr Young's clerk, I think was present at the time. To my knowledge the Sheriff was never present at any precognition, or at any other time. Mr Hart was not present. I understand Mr Young is a Procurator-Fiscal. I destroyed the note of the postmarks.

By the Lord Justice-Clerk—I think the Fiscal knew I had taken that note. He never told me to preserve it.

By the Dean—He saw it, but I don't think he examined it.

By the Solicitor-General—On that Wednesday I think I gave the Procurator-Fiscal seven or eight letters. [Shewn letter No. 75.] This is one of the letters. I know it by the number, and by my initials on it. I recognised it at the time from the postmarks, of which I had a note, and then I put my initials on it. The word "desk" is written on it by me; that means that I got it in the desk in the office. [Shewn letter No. 93.] This is one of them too; it is marked "desk" by me, indicating the same thing. [Shewn No. 97, 107, and 109.] These are also letters which I gave to the Fiscal, and they are marked by me as having been found in the desk. I can't speak to No. 71. As to the letters I gave up on the Wednesday, I read portions of some of them. I did not read them when I marked them afterwards. I first communicated with the Fiscal on this subject on Tuesday afternoon. That was after the doctors had made their *post mortem* examination at that time. I entertained no apprehension that this was to be a criminal charge; on the Wednesday

I felt uncomfortable about it, but nothing further. My feelings at that time of discomfort pointed to a particular quarter where he was likely to have been.

By the DEAN—The entry in the memorandum-book as to the numbers of the letters I made when the letters were numbered. My own numbers in that book are 3, 31, 45, 53, 54, and 56; they are six in number; I can't speak to No. 56. The letters which I gave to the Fiscal on the 25th were seven in number, including the letter I got in his vest pocket. I am not aware that I have seen No. 56 since I wrote that memorandum. The numbers they now bear I saw put on in the Fiscal's office. I can't say how these particular numbers came to be put on these particular letters. These five letters have all envelopes, and the postmark is on the envelope only. When I checked the postmarks from the note I had made, I believed them to be the same letters as were in the envelopes before. I had no means of identifying the letters themselves, but only the envelopes. There is no date in this memorandum-book enabling me to tell the date when these numbers were put on. There is a date—29th April 1859.

The LORD ADVOCATE—Read the item.

Witness—No. 86, 100 cool shawls at 3s. 6d.—Macdonald.

By the DEAN—There is no other date on that page; on the preceding page there is a date "22d April, signed precognition." Before that there is "Saturday, 18th April, eight bottles, bundle of powders, and affirmed to their being the same as those found in Mrs Jenkins'." On the preceding page there is the following entry:—"Monday, 30th March. —Gave up L'Angelier's papers and letters from his desk to Murray and ——." In the immediately preceding page, before the first entry spoken of, there are three dates—17th April, 18th April, and 22d April—and on the page immediately before these are three dates—28th, 30th, and 31st March. The entry under 17th April is—"Was at Mr Hart's, and gave a second evidence." I am not aware of the date of the last time I was precognosced. The entry before the 17th April is—"Signed precognition;" there is no date to that. I was precognosced several times; I have not been precognosced since I came to Edinburgh. I have seen parties connected with the Crown yesterday, the day before, and this morning. This morning I saw Mr Wilson and Mr Gray, of the Fiscal's office in Glasgow. They did not ask me about the letters. I told them I was in a most uncomfortable position about this matter; that I had got quite a sufficiency in the Court; and that I wanted to be done with it. Was that in consequence of anything said by those gentlemen?—No. It was because I felt exceedingly uncomfortable and very unwell. I saw them this morning. I don't know whether it was this morning or yesterday afternoon that I said so, but I said so repeatedly. As to the entry about the six letters, I cannot say when it was made. The entry is, "Letters 3, 31, 45, 53, 54, and 56, in desk 25th March," and can swear to them.

By the COURT—The entry was not made on the 25th March. I can't say when it was made. That was the day on which I got the letters. It appears in the book after an entry on the 24th April. I found letters belonging to L'Angelier in the tourist's bag, in the desk in the warehouse, in a leather portmanteau at his lodgings, and also in the desk in his lodgings, and one in his vest pocket. I can't say how many letters

there were in the desk at the warehouse. They were numerous. Part of them were wrapped in two brown-paper parcels, and part were lying loose. The two parcels were sealed with the company's stamp. They had been sealed by L'Angelier himself apparently. As to the seven letters I gave to the Fiscal, I don't know whether they were in a sealed packet or lying loose. I could not identify any of the letters found in the desk, except the six in the desk which I have spoken to, and the one found in the vest pocket. I don't know how many letters I found in the travelling-bag. They were not very numerous—I should say under a dozen. I did not count them. I read a portion of them. In the portmanteau I have no idea how many I found. They were numerous. I think they were partly loose and partly tied with twine or tape. I saw them in the Fiscal's office. I presumed them to be the same, but I could not distinguish those found in the portmanteau, nor those found in the desk at the lodgings. I can't tell how many of them there were. Shewn No. 137, and, after looking at memorandum-book—This is marked as found in the bag. Tell me what you referred to your memorandum-book for just now? Is it by reference to this entry that you are enabled to say now that this was one of the letters found in the bag?—Yes; and also I marked it "bag." Why did you refer to this?—I was requested to take a note of them at the time. This entry immediately follows the other entry before spoken of. I don't know when I wrote the word "bag" on the letter. I have not the slightest idea of what has become of the letter attached to the envelope. I can't say if it contained a letter. I made no inventory of the letters found in the bag, and I saw none made. I saw a note of letters in the Fiscal's office. I am not aware of seeing an inventory of the letters found in the bag. I made a list of the six or seven which I have before referred to. I made no other list. I think I saw only one desk at L'Angelier's lodgings. I recollect L'Angelier going to Edinburgh. I never saw him after he went there. He was not back to the warehouse, to my knowledge. [Shewn twenty-four letters in the third inventory for the prisoner, and asked if he ever saw them before?] Deponed—I have seen a number of letters in that handwriting from this individual among the letters given up, but I can't say I saw any one of them. The signature is "M. A. P."; and in some the signature is Perry. I found portions of this handwriting in all his repositories. I can't say as to the small bag. I can't say how many in this handwriting I may have seen. There were a good many; I think not so many as in the other handwriting—not nearly so many. I can't give you any notion how many there were in the other handwriting. My impression is that there would not be one-half of them in this handwriting. I could not say if they would be a third, but there were a good many of them. I could not say if there were 100 in the first handwriting I have spoken to. There are 199 letters in the prisoner's second inventory. I should be inclined to say, speaking roughly, that there were 250 to 300 of all the letters found, in all handwritings. I understood that L'Angelier corresponded with a number of parties in the south and in France. I have seen letters addressed to ladies in France and in England. I have heard him speak about parties in England. He was a vain person—vain of his personal appearance—very much so. He never spoke of himself to me as very successful among ladies. He was of a rather mercurial disposition—changeable. His situation in Huggins'

warehouse was packing-clerk. I am not aware what money he had when he went to Bridge of Allan or to Edinburgh. I saw the first medical report made by Dr Thomson. It was made upon Tuesday the 24th. [Shewn seven medical reports, and asked to find it.]

The JUDGE—You had better shew it to him.

The DEAN—It is not there; that is the point.

Witness—Need I look for it then?

The DEAN—No; but you saw a report?

Witness—Yes; it was on a small slip of paper. There is a report here by Dr Steven and Dr Thomson, dated "28th March." The report I speak of was made on the 24th March. It was given to me, and I gave it to Mr Young, the Fiscal. I don't think I have seen it since. [Shewn No. 1 of second inventory for prisoner—a portmonnaie.] This was got, I think, in the vest he wore when he came from the Bridge of Allan. There were three rings in it, which I have already spoken to as having been found on him. I did not give this up to the Fiscal with the other things. It was found on the Monday that he died; it was locked up in one of his drawers. It was not taken out till all the articles of dress were packed up a considerable time afterwards; it was then packed up in one of the portmanteaus. I have no note of when it was given up, but I recollect giving some articles out of the portmanteau to Mr Miller and Mr Forbes, agents for the prisoner. I am not sure whether this was one of them. I don't know whether it was got out of his lodgings or out of the trunk it was sent in here. [Shewn two letters, 1 and 2 of the first inventory for the prisoner.] These are in the handwriting of L'Angelier.

By the LORD JUSTICE-CLERK—I was several times precognosced. At the time of the first precognition I understood there was a criminal charge against some one on account of the death of L'Angelier; and it was known I was the first person who had seen any of the articles in his repositories. I have not the date of the first precognition. I think it was after giving up the articles to Murray on the 30th. On none of these occasions am I aware that the Sheriff was present during my precognition. I understood at the time that it was known and understood who the letters in the first handwriting were from, and I knew that the charge was murder. The party was in custody at that time. Murray is an officer belonging to the Fiscal. I did not see the Sheriff or the Fiscal at the desk or repositories while I was there. The letters were put into a bag by me, and no inventory made. Everything was given up. The box containing the letters found in Huggins' office was sealed up. I am not aware whether the bag was sealed up. The letters found in the lodgings were put into a brown-paper parcel. I am not aware whether it was sealed. There was another officer with Murray.

The LORD JUSTICE-CLERK—You seem to have done all that you thought necessary, and with much propriety, in the way of making memoranda, though not in the way that the Fiscal would have done it. But during any of your precognitions, were you asked to go over the letters, and put any marks on them to enable you to say where they were found?

Witness—Not when they were delivered up. Afterwards I was requested to put my initials on some of them.

The LORD JUSTICE-CLERK—I think it right to say, that I know of no duty so urgent, so impressive, and so imperative as that of the Sheriff

superintending and directing every step in a precognition for murder; and that, in the experience of myself as an old Crown officer, and of my two brethren as Sheriffs, the course which this case seems to have taken is unprecedented. I must say that your memoranda (addressing witness) were not made artistically or scientifically; but I think you have done the best according to your judgment and experience, nor do I suppose that there is any imputation against you.

The DEAN OF FACULTY—Oh, dear no, on the contrary.

The LORD ADVOCATE—I think it right to say, that perhaps before the end of the case, in some respects the observation of your Lordship will be modified.

The LORD JUSTICE-CLERK—I only speak to what occurred in reference to the examination of one witness, who apparently received all the letters founded on to support a charge, I presume.

The LORD ADVOCATE—With regard to the first stages, unquestionably there was a very great looseness.

The witness then left the Court, on the understanding that he was to hold himself in readiness for being recalled.

Dr THOMSON, examined by the LORD ADVOCATE—I am a physician in Glasgow. I knew the late Mr L'Angelier for fully two years. He consulted me professionally; the first time fully a year ago. He had a bowel complaint. He got the better of that. Next time he consulted me on 3d February of this year. He had a cold and cough, and a boil at the back of his neck. He was very feverish, and the cough was rather a dry cough. These are all the particulars I have. I prescribed for him. I saw him next about a week after the 3d February. He was better of his cold, but I think another boil had made its appearance on his neck. I saw him again on the 23d February. He came to me. He was very feverish, and his tongue was furred and had a patchy appearance, from the fur being off in various places. He complained of nausea, and said he had been vomiting. He was prostrate, his pulse was quick, and had the general symptom of fever. I prescribed for him. I took his complaint to be a bilious derangement, and prescribed an aperient draught. He had been unwell I think for a day or two, but he had been taken worse the night before he called on me. It was during the night of the 22d and morning of the 23d that he was taken worse. He was confined to the house for two or three days afterwards. I am reading from notes I made on the 6th April. I made them from recollection, but the dates of my visits and the medicines were entered in my books. I visited him on the 24th February, and on the 25th, and on the 26th, and on the 1st of March I intended to visit him, but I met him on the Great Western Road. The aperient draught I purchased for him on the 23d contained magnesia and soda. On the 24th I prescribed some powders containing rhubarb, soda, chalk of mercury, and ipecacuanha. These were the medicines I prescribed on the 23d February. I have described his state. On the 24th he was much in the same state. He had vomited the draught that I had given him on the 23d, and I observed that his skin was considerably jaundiced on the 24th, and from the whole symptoms I called the disease a bilious fever. On the 25th he was rather better, and had risen from his bed to the sofa, but he was not dressed. On the 26th he felt considerably better and cooler, and I did not think it necessary to

repeat my visits till I happened to be in the neighbourhood. It did not occur to me at the time that these symptoms arose from the action of any irritant poison. If I had known he had taken an irritant poison, these were the symptoms which I should have expected to follow. I don't think I asked him when he was seriously taken ill. I had not seen him for some little time before, and certainly he looked very dejected and ill; his colour was rather darker and jaundiced, and round the eye the colour was rather darker than usual. I saw him again eight or ten days after the 1st March. He called on me, and I have no note of the day. He was then much the same as on the 1st March. He said that he was thinking of going to the country, but he did not say where. I did not prescribe medicines for him then. About the 26th February, I think, I told him to give up smoking; I thought that was injurious to his stomach. I never saw him again in life. On the morning of the 23d March, Mr Stevenson and Mr Thuau called on me, and mentioned that Mr L'Angelier was dead, and they wished me to go and see the body, and see if I could give any opinion as to the cause of death. They did not know that I had not seen him alive during his last illness. I went to the house. The body was laid out on a stretcher lying on the table. The skin had a slightly jaundiced hue. I made the notes from which I read on the same day. I said it was impossible to give any decided opinion as to the cause of death, and I requested Dr Steven to be called, who had been in attendance. I examined the body with my hands externally, and over the region of the liver the sound was dull—the region seemed full; and over the region of the heart the sound was natural. I saw what he had vomited, and I made inquiry as to the symptoms before death. When Dr Steven arrived, he corroborated the landlady's statements as far as he was concerned. There was no resolution come to on the Monday as to a *post mortem* examination. On the afternoon of that day I was called on by Mr Huggins and another gentleman, and I said the symptoms were such as might have been produced by an irritant poison. I said it was such a case as, if it had occurred in England, a coroner's inquest would be held. Next morning Mr Stevenson called again, and said that Mr Huggins requested me to make an inspection. In consequence of that, I said I would require a colleague, and Dr Steven was agreed on. I called on him, and he went with me to the house, and we made the inspection on Tuesday forenoon about twelve o'clock. We wrote a short report of that examination to Mr Huggins immediately. We afterwards made an enlarged report.

Witness then read the Report, which was as follows:—

"At the request of Messrs W. B. Huggins & Co., of this city, we, the undersigned, made a *post mortem* examination of the body of the late M. L'Angelier, at the house of Mrs Jenkins, 11 Great Western Road, on the 24th of March current, at noon, when the appearances were as follows:—The body, dressed in the grave clothes and coffined, viewed externally, presented nothing remarkable, except a tawny hue of the surface. The incision made on opening the belly and chest revealed a considerable deposit of sub-cutaneous fat. The heart appeared large for the individual, but not so large as, in our opinion, to amount to disease. Its surface presented, externally, some opaque patches, such as are frequently seen on this organ without giving rise to any symptoms. Its right cavities were filled with dark fluid blood. The lungs, the liver, and the spleen, appeared quite healthy. The gall bladder was moderately full of bile, and contained no calculi. The stomach and intestines, externally, presented nothing abnormal. The stomach, being tied at both extremities, was removed from the body. Its contents, consisting of about half-a-pint of dark fluid, resembling coffee, were poured into a clean bottle, and the organ itself was laid open along its great curvature. The mucous membrane, except for a

slight extent at the lesser curvature, was then seen to be deeply injected with blood, presenting an appearance of dark red mottling, its substance being easily torn by scratching with the finger nail. The other organs of the abdomen were not examined. The appearance of the mucous membrane, taken in connection with the history as related to us by witnesses, being such as, in our opinion, justified a suspicion of death having resulted from poison, we considered it proper to preserve the stomach and its contents in a sealed bottle for further investigation by chemical analysis, should such be determined on. We, however, do not imply that, in our opinion, death may not have resulted from natural causes; as, for example, severe internal congestion, the effect of exposure to cold after much bodily fatigue, which we understand the deceased to have undergone. Before closing this Report, which we make at the request of the Procurator-Fiscal for the county of Lanark, we beg to state that, having had no *legal* authority for making the *post mortem* examination above detailed, we restricted our examination to the organs in which we thought we were likely to find something to account for the death. Given under our hands at Glasgow, the 28th day of March 1857, on soul and conscience. (Signed) HUGH THOMSON, M.D.; JAMES STEVENS, M.D."

I afterwards received instructions from the Procurator-Fiscal in regard to the stomach; I was summoned to attend at his office before I wrote that report; that was on the 27th March. The contents of the stomach, and the stomach itself, sealed up in a bottle, were handed to Dr Penny on the 27th; they were in my custody till then. On the 31st I received instructions from the Procurator-Fiscal to attend at the Ramshorn Church, by order of the Sheriff, to make an inspection of L'Angelier's body. Dr Steven, Dr Corbett, and Dr Penny were there. The coffin was in a vault, and was opened in our presence, and the body taken out. I recognised it as L'Angelier's body. It presented much the same appearance generally as when we left it; it was particularly well preserved, considering the time that had elapsed. On that occasion we removed other parts of the body for analysis. We drew up a report of that examination. He then read the report as follows :—

"*Glasgow*, 3*d April* 1857.—By virtue of a warrant from the Sheriff of Lanarkshire, we, the undersigned, proceeded to the *post mortem* examination of the body of Pierre Emile L'Angelier, within the vault of the Ramshorn Church, on the 31st of March ult., in presence of two friends of the deceased. The body being removed from the coffin, two of our number, Drs Thomson and Steven, who examined the body on the 24th ult., remarked that the features had lost their former pinched appearance, and that the general surface of the skin, instead of the tawny or dingy hue observed by them on that occasion, had become rather florid. Drs Thomson and Steven likewise remarked that, with the exception of the upper surface of the liver, which had assumed a purplish colour, all the internal parts were little changed in appearance; and we all agreed that the evidences of putrefaction were much less marked than they usually are at such a date—the ninth day after death, and the fifth after burial. The duodenum, along with the upper part of the small intestine, after both ends of the gut had been secured by ligatures, was removed and placed in a clean jar. A portion of the large intestine, consisting of a part of the descending colon and sygmoid flexure, along with a portion of the rectum, after using the like precaution of placing ligatures on both ends of the bowel, was removed, and placed in the same jar with the duodenum and portion of small intestine. A portion of the liver, being about a sixth part of that organ, was cut off and placed in another clean jar. We then proceeded to open the head in the usual manner, and observed nothing calling for remark beyond a greater degree of vascularity of the membranes of the brain than ordinary. A portion of the brain was removed and placed in a fourth clean vessel. We then adjourned to Dr Penny's rooms, in the Andersonian Institution, taking with us the vessels containing the parts of the viscera before mentioned. The duodenum and portion of small intestine were found to measure, together, 36 inches in length. Their contents, poured into a clean glass measure, were found to amount to four fluid ounces, and consisted of a turbid, sanguinolent fluid, having suspended in it much flocculent matter, which settled towards the bottom, whilst a few mucus-like masses floated on the surface. The mucous membrane of this part of the bowels was then examined. Its colour was decidedly redder than natural, and this redness was more marked over several patches, portions of which, when carefully examined, were found to be corroded.

Several small whitish and somewhat gritty particles were removed from its surface, and, being placed in a clean piece of glass, were delivered to Dr Penny. A few small ulcers, about the sixteenth of an inch in diameter, and having elevated edges, were observed on it, at the upper part of the duodenum. On account of the failing light, it was determined to adjourn till a quarter past eleven o'clock forenoon of the following day—all the jars, with their contents, and the glass measure, with its contents, being left in the custody of Dr Penny. Having again met at the time appointed, and having received the various vessels, with their contents, at Dr Penny's hands, in the condition in which we had given them to him, we proceeded to complete our examination. The portion of the largest intestine, along with the portion of the rectum measuring twenty-six inches in length, on being laid open, was found empty. Its mucous membrane, coated with an abundant, pale, slimy mucus, presented nothing abnormal, except in that part lining the rectum, on which were observed two vascular patches, about the size of a shilling. On decanting the contents of the glass measure, we observed a number of crystals adhering to its interior, and at the bottom a notable quantity of whitish sedimentary matter. Having now completed our examination of the various parts, we finally handed them all over to Dr Penny. The above we attest on soul and conscience."

The appearance of the mucous membrane of the duodenum denoted the action of an irritant poison. The patches of vascularity in the rectum might be also considered the effects of an irritant poison. But they were not very characteristic of that. There were ulcers there. We could not form any opinion as to their duration. All these substances removed from the body were left in charge of Dr Penny. The ulcers might have resulted from an irritant poison, but I am not aware that they are characteristic of that. They might have been produced by any cause which would have produced inflammation.

By the Dean—On 24th March the contents of the stomach were poured into a clean bottle. The meaning of the statement that the stomach was tied at both extremities is, that that was done before the contents were taken out. Am sure that the entire contents were poured into this bottle. The stomach itself was put into the same bottle. We took none of the intestines out of the body. When we put the stomach and contents into this bottle, we secured it well with oil-skin and a cork. We did that in the lodgings. The oil-skin was put under the cork to make it fit the bottle, and partly to make it more secure, and over the whole a double piece of oil-silk. We went to Dr Steven's house, where Dr Steven affixed his seal, and I took it with me, and it remained in my possession, locked into my consulting table. On the Monday of the deceased's death I was shewn by Mrs Jenkins the matter which had been vomited. It was not preserved, so far as I know. We made a short report on the 24th to Mr Huggins. It was delivered to him. At the time I attended Mr L'Angelier in February, there were no symptoms that I could definitely say were not due to a bilious attack. They were all the symptoms of a bilious attack. There was an appearance of jaundice. I have heard of that as a symptom of irritant poison. It is in Dr Taylor's work on poison.

By the Lord Justice-Clerk—It was in the appearance of the skin.

The Dean—Shew me the passage in Dr Taylor's work (handing it to witness).

Witness—I can't find the particular passage. It is in the case of Marshall.

The Dean—What was the poison in the case of Marshall?

Witness—Arsenic.

The Dean—Well, see if you can find it.

Lord Handyside—Perhaps he has made a mistake on the subject,

and refers to Marshall as a writer on the subject. He is referred to in "Taylor's Medical Jurisprudence."

Witness—Yes; [shewn "Taylor's Medical Jurisprudence"] at page 62 Marshall is quoted—"Strangula and jaundice have been noticed among the secondary symptoms"—that is, under arsenic poison.

The DEAN—Do you know any case in which jaundice has been observed as a symptom of arsenic poison?

Witness—That is the only case.

The DEAN—That is not a case. Are you acquainted with Marshall's work?

Witness—No.

The DEAN—You never saw it?

Witness—No; I never saw it.

The DEAN—You were under the impression that Marshall's was the name of a case?

Witness—Yes; from the manner in which I had noted it down I made that mistake.

By the DEAN—The jaundice I saw in L'Angelier's case was quite consistent with the supposition that he was labouring under a bilious attack, and could easily be accounted for in that way.

By the LORD ADVOCATE—[Identifies jar in which the stomach and its contents are placed.]

Dr STEVEN, examined by the LORD ADVOCATE—I am a physician in Glasgow, and live in Stafford Place, near to Franklin Street. Was applied to by Mrs Jenkins early on the morning of the 23d March last. She asked me to go to a lodger of hers who was ill. I did not know her or her lodger. I was myself ill that morning, and was unwilling to go. It was named to me as a severe bilious attack. I advised Mrs Jenkins to give him hot water and drops of laudanum, and she came to me again that morning, I think about seven. I went, thinking that, as he was a Frenchman, he might not be understood. I found him in bed. He was very much depressed. His features were pinched and his hands. He complained of coldness and pain over the region of the stomach. By pinched, I mean shrunk and cold, or inclined to become cold. He complained of general chilliness, and his face and hands were cold to the touch. He was physically and mentally depressed. I spoke to him. I observed nothing very peculiar in his voice. I did not expect a strong voice, and it was not particularly weak. That was when I first entered the room. But his voice became weaker. He complained that his breathing was painful, but it did not seem hurried. I dissuaded him from speaking. I had extra clothes put on the bed. I gave him a little morphia to make him vomit, and he seemed to have vomited all he could. He had a weak pulse; I felt the action of the heart corresponding to it. That imported that the circulation was weaker at the extremities. The feet were not cold. Hot bottles were put to them, and also above his body for his hands. He was not urgently complaining of thirst. He seemed afraid to drink large quantities in case of making him vomit. He asked particularly for cold water, and was unwilling to take whisky, which his landlady talked of giving him. He said he had been vomiting and purging. I saw a utensil filled with the matter vomited and purged; I ordered it to be removed, and a clean vessel put in its place that I might see what he had vomited. I did not afterwards

see it; I believe it was kept for some time, but I said it might be thrown away; that was after his death. He said, "This is the third attack I have had; the landlady says it is the bile, but I never was subject to bile." These were his words. He seemed to get worse while I was there. While I was sitting beside him, he several times said, "My poor mother," and remarked how dull he felt at being so ill, and away from friends. I ordered a mustard poultice to the stomach; I stayed, I suppose, about half-an-hour. It was about seven when I got there, and I got home at twenty minutes to eight. I applied the poultice myself. I called again at a quarter past eleven; his landlady met me in the lobby, and told me he had been quite as bad as in the morning. I went into the bedroom, and found him dead. He was lying on his right side, with his back towards the light, his knees a little drawn up, one arm outside the bedclothes and another in. They were not much drawn up—not unnaturally drawn up. He seemed in a comfortable position, as if he was sleeping. About midday I was sent for again; Dr Thomson was there when I went. I asked him if there was anything in his previous illness, with the symptoms I mentioned, which could account for the cause of death, but we were entirely at a loss to account for it. I declined giving a certificate of death unless I made an examination; and Dr Thomson and I made one next day. [Identifies report of that examination.] That is a true report. Subsequently we made a second *post mortem* examination after the body was exhumed. [Identifies that report.] The stomach and its contents were put into a pickle-bottle on the first examination. The bottle had been several times washed out by myself and others. It was sealed up. The portions of the body removed on the second examination were handed to an officer who went along with Dr Penny and myself to Dr Penny's laboratory. On the second *post mortem* examination, I noticed that the body was remarkably well preserved. I had never attended any case in which there had been poisoning by arsenic.

Dr Penny, examined by the Lord Advocate—I am Professor of Chemistry in the Andersonian University, Glasgow. On 27th March last I was communicated with by Dr Thomson. He came to the University and delivered a bottle. It was securely closed and sealed. I broke the seal and made an examination of the contents. They were a stomach and a reddish-coloured fluid. I was requested to make the examination for the purpose of ascertaining if those matters contained poison. I commenced the analysis on the following day, the 28th. One of the clerks of the Fiscal called with Dr Thomson, and it was done at his request. Till I made the analysis, the jar and its contents remained in the state in which I received it. [Shewn report of first analysis, and read it as follows]:—

I hereby certify, that on Friday the 27th of March last, Dr Hugh Thomson of Glasgow delivered to me, at the Andersonian Institution, a glass bottle containing a stomach and a reddish-coloured turbid liquid, said to be the contents of the stomach. The bottle was securely closed and duly sealed, and the seal was unbroken.

In compliance with the request of William Hart, Esq., one of the Procurators-Fiscal for the Lower Ward of Lanarkshire, I have carefully analysed and chemically examined the said stomach and its contents, with a view to ascertain whether they contained any poisonous substance.

1. *Contents of the Stomach.*

This liquid measured eight and a-half ounces. On being allowed to repose, it deposited a white powder, which was found on examination to possess the external characters and all the chemical properties peculiar to arsenious acid—that is, the

common white arsenic of the shops. It consisted of hard, gritty, transparent, colourless, crystalline particles; it was soluble in boiling water, and readily dissolved in a solution of caustic potash; it was unchanged by sulphate of ammonium, and volatilised when heated on platina foil. Heated in a tube, it gave a sparkling white sublimate, which, under the microscope, was found to consist of octoedral crystals. Its aqueous solution afforded, with ammonio-nitrate of silver, ammonio-sulphate of copper, sulphuretted hydrogen, and bichromate of potash, the highly characteristic results that are produced by arsenious acid. On heating a portion of it in a small tube with black-flux, a brilliant ring of metallic arsenic was obtained with all its distinctive properties. Heated with dilute hydrochloric acid and a slip of copper foil, a steel-gray coating was deposited on the copper; and this coating, by further examination, was proved to be metallic arsenic.

Another portion of the powder, on being treated with nitric acid, yielded a substance having the peculiar characters of arsenic acid. A small portion of the powder was also subjected to what is commonly known as "Marsh's Process," and metallic arsenic was thus obtained, with all its peculiar physical and chemical properties.

These results shew, unequivocally, that the said white powder was arsenious acid—that is, the preparation of arsenic which is usually sold in commerce, and administered or taken as a poison, under the name of arsenic, or oxide of arsenic.

I then examined the fluid contents of the stomach. After the usual preparatory operations, the fluid was subjected to the following processes:—

First, to a portion of the fluid Reinsch's process was applied, and an abundant steel-like coating was obtained on copper foil. On heating the coated copper in a glass tube, the peculiar odour of arsenic was distinctly perceptible, and a white crystalline sublimate was produced, possessing the properties peculiar to arsenious acid.

Secondly, Another portion of the prepared fluid was distilled, and the distillate subjected to Marsh's process. The gas produced by this process had an arsenical odour, burned with a bluish-white flame, and gave with nitrate of silver the characteristic reaction of arseniuretted hydrogen. On holding above the flame a slip of bibulous paper moistened with a solution of ammonio-nitrate of silver, a yellow colour was communicated to the paper. A white porcelain capsule depressed upon the flame was quickly covered with brilliant stains, which, on being tested with the appropriate reagents, were found to be metallic arsenic. By a modification of Marsh's apparatus, the gas was conducted through a heated tube, when a lustrous mirror-like deposit of arsenic in the metallic state was collected; and this deposit was afterwards converted into arsenious acid.

Thirdly, Through another portion of the fluid a stream of sulphuretted hydrogen gas was transmitted, when a bright yellow precipitate separated, having the chemical peculiarities of the tri-sulphide of arsenic. It dissolved readily in ammonia and in carbonate of ammonia; it remained unchanged in hydrochloric acid; and it gave, on being heated with black-flux, a brilliant ring of metallic arsenic.

Fourthly, A fourth portion of the prepared fluid, being properly acidified with hydrochloric acid, was distilled, and the distillate subjected to Fleitmann's process. For this purpose, it was boiled with zinc and a strong solution of caustic potash. Arseniuretted hydrogen was disengaged, and was recognised by its odour, and by its characteristic action upon nitrate of silver.

Stomach.

I examined in the next place the stomach itself. It was cut into small pieces, and boiled for some time in water containing hydrochloric acid; and the solution, after being filtered, was subjected to the same processes as those applied to the contents of the stomach. The results in every case were precisely similar, and the presence of a considerable quantity of arsenic was unequivocally detected.

Quantity of Arsenic.

I made, in the last place, a careful determination of the quantity of arsenic contained in the said stomach and its contents. A stream of sulphuretted hydrogen gas was transmitted through a known quantity of the prepared fluids from the said matters, until the whole of the arsenic was precipitated in the form of tri-sulphide of arsenic. This sulphide, after being carefully purified, was collected, dried, and weighed. Its weight corresponded to a quantity of arsenious acid (common white arsenic) in the entire stomach and its contents, equal to eighty-two grains and seven-tenths of a grain, or to very nearly one-fifth of an ounce. The accuracy of this result was confirmed by converting the sulphide of arsenic into arseniate of ammonia and magnesia, and weighing the product. The quantity here stated is exclusive of the white powder first examined.

The purity of the various materials and re-agents employed in this investigation was most scrupulously ascertained.

Conclusions.

Having carefully considered the results of this investigation, I am clearly of opinion that they are conclusive in shewing—

First, That the matters subjected to examination and analysis contained arsenic; and,

Secondly, That the quantity of arsenic found was considerably more than sufficient to destroy life.

All this is true, on soul and conscience.

(Signed) FREDERICK PENNY,
Professor of Chemistry.

Glasgow, April 6, 1857.

Examination resumed—How much arsenic would destroy life? It is not easy to give a precise answer to that question; cases are on record in which life was destroyed by two and four grains; four or six grains are generally regarded as sufficient to destroy life, and the amount I determined as existing in the stomach was eighty-two grains. On the 31st March I attended the exhumation of Mr L'Angelier's body. I saw the coffin opened, and the portions of the body removed. These portions were carefully preserved and submitted to a chemical analysis by myself. They were placed in jars which I never lost sight of. I made an analysis of the contents, and prepared the following report:—

On Tuesday, the 31st March last, I was present at a *post mortem* examination of the body of Pierre Emile L'Angelier, made by Drs Corbett, Thomson, and Steven, in a vault of the Ramshorn Church, Glasgow.

At my request, portions of the following organs were removed from the body, and properly preserved for chemical analysis and examination:—

1. Small intestine and contents.
2. Large intestine.
3. Liver.
4. Heart.
5. Lung.
6. Brain.

These articles were taken direct to the laboratory in the Andersonian Institution, and were there delivered to me by the parties before named. I have since made a careful analysis and chemical examination of all the said matters, with the following results:—

1. *Small Intestine and its contents.*

The portion of small intestine contained a turbid and reddish-coloured liquid, which measured four ounces. On standing for several hours in a glass vessel, this liquid deposited numerous and well-defined octoedral crystals, which, on being subjected to the usual chemical processes for the detection of arsenic, were found to be arsenious acid.

Arsenic was also detected in the small intestine.

2. *Large Intestine.*

This organ yielded arsenic, but in less proportion than in the small intestine.

3. *Liver, Brain, and Heart.*

Arsenic was separated from the liver, heart, and brain, but in much less proportion than from the small and large intestine.

4 *Lung.*

The lung gave only a slight indication of the presence of arsenic.

Conclusions.

1. That the body of the deceased Pierre Emile L'Angelier contained arsenic.
2. That the arsenic must have been taken by or administered to him while living.

All this is true, on soul and conscience.

(Signed) FREDERICK PENNY,
Professor of Chemistry.

Examination continued—The actual quantity was not ascertained. The presence of arsenic in the brain does not enable me to say when the

arsenic was taken. I can see no physiological reason why the arsenic should not make its appearance at the same time in the other textures of the body.

By the LORD JUSTICE-CLERK—Purging would account for a smaller portion of arsenic being found in the large intestine than in the small intestine.

By the LORD ADVOCATE—When my analysis was completed, on the 11th April, I returned the portions of the body to Edinburgh. They were delivered to Dr Christison. These were powder from contents of stomach, fluid from contents of stomach, portions of small and large intestines, liver, heart, lung, &c. They were in my custody till delivered to Dr Christison. They were portions of L'Angelier's body. I was asked to make investigation as to arsenic at the shops of Mr Currie and Mr Murdoch, to ascertain if the substance sold by them as arsenic really contained that proportion. On the 18th I purchased from Mr Murdoch's shop 1½ oz. of arsenic in the state in which it is usually sold. On the same day I purchased from Mr Currie's 1 oz. of arsenic. I find they contain the following proportions of arsenious acid—that is, pure white arsenic: Mr Murdoch's, 95.1 per cent.; Currie's 94.4 per cent. The other substances were inorganic matter — in Mr Murdoch's, carbonaceous matter; and in Currie's, particles of indigo and carbonaceous matter, with ash or inorganic matter. The arsenic bought at Mr Currie's contained an extremely small portion of colouring matter of indigo. The greater part of that colouring matter, by peculiar and dexterous manipulation, could be removed, and the arsenic would afterwards appear white to the unassisted eye. If a sufficient portion of that arsenic were administered to cause death, and prior to death great vomiting had taken place, I would not have expected to find any portion of the indigo. The indigo would shew a blue colour in solution.

By the LORD JUSTICE-CLERK—The quantity of indigo was so small that it would not colour wine of any sort.

By the LORD ADVOCATE—In regard to the arsenic purchased from Mr Murdoch, that was mixed with carbonaceous particles. If that had been administered, and if the arsenic had settled down from the contents of the stomach, as in this case, I should have expected to find carbonaceous particles. Suppose there had been prior administration of arsenic a month before, similar to what was purchased from Murdoch's, I would not have expected to have found traces of that carbonaceous matter. Various articles were delivered to me by Mr Wilson, said to have been found in Mr L'Angelier's lodgings; they were fifteen articles, viz., twelve bottles, two paper packages, and a cake of chocolate. I examined them, specially for arsenic, and to ascertain their general nature. No. 1 (a bottle), contained a brown liquid, containing magnesia, Epsom salts, soda, and rhubarb; No. 2, sugar and ammonia; No. 3, camphorated oil; No. 4, laudanum; No. 5, bottle containing colourless liquid, a very weak solution of aconite; No. 6, bottle containing whitish powder, chalk, sugar, and cinnamon chiefly; No. 7, olive oil; No. 8, a brown liquid and brown sediment, containing chalk, cinnamon, and an astringent matter; No. 9, four packages of powders, consisting exclusively of sulphate of quinine; No. 10, Eau de Cologne; No. 11, camphorated chalk; No. 12, cake of chocolate; No. 13, paper package—a dried plant; No. 22, empty phial, labelled glycerine; No. 23, small bottle containing a resinous

cement. Witness then identified the various bottles which contained the stomach. None of these solutions, excepting the solution of aconite, are poisonous. It was extremely weak, and the quantity I found was not sufficient to destroy life. There were nearly 2 ounces in the phial, and it was more than half full; if the whole quantity taken out had been swallowed, it would not have been sufficient to destroy life. I cannot speak to the effects of aconite. The symptoms generally are insensibility, purging, coldness, and death. There was a label on the phial with this direction—"A teaspoonful every two hours." I never heard of prussic acid being used externally as a cosmetic; I should think it highly dangerous to use it in that way. I am not aware of any beneficial action that it exerts. I should say it would be very dangerous to use arsenic for a similar purpose. If rubbed on the skin it might produce constitutional symptoms of poisoning by arsenic; it would produce an eruption on the skin. I have heard of its being used as a depilatory to remove hairs from the skin, mixed, however, with other matters, lime generally, solid. It is not arsenious acid that is so used; it is usually the yellow sulphuret.

Cross-examined by the DEAN OF FACULTY—In the entire stomach and its contents there was arsenic equal to 82 7-10th grains. That was exclusive of the white powder which I first examined. The white powder that I attested after being dried weighed 5 2-10th grains, and that was arsenious acid. I did not determine the quantity of arsenic in the lungs, liver, brain, or heart; I can give no notion of the quantity that might be in these organs. In the small intestine it must have been considerable, because when its contents were allowed to repose, arsenious acid crystallised out of that liquid and deposited abundantly on the sides of the vessel. That indicated the liquid had as much arsenic as it could hold in solution at the temperature. I can't give any idea of the quantity in the small intestine. It was decidedly appreciable. Might it be several grains?—It would be a mere matter of guess, and I should not like to guess in so serious a matter. If the deceased, when attacked by symptoms of arsenical poisoning, vomited a great deal, and in large quantities, it would depend on the mode of administration whether a quantity would be carried off. If given with solid food, and in a solid state, a large portion of the arsenic would be ejected from the stomach if all that food were vomited; but if the arsenic were stirred up with a liquid, and thereby thrown into a state of mechanical suspension, I would not expect that so considerable a portion should be ejected by vomiting. By solid food I mean bread and the like. In the case of the arsenic being taken in a fluid, I could not say what proportion might be ejected. I should not be surprised to find that as much had been ejected as remained. Judging from what I found on the examination of the body, the dose of arsenic must have been of very unusual size. There are cases on record in which very large quantities of arsenic have been found in the stomach and intestines. I know this as a matter of reading. There are examples of larger quantities being found than in the present. I think there is a case in which two drachms were found—that is 120 grains. That is the largest quantity which occurs to my mind at this moment as having been found. The cases in which a very large quantity of arsenic was found did not turn out to be cases of intentional murder by a third party. In the cases to which I refer, the arsenic was taken by the party

voluntarily, with the intention to commit suicide. It would be very difficult to give a large dose of arsenic in a liquid. By a large dose of arsenic you exclude many vehicles in which arsenic might be admitted. Nothing which I found in my investigation indicated the time when the arsenic must have been taken. The extreme period that elapses between the administering of this poison and the symptoms being manifested is eight or ten hours in the cases on record. There are some cases which shew themselves in less than half-an-hour. We have cases in which death has resulted in a few hours, and cases in which death has been delayed for two or three days. As to the arsenic obtained from Currie's shop, the greater part of the colouring matter might be removed by dexterous manipulation. If you were to throw water on the arsenic and agitate the two together, and after the arsenic has subsided, you throw off the liquor, a portion of colouring matter is thrown off; but if you keep the vessel shaken in a particular way, you may coax the greater part of the colouring matter away. Murdoch's arsenic was coloured with carbonaceous matter; it had the odour of coal soot. I cannot tell from examination whether the arsenic found was administered in one dose or in several. It would be very dangerous to use arsenic externally in any way. There are cases in which it has been applied to the entire or whole skin, and in which the symptoms of poisoning have been produced—vomiting, pain, but not death. In one case it was rubbed on the head, I think; but I don't remember the details of the case. From the remembrance of general reading, my impression is that it produces eruption of the sound skin. If cold water were used?—I should not like to wash in such water myself. You cannot give me any other answer?—No, I cannot.

By the Lord Justice-Clerk—There are cases in which inflammation of the intestines has been produced by external application of arsenic.

By the Dean—Arsenic is an irritant poison; it is absorbed into the blood, I presume, with great rapidity, and through the blood it reaches all the organs in which we find it.

By the Lord Advocate—In administering large doses of arsenic many vehicles are excluded. Cocoa or chocolate is a vehicle in which a large dose might be given. There is a great difference between giving rise to suspicion and actual detection. I have found, by actual experiment, that when thirty or forty grains of arsenic are put into a cup of warm chocolate, a large portion of the arsenic settles down in the bottom of the cup, and I think a person drinking such poisonous chocolate would suspect something when the gritty particles came into his mouth; but if the same quantity, and even a larger quantity, were boiled with the chocolate, instead of merely being stirred or mixed, none of it settles down. I could not separate the soot by washing from Murdoch's arsenic; but a very large quantity of it might be separated. Suppose a person the subject of repeated doses of arsenic, I have no evidence on which to form an opinion whether the last dose would be fatal more rapidly. I delivered to Dr Christison some of the arsenic I got at Currie's and Murdoch's.

By the Dean—In case of chocolate being boiled with arsenic in it, a larger proportion dissolves and does not subside. That is what I find to be the case from actual experiment. Coffee or tea could not be made the vehicle of a large dose of arsenic.

By the Lord Justice-Clerk—The period in which the arsenic produces its effect varies in different individuals, and according to the mode of administration. Pain in the stomach is one of the first symptoms, and vomiting usually accompanies the pain, but it may be very severe before vomiting actually begins. Ten, fifteen, or twenty grains might be given in coffee.

The Lord Justice-Clerk—Certainly, Dr Penny, more satisfactory, lucid, or distinct evidence I never heard.

Dr Christison, examined by the Lord Advocate—Dr Penny of Glasgow delivered to me portions of the body of L'Angelier on 10th April. I made a chemical analysis of the subjects so delivered with the view of ascertaining if they contained poison; and I prepared the following report:—

I certify, on soul and conscience, that I received on the 11th ultimo, for chemical examination, from the hands of Dr Frederick Penny of Glasgow, a box containing various articles connected with the case of Pierre Emile L'Angelier, who is supposed to have died of poison. The articles, nine in number, were all duly sealed and labelled.

No. 1 was a "small tube containing powder from contents of stomach."

This powder was a coarse, gritty, white, shining, crystaliform powder, which (1) sublimed at a gentle heat; (2) condensed in sparkling octoedral crystals; (3) was slowly soluble in boiling distilled water; and when so dissolved, gave (4) a sulphur-yellow precipitate with sulphuretted hydrogen water; (5) a lemon-yellow precipitate with solution of ammoniacal nitrate of silver; (6) an apple-green precipitate with ammoniacal sulphate of copper; and on being mixed with hydrochloric acid, and then boiled on copper-gauze, yielded (7) a dark grayish-black encrustation on the gauze, which, on being heated at a small glass tube (8), became again a bright copper-red; and at the same time yielded a ring of white sparkling sublimate in octoedral crystals, or forms derived from the octoedre.

The powder was therefore oxide of arsenic.

No. 2 was a "bottle containing prepared fluid from contents of stomach."

This fluid was colourless and nearly transparent. (1) A stream of sulphuretted hydrogen threw down from it an abundant sulphur-yellow precipitate. (2) Hydrochloric acid being added to a portion of it, copper-gauze was subjected to a boiling heat in the mixture; upon which, in a few seconds, the gauze became encrusted with a grayish-black coat. (3) This gauze, when washed, dried, and heated in a glass tube, was restored to its original bright copper-red appearance; and at the same time a ring of sparkling crystals was obtained, the form of which was the regular octoedre, or some form derived from it.

The fluid prepared from the contents of the stomach therefore contained oxide of arsenic, and in considerable quantity.

No. 4 was a "bottle containing portion of contents of small intestine."

This was a turbid opaque dirty-gray liquid, holding much insoluble matter in suspension; and white glittering particles were seen on the bottom of the bottle.

The contents were poured out so as to leave the powder behind. Hydrochloric acid being added to the portion poured off, the mixture was boiled for a little, and copper-gauze was subjected to its action at a boiling temperature. In a few seconds the gauze was encrusted with a grayish-black film, which was proved to be arsenic in the same way as in the experiments previously described.

The powder was cleaned by washing it with cold distilled water, and was found to be oxide of arsenic by the tests to which the powder from the contents of the stomach was subjected.

The contents of the small intestine therefore contained oxide of arsenic.

No. 7 was a common gallipot "jar containing portion of liver."

The contents, being about four ounces of a liver, were subjected to a modification proposed in 1852 by Dr Penny of the process of Reinsch for detecting arsenic in such matter. The liver having been cut into small pieces, and boiled in hydrochloric acid and distilled water in a glass flask, to which a distilling apparatus of glass was connected, the whole texture was gradually reduced to a fine pulp, and a distilled liquor was obtained, which was collected in divided portions. These liquors were colourless and nearly clear. The two first portions obtained did not contain any arsenic, the third

gave faint traces of it, the fifth and sixth portions, when separately subjected to the action of copper gauze, gave characteristically the usual dark-gray encrustation; and this again was driven off as usual by heat and a small glass tube, and yielded in each case a white, sparkling ring of crystals, which were regular octoedres, or forms derived from the octoedre.

The liver therefore contained oxide of arsenic,

Having obtained unequivocal proof of the presence of arsenic in the contents of the stomach, in the contents of the small intestine, and in the liver, it does not appear to be necessary to examine the other articles delivered to me by Dr Penny. These are—3. Prepared fluid from the textures of stomach; 5. Portions of the small intestine; 6. Portion of the large intestine; 8. Portions of the heart and lungs; 9. Portion of the brain.

(Signed) R. CHRISTISON, M.D., &c.

The fluid from the stomach appeared to indicate a considerable quantity in the system—more than sufficient to destroy life. I have had great experience in regard to poisons, and published a work on the subject. At pages 301 and 303 I state the usual effects of poisoning by arsenic. If I found all these effects in a case, it would lead me to suspect the presence of arsenic or some other active poison. I have not seen Dr Thomson and Dr Steven's reports on the *post mortem* examination of the body. Supposing a person had taken a small dose of arsenic on the 19th February, and again on the 22d February, and again on the 22d March, the symptoms I would expect to find would be variable. Sometimes they pass off quickly, and sometimes continue for weeks or months. When they continue, they are indigestion, loss of strength, emaciation, sometimes diarrhœa, lassitude of the limbs. If there appeared erosions with elevated edges in the intestines, I should have been led to suspect the existence of some affection of the intestines previous to the final attack. My opinion would depend considerably on the accuracy of the reporter.

The LORD ADVOCATE read the description of the *post mortem* examination of the body, and asked—Was this what witness would have expected to find after the administration of arsenic? Witness deponed that it would be very natural to expect such appearances from arsenic. I would have thought them the natural result of arsenic if I had known it had been administered.

By the LORD ADVOCATE—If you had been consulted in a case of this kind,—that on the 18th or 19th of February a person having gone out in good health returns, is attacked during the night with great pain in the bowels, severe vomiting of a green viscous fluid, accompanied by intense thirst and purging,—and after the lapse of two or three days and partial recovery the patient is again seized with the same symptoms, though in a somewhat modified form,—that after the second attack he had continued affected with great lassitude, change of colour, low pulse, and, after going from home for ten days or a fortnight, had again returned and been attacked the same night with these symptoms in an aggravated form,—that he died within eight or ten hours of his return to his house, and that on a *post mortem* examination the results were found of which you are aware in this case,—I wish you to give me your opinion as a man of science and skill what conclusion you would draw as to the cause of the previous illnesses and death?—I could have no doubt that the cause of his death was poisoning with arsenic, and such being the case, I should have entertained a strong suspicion in regard to his previous illnesses, although his death would have prevented me from taking the means of satisfying my mind on the subject by a careful exa-

mination of all the circumstances. The symptoms are consistent with what you would expect if continuous poisoning were taking place?—They are those which have occurred in parallel cases of the administration of doses singly insufficient to cause death. Shewn reports of examination of the portions of the body, arsenic, &c., and read them as follows:—

Edinburgh, May 26, 1857.

I certify that, since the delivery of my first report on the case of Pierre Emile L'Angelier, I have examined

No. 6, being a portion of the great intestine, by the same process employed in the instance of the liver, and that I obtained from it unequivocal evidence of the existence of arsenic; and

No. 8 also, being a portion of the brain. This was dried up, and amounted to about a quarter of an ounce only. I obtained from it, by the same process, traces of arsenic, but not satisfactory evidence. That result might have been owing to the small quantity of material I had to analyse.

I further certify that on 6th May Dr Penny put into my hands two small paper packets, duly sealed, one supposed to be arsenic mixed with soot, the other arsenic mixed with indigo, according to the directions of the Act for the sale of arsenic.

The one marked "Murdoch's arsenic" I found to contain soot. Judging from the depth of colour I infer that it contains the due proportion of soot.

The other, marked "Currie's arsenic," and supposed to contain indigo, does not contain the indigo directed to be used in the Act for the sale of arsenic. It may contain a little of the colouring matter of indigo. But when the whole colouring matter is detached, it does not give the peculiar reactions of indigo, neither does it impart a blue colour to the arsenic as good indigo does characteristically; for the colour is a pale grayish black. The colouring matter in this article is also imperfectly mixed. It may be easily removed, in a great measure, by washing the powder with cold water; which is not to be accomplished easily, or so perfectly, when good indigo is used. The proportion of the admixture amounts to a 36th part. This is a little less than the proportion which the Act directs—viz., a 32d—when indigo is used.

All this I certify on soul and conscience.

(Signed) R. Christison.

By the Dean—My attention was not directed to colouring matter in the arsenic. I got only one article in which it might have been found, if my attention had been directed to it—viz., the small intestine; the others had been subjected to previous analysis. I was not asked to attend to colouring matter. I did not see it, and I did not search for it. Supposing soot or indigo to have been administered with the arsenic, I think it might have been found in the intestines by casual examination. I can't say it would have been found; many circumstances go to the possibility of its being found. Many of the component parts of soot are insoluble; and it might have been partially removed by frequent vomiting. It is very difficult to remove soot from arsenic entirely. Indigo would have been found more easily from the peculiarity of the colour, and the chemical ingredients being so precise. Currie's arsenic is not coloured with true indigo; it is waste indigo, or what has been used for the purposes of the dyer. I don't know how it is prepared. I did not analyse the colouring matter of Currie's arsenic. I ascertained that it was not the indigo directed by the Act to be used, and I ascertained the quantity. I separated the colouring matter from the indigo, and subjected it to the action of sulphuric acid. Charcoal is one of the chief constituents of good indigo, and necessarily of waste indigo. The chief constituent of soot is charcoal also. I was informed by Dr Penny of the quantity he found in the stomach—more than eighty grains. There was also a white powder found in addition. If there was great vomiting and purging, the quantity of arsenic administered must have

been much greater than was found in his stomach and intestines. Much would depend on whether means were taken to facilitate vomiting. If hot and cold water were freely given, that would facilitate the discharge of the poison. It is impossible to say the proportion ejected; I think it would be reasonable to suppose that as much would be vomited as remained; it might, without any extravagant supposition, be taken at four or five times as much. There was nothing in the symptoms mentioned in the last illness in this case inconsistent with death being produced by a single dose of arsenic. The ordinary symptoms in a case of this kind are not unlike the symptoms of malignant cholera. I think all the symptoms in this case might have occurred from malignant cholera. If there were a sense of choking and soreness of the throat, I think these are more symptoms of arsenic; I don't think they have occurred in cholera. I think the ulcers in the duodenum might indicate the previous existence of inflammation of the duodenum, called duodenitis. It might be a disease which would present the outward symptoms of bowel complaint or cholera. The ordinary time that elapses between the administration of arsenic and death is from eighteen hours to two and a-half days. The exceptions to this are numerous: some of them are very anomalous as to the shortness of the interval. The shortest are two or two and a-half hours; these have been ascertained; but it is not always possible to ascertain when it is administered. The time between which the poison is administered and the manifestation of the symptoms is from half an hour to an hour. I had a case lately in which it was five hours. There are also cases in which it was seven and even ten hours. It does not appear that the size of the dose affects this; it does not depend on the amount taken, within certain bounds of course; but I speak of the case as arsenic is usually administered. There are a good many cases of large doses. I think the dose in this case must have been double, probably more than double, the quantity found in the stomach. A dose of 220 grains may be considered a large dose. I can't say if, in cases of as large a dose as this, they were intentionally administered; in the greater proportion of cases of suicide, the dose is generally found to be large. That is easily accounted for by the desire of the party to make certain of death.

The DEAN—In a case of murder no such large quantity would be used? It is in cases of suicide that double-shotted pistols are used and large doses given.

Witness—But murder, even by injuries, and also by poison, is very often detected by the size of the dose. In all cases of poisoning by arsenic, there is always more used than is necessary. I cannot recollect how much has been used, but I know very well that what is found in the stomach in undoubted cases of poisoning by others has been considerably larger than what is necessary to occasion death, because the very fact of poison being found in the stomach at all, as in the case of arsenic, shews that more has been administered than is necessary, as it is not what is found in the stomach that causes death, but what disappears from the stomach.

The DEAN—But do you know any case in which so great a dose as the present was administered?

Witness—I cannot recollect at the present moment. In cases of charges of murder by arsenic, it is scarcely possible to get any information as to the actual quantity used.

The DEAN—You have information here in this charge of murder?

Witness—You have information as to what was in the stomach.

The DEAN—And you are enabled to draw an inference?

Witness—Of course, my inference is drawn by a sort of probability, but that is not an inference on which I am entitled to found any positive statement.

The DEAN—Well, let me put this question. Did you ever know of any person murdered by arsenic having eighty-eight grains of it found in his stomach and intestines?

Witness—I don't recollect at the present moment.

The DEAN—Or anything approaching to it?

Witness—I don't recollect, but I would not rely on my recollection as to a negative answer.

The DEAN—You are not, at all events, able to give me an example the other way?

Witness—Not at present. As far as my own observation goes, I can say that I never met with eighty grains in the stomach of a person who had been poisoned by arsenic. I can't say what is the largest quantity I have found.

The DEAN—If a person designs to poison another, the use of a very large quantity of arsenic, greatly exceeding what is necessary, is a thing to be avoided?

Witness—It is a great error. [Examination continued.] In some articles of food it is easy to administer a large quantity of arsenic, and in others it is difficult to do so. It is very rare for persons to take meals after arsenic has been administered; but there is a case of a girl who took arsenic at eleven o'clock forenoon, and at two o'clock she made a pretty good dinner. It was a French case; and the words as translated are that she made a very good dinner, though it was observed that she was uneasy previously. The author who notices that case notices it as a very extraordinary one. She died in thirteen or fourteen hours after the administration. It was a rapid case.

By the LORD ADVOCATE—The amount of matter vomited is sometimes very little; and sometimes very large doses have been thrown off by vomiting. There is one case in which half-an-ounce was taken and no vomiting ensued. I think chocolate and cocoa would be a vehicle in which a considerable dose might be given. Active exercise would hasten the effects of arsenic; a long walk would do so. Exercise accelerates the action of all poisons except narcotic poisons. That a man should take poison at Bridge of Allan, come to Coatbridge, walk eight miles to Glasgow, and reach Glasgow in good health and spirits, I should think very unlikely. Cases of protraction for five hours have occurred in persons who had gone to sleep after taking it. From half-an-hour to an hour is the usual time between administration and the symptoms manifesting themselves. In my analysis the colouring matter of the arsenic might have been there. The administration of previous doses predisposes the system to the effects of poison, and makes the action of the poison more rapid and violent. If the individual had recovered entirely, this would not be so much the case; but if he still laboured under derangement of the stomach, I should look for very violent effects.

AMADEE THUAU, examined through an interpreter—I am a clerk in Glasgow, and lodged with Mrs Jenkins in March last. I knew Mr L'Angelier, who also lived there. We took our meals together in the

same room. Being shewn a photograph, witness identified it as one seen in L'Angelier's room. It was the portrait of his intended. I am not sure whether L'Angelier ever told me her name. I did hear it, I do not know exactly from whom, but I think it was from the French Consul. I was in the habit of speaking with L'Angelier about her. We also spoke about the correspondence. I knew in the end of December last that he was to marry a young lady. I knew of some letters, but read none of them. In one of the letters about which Mr L'Angelier spoke to me, the lady claimed back some of her letters. This is a pretty long time ago. Remember the French transport *Neuve*, at the Broomielaw. Remembers going with Mr L'Angelier aboard. I do not remember when exactly. I think that on the way there he delivered a letter, but I do not know the name of the street. I know Blythswood Square in Glasgow, and it was in a street close by. When Mr L'Angelier got to the house, he made a slight noise on the bars of the window. Witness was waiting at a short distance. I walked on while L'Angelier delivered the letter. It is the second window from the corner. I have since shewn that window to a police officer. L'Angelier was sometimes in the habit of going out at night. I knew where he went on these occasions—to his intended's house. Recollect one morning finding that L'Angelier had been out, and very ill in the night. I asked whether he had seen the lady; he said that he saw her. I also asked if he had been unwell after seeing her. He said that he was unwell in her presence. I recollect a second illness of L'Angelier. Do not think L'Angelier was out the night before that. I did not ask him any questions. L'Angelier insisted to go for a doctor—for his own doctor. I went to lodge at Mrs Jenkins' at the end of December, and all that I have said about L'Angelier took place after I went to lodge there. On the occasion of his two illnesses, he was ill at night and vomited. I don't remember if he said anything on the occasion of his illness about the letters. I went for Dr Thomson at L'Angelier's request. I did so on the second occasion. I think I remember L'Angelier's coming home from Edinburgh. I recollect getting a letter from L'Angelier. Identify 131 as the letter :—

MY DEAR SIR,—I have just received yours of Saturday. I thank you for your attention. I intend to come to sleep in Glasgow to-morrow, so I beg of you to detain my letters after this evening. I feel a little better, but it does not go on as I would like. I have no letter from Mr Mitchell; I want very much to know what he wanted with me.

Monday, Eleven o'clock.

The date is Monday, eleven o'clock, and the address is to Mr L'Angelier, at Mrs Jenkins', Great Western Road. March 16th is the date of the postmark. Recollect L'Angelier going to Stirling. Before going he left instructions about his letters. [Shewn a letter; identified the same as the instructions in question.] The instructions were only for one day—two days perhaps. Two letters came when he was away; one he sent to Stirling, and the other to Bridge of Allan. [Shewn an envelope, but could not identify it as like that of one of the letters which came. Shewn envelope in which he sent the letter to Stirling, and identifies it. Shewn another envelope, and identifies it as that in which he sent the letter to Bridge of Allan.] Would not know the letter I sent to Bridge of Allan if I saw it. In conversing with L'Angelier about the lady, does not think her name was mentioned. The correspondence was carried on against the wish of the

family. The house where L'Angelier delivered the letter was the house where she lived. Left town on the Saturday before L'Angelier died, and did not expect him to return so soon from the Bridge of Allan. A gentleman called upon L'Angelier, and I think his name was Mitchell. I wrote to L'Angelier to say this gentleman had called.

By the DEAN—I saw L'Angelier take laudanum. I saw him take it several times. I once told him that he took too much. L'Angelier said that he could not sleep; and that he took it because he could not sleep. Do not know when this was. L'Angelier once said to me that he had taken much laudanum. He told me that the morning after he had taken it. I have seen L'Angelier take laudanum four or five times.

By the LORD JUSTICE-CLERK.—I mean by saying that L'Angelier took much laudanum, that he did so towards the end when suffering a good deal.

AUGUSTE VAUVERT DE MEAN, examined by the LORD ADVOCATE—I am chancellor to the French consulate at Glasgow. I was acquainted with the late Mr L'Angelier. I was acquainted with him for about three years. I know Miss Smith. I was acquainted with her family. I knew that in 1856 there was a correspondence going on between L'Angelier and Miss Smith. L'Angelier confided to me this circumstance. Mr Smith had a house at Row, and I lived at Helensburgh. L'Angelier stayed a night or two with me. When he asked my advice, I told him that he ought to go to Miss Smith's family, and tell them of his attachment. I told him that was the most gentlemanly course. He said that Mr Smith was opposed to it, and he did not think it was necessary to apply to him; and that Miss Smith had spoken to her father, and that he was opposed to it. That is more than a year ago. I am aware, from what L'Angelier said, that there was a correspondence going on between them. I remember that L'Angelier came to my office a few weeks before his death, and he spoke about Miss Smith. I said that Miss Smith was to be married to some gentleman; and when I mentioned the public rumour, he said that it was not true; but if it was to come true, he had documents in his possession that would be sufficient to forbid the banns. I don't recollect whether he said that Mr Smith had written to him on the subject of her reported marriage. I did not see him after that time. I thought that, having been received by Mr Smith in his house, I was not at liberty to speak to Mr Smith; but after L'Angelier's death I thought it was my duty to mention the fact of the correspondence having been carried on between L'Angelier and his daughter, in order that he should take steps to exonerate his daughter in case of anything coming out. I knew that he had letters from Miss Smith in his possession. I called on Mr Smith in the evening of the death of Mr L'Angelier, and told him that Mr L'Angelier had in his possession a great number of letters from his daughter, and that it was high time to let him know this, that they might not fall into the hands of strangers; I said numbers of people might go to his lodgings and read them. I went to Mr Huggins; he was not in, but I saw two gentlemen, and told them what I had been told to ask; they said they were not at liberty to give the letters without Mr Huggins' consent. I then asked them to keep them sealed up till they were disposed of. I think that was on the Tuesday after his death. I went back to Mr Smith next day. Shortly

after I saw Mr Smith, I went, in consequence of rumours, to Miss Smith's house, and saw her in presence of her mother. I apprised her of the death of L'Angelier. She asked me if it was of my own will that I came to tell her; and I told her it was not so, but that I came at the special request of her father. I asked if she had seen L'Angelier on Sunday night; she told me that she did not see him. I asked her to put me in a position to contradict the statements which were being made as to her relation with L'Angelier. I asked her if she had seen L'Angelier on Sunday evening or Sunday night, and she told me she did not see him. I observed to her that Mr L'Angelier had come from the Bridge of Allan to Glasgow on a special appointment with her, by a letter written to him. Miss Smith told me that she was not aware that L'Angelier was at Bridge of Allan before he came to Glasgow, and that she did not give him an appointment for Sunday, as she wrote to him on Friday evening giving him the appointment for the following day—for the Saturday. She said to me that she expected him on Saturday, but that he did not come, and that she had not seen him on Sunday. I put the question to her perhaps five or six different times, and in different ways. I told her that my conviction at the moment was that she must have seen him on Sunday; that he had come on purpose from Bridge of Allan on a special invitation by her to see her; and I did not think it likely, admitting that he had committed suicide, that he had committed suicide without knowing why she asked him to come to Glasgow.

The Lord Justice-Clerk—Did you know of this letter yourself?

Witness—I heard that there was such a letter. I said to Miss Smith that the best advice that a friend could give to her in the circumstances, was to tell the truth about it, because the case was a very grave one, and would lead to an inquiry on the part of the authorities; and that if she did not say the truth in these circumstances, perhaps it would be ascertained by a servant, or a policeman, or somebody passing the house, who had seen L'Angelier; that it would be ascertained that he had been in the house, and that this would cause a very strong suspicion as to the motive that could have led her to conceal the truth. Miss Smith then got up from her chair and told me, "I swear to you, Mr Mean, that I have not seen L'Angelier," not on that Sunday only, but not for three weeks, or for six weeks, I am not sure which.

The Lord Justice-Clerk—And the mother was present?

Witness—The mother was present. This question I repeated to Miss Smith five or six times, as I thought it of great importance, and her answer was always the same. I asked her in regard to the letter by which L'Angelier was invited to come to see her—how it was that, being engaged to be married to another gentleman, she could have carried on a clandestine correspondence with a former sweetheart? She told me that she did it in order to get back her letters.

The Lord Advocate—Did you ask her whether she was in the habit of meeting L'Angelier?

Witness—Yes. I asked if it was true that L'Angelier was in the habit of having appointments with her in her house; and she told me that L'Angelier had never entered into that house, meaning the Blythswood Square house, as I understood. I asked her how, then, she had her appointments to meet with him. She told me that L'Angelier used to come to a street at the corner of the house (Main Street), and that he

had a signal by knocking at the window with his stick, and that she used to talk with him.

The LORD ADVOCATE—Did she speak about the former correspondence with him at all?

Witness—I asked her if it was true she had signed letters in L'Angelier's name, and she told me that she had done so.

The LORD JUSTICE-CLERK—Do you mean that she added his name to hers?

Witness—I meant whether she signed her letters with L'Angelier's name, and she said, Yes.

The LORD ADVOCATE—Did she say why she did so?

Witness—I did not ask her.

By Mr YOUNG—I went in 1855 to live in Helensburgh. Mr L'Angelier visited me then, and once he came on a Saturday to my lodgings there, and on Sunday we went on the Luss Road. I went up to my room, and L'Angelier not coming in for his dinner, I called for him out of temper, and asked why he did not come in, and was keeping me from my dinner. I then found that he was ill, and was vomiting down the staircase. He once complained to me of being bilious. This was a year ago. He complained of once having had cholera. Last year he came to my office, and told me that he had had a violent attack of cholera; but I don't know whether that was a year or two years ago. I think it was a journey he was to have made that led him to speak of having had the cholera. I don't recollect whether he was unwell at the time. I know that when L'Angelier came to my house he always had a bottle of laudanum in his bag; but I don't know if he used it. I once heard him speak of arsenic; it must have been in the winter of 1854. It was on a Sunday; but I don't recollect how the conversation arose; it lasted about half-an-hour. Its purport was how much arsenic a person could take without being injured by it. He maintained that it was possible to do it by taking small quantities; but I don't know what led to the conversation. I would be afraid to make any statement as to the purpose for which he said it was to be taken. I have seen something about it in a French dictionary on chemistry and other subjects. I am afraid of making a mistake—confounding this book with others I have read. L'Angelier stated to me that he had once been jilted by an English lady, a rich person, and he said that on account of that deception, he was almost mad for a fortnight, and ran about, getting food from a farmer in the country. He was easily excited; when he had any cause of grief he was affected very much.

By the LORD JUSTICE-CLERK—After my marriage I had little intercourse with L'Angelier. I thought that he might be led to take some harsh steps in regard to Miss Smith, and as I had some young ladies in my house I did not think it was proper to have the same intercourse with him as when I was a bachelor.

The LORD ADVOCATE—What do you mean by "harsh steps?"

Witness—I was afraid of an elopement with Miss Smith. By harsh I mean rash. This was after L'Angelier had given me his full confidence as to what he would do in the event of Miss Smith's father not consenting to the marriage with his daughter.

The LORD JUSTICE-CLERK—Did you understand that Miss Smith had engaged herself to him?

Witness—I understood so, from what he said.

The LORD JUSTICE-CLERK—When you used the expression, "You

thought it right to go to Mr Smith about the letters, in order that he might take steps to vindicate his daughter's honour, or prevent it from being disparaged," did you relate to him her engagement, and apparent breach of engagement? Had you in view that the letters might contain an engagement which she was breaking, or that she had made a clandestine engagement?

Witness—I thought that these letters were love-letters, and that it would be much better that they should be in Mr Smith's hands than in the hands of strangers.

The Lord Advocate—What were L'Angelier's usual character and habits?

The Lord Justice-Clerk—Was he a steady fellow?

Witness—My opinion of L'Angelier's character at the moment of his death was, that he was a most regular young man in his conduct, religious, and, in fact, that he was most exemplary in all his conduct. The only objection which I heard made to him was that he was vain and a boaster—boasting of grand persons whom he knew. For example, when he spoke of Miss Smith, he would say, "I shall forbid Madeline to do such a thing, or such another thing. She shall not dance with such a one or such another."

The Lord Justice-Clerk—Did he boast of any success with females?

Witness—Never.

The Lord Justice-Clerk—Did he seem jealous of Miss Smith paying attentions to others?

Witness—No; of others paying attentions to Miss Smith.

The Lord Justice-Clerk—It was not on account of any levity in his character that you discouraged him visiting you after your marriage?

Witness—No; I thought that his society might be fit for a bachelor, but not for a married man.

The Dean—Do you understand the word "levity"?

Witness—Yes; lightness, irregularity.

The Lord Justice-Clerk—How long was it since you had seen him when he came to you a short time before his death? Had there been a long cessation of intercourse?

Witness—Yes, there had been a long cessation.

The Lord Advocate—[Shewing witness a daguerreotype of L'Angelier]—Is that like L'Angelier?

Witness—Yes; it is a good likeness.

The Lord Justice-Clerk—About what age was he?

Witness—Between twenty-eight and thirty, I think.

The Lord Justice-Clerk—Did he bring recommendations to you, or did you get acquainted with him accidentally?

Witness—I think I got accidentally acquainted with him in a house in Glasgow; but I do not recollect.

The Court adjourned shortly after six o'clock till the following day.

THIRD DAY—Thursday, July 2.

The Court met at ten o'clock this morning for the further hearing of the case. So far as it has gone, the evidence appears to have had anything but a disheartening effect upon the prisoner, for she seemed to be more enlivened in appearance to-day than ever.

The Lord Justice-Clerk, Lord Ivory, and Lord Handyside, as formerly, occupied the bench.

Charles O'Neill, civil-engineer and architect, Glasgow, examined by the Solicitor-General—I was employed by the public authorities to make a plan of the house No. 7 Blythswood Square, which was occupied by Mr James Smith, the father of the panel. [Shewn plan.] This is the plan which I made, and it is an accurate one. The house is at the corner of Blythswood Square and Main Street, entering from Blythswood Square. It consists of two floors—a street floor and a sunk floor. The lobby, as you go in, runs along the side wall of the house to the left-hand side; there are no rooms to that side. On the right-hand side there is first the drawing-room, then the dining-room, then a space occupied by the stairs entering from Main Street to the houses above, but which are no portion of Mr Smith's house. The passage takes a turn a little to the right there, and becomes narrower than the lobby. After it turns, there is a small pantry facing the lobby, and beyond that there are three bed-rooms. Down stairs there is an area-door to Blythswood Square, and a door at the back of the house, leading into an inner area which opens into a lane. Going in at the front area-door, on the left-hand there is a small bed-room, and to the right is the kitchen. Beyond the bed-room, to the left, there is a closet and wine-cellar. Beyond the kitchen, to the right, there is another bed-room, with two windows looking to Main Street. That is marked, "No. 5, Madeline's bed-room." The lower sill of these windows is about eighteen inches below Main Street, and there are iron gratings and stanchions over them. The glass of the windows is about six inches from the street, so that a person standing in the street and putting their arm through the railings can easily touch the windows; and anything let fall inside the railings would fall on the level of the sill of the window. Anything so let fall could be picked up by a person opening the window. Where the passage passes that room there are stairs, then a pantry, and beyond that a bed-room, marked on the plan "C. H. 7." That is the room nearest to the back-door. On the right-hand side of the passage there, there is no accommodation in Mr Smith's house. It belongs to other houses. The height of the room No. 5, from the floor to the sill of the window, is about three or four feet. It is just an ordinary window. The lane at the back of the house leads from Main Street, and opens into Main Street, so that a person has no difficulty in getting from Main Street to the door of the back area. The house next to the lane in Main Street is occupied by Mr Minnoch and Mr Douglas. That is a common stair.

By Mr Young—The door in Main Street is the door of the common stair leading to the houses above; that is, the door leading to Mr Minnoch's house. The plan shews six windows altogether in the sunk floor; three look into the area in front, to Blythswood Square, two to

Main Street, and one into the area behind. I can't say whether all of these windows are stanchioned outside with iron bars; those in Main Street are. I took no note as to the other windows. The sill of the windows in the bed-room No. 5 is three or four feet above the floor; I did not measure. There are eight steps leading up to the front door of the house; I can't say how many lead down to the area; it is an area of about six feet deep. I did not measure the distance between the sill of the window and Main Street. Main Street inclines towards the lane; it is lower towards the lane; it declines towards the lane. I did not try the gradient; there is a fall of about six feet between Blythswood Square and the lane; that is, in a distance of about ninety-eight feet. There is a wall between the back area and the lane. I did not measure its height.

The Lord Justice-Clerk—You might have as well not made a plan at all, sir.

By the Solicitor-General—I was asked to make a ground-plan of each floor.

The prisoner's declaration was then read as follows. It was dated the 31st March:—"My name is Madeline Smith. I am a native of Glasgow; twenty-one years of age, and I reside with my father, James Smith, architect, at No. 7 Blythswood Square, Glasgow. For about the last two years I have been acquainted with P. Emile L'Angelier, who was in the employment of W. B. Huggins & Co., in Bothwell Street, and who lodged at 11 Franklin Place. He recently paid his addresses to me, and I have met with him on a variety of occasions. I learned about his death on the afternoon of Monday the 23d March current, from mamma, to whom it had been mentioned by a lady, named Miss Perry, a friend of Mr L'Angelier. I had not seen Mr L'Angelier for about three weeks before his death, and the last time I saw him was on a night about half-past ten o'clock. On that occasion he tapped at my bed-room window, which is on the ground floor, and fronts Main Street. I talked to him from the window, which is stanchioned outside, and I did not go out to him, nor did he come in to me. This occasion, which, as already said, was about three weeks before his death, was the last time I saw him. He was in the habit of writing notes to me, and I was in the habit of replying to him by notes. The last note I wrote to him was on the Friday before his death—viz., Friday the 20th March current. I now see and identify that note and the relative envelope, and they are each marked No. 1. In consequence of that note I expected him to visit me on Saturday night the 21st current, at my bed-room window, in the same way as formerly mentioned; but he did not come, and sent no notice. There was no tapping at my window on said Saturday night, or on the following night, being Sunday. I went to bed on Sunday night about eleven o'clock, and remained in bed till the usual time of getting up next morning, being eight or nine o'clock. In the course of my meetings with Mr L'Angelier, he and I had arranged to get married, and we had at one time proposed September last as the time the marriage was to take place, and subsequently the present month of March was spoken of. It was proposed that we should reside in furnished lodgings; but we had not made any definite arrangement as to time or otherwise. He was very unwell for some time, and had gone to the Bridge of Allan for his health, and he complained of sickness; but I have

no idea what was the cause of it. I remember giving him some cocoa from my window one night, some time ago; but I cannot specify the time particularly. He took the cup in his hand and barely tasted the contents, and I gave him no bread to it. I was taking some cocoa myself at the time, and had prepared it myself. It was between ten and eleven P.M. when I gave it to him. I am now shewn a note or letter and envelope which are marked respectively No. 2, and I recognise them as a note and envelope which I wrote to Mr L'Angelier, and sent to the post. As I had attributed his sickness to want of food, I proposed, as stated in the note, to give him a loaf of bread, but I said that merely in a joke, and, in point of fact, I never gave him any bread. I have bought arsenic on various occasions. The last I bought was a sixpenceworth, which I bought in Currie the apothecary's, in Sauchiehall Street; and, prior to that, I bought other two quantities of arsenic, for which I paid sixpence each—one of these in Currie's, and the other in Murdoch the apothecary's shop, in Sauchiehall Street. I used it all as a cosmetic, and applied it to my face, neck, and arms, diluted with water. The arsenic I got in Currie's shop I got there on Wednesday the 18th March, and I used it all on one occasion, having put it all in the basin where I was to wash myself. I had been advised to the use of arsenic in the way I have mentioned by a young lady, the daughter of an actress, and I had also seen the use of it recommended in the newspapers. The young lady's name was Giubilei, and I had met her at school at Clapton, near London. I did not wish any of my father's family to be aware that I was using arsenic, and therefore never mentioned it to any of them; and I don't suppose they or any of the servants ever noticed any of it in the basin. When I bought the arsenic in Murdoch's, I am not sure whether I was asked or not what it was for; but I think I said it was for a gardener to kill rats or destroy vermin about flowers, and I only said this because I did not wish them to know that I was going to use it as a cosmetic. I don't remember whether I was asked as to the use I was going to make of the arsenic on the other two occasions, but I likely made the same statement about it as I had done in Murdoch's; and on all the three occasions, as required in the shops, I signed my name to a book in which the sales were entered. On the first occasion I was accompanied by Mary, a daughter of Dr Buchanan of Dumbarton. For several years past Mr Minnoch, of the firm of William Houldsworth and Co., has been coming a good deal about my father's house, and about a month ago Mr Minnoch made a proposal of marriage to me, and I gave him my hand in token of acceptance, but no time for the marriage has yet been fixed; and my object in writing the note, No 1, before mentioned, was to have a meeting with Mr L'Angelier to tell him that I was engaged in marriage to Mr Minnoch. I am now shewn two notes and an envelope bearing the Glasgow postmark of 23d January, which are respectively marked No. 3, and I recognise these as in my handwriting, and they were written and sent by me to Mr L'Angelier. On the occasion that I gave Mr L'Angelier the cocoa, as formerly mentioned, I think that I used it must have been known to the servants and members of my father's family, as the package containing the cocoa was lying on the mantelpiece in my room; but no one of the family used it except myself, as they did not seem to like it. The water which I used I got hot from the servants. On the night of the 18th,

when I used the arsenic last, I was going to a dinner-party at Mr Minnoch's house. I never administered, or caused to be administered, to Mr L'Angelier arsenic or anything injurious. And this I declare to be truth. (Signed) MADELINE SMITH."

Miss MARY BUCHANAN, examined by the SOLICITOR-GENERAL—Dr Buchanan of Dumbarton is my father. I am acquainted with Miss Smith. One day last spring I went into a chemist's shop in Sauchiehall Street with her; it was Currie's shop. I don't remember if she told me what she was going in for. I heard her ask for arsenic. She was told by the shopman that she must sign her name to a book. He did not ask her what she wanted with it. I asked her that in the hearing of the shopman, and she said it was to kill rats. She got the arsenic. I am not sure, but I think she got sixpenceworth. She brought it away with her. When I asked what she was going to do with it, and when she said, to kill rats, the shopman suggested phosphorus, but she said she had tried that before, and was unsuccessful; but she said that the family was going to the Bridge of Allan, and there was no danger in leaving it lying about in the town-house, as it would be put down in the cellars. I think I had no further conversation with her about it. I think she asked sixpenceworth. I think she asked the shopman something about what was a dose, and he said such a quantity as she named would kill a great many people. She turned to me and said she only wanted it for rats. I said nothing more. Leaving the shop, I laughed at the idea of a young lady buying arsenic; she said nothing, but laughed too. That was on the 6th March. I knew that she was going that day to Bridge of Allan. I was at school with Miss Smith at Clapton, near London; she came after I was there two years, and I think she was there a year along with me. I have been acquainted with her ever since. I have frequently seen her write, and am well acquainted with her handwriting. I have been shewn by the Procurator-Fiscal a number of letters, and I examined them carefully with the view of ascertaining if they were in her handwriting, and I came to the conclusion that they were hers. I marked the letters with my initials. I think it was in the autumn of 1852 or 1853 that Miss Smith came to school at Clapton; it must have been 1853, I think. Her full name is Madeline Hamilton Smith. In the course of last spring she wrote to me, telling me she was engaged to be married; that was in the very end of February. She said she was engaged to Mr Minnoch. She afterwards spoke to me on the subject on the 6th and 31st March. On both these occasions she spoke of herself as engaged to be married to Mr Minnoch, and of the marriage as likely to take place in June. She spoke of no doubt or difficulty about it at all.

Cross-examined by Mr YOUNG—I stay at Dumbarton, but I had come up to Glasgow on the 6th. I visited Mr Smith's house at Row, and when I came to Glasgow I called at Blythswood Square. I called there on the 6th of March. Miss Madeline was not in when I called, but she came in before I left. We went out together. She said she wished to talk to me of her marriage. I had no time to wait, and she then said she would walk so far on the way home. We went out together, and went along the street. There had been an old promise at school that whichever of us was engaged to be married first should ask the other to be bridesmaid. We went to Sauchiehall Street, and along that street.

Currie's shop is in that street. When we came to it she said, "Oh, just stop a minute, I want to go into this shop; will you go with me?" and we went into the shop together. I think there were two young men behind the counter. We both went forward to the counter. Miss Smith asked for arsenic, and the shopman said, "You must sign your name." She said, "Oh, I'll sign anything you like." She signed, "M. Smith," and asked if that would do. Before this I remember Miss Smith asking the shopman how arsenic was sold. She said, "How do you sell arsenic?" and I think she said, "Would sixpenceworth be a large quantity?" I did not sign the book. Everything was done very openly. She paid for it. When we were at school at Clapton, I remember, whether in a lesson, or when reading in the evening, I forget, that an account was given of Styrian peasants taking arsenic to give them breath to climb steep hills, and about their having a peculiar plumpness and rosiness of complexion. I think it was in the course of reading in the evenings. I cannot remember who the governess was. I remember a Miss Giubilei. She was a pupil-teacher. She gave her services as a teacher of music in exchange for being taught other things herself. She was there I think at the time of the reading. I suppose Miss Smith was there. I don't remember, but we were always obliged to be present at these readings, and so I should think Miss Smith was there. The rest of Miss Smith's family went to Bridge of Allan on the 6th March, the day I called.

By the Lord Justice-Clerk—I met Miss Smith by appointment on that day at half-past one; she had written to me at Dumbarton. On the 31st I was with her from about three to half-past four in her own house. I had been visiting in Glasgow at that time for a week or two. I was staying with Mr Dickson, Woodside Terrace. Nothing particular passed between us on the 31st. She talked of her marriage; but she did not begin about it, I asked her. This was on a Monday; so that it was on the 30th, not the 31st, that I saw her.

The Lord Justice-Clerk suggested that, to save time, junior counsel on each side should retire to have the letters which witness had been shewn identified by her. This was accordingly done, and witness retired along with her father, who had accompanied her into Court. While giving her evidence Miss Buchanan was much affected.

Augusta Giubilei or Walcot, examined by Mr Mackenzie—I was a pupil-teacher at a school at Clapton, at which Miss Smith was, in the year 1852. I never advised her to use arsenic as a cosmetic, or to apply it to her face, neck, or arms, mixed with water, nor to use it in any way. I had no conversation with her, that I recollect of, about the use of arsenic. I believe I had no conversation with her about the use of cosmetics in their external application to the skin. I recollect one evening, in the course of reading, it was mentioned that Swiss mountaineers took arsenic to improve their breathing in ascending hills, and that those who took it were remarkable for plumpness, and a general appearance of good health. I believe I had no conversation with Miss Smith about this passage. My maiden name was Augusta Giubilei.

William Murray, a young boy, examined by the Lord Advocate—I was servant with Mr Smith in Blythswood Square. I went to his service at the November term. I slept in the room on the right hand side going in at the area door, looking into Blythswood Square. Miss Smith slept in the room next the kitchen, on the right hand side. That room has two

windows to Main Street. There were in the house besides me a cook and housemaid, Charlotte M'Lean and Christina Haggart; they slept in the room at the other end of the passage from the kitchen, close by the back-door. Miss Madeline sent me to an apothecary about four months ago. I never heard of Mr L'Angelier's death till I was examined by the Procurator-Fiscal. I recollect Miss Madeline being missed from home one morning; it would be six weeks or two months before that that she asked me to go to the apothecary's. I was told to get prussic acid. She gave me a line with "a small phial of prussic acid" written on it. I took it to the apothecary's. He did not give me the prussic acid. I went back and told Miss Smith so; she said, "Very well, never mind." She said she wanted it for her hands. I can't recollect whether I gave her back the line. I don't remember if I got it back from the man in the shop. I did not know Mr L'Angelier by sight. I have posted letters for Miss Smith. I have observed some letters with an address like L'Angelier, but I could not make out what it was. It was my duty to lock the area gate at night; sometimes I forgot to do it. I remember Sunday, 22d March. I went to bed at ten, or thereabouts. I slept very soundly. I heard no noise before the morning. Miss Smith had not gone to her room before I went to bed. The day that she was missing was on the Thursday after the 22d of March. I heard about ten o'clock that she had gone away; Mrs Smith told me. She came back that night. On the 22d March Christina Haggart was ill. She kept her bed till about six o'clock that evening. I parted from her on the stair after coming down from worship, and went into the kitchen. Miss Smith did not tell me what shop to go to for the prussic acid. I went into Dr Yeaman's surgery, in Sauchiehall Street.

By the DEAN—It was the nearest shop. It was at the corner of Cambridge Street. Miss Smith did not tell me to go to any particular shop. It was at her bed-room door she gave me the line. She called to me. I was in the kitchen. She spoke quite loud. I don't know that anybody heard her. The servants were in the kitchen. They could hear her if they were listening. She said she wanted a small phial of prussic acid, and she told me to take care of it, for it was poison. The shopman asked who it was for, and I told him. He said to tell her that she could not get it without a physician's line, and that it was very rank poison. I had been once or twice in the shop. They knew where I came from. Last winter, Mr and Mrs Smith, Mr John Smith, Miss Bessie Smith, Miss Janet, and Miss Madeline Smith, were members of the family living in Blythswood Square. Miss Madeline is the eldest, Bessie the second, and Janet the youngest. Miss Janet looks like a girl of thirteen. Miss Janet always slept with Miss Madeline—in the same room and in the same bed. I had no charge of the back-door. I had charge of the area gate and the upper front-door, not of the area door. I believe the cook, Charlotte M'Lean, generally locked the back-door and the front area door. On the evening of Sunday the 22d March, all the family and servants were at prayers. Miss Madeline was there also. Nine o'clock is the usual hour for prayers, and they were about the usual hour that night. When I came down stairs I went into the kitchen and stopped about five minutes, and then went to bed. I waited at breakfast next morning as usual. Miss Smith was there just as usual. At this time a young man named Mackenzie was visiting Christina Haggart; she

is married to him now. Miss Smith and Miss Janet sometimes got hot water before going to bed. They got it from the kitchen in a jug, not in a kettle. I did not see Mackenzie visiting Christina that Sunday night. There are two windows in the kitchen, one in my room, two in Miss Smith's room, and one in the housemaid's room; they are all secured with iron stanchions; I am not sure about the housemaid's, but all the others have.

By the Lord Advocate—There are two windows in Miss Madeline's room; they look to Main Street; the sill of one of the windows of her bed-room is a little below the street, nearly flush with the pavement. I heard no noise in the house on the night of the 22d. I heard nobody go out or come in. The key of the area gate was sometimes kept in my room, and sometimes in the kitchen; there were two keys, one of them hung on a nail in the kitchen; very seldom both were in the kitchen. The key of the front area door was hanging near my room; the key of the back gate was taken charge of by the housemaid; any person could have got it. There is a gate and a door opening to the lane. I spoke of the key of the gate. The key of the door is generally left in the door, and also the key of the front door.

By the Dean—There is no gate at the back; it is a wooden door. There is a wall about ten feet high; there is broken glass on the top of it. There are two keys for the area gate.

George Yeaman, examined by the Lord Advocate—I am a medical man in Glasgow, and have a laboratory in Sauchiehall Street. I remember hearing of Mr L'Angelier's death. On hearing of it I recollected the circumstance of a paper containing writing having been presented to me by my assistant, on which was written the words, "Half-an-ounce of prussic acid." I have no means of saying with any degree of certainty how long that would be before L'Angelier's death. I should say it would be from four to eight weeks. I went into the shop when the line was brought to me. I saw a boy, who said he came from Miss Smith, Blythswood Square. I asked whether he knew what he wanted, and he said he thought it was poison. I then said that if Miss Smith would call herself, I would see whether or not she should have it. I did not give it to him. Miss Smith did not come, so far as I saw or heard of.

James Stewart—I heard of Miss Smith being apprehended. I was then in the service of Dr Yeaman. I recollect a boy coming to the shop for prussic acid. To the best of my recollection, it was six or eight weeks before I heard of Miss Smith's apprehension.

Cross-examined—I knew the boy. He had been at the laboratory before.

Miss Buchanan recalled—I have had shewn to me a number of letters marked with my initials. I satisfied myself they are in Miss Smith's handwriting. Mr Moncrieff (one of the counsel for the prisoner) shewed me a number of letters and envelopes, and I satisfied myself they were in Miss Smith's handwriting, excepting some envelopes. I have initialed a sheet of paper containing the numbers of these letters. With the exception of some envelopes, all the documents are in Miss Smith's handwriting.

The sheet of paper containing the numbers was here handed in.

George Murdoch, examined by the Lord Advocate—I am partner

in the firm of Murdoch Brothers, druggists, Sauchiehall Street. We keep a registry book of the poisons sold by us. [Shewn book.] This is the register that I keep. In it is entered all the arsenic which we sell by retail. Under date 21st February we have an entry here—"February 21—Miss Smith, 7 Blythswood Square, 6d. worth of arsenic for garden and country-house.—M. H. Smith." This is also initialed by me. I recollect that purchase being made. It was made by Miss Smith herself. As far as I remember, she was alone. I was engaged in one of the back rooms when our assistant called my attention to a lady who wished to purchase 6d. worth of arsenic. I went forward and saw Miss Smith; she recognised me, and bowed. I named the form that was required in the sale of it, and requested to know for what purpose it was needed, and she answered, "For the garden and country-house." I was aware Mr Smith had a country-house on the Gareloch, and I directed my assistant to put up the arsenic. While he did so, I made the entry in the book, which Miss Smith signed, and I signed it as a witness. I don't remember seeing the parcel made up; but the usual mode is to put it in a double parcel. It was common white arsenic, mixed with soot in the proportion required by the Act. I saw her again some three days after; she called and inquired if arsenic should not be white. I said it required to be sold mixed with something else. She did not purchase any more on that occasion. Some time afterwards my assistant delivered to Dr Penny some arsenic from the same bottle. I was there when my assistant Dickie gave it. [Shewn phial labelled and signed by Dickie.]

By Mr Young—My shop is about three or four minutes' walk from Blythswood Square. Miss Smith and her family were in the habit of dealing in my shop. Miss Smith got 1½ oz. of arsenic for the 6d. I don't remember if she paid it. I have seen an entry in the journal of sales on that day to Mr Smith—"Two dozen soda water, 6d. worth of arsenic, send and charge," with a mark that the arsenic was sent. The journal is kept daily, and the entry is posted into the day-book and ledger in Mr Smith's account—all in the regular course of our book-keeping. I understood the quantity of soot used in the arsenic was an ounce to the pound. That is more soot than the statute requires, but that was the proportion we used. I don't recollect the date that Dr Penny got arsenic from the same jar.

By the Lord Advocate—I can't say with certainty if Miss Smith paid for the arsenic. My impression when first called on to speak in reference to this matter was that it had been paid, but on seeing this entry I felt certain in my own mind that it had not been paid.

By Mr Young—As soon as I saw this entry in the book, I communicated the fact to the Fiscal.

James Dickie, examined by the Lord Advocate—I was assistant to Mr Murdoch last February. I knew Miss Smith at that time by sight. I recollect her coming to purchase arsenic. She said she wanted to send it to the gardener at the country-house. I can't recollect if she mentioned the purpose. She got it. [Shewn phial.] This contains arsenic from our shop prepared in the same manner as that furnished to Miss Smith. The arsenic sold to her was duly registered in the registry-book, and signed by Miss Smith. I can't recollect if it was paid for at the time; it was entered in the account-book as unpaid; the account

has not been rendered; she took the arsenic with her. I delivered some arsenic to Professor Penny on the 18th April; it was from the same bottle as that from which the arsenic Miss Smith got was taken.

Cross-examined by Mr YOUNG—I have been six years in Mr Murdoch's employment. The Smiths dealt in the shop, and on the 21st February Mr Smith had an account standing in our books. I made the entry about the arsenic at the time; I entered it first in the scroll-book at the counter as unpaid; and though I have no recollection on the subject, that satisfies me it was not paid. The entry was entered up in the other books. There is some soda water entered on the same day for Mr Smith. I have no recollection of Miss Smith giving the order for it.

GEORGE HALIBURTON, examined by the LORD ADVOCATE—I am assistant to Mr Currie, druggist, Sauchiehall Street. I keep the registry-book for the sale of poison. No. 186 is it. It is published by Fisher to be used by chemists. On 6th March 1857 I see an entry with reference to the sale of arsenic. It is "March 6th, Miss Smith, 7 Blythswood Square, to kill rats." It has "M. H. Smith" and my own signature. I know the prisoner. On that occasion she came with another lady. She asked for 6d. worth of arsenic. I asked what to do, and she told me it was to kill rats. I said we were very unfond of selling arsenic for that purpose, in consequence of its dangerous properties. I recommended to her a phosphorus paste we sold, which would do as well. She said she had tried that, and it failed. She said the rats were in the house in Blythswood Square. She told me that, in consequence of the family going from home that day, she would be careful to see it put down. I gave her it. It was mixed with indigo. I recognise phial No. 212, and its contents. It contained arsenic compounded in the same manner as in our shop. Miss Smith paid for it, and took it away. There is an entry on the 18th March. It is as follows:—"Miss Smith, 7 Blythswood Square, 1 ounce arsenic to kill rats." The same signatures as before are attached. She said that in consequence of finding seven or eight large rats lying dead, she had come for more. Mr Currie came forward and made an objection, and said he never gave it to parties other than those he knew, or of respectability. I said she had got it before, and he allowed me to do so now. It was from the same bottle as before. There was a lady, whom I took to be her sister, with her. I never heard of arsenic in the same state as this used as a cosmetic. There is a preparation of arsenic—"Fowler's solution"—taken internally. There is a preparation of arsenic used as a depilatory. That is the yellow sulphuret of arsenic. She paid for her arsenic this time.

Cross-examined by Mr YOUNG—Both purchases were made quite openly. The young lady came into the shop and left with her. They spoke together at the counter when I was putting it up. While I was putting it up, the young lady said she always thought arsenic was white, and I said we had to colour it according to Act of Parliament. I never saw the young lady before. She was a grown-up young lady. She was different from the young lady who was with her on the first occasion. I mixed the arsenic myself with indigo. I put in the proper quantity ordered by the Act of Parliament.

By the COURT—The yellow sulphuret is quite different from what she bought. It is used as a depilatory, because it so affects the skin as

to bring out the roots of hair. That is an opposite operation on the skin from anything cosmetic. So far as I know, that will confirm my belief that any preparation of arsenic for cosmetic uses is extremely dangerous. It is not what we sell for a cosmetic. There are four grains of arsenic in an ounce of fluid for "Fowler's solution."

By the LORD ADVOCATE—Miss Smith said on the first occasion that rats were to be killed in the Blythswood Square house; and she spoke of these rats on the second occasion.

JOHN CURRIE, chemist and druggist, Sauchiehall Street, Glasgow, examined by the LORD ADVOCATE—I do not identify the prisoner at the bar. A lady of the name of Smith was in my shop on the 18th March last. [Shewn book.] This is mine. I see an entry of one ounce of arsenic, signed "M. H. Smith," and "G. Haliburton," my assistant. She said she had got arsenic before, and wanted more. She preferred arsenic to any other poison. I said we never sold it without signing the name in the book. She said she would do so. From her respectable appearance I gave it to her, having no suspicion. I gave her one ounce, the same colour as that sold to Dr Penny. She said the rats were in Blythswood Square. She said it had answered very well before. She paid for it. There was a young lady with her. I had no suspicion at the time, and did not take much note who was present.

WILLIAM CAMPSIE, gardener at Rowaleyn, parish of Row, examined—I am in the service of Mr Smith at Rowaleyn. I am gardener there. I have been in his service since 1855. I never got arsenic or poison from Miss Smith. I cannot recollect whether I had any conversation with her on the subject of poison for rats. I never used arsenic for that purpose.

Cross-examined by Mr YOUNG—We were very much troubled with rats. I have used paste for their destruction. The paste was made of phosphorus, or something of that sort. It was effectual. I got quit of the rats about that time.

ROBERT OLIPHANT, stationer, Helensburgh, examined by the LORD ADVOCATE—I know the prisoner. She used to deal with my shop for envelopes and note-paper. I have seen her handwriting. I was shewn a variety of letters by the Procurator-Fiscal. They were in Miss Smith's handwriting. I recognised some of the envelopes as having come from my shop. They were initialed, stamped with a die. The initial stamp was "M. H. S." They were stamped for her by me. No. 1 to 73 inclusive of the letters were then handed to witness. I see No. 67. That is one of the envelopes I refer to as stamped by me for her.

The COURT instructed the witness to go into the next room and examine all the letters handed to him, and marked by him as on his own paper and enclosed in his initialed envelopes. The witness accordingly left for that purpose.

WILLIAM HARPER MINNOCH examined by the SOLICITOR-GENERAL—I am a merchant in Glasgow—a partner in the firm of John Houldsworth and Co. I live in Main Street, next door to the house of Mr Smith. I have been intimately acquainted with the family for four years. In the course of last winter I paid my addresses to Miss Smith. I ultimately made proposals to her. I made them on the 12th of March. She accepted me. The time of the marriage was fixed on that day. I had previously to that asked her about marriage. That was on the 28th of January.

I asked her personally. My attentions to her before that were such as to make her aware that I designed marriage. She accepted me on the 28th of January, and then she and I arranged it more particularly on the 12th of March. From the 28th of January to the end of March there was nothing to suggest to my mind a doubt as to the engagement continuing. I had no idea that she was engaged to any other. I was not aware of any attachment or peculiar intimacy between her and any other man. The marriage was fixed to be in June. When the marriage was fixed in March, it was to take place on the 18th of June. In the course of last season, I made Miss Smith the present of a necklace. It was before the 28th. Miss Smith went with her family, on the 6th March, to Bridge of Allan. After leaving I received a letter from Miss Smith. [Shewn No. 133.] That is the letter. It is dated Monday. After Miss Smith came home from the Bridge of Allan, she, along with her father and mother, dined in my house on the 19th March. I met her at Mr Middleton's on the evening of the 25th March. I was not aware that there was anything wrong at that time. I called at her father's house on Thursday the 26th. She was not in the house then. She was amissing. In consequence of that I went down to Rowaleyn in company with her brother, John Smith, to look for her. We went by train to Greenock, and afterwards by steamboat to Row. We found her on board the steamer a little after two o'clock. She said she was going to Rowaleyn. We went on to Rowaleyn with her. When we arrived, we ordered a carriage in order that we might return to Glasgow. I had no conversation with Miss Smith after reaching Glasgow that night. I saw her again on the Saturday following. I had heard by that time a rumour of something being wrong. She told me on Saturday that she had written a letter to L'Angelier, and also that she had written some previously.

By the COURT—She did not say when she wrote them.

By the SOLICITOR-GENERAL—She did not make any further statement at that time. I saw her again on the Sunday. We had no conversation on that occasion. I saw her on the Monday and Tuesday following. On Tuesday morning I called and saw Miss Smith, and she alluded to the report that L'Angelier had been poisoned, and she remarked that she had been in the habit of using arsenic, as she had learned at school that it was good for the complexion. That was all that she said.

By the COURT—Before that I had heard a rumour that L'Angelier had been poisoned.

By the SOLICITOR-GENERAL—She said nothing further, and that was the last time I saw her. Before she made those statements to me, I was not aware that she was acquainted with L'Angelier. I was not acquainted with him myself.

Cross-examined by the DEAN OF FACULTY—On the evening of the 19th February I was at the opera. I was accompanied by my sister and Miss Smith. I went to the opera from my own house, but I called at Mr Smith's as we passed. We went to the opera about half-past seven. We returned home about eleven o'clock. Miss Smith returned with me. I stopped the cab at her door, and she went into her own house. I did not observe who came to the door on that occasion. On the 26th March it was I that suggested the probability of Miss Smith having gone to Row. I did so, because I knew that her father had a house there, in which a servant was living; and, in consequence of that, I and her

brother went down to her. When we met her in the steamboat, I asked her why she had left her house, and her friends in such distress at her absence. She made no reply. She requested me not to ask her among so many people. I renewed my inquiry afterwards at Rowaleyn. She said she felt distressed that her papa and mamma should be so much annoyed at what she had done. Before I left Glasgow, Mr Smith told me that Miss Smith had left the house that morning, and that there had been some old love affair. I understood that what she said at Rowaleyn referred to that old love affair. She gave me no further explanation there. She asked me not to press it, and said she would tell me all again. We were about three quarters of an hour at Row. I carried her back to her father's house, and left her there. On the 31st of March, she introduced the subject of L'Angelier's death into our conversation. That was about half-past nine in the morning. I called to inquire for Mrs Smith. I had heard that she was unwell. My meeting with her was accidental. I have told all that passed between us on that occasion. On the 28th I reminded her of the promise she had made to me at Row, that she would tell me further of the reason of her going away. I heard nothing of the name of L'Angelier before that time. She did not mention his name, but called him a Frenchman. I did not know who that Frenchman was. I called at Mr Smith's on the evening of the 25th March before I went to Middleton's, and did not see Mr Smith. I understood that he was unwell and confined to bed.

By the COURT—I took her to Mr Middleton's.

By the DEAN OF FACULTY—Mr Middleton is a minister of the United Presbyterian Church.

Mrs CLARK, wife of Peter Clark, Curator of the Royal Botanic Garden, Glasgow, examined by the SOLICITOR-GENERAL—The late Mr L'Angelier lived with us two years. He went from my house to Mrs Jenkins', Franklin Place. I was very intimately acquainted with him when he lived in my house. I formed a very good impression of his character. He seemed very steady and temperate ; he never was late out while he lived in my house. I was led to believe that he attended church regularly ; I was told so by himself, and by others who saw him ; he attended St Jude's Episcopal Chapel (Mr Miles'). His general health was good. He occasionally visited my house after he went to Mrs Jenkins'. I observed that a month or two before his death his health became affected. He has spoken to me about a lady. I don't exactly remember when he did so ; it was while he lived in my house ; I think in the first year that he lived with me. He told me her name ; it was Miss Smith. He spoke of her by her first name, "Madeline," and by "Mimi." He gave me to understand that there was a mutual attachment between him and this lady. He said they corresponded by letter. He said they were in the way of meeting. He told me of an interruption to the correspondence. I don't remember when that was ; it was while he lived in my house. He said the intimacy was afterwards resumed. I understood that it was interrupted because of Miss Smith's father's displeasure. I understood from him that the correspondence subsisted while he was living with Mrs Jenkins. He told me that Miss Smith and he were to be married, but he did not say when the marriage was to be. I last saw him on the 5th or 6th of March. He called at my house. He did not speak of Miss Smith that day. He left my house about the beginning of July 1856,

and went to Mrs Jenkins'. Shortly before his death, he spoke of a second interruption to his intimacy with Miss Smith; it was within two months of his death. He told me that he was afraid they would not get their end accomplished, as Miss Smith's father was putting stronger obstacles in the way than ever. He said nothing further at that time. He afterwards spoke on the subject, and said something to the same effect. He spoke of no coolness between Miss Smith and himself. Last time he was at the Botanical Gardens he got some silver-fish. That was about the 5th or 6th of March.

Cross-examined by Mr YOUNG—He came to my house first in May 1854. He complained of the climate not agreeing with him. He did not say particularly how it disagreed with him. He said that he was occasionally troubled with symptoms approaching to diarrhœa. I understood from himself that on one occasion when he visited Helensburgh he had been attacked with something like cholera. He had gone to visit M. De Mean there. He told me he was not in the practice of taking a cholera medicine, but that he took it at that time. I saw the cholera medicine in his room. It was so labelled. I understood from him that he was not acquainted with Miss Smith's family. I understood his correspondence with her was clandestine. When he said he was to be married to her, he said his intention was to have the banns secretly proclaimed; I mean by that, unknown to her parents; and that he intended on the Monday following to have a carriage ready, and to drive to chapel and be married. He did not say that he arranged with any particular person to marry them, nor did he mention the chapel.

By the SOLICITOR-GENERAL—He had a very great horror of taking medicine, and did not take it while in my house.

THOMAS FLEMING KENNEDY, examined by the LORD ADVOCATE—I am cashier to Huggins & Co., Glasgow. I knew L'Angelier for about four years and a-half, during which he was in Huggins & Co.'s employment. He was in the habit of coming frequently to my house; he was a well-behaved, well-principled, religious young man. I had a great regard for him. I had the means of judging of his character and conduct. He enjoyed general good health while in our warehouse. I never thought him very strong. He was not off duty from bad health till latterly. I think his health first became affected in February. I am not sure if he was ill in January; but in February he was laid up for a week. He got better, and came back again to the warehouse; then he got worse, and on the 9th March he got leave of absence. I think it was on the morning of the 23d February he came into my room and said, "I am ill, very ill, and have been ill the night before." I asked what was the matter with him; and I ordered him to go home. He said he had fallen down on his bed-room floor at night before going to bed, and felt so ill that he could not call for assistance. He did not say what he had been doing, nor where he had been the day before. I must have seen him on the 21st (Saturday). He was confined to the house from the 23d February to Sunday, 1st March. He spoke before his death of an attachment to Miss Smith, Blythswood Square. He said very little; and I knew nothing further than that there was an intimacy till shortly before his death. He came to me one morning and asked what he should do about the correspondence. I advised him strongly to give back the letters, but he said he would not. That would be about a fortnight before the 23d

of February. He said that she wrote that a coolness had arisen, and asking back her letters; I understood she had written that there was a coolness on the part of both of them. He said he would never allow her to marry another man as long as he lived. I said it was very foolish. He said he knew it was, that it was infatuation. He said, "Tom, she will be the death of me." That was about the last conversation I had with him. The last time I saw him was on the 9th March, when he left to go to Edinburgh. I knew his handwriting well. [Shewn 145 of inventory.] That is a letter in the deceased's handwriting addressed to me.

Bridge of Allan, Friday 20th March.

DEAR TOM—I was sorry to hear from Thuau that you were laid up. I hope by this time you are better. Are you well enough to come here to-morrow? there is a train at 12.30, 4.15, and 6.15. I think it would do you good. Plenty of lodgings to be had here. If you come it is of no use writing, as the latest post arriving is 10 A.M., but as the walk to the train is short I shall be on the look-out. I am two doors from the inn, Union Street.

I am getting short of tin, bring with you please two or three pounds, or if not send them. I was in Stirling to-day, but it was very cold, so I came back again. I have I fear slept in damp sheets, for all my timbers are quite sore. I weary by myself here, and I long to be back again. The place is worth seeing, but as dull as a chimney can.

Yours very sincerely, P. EMILE L'ANGELIER.

[Shewn 127 of inventory.] That is a letter from L'Angelier to myself.

DEAR TOM—I arrived safe and feel a deal better; it is much warmer than Glasgow, the wind is south, I never saw finer weather.

I inclose you a P. O. order, which please get cashed for me. Pens and ink, also wafers, are very scarce, and not to be had at present.

In expectation of seeing you on Saturday George M'Caul bought a bottle of pickles warranted free from copper. I shall be at the arrival of the train leaving Glasgow at 4.15 p. m. Drop a line if you are coming, or else you will have no dinner. Yours &c.

EMILE L'ANGELIER.

There is a P.S. in another hand, by a gentleman named M'Caul, a friend of mine and L'Angelier.

If you come dine with me 4 Forth St at 7 p. m. letting me know by letter to-morrow night—if M' comes bring him too, but above all things bring me a box of small Victoria segars from the late MacKillop, paying for same. Yours G. M'C.

Thursday.

The postmark is Edinburgh, March 13. There is another postmark, Glasgow. [Shewn 129 of inventory.] That also is in L'Angelier's handwriting.

Edinburg, Monday.

DEAR TOM—We recd your note on Saturday, and were very sorry to hear you were unwell and unable to come. In one respect it was lucky, as it poured all Saturday afternoon.

I hear at Bridge of Allan it is very cold and snow. I think I will start for there to-morrow. I don't feel so well as I did, but I think it is the want of sleep. I think the P. O. people beautifully ignorant not to know a man's name from a woman's. I shall write to Oxford about it.

I suppose I am not wanted yet. If I should be let me know please. Don't send any more letters to P. O. here after 10 a.m. to-morrow.

Excuse haste, and believe me your sincere friend, P. EMILE LANGELIER.

I received this letter in course of post. That bears the Glasgow and Edinburgh postmark of 16th March. [Shewn No. 177—a pocket-book.] That is in L'Angelier's writing; my attention was called to the entries by the Fiscal. The entries are in L'Angelier's writing, excepting one on the 14th March, the last entry in his book. I am not sure that it is not his, but I am not sure that it is. I was asked to dine with Mr

M'Caul in one of the letters I got from L'Angelier, and the entry of the 14th March relates to that dinner.

By the DEAN—I never saw that book in L'Angelier's possession.

By the LORD ADVOCATE—No. 119 is in L'Angelier's handwriting—this is a copy taken by a machine. [Shewn No. 25.] This is in his handwriting too, both envelope and letter.

By the DEAN—The envelope bears nothing but "Mimi." The document is not signed.

By the LORD ADVOCATE—No. 7 is in L'Angelier's handwriting too. It bears date "10 Bothwell Street, 19th July 1855." I have seen letters in a female hand coming for L'Angelier. I knew from him that they came from Miss Smith.

The LORD JUSTICE-CLERK—In No. 7 it looks as if the date did not belong to the letter, and had been commenced for some other purpose.

By the LORD ADVOCATE—I don't know where L'Angelier put the letters he received from Miss Smith. After his death, Mr Stevenson gave me a bunch of keys belonging to L'Angelier. I knew there were documents in his desk. We had gone through them on the Monday of his death to endeavour to find his mother's address. I think we read one or two of L'Angelier's letters. Stevenson locked them up and gave me the key. I saw them locked up. There was nothing in the letters which induced us to take any step as to his death. On the Tuesday we again looked over them more particularly. I did not read them with attention. They were again locked up, and I got the key. On the day the Fiscal sent for the letters I gave them up, and saw them sealed and initialed. They were all given up.

By the DEAN—In February L'Angelier first told me of Miss Smith's desire to break off her engagement with him; I can't say the exact day. I think that was the only occasion he said so; the conversation took place in the country-house. L'Angelier came to me between ten and eleven A.M. crying; he said he had received a letter from Miss Smith that morning asking back her letters, and wishing the correspondence to cease, and he said that a coolness had arisen; I said, "You ought to give up the letters, and be done with it;" I made the remark that the lady was not worthy of him. He said he would not give up the letters; he said so distinctly, determinedly; he said he was determined to keep them, but he threatened at the same time to shew them to her father. I told him he was very foolish, and that he had much better give them up. He said, "No, I won't; she shall never marry another man as long as I live." He also said, "Tom, it is an infatuation; she'll be the death of me." He was exceedingly excited during the whole time. I heard him say on one occasion, I don't recollect when, "I wish I was six feet under the ground." This was before the time I am speaking of. I took no notice of that statement; I never supposed that anything was wrong with him. I paid no attention to it. His first serious illness, so far as I remember, was in February; but I think he was slightly complaining in January some time. I don't remember what his illness then was. I have heard him say on one or two occasions that he was subject to attacks of bowel-complaint. Two occasions I recollect of, but I can't say when—months previous to his death. I don't remember his saying that he had a bad attack of cholera in Belgium. I know he visited a place called Badgemore Castle. It was last summer or the summer be-

fore. I don't recollect his saying that he had an illness there. I don't remember the day the letters were taken from the desk in the warehouse by the authorities. They were put in a large paper box; all the letters were put in. Stevenson was present. When we read the letters in the desk we put them in again. Those which we read were lying open in the desk. They may have had an india-rubber band round them. I don't remember if they were all in envelopes. The letters we read—only one or two—were taken out of envelopes. I read only about three. I don't know how many Stevenson read. He was there about the same time as I was. Our object was to discover the address of his mother. We did not find it. His mother's address was got otherwise. Since that, I have written to his friends acquainting them with his death. There was no inventory of the letters made, I believe.

By the LORD ADVOCATE—Nobody had access to the desk. I had the keys on Monday and Tuesday. On Wednesday, I think, I gave them to Stevenson. When I got the keys first, I locked them up in a drawer in my room. When the letters went away they were, I think, in the same state as when I found them. I think we were careful to replace those read in their envelopes. I can't recollect what letters we read. I did not see any letters expressing a coolness on the part of Miss Smith. Those we read were old—of date 1855. L'Angelier's mother lives in Jersey.

By the DEAN—While I had the keys no one had access to the letters. I saw them packed in a box and sealed up.

Robert Oliphant having been recalled, was examined by the LORD ADVOCATE—I have looked at the letters, and made a note of the result of my inspection of them.

By the DEAN—I did not get a die made for Miss Smith. The die might suit any person's name with these initials. I had the letters; they are moveable. It is the same as if they had been printed.

JOHN MURRAY, examined by Mr MACKENZIE—I am a Sheriff-officer in Glasgow. I got a warrant on the 30th March to go to the office of Huggins & Co. Bernard M'Lauchlin accompanied me. I saw Mr Stevenson and Mr Kennedy. I told Stevenson my object in calling. He opened the desk, and I took a quantity of letters and papers, and the other contents from it. I put them into a box, which was then sealed up in the presence of Mr Stevenson, and I left it with instructions to send it to the Procurator-Fiscal's office. It was initialed by Mr Stevenson and Mr Kennedy in my presence. I saw it afterwards in the Fiscal's office; it was still sealed. I broke the seal on the following day in the presence of the Procurator-Fiscal and Mr Stevenson. The box and its contents were handed over to Mr Wilson, assistant in the Fiscal's office. I did not mark the letters at that time, or distinguish them in any way. Two days afterwards I marked them. I got them from Mr Wilson to mark. I found a portfolio in the desk, and a cake of cocoa, which I marked particularly. I don't remember seeing a memorandum-book in the desk, but I observed it in the box when it was opened. [Identifies memorandum-book, No. 177, and part of the cake of cocoa.] After I had sealed the box in Huggins' I went to L'Angelier's lodgings. M'Lauchlin and Stevenson accompanied me. Mrs Jenkins pointed out his room and his repositories. When she left the room we made a thorough search. Mr Stevenson produced the keys, and we opened

the repositories. I found letters in a portmanteau, and also in a desk. We did not open the tourist's bag. I took possession of all the letters. M'Lauchlin carried them from the lodgings, wrapped up in brown paper. I accompanied him. It was late in the evening, and he took them to his lodgings by my directions. Next morning they were brought to the Fiscal's office. The parcel was not sealed in Mrs Jenkins'. I got them from M'Lauchlin next morning, and locked them in a drawer till we marked them. After they were marked they were handed over to Mr Wilson. [Shewn No. 1.] This was found in the desk in deceased's lodgings. No. 3 was also found in the desk. Nos. 5, 7, 9, 13, 15, 17, 21, 23, 25, 41, 71, 77, 79, 81, 85, 87, and 89, I found in a small tourist's bag in the lodgings; it was locked. I delivered it to Mr Wilson. I found also in the lodgings a number of bottles; M'Lauchlin took them away to his lodgings, and next morning brought them to me, and I locked them up in a drawer along with the letters. They were handed to Mr Wilson on the 1st April, and Dr Penny got some of them. [Witness identified the bottles.] I went to the house 7 Blythswood Square on the 31st March, and searched the prisoner's bed-room; I found two bottles. I also found photograph (180) in that bed-room. I found it in a trunk which was not locked. I went through the druggists and surgeons in Glasgow to inquire as to the sale of arsenic in December, January, February, and March last. I found some of them kept no arsenic at all; others kept it, but did not sell it. From the registers of those who sold it I copied the entries. I ascertained that from December to March no person of the name of L'Angelier ——

The Dean—Stop, stop. [Witness withdrawn.] This may be useful and important investigation for the Crown to make; but it surely is not to be contended that a policeman is to speak to the registers of the sale of arsenic in all the shops in Glasgow.

The Lord Advocate—We only wish to prove that L'Angelier's name is not in these registers as a purchaser of arsenic.

The Court decided that the question was competent; it was simply to prove that L'Angelier's name was not found in the registers; it did not prove that he had not bought arsenic under another name, or in some other place.

Witness recalled—I found in none of the registers arsenic as having been sold to L'Angelier. I extended my inquiries to Coatbridge, and along the road between Glasgow and Coatbridge, and also at Stirling and Bridge of Allan; and I found no such entry anywhere.

Cross-examined by Mr Young—I can't say how many shops I went to in Glasgow. I kept a note of all the places I visited. In that note there are forty-seven druggists' shops mentioned. I went to other shops; we went to those which we saw in our way, but which were not in the Glasgow Directory. I made that note at the time. I made the visits some days prior to the 16th May. It took several days. This list was not the list I carried about with me. I made it up from another list. I examined the statutory register in each shop where a register was kept. I did not find a register in every place where arsenic was sold. I remember four shops where this was the case. I did not visit the shops of any drysalters or any manufacturing chemists. I made the examination of the deceased's lodgings on Monday, 30th March. It was commenced a little after five o'clock in the afternoon, and we were engaged

in it till eight o'clock. I think I examined all the repositories pointed out by Mrs Jenkins as belonging to the deceased. We examined the press, the wardrobe, a portmanteau, and a desk, and found things there. We took no note of the things we found in each of these places; but I kept them all separate—the letters found in the portmanteau in one parcel, and those found in the desk in another. The parcels were not labelled. I marked on one of them "trunk," signifying the letters there were found in the portmanteau. I knew, of course, that the other letters were found in the desk. M'Lauchlin took them to his lodgings, and brought them to the office about 9.30 next morning. There were so many things that it took us some time to mark them. We began to do so four or five days afterwards; we were not continuously at them; it took us for eight or ten days. I put "desk, lodgings," "lodgings," and "trunk"—these were our marks. M'Lauchlin was with me when I marked them; and when I did so, I handed them to him, and he put on his initials. They were given to the Fiscal when I had finished marking them; that would be two or three weeks after.

The Lord Justice-Clerk—And during all that period no person examined the letters to see what information could be collected from them?

Witness—None.

The Lord Justice-Clerk—That was an expeditious way of pressing on a precognition in such a case.

By Mr Young—I labelled the bottles on the 1st April in my own room, assisted by M'Lauchlin. There is nothing on the labels to shew when they were attached. The date "30th March" on them is the date they were found. We made the search of the desk in Huggins' before going to the lodgings on the 30th March. The letters were sealed with Huggins' office-seal. I have no doubt the letters I got two days afterwards from Mr Wilson to mark were those found in the desk. The handwriting in the letters was the same as that in the letters found in the desk. I can't say if they were all one handwriting. Taking the letters from the desk and putting them into the box, I noticed them to be in a large, legible hand; and I identified them again when Mr Wilson handed over the box to me.

Re-examined by Mr Mackenzie—The two bundles taken by M'Lauchlin to his lodgings were in the same state next morning when brought to the office, and they were carefully locked up till given to Mr Wilson. M'Lauchlin signed all the labels along with me.

By Mr Young—I handed the photograph I found in Miss Smith's bedroom to the Fiscal, and I saw it in his office. I found more letters than I spoke to in the lodgings. I can't say how many I found in the lodgings, or in the desk at Huggins'. I saw a number of letters found in the lodgings put into a box in Mr Young's room. The letters found at Huggins' were also put into a box in the same room. I never saw any list or inventory made out. All the bottles which I found I handed to the Fiscal. I found in the press in Mrs Jenkins' house eight bottles. I found a package of powders. I counted these things, and retained them in my memory.

Bernard M'Lauchlin, examined by Mr Mackenzie—I am an assistant to Murray, Sheriff-officer. I remember going to Huggins' on the 30th March, and taking possession of a number of letters which were in a desk.

They were put into a box, which was sealed. I was present when it was opened in the Fiscal's chambers. I did not see the contents then. I went with Murray the same evening to Mrs Jenkins' house, and took possession of various letters, a travelling-bag, and eight bottles. The letters were parcelled up in two parcels, and I took them to my own house, and next morning I took them to Murray in the same state that they were in the night before—I had never opened them—and he locked them up. I saw them marked afterwards. I was particularly careful that the letters were put into the proper envelopes. The bottles were taken to my house that evening, and delivered up next day to Murray. They were afterwards given to Wilson in the same state. I took possession at Mrs Jenkins', on the 13th April, of a top-coat, and on the 14th, of a Balmoral bonnet. [Identifies coat and cap.] I went with Mr Thuau to No. 7 Blythswood Square. He pointed out a window in Main Street—one of the windows of Miss Smith's bed-room. In that room we found two bottles and a photograph. I accompanied Mary Tweedale from Terrace Street, St Vincent Street, to Blythswood Square. At No. 4 Terrace Street I shewed Tweedale my watch—it wanted five minutes to four. We went to Blythswood Square, and when we arrived there it was exactly four. We walked at a leisurely pace. Terrace Street is on the other side of Sauchiehall Street.

By Mr Young—The letters found in Mrs Jenkins' I took to my own room; they were not put in a drawer; they were left open. My wife was in that room. I could not say precisely when we marked them. We marked the bottles on the 1st April, and the letters found in the lodgings might be all marked a week after that; I daresay we began to mark them about the 3d April. I believe they were all marked within a fortnight, but I am not sure. I may have omitted to mark some, but not to my knowledge; I was asked afterwards to mark some which I had omitted. They had Murray's initials. Murray brought them to me in his own office.

By Mr Mackenzie—I was in the room with the letters all night, and I am satisfied nobody touched them till they were delivered up to Murray. The letters I omitted to mark were found in the lodgings. We visited druggists' shops, and made inquiries as to the sale of arsenic, as to the register only; also on the road to Coatbridge, and at Baillieston, Bridge of Allan, and Stirling; but we found no entries of sale of arsenic to any person of the name of L'Angelier.

By Mr Young—Every shop or house we went in is marked in the list.

By Mr Mackenzie—The houses are the houses of doctors who have shops elsewhere; we went to these shops too.

The Lord Justice-Clerk—You say you are an assistant to Murray?

Witness—Yes.

The Lord Justice-Clerk—Are you appointed and paid by Murray?

Witness—Yes.

The Lord Justice-Clerk—Then you go about and assist Murray without any legal authority or character at all? I don't imply that you are not a better officer than Murray, but in reality you are not appointed by the Sheriff?

Witness—No.

The Lord Justice-Clerk—Are you named in any warrant for search?

Witness—Not that I am aware of.

The LORD JUSTICE-CLERK—Do you execute these warrants yourself without Murray?

Witness—I have always Murray or some other officer with me.

The LORD JUSTICE-CLERK—This system is perfectly new to me.

WILLIAM WILSON, examined by Mr MACKENZIE—I am assistant to the Fiscal in Glasgow. I remember a box being brought to the Fiscal's office. I saw it first in Mr Hart's and Murray's hands. I took possession of its contents, and kept them for two or three days afterwards, and returned them to Murray, with one or two exceptions, to mark and label according to the place in which he had found them. He returned them with his own and M'Lauchlin's initials. I went over them, and marked the envelopes with reference to each other. With one exception they remained in my custody till they were so marked. The exception is No. 103. I took particular care in going over them to mark the letter with reference to the envelope in which it was found.

By the LORD JUSTICE-CLERK—I labelled them after Murray had initialed them.

By Mr MACKENZIE—On Wednesday the 25th March, Mr Stevenson brought me seven letters, which I identify. No. 71 is not one of the seven given to me by Stevenson. I believe No. 75 is one of them. No. 103 I know was got either from Stevenson, or Murray, or M'Lauchlin. The tourist's bag was opened on the afternoon of the 31st March. They were marked by Mr Hart and myself. Nos. 113 and 125 I believe were found in the tourist's bag. The letters found in the lodgings I afterwards marked, the letters and envelopes relatively to each other. Murray also brought the bottles found in the lodgings, a cake of cocoa, and two bottles found in the prisoner's bed-room. They were handed to Dr Penny for examination.

Cross-examined by the DEAN—I am a clerk in the office of Messrs Hart and Young. I hold no official appointment. I kept the box with the letters two or three days before giving them over to Murray. They were locked up. I kept them because the officers were actively engaged in prosecuting inquiries into this case. I took no note of the time they were out of my hands; but I think it would not be more than one or two days. I might give them away on the Friday, and they would be returned on the Saturday or Monday. I cannot say how long they were in Murray's possession; the steps in the case were so numerous and complicated that I can't recollect. It is not impossible that they might have them for a fortnight, but I think they only had them two or three days. After they were returned by Murray and M'Lauchlin, one letter was sent to Edinburgh on the 6th April; the others were examined by Mr Young and myself, and when examined, those which were considered relevant to the inquiry were selected by Mr Young and myself. Those marked by me were done partly in the office and partly in my house. I believe Mr Young did the same. The selected letters were reported to the Crown, and sent to Edinburgh, and the rest were kept in a lockfast place in Mr Young's room. The letters sent to Edinburgh were not returned. They were principal letters. Copies were made of many of the letters, but I cannot say whether the selected letters were copied in our office. I can't say whether they were copied in the office or taken home by the clerks. I can't say whether the Procurator-Fiscal lodged any of the letters in the

Sheriff-Clerk's hands. There are none of the letters, to my knowledge, still in the Procurator-Fiscal's office. Mr Young took charge of the later part of the inquiry. [Shewn documents in the third inventory for the prisoner.] These were found in the deceased's lodgings; but I can't say whether they were only got out of the Procurator-Fiscal's office last Monday, on the application of the prisoner's agents. I don't know whether there are letters still in the Fiscal's office in Glasgow. Mr Young must answer that. I know that applications have been made within the last two months, on the part of the prisoner, for access to these letters, and the Crown desired us to refuse these requests. I know, also, that several packages were given to the prisoner's agents a few days before the indictment was served.

By Mr MACKENZIE—I believe it was by order of Crown counsel that the letters were sent to Edinburgh. I can't say if they were returned to copy, but I know they were copied. There were 198 envelopes, some containing four and some eight pages, and so difficult to decipher that I had to use a magnifying lens. About the beginning of June, instructions were sent to give the prisoner's agents full access to all the documents not libelled on; and the prisoner's agents immediately applied for them.

In reply to the LORD JUSTICE-CLERK, witness stated that the Procurator-Fiscal had possession of the documents.

The LORD JUSTICE-CLERK observed that the Sheriff-Clerk is the party under whose warrant these things are recovered, and he is responsible for their custody, and ought to have an inventory of them made immediately. The Procurator-Fiscal ought not to have possession of them. He thought after what he had said lately at Stirling on this subject, that such a thing would have been put an end to.

The DEAN OF FACULTY having applied for the warrant issued for recovery of the documents,

The LORD ADVOCATE said he had been anxious that every facility should be given for the defence, but the prisoner had chosen to run her letters, and the case had to be prepared in a very short time. He ventured to say, however, that more facilities had been given for the defence in this case than he had ever known in any other. He had even desired that a private copy, made for his own use, should be given to the other side, before the indictment was served. They had given them a manuscript copy some days before the indictment was served, not only of the correspondence founded on, but of all the documents, but he did not think it his duty to allow access to the original manuscripts before the indictment was served.

The DEAN OF FACULTY said he was not attributing any discourtesy to his learned friend, but he complained most seriously of the conduct of his subordinates, in consequence of which they had not had the time they ought properly to prepare for this trial; and even down to this moment they had not the slightest satisfaction or certainty that they had got all the documents which had been recovered in this case.

The LORD JUSTICE-CLERK—You could applv to the Court for the recovery of any documents that may remain.

The Court then adjourned till next morning.

FOURTH DAY.—Friday, July 3.

Precisely at three minutes after ten the prisoner appeared at the bar, accompanied by one of the female warders of the prison and the police constables as before. Hardly a perceptible trace of additional anxiety could be seen on her countenance. In the course of a few minutes subsequently the Lord Justice-Clerk took his seat on the bench, accompanied as before by Lords Ivory and Handyside.

The Court-room was crowded to excess, a number of ladies being scattered through the hall and galleries.

The Dean of Faculty rose, and, addressing the Lord Justice-Clerk, said—Before the diet is again called, or the proceedings resumed, I wish to bring under the notice of the Court an occurrence of a very unusual form and kind. There has been put into my hands this morning a printed letter, which appears to be in the course of circulation, and which I will take the liberty of reading. [The letter, which was read, was dated from the *Scotch Thistle* office, High Street, Edinburgh, 30th June, and intimated that a full report would be given of the trial, *and of all the letters between the prisoner and L'Angelier*. The circular was signed "Jas. Cunningham."] After reading this circular, the Dean said—Your Lordship is of course aware that up to this moment the number of letters which have been put in evidence is extremely small, but that the number of letters which have been produced in this case is very large indeed; and your Lordship is also aware that a very considerable number of these letters have been printed for the use of counsel on both sides. I am further informed that the letters which are printed, and which amount to upwards of 100, are in the course of being set in type in this newspaper office, with a view to their being published to-morrow. It remains quite doubtful up to this moment how many of these letters may be used in evidence. They are truly of the most highly confidential character, and quite unfit for publication; and I am sure I may say of my learned friend, the Lord Advocate, that he will not use one of them that is not essential to his case. Now, in these circumstances, it appears to me that the proposed publication is a gross breach of public decorum, and at the same time a most improper misuse of materials which, somehow or other, I do not know how, have found their way into the hands of this printer. I am very much disposed to leave this matter in the hands of your Lordship, but I must at the same time take the liberty of urging that some proceedings should be taken for the purpose of preventing this proposed publication.

The Lord Advocate said—If the circular to which my learned friend refers had fallen into my hands, I should have taken precisely the course which he has done. How these letters should have got into the hands of any person unconnected with the prosecution or defence, I am unable to say. I know that the strictest orders have been given that no copies of the letters printed by the Crown, and communicated by them to the defence, should be given to any person whatever. I have every reason to think that these orders have been most carefully obeyed. I, however, thoroughly agree with my learned friend as to the extremely gross impropriety of the proposed publication, and I am perfectly ready to co-operate with him in any proceedings which may be necessary.

The Lord Justice-Clerk—The thing to be done is to order the immediate attendance of James Cunningham, to explain how he obtained possession of a copy of these letters; because the communication of documents of such a character, or indeed of any documents not produced in evidence, is a most improper proceeding, and a gross contempt of Court. Let an order, therefore, be made out, ordering the immediate attendance in court of James Cunningham.

The examination of witnesses was then proceeded with.

Mr William Hart, examined by the Solicitor-General—I am Joint Procurator-Fiscal at Glasgow. Mr Young is my colleague. I first heard of L'Angelier's death about the end of the same week in which it happened. It happened on Monday, 23d March. Mr Young first mentioned it to me and Mr Wilson.

The Lord Justice-Clerk—Were not letters brought to your office on Wednesday the 25th? Witness—I believe so; but I was absent at that time unwell.

By Solicitor-General—It was after I came back when I first heard of it through Mr Young. At that time no criminal information had been lodged at my office. I saw one letter in particular brought to the office. There may have been others. It was No. 149 of the indictment. An investigation was going on at the time in regard to the death of L'Angelier. It was certainly not being conducted in the expectation that a criminal charge should result out of it. I read a quantity of letters in the course of the investigation, which had been brought to the office by Murray and Stevenson. This was not in the course of that week, but of the following week. I ultimately made a criminal charge on Tuesday, the 31st March, against the panel, and got a warrant for her apprehension, which was executed the same day, when she was examined. Before making the criminal charge, several witnesses had been examined in regard to the death. The precognition was generally as to the death. The Procurator-Fiscal had instructions to examine into sudden deaths when there was anything peculiar in them. In the course of this investigation I had a number of letters read which came from L'Angelier's repositories; they were generally in envelopes, and I was particularly careful to restore the letters to their proper envelopes.

Cross-examined by Mr Young—There was also a warrant obtained on the 30th March. I believe it is at Glasgow. I think it could be got without difficulty. It was an application setting forth that the death of L'Angelier was suspected to have been from poison, and craving a warrant to get the exhumation of the body, and to take possession of certain letters and documents in the repositories of the deceased.

The Lord Justice-Clerk—Desire the witness to get this.

By Mr Young—[Shewn a copy.] It is a correct copy. I may mention that the application was to Mr Young, my colleague, and he knows better about it than I do; but I know of it generally. I am not sure if the precognition before the 31st of March was taken before the Sheriff. Was it reported to the Sheriff?—I can scarcely say that. Not that you know of?—I was not aware of it before the 31st, except that I knew that witnesses were in attendance, and were examined verbally; at least they were in the office, but I am not aware that they were examined in the presence of the Sheriff. Was any precognition taken by the Sheriff on the 30th March?—There was; they were not written precognitions; the

witnesses were examined verbally in the Sheriff's presence on the 31st; but I think their evidence was not written down. What Sheriff was that?—Sheriff Smith. I think this was both before and after the prisoner's declaration. I know that witnesses were in attendance at the time the prisoner was under examination, both before and after. When was the prisoner committed for trial? on the 31st?—No; she was committed for further examination. Was any written precognition taken before the Sheriff at all?—A great deal. Sheriff Smith and Sheriff Bell took a great interest in the matter, as well as Sir Archibald Alison. [A copy of the petition and warrant shewn and identified. The warrant was read. It was dated Glasgow, 30th March, and stated that the Sheriff, having considered the foregoing petition, granted warrant for the exhumation of the body of the deceased, and authorised Drs Steven and Thomson, along with Drs Corbett and Penny, to examine it and report on it. Dr Penny was also authorised to make an analysis, and to report; and further authority was given to make a search, as craved.] What does the search refer to? is it to the words in the petition to search, as far as necessary, the repositories and lodgings of the deceased?—I cannot perfectly vouch for that. I should say that the last words in this copy are inaccurate. I should say that all the documents were to be obtained.

By Solicitor-General—This application made no mention of any charge against any person, or of any criminal charge at all. Did you make any selection of the letters which have been used and libelled on in this indictment?—Made only a comparatively small selection. Those that have been used were printed for the use of the prosecution. A large portion of them were copied in manuscript in my office. I am not sure if they were all copied there. I think some of them were copied in the Crown Agent's office, Edinburgh, but a large portion were copied in my office; and I may mention that a large portion were actually copied by Mr Young himself, to prevent them, as much as possible, getting into improper hands. Was that a usual course for a Procurator-Fiscal to take?—It was not; and the reason for it was to prevent the letters getting into improper hands. Was that because Mr Young and you thought they were of a delicate description?—Certainly; unusually so. The letters were extremely difficult to decipher. That undoubtedly made the transcribing of them a necessarily slow and difficult process. They were in such a state originally that they could not be used by counsel on either side. Copies were sent as well as the originals. I could scarcely state if I forwarded the originals to Edinburgh without copies; and if there were any, they must have been very few. Suppose the letters had been handed over without copies, it must have occupied a long time to have made them available. A copy of these letters was handed to one of the prisoner's agents, in my own presence, in the Crown Agent's office, Edinburgh, but I cannot say when, except that it was some days before the indictment. The giving copies of the documents in print to the prisoner's agent must have saved a great deal of labour to the defence. I have held the office of Procurator-Fiscal for eleven years, and have been in connexion with the office for thirty-six years, in Mr Salmon's time; and in all my experience I have never known any case in which the same facilities were given to the defence as in this. In regard to the letters which have been libelled on, did you forward them to the Crown Office at any time?—No; I think not. Do you recollect of getting instructions from the Crown Office to

have these letters copied?—Certainly. When I got those instructions to have these letters copied, the Crown counsel had not seen the originals. We set at once to have them copied. If you will allow me, I would correct an answer I gave to the question as to whether the original letters were first sent to the Crown counsel. I think they were first sent to the Crown counsel, and then they were sent back with instructions to have them copied. The letters were so difficult to decipher, that they could not be easily read. They were all copied in the office by the clerks and by Mr Young, and assistance was got from the Sheriff-Clerk's office. Did you find much pressure from the Crown Office in regard to despatch in having these letters copied?—Yes, they were rather exacting in their demands, and we could not keep pace with them; and we got unusual instructions in consequence, telling us to use all despatch in having them copied at the expense of the Crown, and to employ parties beyond our office. When they were copied, they were sent to the Crown Office; and that copy was communicated by the Crown Office to the agents for the defence. I am not sure when that was, but a receipt was taken for it. I think this was before the indictment was served. I am sure it was, though I cannot speak as to the date; but I have no doubt Mr Young can, as he got the receipt. We also got instructions in regard to the letters not forwarded, telling us to make them accessible to the opposite party. I can scarcely mention the date of that; but I think it was before the serving of the indictment. It was got by Mr Young, and I think he should be able to speak to it. Did the opposite party come to examine these documents?—Yes, Mr Forbes came. But did not copy them, I presume?—I think not. Mr Forbes borrowed some of them, and Mr Young got the receipt for them. I cannot say how many he got.

Cross-examined by Mr Young—Four clerks connected with our office were employed in copying these letters along with Mr Young, and I think five in the Sheriff-Clerk's office were also employed, making ten in all. The letters were distributed among these various clerks for the purpose. Were they allowed to take them home?—They were not allowed to take them home; but I learned that one or two had taken theirs home to copy in the evening. I am speaking of the letters which were not libelled upon. Those which were forwarded were copied by our own clerks and Mr Young. Some of them were given out to the clerks in the Sheriff-Clerk's office. It was three or four weeks after the 31st March before we commenced to copy the letters not libelled upon. I think it was in the month of June that access to the non-printed letters was given to the prisoner's agents. I cannot give the date more nearly. It is not the printed documents that I refer to. It was several days before the indictment was served that access was given. From the 31st of March until that time these letters had been exclusively in the hands of the Procurator-Fiscal in Glasgow and the Crown agent in Edinburgh.

The Lord Justice-Clerk—I suppose fuller communication was never given by the Crown to the agents for the defence.

By Mr Young—Several applications for access to the letters were made during both April and May from the prisoner's agents. No information as to what was contained in these letters was allowed to them until June.

Mr Taylor Young—I am one of the Procurators-Fiscal in Glasgow. The first information I got about the case of L'Angelier's death was on Tuesday, the 31st of March. I understood that a *post mortem* examination

had taken place by Drs Thomson and Steven. Mr Hart was away from home at that time. There was nothing done on the Tuesday; but next morning Mr Kennedy called round, and said that a *post mortem* examination had been ordered, for the purpose of letting his friends know of what he had died. He said that there was some love affair in the concern, and that there were some letters in Messrs Huggins' counting-house, which I think he said he had not read. I said it might be material to send round and see some of those letters, that we might see about the case. Mr Stevenson brought six or seven letters. They were handed to me and our assistant, Mr Wilson. We read them; made Mr Stevenson mark them with his initials; and they were afterwards carefully laid aside. After that we ordered inquiries to be made, by sending to his landlady, and at Drs Steven and Thomson. The first thing to find out was what L'Angelier had died of. We ordered the stomach to be examined, and referred to Dr Penny to report to us. After we had learned from him that poison was contained in it, we thought it proper to make an application to have the body exhumed; and as there was reason to think he had died of the effects of poison, to apply to the Sheriff for a warrant to make a search at the druggists' shops. It was on the Monday following, the 30th, that we came to the conclusion that the death had been caused by poison. Ultimately a great number of letters were brought from L'Angelier's repositories to our office. We copied a number of them. I perused the whole of them. They were, on a rough calculation, about 300 in number, but in reality there were about 500, owing to more than one being often placed under the same envelope. It took ten days before I could read them. I made a selection of them, with the view of reporting the case to the Crown. The utmost care was taken to put the letters into their proper envelopes. We found that this course interrupted the business very much.

Andrew Murray—I am a writer to the Signet in Edinburgh, and was employed by the Crown Agent to look over some letters, said to have been written by the prisoner, with a view of taking a correct copy of them. I took the originals and read from them to my clerk. We did so, letter by letter. I then took the copy into my hands, and he read the originals. As we proceeded, we marked each letter so compared. The proof, as corrected, was then read by the clerk, and a new copy, prepared and compared faithfully with the proof, was signed with my initials. I found it a very difficult procedure. The letters were very difficult to decipher. It took four days to the letters, and an additional day to the proofs.

By the Court—Those which we thus finally corrected are now in the clerk's hands. Each letter was put up with its own printed copy. I marked each letter, and put the corresponding marks upon the printed copies. [Shewn letters No. 1 and 2.] These are my initials and numbers, and they are the same throughout the whole.

Alexander Souter Hunter—I am a clerk. I went over the documents with Mr Murray. [Identified the initials.] We took every means to insure accuracy.

Rowland Hill Macdonald—I am comptroller of the sorting office in the Post Office of Glasgow. I have been shewn a variety of letters and envelopes, with the view of reporting on the postmarks. [Witness was here shewn three letters, the dates and places of posting of which he

certified. In order to save time, he then withdrew with the junior counsel on each side, in order to examine the whole of the letters.]

GEORGE M'CAUL—I was acquainted with the deceased. He dined with me in Edinburgh on the Saturday previous to his death. I recollect his writing a note to Mr Kennedy, of Huggins & Co., Glasgow, and my putting a postscript to that letter. He seemed very well, but said he had been unwell before. He talked of going to the Bridge of Allan. He did not say anything to me about expecting a letter. He said nothing about having had an illness, or two illnesses, before that. He spoke only of his recent illness.

By Mr YOUNG—I saw L'Angelier for the last time on Monday, 16th March, the Monday after the Saturday on which he dined with me. It was after dinner. He said he had been dining with Colonel Fraser at Portobello.

By the LORD ADVOCATE—I saw him on the evening of the Thursday before the Saturday. That was the first time.

By the COURT—L'Angelier was a good-looking man, pleasant enough. I never saw him in the company of ladies.

ROBERT MONTEITH—I am a packer in the employment of Huggins and Co. I knew L'Angelier. He has asked me to address letters for him. I addressed one to Miss C. Haggart, Rowaleyn, Row. I wrote the same address for him afterwards. I addressed ten or a dozen so. I have once written an address to the same person in Blythswood Square. Her name was Miss C. Haggart, Blythswood Square.

By Mr YOUNG—The reason he gave was, he did not want his handwriting to be known.

ROBERT SINCLAIR—I am in the employment of Huggins & Co. Did L'Angelier ever ask you to address a letter for him to a person of the name of Haggart?—Yes; he did so twice. The full address I put was, "Miss C. Haggart, care of Mr James Smith, India Street, Glasgow." This would be a little more than twelve months before his death.

Cross-examined by Mr YOUNG—What was his reason for asking you to address them?—He said it was to prevent his handwriting being known.

JANET M'DOUGALL—I am postmistress at Row. I remember, in the course of the years 1855 and 1856, letters coming here addressed to Miss Bruce, to be called for. I did not take any account of the number, but I should say there were seven or eight in the course of the year. One of Mr Smith's servants got these letters. I think it was Jane Lindsay that got them. I know, at least, it was one of the servants of Mr Smith of Rowaleyn. There was no person of the name of Miss Bruce at Row.

CATHERINE M'DONALD—I have a lodging-house at the Bridge of Allan. I remember Mr Smith and his family coming to me last spring. They came on the 6th March. Miss Madeline Smith was with them. They stayed till the 17th, when they left for Glasgow.

ROBERT TELFER CORBETT, examined by the LORD ADVOCATE—I am a physician in Glasgow, and senior surgeon in the Infirmary. I was called to assist at the *post mortem* examination of the body of L'Angelier, and concurred in the report made on that occasion. So far as you could judge without analysis, what was the general conclusion formed by you from the appearance of the body?—That the deceased had died from the effects of irritant poison. Was there anything in the appearance of the body from which you could judge as to the time

when the poison was administered?—I may mention that the morbid appearances presented were of two different kinds—one shewing the result of recent action, and the other the result of action at a period antecedent to that. Will you describe the last of these two appearances?—Several small ulcers, each about the sixteenth of an inch in diameter, with elevated edge, on the upper part of the duodenum. Would such ulcers have been characteristic of the effect of irritant poison at the distance of a month?—They might; but it is impossible to fix any date. Were they such as an irritant poison, administered a month before, would have produced?—I think they were. They were of longer standing than immediately antecedent to death. In other respects had the body the external appearance, in colour and otherwise, of death produced by arsenic?—In the duodenum and intestines it had. Will you describe the appearances you think characteristic of arsenical poisoning?—They are inflammation and ulceration; the ulceration being the effect of the inflammation. Jaundice is an occasional symptom of death by arsenic; I mean by that, the yellow tinge of the skin. Jaundice is not a necessary symptom of the presence of arsenic. It is not a common symptom; but it is an occasional symptom. Extreme thirst is one of the symptoms of poisoning by arsenic, and a symptom which shews itself very early. Would you say that extreme thirst was characteristic of British cholera?—Not in its earlier stages. What is the usual time a dose of arsenic takes to exhibit its effects?—From half-an-hour to an hour. That is the average time. Longer periods have been known, but are very unusual. Do they vary according to quantity?—It depends more on the mode in which the poison has been administered than its quantity, and on the state of the stomach. If a person had been made the subject of repeated doses, would it be more likely to operate quickly or the reverse?—The irritability of the stomach would make it more likely to operate quickly. Have you known, from reading, whether cases of murder have frequently occurred where large quantities of arsenic were found in the stomach?—I have read of such cases; but none have come within my personal experience. How much arsenic has been found on those occasions?—I cannot speak as to quantity. I can refer to cases in which details were not given, but where the quantity was said to be large.

By the Dean of Faculty—What do you mean by large?—Well, large is a very general term. That is the reason I put the question; would twenty grains be a large dose?—It would certainly be a large dose. I mean a large dose to be administered. Are you aware of homicidal cases by arsenic where so large a dose was given as twenty grains?—I cannot refer to any case just now. When you spoke of jaundice as a mark of arsenical poisoning, am I right in supposing you meant only the symptoms of jaundice, which consists of yellowness of the skin?—Yes. Not that which is exhibited by the eye?—I mean the conjunctiva too. Can you tell me any case of arsenical poisoning in which the jaundice symptom was seen?—I cannot condescend upon a particular case. I have not met with any case personally. Upon what authority do you state that it is a known symptom?—Upon the authority of Dr Taylor, in his work on Jurisprudence. Dr Taylor, in his work, refers to another authority—to Marshall. But I wish you very particularly to condescend upon an authority for the statement you have made; I will give you any book you like to name, and I ask you to point out your authority?—I know

that it is a symptom. Not except from reading?—No. Well, if you can point out to me nothing more than that single line in Taylor's book, I entreat you to give it me.—I am not aware that it is mentioned in any authority but in the article in that book, but I would require to read it over. But surely, Dr Corbett, when you came here to swear, as a man of skill, that jaundice is a symptom of arsenical poisoning, you are prepared to give us a better answer than that. Do you know that there is a life depending on this inquiry?—I do. Have you no better answer to give me?—Nothing, but that I know jaundice to be a secondary symptom from arsenical poisoning from my reading. Is there any reading you can condescend upon except what you have pointed out?—No other. Could such ulcers as you have described just now as appearing on the upper part of the duodenum be produced by other causes than arsenical poisonings?—They might. By what other causes?—I have never met with them myself, in any other instance, on that part of the duodenum, except in this case. But I believe it is quite within the range of possibility that such ulcers might arise from some enteric fever. Would they arise in the case of inflammation of the upper portion of the intestines?—They might. Before this, have you made examinations in cases of arsenical poisoning?—Only once before. That was a case recorded in the Glasgow *Medical Journal* for 1856. I do not remember the name of the person. Who was conjoined with you?—Dr John Crawford, of the Andersonian Institute. Dr Penny was also engaged to make the analysis in the same case.

By the Lord Advocate—You know, from your reading and study, that jaundice is an occasional symptom of arsenical poisoning?—Appearances of jaundice are a symptom. Are you speaking about the appearances during life to be found in a person who, immediately after swallowing food, had been seized with severe pain and intense thirst? You would not think, because he had a yellow colour, that that might not be the effect of arsenical poisoning?—That might or it might not be. Would the appearance of jaundice lead you to suppose it was not?—The appearance of jaundice would not sway me very materially one way or other. Have you made a great many *post mortem* examinations?—Yes; but only one in which death was produced by arsenic.

Professor Penny of Glasgow, who was examined on Wednesday, was again put in the witness box, and examined by the Lord Advocate—I understand you have made some examinations in reference to the effect of the colouring matter in the arsenic you purchased from the two druggists in Glasgow?—I have. Would you be kind enough to state the result?—Some of the arsenic I purchased at Murdoch's, which was mixed with soot, I gave to a dog, and I had no difficulty in detecting the soot in the stomach of that dog after death. I administered arsenic, coloured by myself, to another dog, and had no difficulty in detecting the indigo in that case by chemical tests. I administered to another dog a portion of the arsenic sold by Currie, which, it will be remembered, was mixed with indigo. After death I detected black particles in the stomach of that dog, but I could not undertake to identify the arsenic found with the arsenic given; I mean I found carbonaceous particles, but that I could not undertake to say that these particles were of themselves sufficient to identify any of the particular description of poison administered. But, as I administered it myself, it must have been the same—at least, I

know of no other source. I could detect no arsenic in the brains of the dogs. I found solid arsenic in the stomach as well as in the texture of the stomach. These are the results I obtained.

By the COURT—Is it the fact that there is less arsenic found in the brains of animals than in the brains of human beings?—I am not aware. In the one case I detected blue colouring matter of indigo, and in the other carbonaceous particles.

By the DEAN OF FACULTY—Did you make yourself acquainted with the nature of the colouring matter of Currie's arsenic before administering it to the dog?—I did. Did the black particles you gave correspond to the constituents of the colouring matter?—They have a close resemblance to them, both in physical appearance and in chemical properties. Were they not, in physical appearance and chemical properties, identical?—They were.

CHRISTINA HAGGART or M'KENZIE, wife of Duncan M'Kenzie, joiner, examined by the SOLICITOR-GENERAL—Since the end of March last I was married to Duncan M'Kenzie. I was servant in the family of Mr Smith, Miss Smith's father, in Glasgow. I was two years with him, and I left last Whitsunday. The family consisted of Mr and Mrs Smith and five children—Miss Madeline Smith, Miss Bessie Smith, and Miss Janet. Miss Bessie was a grown-up young lady, about two years younger than Miss Smith. Miss Janet was about twelve or thirteen years of age. The eldest son was John. He was about sixteen or seventeen, and the youngest son, Mr James, was two or three years younger. He was till the end of March last at school in Edinburgh. Mr Smith has a house at Rowaleyn, near Row. They lived there a good part of the year while I was with them. They went about May, and came back about November. The first winter I lived with them they lived in India Street. That was the winter before last. Last winter they lived in No. 7 Blythswood Square. When they were living in India Street, Miss Smith pointed out a French gentleman to me. I did not know his name. She never spoke of him to me by his name. I did not know his name until after I was taken to the County Buildings. When she pointed him out to you, did she tell you anything about him?—She told me he was a friend of hers. Where was he when she pointed him out?—He was walking on the street, and we were in the drawing-room. We saw him from the window. He was just passing along the street. [Shewn a photograph portrait of L'Angelier, No. 180.] That is a likeness of the gentleman pointed out to me. Did you ever see him come to the house in India Street?—Yes. Did he come into the house?—He did. I was asked by Miss Smith to open the gate for him. It was the back gate she asked me to open. I did so. This was during the day. I think the family were all in church at the time, except her youngest sister. It was on a Sunday. He went into the laundry. I did not shew him into the laundry. It was Miss Smith who did so. She went in with him. The door was then shut. He remained there about half-an-hour, I think. He came back to the house on other occasions. These were at night. I don't remember how often he did so. I don't think it would be more than three or four times at most. At what hour of the night did he come?—About ten o'clock. Was that after the family had retired?—No; before they had retired to their rooms. Would the family be at home at that time?—So far as I remember, they would. Did he always go to the laundry?—No; he generally stood at the back gate after that.

Did he not come into the house at all?—Not to my knowledge. Do you believe that he did not?—I believe he did not. Did Miss Smith go out to him?—Yes. How do you know it was the same gentleman?—I saw him at the gate. Do you mean by opening the gate that you just set it open, and then kept it so?—I opened it both when he was there and when he was not there. On some occasions when I went to open the gate I found the gentleman standing at it, and on others he was not. Did Miss Smith, on those occasions when you opened the gate, go out to him?—I did not see her, but I think she did. You reached the back-gate by the back-door of her house?—Yes. And left it also open?—I did. Was there any person in the laundry at the time?—No; the back-door being a good piece away from the laundry. Might Miss Smith and the gentleman have gone into the laundry without you knowing it?—They might. During that season, when living in India Street, did you ever point out this gentleman to Duncan M'Kenzie, your present husband?—Yes. Did you mention his name to Duncan M'Kenzie?—I said he was a friend of Miss Smith's. But did you mention his name?—I don't remember. Try and recollect whether you said his name was L'Angelier, or some such name?—I don't remember. Did you ever speak to that gentleman during that season?—Yes. Did he make you a present?—Yes. That was during the season you were living in India Street?—Yes. What was the present?—He gave me a dress. Did he say what he gave you it for?—He did not. When the family were living at Rowaleyn, did you ever see that gentleman there or in the neighbourhood?—Not that I mind of. Were there ever letters addressed to you, but intended for Miss Smith, while you lived in India Street?—Yes. Did Miss Smith tell you that they would be so addressed?—Yes; she did. Did she say from whom they were to come?—She said they were from her friend. Did you understand who she meant by that?—I thought she meant L'Angelier. How many letters came in that way?—I cannot tell; a good many came to India Street. I gave them all to Miss Smith. Did any letters come to Rowaleyn addressed in the same way?—Yes. How many?—Very few; but I don't remember how many. Did you ever get any letters addressed to Miss Bruce while living there?—I called for them at the Post-office. And got them?—Yes. Who desired you to call for them?—Miss Smith. Did you give these letters to Miss Smith?—I did. Did Miss Smith ever give you letters addressed to a gentleman to post?—Yes. What was the name?—I cannot pronounce the name. Was the same name on them all?—On some of them. Was it a name like L'Angelier?—I think it was L'Angelier. I posted letters for her to that name when we were in India Street and Blythswood Square, and also during the two summers while we were at Rowaleyn. Did you ever deliver any letters for her with that address?—Yes. Where did you deliver them?—In Franklin Place, Glasgow. Did you deliver more than one letter so addressed?—Only one.

By the Lord Justice-Clerk—When you say delivered, do you mean you saw the gentleman, or that you left the letter at the house?—I left it at the house.

By the Solicitor-General—In the Blythswood Square house, is there a back-door leading through a small entrance to the back gate, and thence into the lane?—Yes.

The Court then retired for a few minutes. On their return, the Lord

JUSTICE-CLERK asked if Mr Cunningham, from the *Scotch Thistle* office, was present, or if there was any communication from him in answer to the summons of Mr Munro?—No answer being made, his Lordship then asked if there were any reporter present from the *Thistle* office, and stated that it would be as well to give notice to Mr Cunningham that if no appearance were made for him, it would be visited as contumacy and contempt of Court.

Mrs M'Kenzie was then re-examined—Did Miss Smith at one time ask you to do anything to that back gate in Blythswood Square house?—Yes; she asked me to open it. Can you tell me when that was? How long it was before Miss Smith was apprehended?—It was a good long time before that. Was it a week or a month?—I think it was more than a month. I don't think it was two months. Do you think it was approaching to that?—I cannot say. What time of the day was it she asked you?—It was at night. How late was it?—I think it was past ten. How much past ten?—I don't recollect. Where was she when she asked you?—In her own room. Her room was down stairs on the same floor with the kitchen. In what room did you sleep?—I slept in the back room, next to the back door. The cook slept there with me. Her name was Charlotte M'Lean. I was in Miss Smith's room when she told me, and Charlotte M'Lean was in the kitchen. When I opened the back gate into the lane, I did not see any person there. I came away and left it open, and returned into the house. Did you leave the back door of the house open?—Yes; I left it open also. And where did you go?—I went into the kitchen. Before going into the kitchen, did you see Miss Smith?—I met her in the passage. In what direction was she going?—Towards the back door. Did you hear any other footsteps than those of Miss Smith?—I heard footsteps coming through the gate. Did you hear when Miss Smith went out?—No. How long did you remain in the kitchen?—I don't remember the time. Was it a few minutes, or longer?—It was longer; it would be half-an-hour at least. I think it might be an hour, but I could not say. Charlotte M'Lean was with me in the kitchen during all the time. What is your usual time of going to bed?—Ten or eleven o'clock. Was it past that time?—Yes. Did you remain longer in the kitchen than usual?—I think I did. What made you do so?—Miss Smith asked me to stay in the kitchen. When did she tell you that?—When she was speaking to me in the bed-room. She asked me if I would open the back door, and stay in the kitchen a little. Did she say why?—She said she was to see a friend. Did she say where?—She did not. While you stayed in the kitchen, did you know where Miss Smith was?—No. Did you not know that she was in your bed-room?—I did not know it. I had no doubt that she was there, but I did not know it of my own knowledge. What made you leave the kitchen at last?—We left when we heard Miss Smith going to her own room. That is, the cook and you left?—Yes. How did you know when Miss Smith went to her room?—We heard the door of her room shut. Did you hear the door of your room open?—No. Did you hear the back-door of the house shut?—No. Did you find it shut when you went to your bed-room?—I am not aware. The kitchen is at the front of the house, and my bed-room is at the back of the house. There is also a front area, with an area gate and a low door?—Yes. Where was the key of the area kept?—It was sometimes in the kitchen and

sometimes in the boy's room. Did you ever hear, before Miss Smith was apprehended, that she was going to be married?—I did. Who told you of it?—Mrs Smith, her mother. Can you say when she told you that?—I can't remember the time; I think it must have been a good while before the apprehension of Miss Smith. Did you, in consequence of that communication, ask Miss Smith any question?—Yes; I asked her what she was to do with her other friend. She told me then, or some time shortly afterwards, that she had given him up. Did she say anything about her letters?—I asked if she had got them back, and she said, "No; and that she did not care." Did you at any time refuse to receive letters for her?—Yes; that was in India Street. Was it after you had received some there?—It was. What did Miss Smith say?—I do not remember. When you were in Blythswood Square, did you also refuse to receive letters for her?—Yes. What did she say then?—I don't remember of her passing any remark. Did she ever say anything about the window?—She received letters in at the window. Was that after you refused to receive them for her?—It was in consequence of that. Did you ever see L'Angelier in Main Street, close to the house?—Yes. Was that at night?—Yes; he was walking along. Did he seem to be just passing, or was he loitering about the place?—He was walking backward and forward. That was about the beginning of last winter. Could Miss Smith have passed at night, when you were in bed, from her own bed-room to the kitchen without being heard by you?—Yes. Could she have passed up-stairs from her own bed-room without being heard by you?—She could. The stair leading up to the dining-room door is very near her bed-room door, is it not?—Yes. Did you ever see any rats about the house in Blythswood Square?—No. You were not troubled with them?—No. Do you remember Sunday, the 22d March?—Yes, I was unwell that day. I kept my bed in consequence. What time did you get up?—Between four and five in the afternoon. I saw Duncan M'Kenzie, my present husband, that same evening. He came between seven and eight o'clock. There was family worship in the house that evening, at the usual hour—nine o'clock. I was present at it; Miss Smith was also present at it with the rest of the family. Duncan M'Kenzie remained in the house while we were up at worship. He remained in my room. He was there when we came down again. I left Miss Smith in the dining-room when I came down stairs. I did not see her again that evening. I went to bed about ten o'clock, or a little after it. The cook slept with me as usual that night. When did M'Kenzie leave?—I think it would be near ten o'clock. Did you hear anything in the course of the night in the house?—I did not. Were you aware of any strangers being present in the house?—I was not. Do you remember of Miss Smith leaving home unexpectedly in the course of that week?—Yes. Do you recollect the day?—I think it was the Thursday after the Sunday I have been speaking about. Do you remember if on the Wednesday evening Miss Smith was out at an evening party?—She was out on some evening, but I cannot say if it was Wednesday. Can you say if she was at home on that Wednesday evening at the usual time?—I cannot say. On that Thursday, at what time was it discovered that Miss Smith was not at home?—I think it would be about eight o'clock in the morning. Was there a key to the back gate into the lane?—Yes. Had you charge of it?—Yes. What sort of a gate was it?—It is a large wooden gate. How high is the back wall?—It is a high wall; it may be twelve feet high.

By the Lord Justice-Clerk—Is the large wooden gate a gate for taking in coals? Is it big enough for a cart to come through?—No; it is a big door in the wall.

By the Solicitor-General—But the key of the back-door of the house, who had charge of that?—It always stood in the inside of the door. The back gate was usually snibbed; it was sometimes locked. Then a person from the inside could open the back-door by the key which stood in the door, and then open the back gate by unsnibbing it?—Yes. Where was the key of the front door up-stairs kept?—I did not lock it. I think it stood in the lock. I had charge of cleaning out Miss Smith's bed-room. Did you ever observe during the months of February or March last that the water in Miss Smith's basin was coloured peculiarly black or peculiarly blue?—No. You saw nothing unusual of that sort?—I did not.

Cross-examined by the Dean of Faculty—When the family left India Street, where did they go to?—They went to Rowaleyn. When was that?—In April or May of 1856. How long was it before their going to Rowaleyn that you became aware of the correspondence you have spoken of?—It would be some weeks. After you had received some of these letters, you declined to take in any more; what was the cause of that?—Her mother found fault with me for doing it, and forbade it. When did the family come back from Rowaleyn?—In November last. Can you tell me how long after they came back that the occurrences of that evening when you opened the back gate and Charlotte M'Lean and you stayed together in the kitchen, took place?—I cannot tell exactly; it would be a good while. Would it be weeks or months?—I cannot say. I remember the family going to the Bridge of Allan. How long before that was it that this visit was paid?—It must have been a good long time before that. Would it be half-way between the return of the family from Rowaleyn and their going to the Bridge of Allan?—I cannot say. I cannot tell which it might be nearest. Can you tell us when it was that Mrs Smith mentioned to you that her daughter was going to get married?—I don't remember the time. How long was it before the death of the French gentleman?—I cannot tell you. Was it before they went to the Bridge of Allan?—Yes. I suppose you have no doubt that the interview between Miss Smith and her visitor took place in your bed-room on that night?—I do not know for certain. Could it have taken place anywhere else?—It might have been in the lobby. It might either have been there or in my room. Miss Smith's youngest sister slept with her at that time. She would be in bed by that time. My present husband was frequently in the house at that time—several times in the course of a week. I remember the circumstances of the night of Sunday the 22d March very well, and of all that happened. I saw Duncan M'Kenzie away. He went out by the back-door. I saw him to the outer gate, and think I snibbed it after him. I have no reason to suppose I left the inner door open that night, but believe I locked it as usual. I had left Miss Smith in the dining-room along with the family after prayers. I did not see her again that night. She gave me no reason to suppose she had a meeting that night. I do not know that Miss Smith and her youngest sister went to bed that night at the same time. The back-door makes a noise when opened if locked. The lock makes a considerable noise when it is turned. The door is close to my bed-room. I don't know a lady of

the name of Miss Perry. She might have been a visitor at Mr Smith's, but I do not know. The boy opens the door when visitors call. My room looks into the back area. The window is protected by iron stanchions, like all the other low windows of the house.

By the LORD JUSTICE-CLERK—When the family went to the Bridge of Allan, the servants were all at home. On the Thursday morning that Miss Smith had left the house, I do not know if she had taken any quantity of clothes with her. I saw her upon her return; and when she returned there was a small carpet-bag with her, containing some of her things. The bag was not a very small bag. It was about the size of one that a lady carries her night things and small changes in. It was in India Street that I was desired by Miss Smith's mother not to receive letters; but I received some afterwards. Why did you receive them, then?—The witness not answering,

The LORD JUSTICE-CLERK said—I suppose, as Mr M'Kenzie was coming in a good deal to visit you, you could not well refuse them for Miss Smith? (A laugh.)

CHARLOTTE M'LEAN—I was cook in the family of Mr Smith, the prisoner's father. I was six months with him, up to last Whitsunday. I have never seen any gentleman coming to the house to visit Miss Smith without the knowledge of her family, and was not aware she received any against their consent. She never, to my knowledge, gave me letters addressed to L'Angelier; nor was she, to my knowledge, in the habit of addressing any to him. I never saw any letters addressed to Miss Bruce at Row. I remember in the course of last spring remaining one night in the kitchen with Christina Haggart. Christina asked me to do so. She gave as the reason that some person was speaking to Miss Smith. I could not say I heard Miss Smith in the passage when I was in the kitchen. I afterwards heard her go into her bed-room; and upon that Christina Haggart and I went to our bed-room. I remember Sunday, 22d March, and of Christina being unwell, and keeping her bed. I was upstairs at the family worship that night, and left Miss Smith in the dining-room. I did not see Miss Smith till next day. I heard nothing in the course of the night to attract my attention.

Cross-examined by the DEAN OF FACULTY—I went to bed that night near eleven o'clock.

DUNCAN M'KENZIE—I was married to Christina Haggart a short time ago, and was visiting her on the evening of Sunday, 22d March. I left about ten by the back door and back gate through the wall. I did not see how the gate was secured. I was in the way of visiting Christina when the family lived in India Street. Christina pointed out a gentleman to me at the back door of India Street. I never saw him again. She did not tell me anything about him.

Cross-examined by the DEAN OF FACULTY—I saw this gentleman at the back door. I spoke to him. When I was coming up to the house he asked me if I was going in. I said, Yes. He asked me if I knew Christina. I said I did. He asked me if I would ask Christina to come out and speak to him. I did so, and she went out to speak to him. I was present when they met, but did not hear what they were saying. I saw they talked together. I was not jealous about this—(a laugh)—but Christina was afraid I would be so. I afterwards got a letter signed "M. Smith," meaning the prisoner, telling me that it was her friend Christina

had seen, and therefore she hoped there would nothing arise out of it between Christina and me.

By the Lord Justice-Clerk—Have you that letter?—I did not preserve it.

By the Dean—I never saw that gentleman again. I was frequently about the house afterwards, and also about the house in Blythswood Square.

James Galloway—I live at 192 St George's Road, Glasgow. I know L'Angelier by sight, as he lived close to a relation of mine. I remember Sunday, 22d March. I saw L'Angelier that day about nine at night in Sauchiehall Street. He was going east. If he wished to go from Franklin Street to Blythswood Square, he was in that direction. It was about four or five minutes' walk distant from Blythswood Square.

Cross-examined—When I met L'Angelier that night, he was walking rather slowly.

Mary Tweedale—I am servant to Mrs Parr, who keeps a lodging-house in Terrace Street, St Vincent Street, Glasgow. I knew L'Angelier, as he was in the habit of sometimes coming to see a Mr M'Allister, who lodged in Mrs Parr's. I remember of Sunday, 22d March. I saw L'Angelier that night at twenty minutes past nine. I saw him standing at the door. He asked for Mr M'Allister, who, however, was not at home. L'Angelier had on a topcoat of light colour, and a Balmoral bonnet, like those now shewn. When I told him Mr M'Allister was not at home, he did not come in, but halted at the stairhead, and then went away. I went with Bernard M'Lauchlin from Mrs Parr's to Blythswood Square. It took about five minutes.

Cross-examined—L'Angelier halted at the top of the stair. I thought from this he would like to come in, but I did not ask him. He did not seem much disappointed that M'Allister was not at home.

Thomas Kevin—I am a night constable in Glasgow. My beat in March last took in Mr Smith's house, No. 7 Blythswood Square. [Shewn a photograph, and identified it as that of L'Angelier, whom he had seen more than once.] I did not know his name, but I saw him about two months previous to hearing of his death. I saw him in Main Street on that occasion. As well as I can recollect, it was between ten and eleven at night, or about eleven. He was standing near a lamp-post, at the end of the back lane. I turned down the lane at Main Street, and he came up and met me. He said, "A cold night." I replied, "Yes." He then said, "Do you smoke?" and on answering "Yes," he put his hand into his breast pocket and gave me two cigars, and passed on. When I met him he would not be more than the breadth of this court-room from the wall at the rear of Mr Smith's house. I saw him again about ten or twelve days afterwards. On that occasion he was passing along at the garden by the railings on the north side of Blythswood Square, going south towards West Regent Street. He was rather passing opposite Nos. 5 and 6 Blythswood Square, west of No. 7. The houses are on one side and the gardens on the other, and he was on the garden side. I saw him again about a fortnight or three weeks previous to the first time I was examined by the Fiscal. He was on that occasion at the corner of West Regent Street and Main Street, coming towards Blythswood Square. It was early in the night. It would be, perhaps, between nine and ten. I never saw him again.

Cross-examined—I cannot swear to the date, but it was about a fort-

night or three weeks before I was examined by the Fiscal—that was the 2d of April. I was on my beat on 22d of March in Main Street. I did not see the gentleman that night. I am quite sure of that.

WILLIAM YOUNG—I am a photographer at Helensburgh. [Shewn photograph, No. 179.] I made it. It is the portrait of Miss Smith. It was done on 18th September 1856, and by her desire.

The LORD JUSTICE-CLERK asked if Cunningham, the person who had signed the *Thistle* circular, was yet in attendance; and on being told in the negative, his Lordship desired a policeman to be sent to the *Thistle* office to see if he had returned.

The LORD ADVOCATE said that Mr Bell (the proprietor) said it was never intended to publish anything but what was produced in evidence.

The LORD JUSTICE-CLERK said that might be sufficient, but that Cunningham would require to appear.

Mr ROWLAND HILL MACDONALD, a Post-office official, who had been previously examined, was then again examined—I have examined all the postmarks. Some of these are illegible, and they are mentioned in the statement made. [Shewn No. 101.] I found this one illegible. The figures must have been 2 or 20 something. It may have been the 2d of February. If not the 2d, it is about the 20th. [Shewn No. 105.] I think this is the 10th February. There is only the letter E for the month. The 10th is distinct. It must be December or February; it may be any month the second letter of which is E. It is marked 57, and therefore cannot be December; it must be February. [Shewn No. 111.] It is quite illegible. [Shewn No. 145.] This was posted in Glasgow; and if posted at the General Post-Office, then it must have been between 11.45 and 1. If posted at a pillar-box, it may have been posted between nine in the morning and half-past twelve.

By the LORD JUSTICE-CLERK—The postmark is Saturday morning. It is addressed, "M. E. L'Angelier, 11 Franklin Place, Great Western Road, Glasgow."

The LORD JUSTICE-CLERK—I believe general instructions have been given to stamp letters much more legibly, and I observe you have got better stamps. Witness—Yes, my Lord.

The LORD JUSTICE-CLERK—What you have seen in this case will suggest the desirableness of this; and you had better give my compliments to Mr Abbott, and tell him he had better give further instructions to the Scotch offices.

JANE TOWERS—(This witness was deeply affected on being brought into Court)—I am a sister of Miss Perry, who lives in Glasgow. I know she was acquainted with L'Angelier. I now live in England; but in March last I and my husband were living at Portobello. I remember of L'Angelier coming to pay us a visit. I had seen him a year before. He dined with us. He talked almost the whole time about his health. He said something about cocoa and coffee. He said he had been getting cocoa and coffee, and, after taking them both, they had disagreed with him, and he had been ill. He said he had been in the habit of taking coffee, but he was not accustomed to cocoa. He spoke of more than two occasions on which he had been ill. He made the remark that he thought he had been poisoned. This was after telling us of the cocoa and coffee. Nothing was said about who had poisoned him, and no questions were asked. My husband was present.

The DEAN OF FACULTY—No one else?—I believe one of my daughters, named Jemima, might have been present, but I cannot answer. You are not sure?—I don't think so. Was there a Miss Murray?—I think she had been in, but that she had gone.

The LORD ADVOCATE—When was it that L'Angelier dined with you?—On the 16th March.

The DEAN—Are you quite sure of that?—Yes. Is it just memory, or anything particular, that makes you sure?—There are many circumstances in connexion with it that makes me quite sure. What are these?—My daughter being from home visiting, and many other circumstances, make me sure.

The LORD JUSTICE-CLERK—Is that another daughter than the one you formerly mentioned?—Yes.

By the DEAN—It was in the course of conversation that those remarks were made by L'Angelier. They were made after my asking him what had been the matter with him.

JAMES TOWERS—I was living at Brighton Place, Portobello, last March. I knew L'Angelier very slightly. I met him once or twice at my sister-in-law's in Glasgow. I recollect his dining with me at Portobello one day last March, and the conversation turning on his health, he stated he had had a very violent bilious attack or jaundice. He did not say how it affected him. He stated he had had first two attacks after he had taken some coffee and cocoa. He had another attack afterwards one night, when he had fallen down on the floor of his bed-room, and was unable to creep to bed. Another time when he was ill he had been able to creep to bed and knock at the wall for his landlady. He spoke a good deal about this matter. He said that he thought himself poisoned after taking the coffee and cocoa. I made the remark when he said so, "Who would poison him, or what could be any person's object in doing so?" I don't recollect his making any other remark about it. He said he was going to return to Glasgow, and then going from thence to the Bridge of Allan. He looked quite well. From what he said, I understood he took the cocoa on one occasion, and the coffee on another, and that on both occasions he was the worse of it.

By the DEAN OF FACULTY—It was on the 16th of March, the Monday before his death, that he dined with me. I am sure it was the Monday before his death. He appeared to be quite in good health and spirits. He ate a good deal. He was a man of a talkative turn. What was the style of his conversation?—He spoke of his complaints; and, of course, being asked some questions about Glasgow society, he spoke about that. What were the particular subjects about which he spoke?—He spoke about his complaints a good deal. Did he seem fond of talking about himself?—Very. I thought he was a vain person. Was his conversation rash and vapouring in character?—There was nothing very particularly apparent when he was with us that day. I should think there was nothing rash or vapouring. On other occasions have you observed that?—My knowledge of him is very small, as I had never met him above twice or thrice before. Was he a man who seemed to speak a good deal without thinking?—That question I cannot answer.

By the LORD ADVOCATE—He did not tell me from whom he had the coffee or cocoa.

By the DEAN—Did he say anything about the reason why the cocoa

did not agree with him?—He said he was always in the habit of taking coffee, which always agreed with him, and he was not surprised cocoa did not agree with him, as he had not been accustomed to it.

By the COURT—On one occasion he was ill after taking the coffee, as well as after the cocoa.

MARY ARTHUR PERRY, examined by the LORD ADVOCATE—I live at 144 Renfrew Street, Glasgow, and was acquainted with the late Mr L'Angelier. I became acquainted with him about the year 1853. We both attended the same chapel—St Jude's. About the spring of 1855, I came to know him intimately; the intimacy went on gradually. In the early part of the summer of that year, he told me he was engaged to Miss Madeline Smith; and I was aware from him, from that time forward, of the progress of his attachment and correspondence. In August 1855, I was introduced to Miss Smith; he brought her to call on me. After that I received several letters from her. [Shewn No. 11.] I received this letter from Miss Smith. It has no date. I think I received it about the end of September or beginning of October 1855. [Shewn Nos. 19 and 20—one letter.] I also received this letter from her in the spring of 1856. [Shewn No. 27.] I received this letter also from her in the spring of 1856. It is signed "Mimi." That was a pet name by which L'Angelier called her. [Shewn No. 29.] I got this during the spring of 1856. No. 45 I received in June or July 1856. No. 83 I received from her early in January 1857. No. 141 is a letter from L'Angelier to me. It is dated "Bridge of Allan, 20th March." The last paragraph is—"I should have come to see some one last night, but the letter came too late, so we are both disappointed." I understood that that paragraph referred to Miss Smith. L'Angelier was frequently at my house, and dined with me occasionally. Down to the beginning of February 1857 he had generally good health, but during February he seemed not so well as formerly. In the beginning of February, he said he had heard a report of another gentleman paying attentions to Miss Smith. He said Miss Smith had written him on the subject. One time she had denied it, and another time she had evaded the question. This would be some time during February. He dined with me on the 17th February. He told me that day when he next expected to see her; that was to be on Thursday. The 17th was a Tuesday. He was to see her on the Thursday. I did not see him again till the 2d of March. He was looking extremely ill then. When he came in he said, "Well, I never expected to have seen you again, I was so ill." He said he had fallen on the floor, and been unable to ring the bell. He did not say what day that was, but from circumstances I knew it was the 19th February. He did not tell me he had seen Miss Smith on the 19th. He told me of having had a cup of chocolate which had made him ill. He told me of that on the 9th March. He took tea with me on the 9th March. On the 2d he said he could not attribute his illness to any cause. On the 9th he said, "I can't think why I was so unwell after getting that coffee and chocolate from her." I understood he referred to two different occasions; "her" meant Miss Smith. He was talking about her at the time. He did not say that the severe illness which came on after the coffee or chocolate was the illness he had referred to on the 2d March; but I understood so. On the 9th March he was talking of his extreme attachment to Miss Smith; he spoke of it as a fascination. He

said, "It is a perfect fascination my attachment to that girl; if she were to poison me I would forgive her." I said, "You ought not to allow such thoughts to pass through your mind; what motive could she have for giving you anything to hurt you?" He said, "I don't know that; perhaps she might not be sorry to be rid of me." All this was said in earnest, but I interpreted the expression "to be rid of me" to mean rid of her engagement. From what he said there seemed to be some suspicion in his mind as to what Miss Smith had given him, but it was not a serious suspicion. I never saw him again alive. On the 9th he spoke of her intended marriage. He said he had heard she was to be married, but he said he had offered to her some months before to discontinue the engagement, but she would not then have it broken. Some time afterwards she wished him to return her letters, and she would return his. He refused to do this, but offered to return the letters to her father. That is what he told me. On the 23d March I received a message—"Mr L'Angelier's compliments; he was very ill at Franklin Place, and he would be very glad if I would call." That was about ten in the morning. I went about mid-day, and found he was dead. I called on Mrs Smith, and intimated his death to her. I saw Miss Smith; I did not mention it to her. She recognised me and shook hands; asked me to go into the drawing-room, and if I wished to see her mamma. She also asked if anything was wrong. I said I wanted to see her mamma, and that I would acquaint her with the object of my visit. I did not know Mrs Smith before. I know Mr Philpot. He met Mr L'Angelier on the 17th February at my house. He met him on another occasion about the same time. I had a warm affection for Mr L'Angelier, and corresponded with him frequently. I thought him a strictly moral and religious man. He was a regular attendant on church. I was very much agitated by the sudden shock of hearing of his death. I saw the body, and was very much shocked.

Cross-examined by the DEAN—I live in Renfrew Street. I was not at all acquainted with Mr Smith's family. When L'Angelier brought Miss Smith to see me, I knew the correspondence was clandestine; he told me that when the first engagement was formed he wished to tell her father, but she objected; he then asked her to tell her father herself, but she objected to that also, and he was very much distressed. I knew that he was not acquainted with her father or mother; he knew her sister. In August 1855, when she was introduced to me, I knew the engagement had existed for a few weeks, but I don't know how long they had been intimate with each other. L'Angelier told me he was introduced to Miss Smith at a lady's house—at Mrs Baird's. He said he had met her there. I was aware that their intimacy was disapproved of by the family, and that the engagement was broken off at one time. In one of the notes she wrote me, she says her mother had become aware of it. I never knew that her father or mother had abated their dislike of the intimacy. I wrote on one occasion to Miss Smith, advising her to mention it to her parents. I advised Mr L'Angelier not to renew the engagement after it was broken till her parents were aware of it. He said he intended to do so; that he renewed the engagement provisionally, Miss Smith having promised on the first opportunity to make her parents aware of it. I knew that they met clandestinely. I corresponded with both at the time. [Shewn No. 11 of third inventory for the prisoner.] This is a letter which I wrote to L'Angelier, postmark February 2, 1857; it is as follows:—

Though you have not told me so, dear L'Angelier, that you have received such kind cheering notes from Mimi, that you are quite comfortable and happy—at least a great deal less sad than you were last evening. I felt so sorry for you when you were so ill and miserable, and you are solitary in Glasgow, and yet I could do nothing to help to cheer you, my kind friend. To-day I saw Mimi, with her mother and Bessie—at least I think it was her mother; Mimi looked very well, and I believe she saw me. Are you suffering also from your neck? Best wishes for your happiness and Mimi's.

[Shewn No. 39, and read it as follows] :—

DEAR L'ANGELIER,—Pray don't think of taking the trouble of calling at my aunt's. I feel uncertain of the reception that you might receive. I ought to have spoken of this yesterday, but had such a bad headache that I was quite stupid. I enclose a note for Mimi. Among my forgets yesterday, I omitted to ask whether I should take notice of her birthday; but I am very fond of all these days, and you are so also; and therefore I wish her many happy returns. You are, however, quite at liberty to put it in the fire if you are inclined to incendiarism. I shall think of you both on the 19th, for I wish you very good news and a happy evening. I wish you many happy returns of her birthday.

The reception I there refer to has no reference to Miss Smith; it refers to a relative of mine who did not much fancy him. [Shewn No. 15, and reads]—

MY DEAR L'ANGELIER,—As I must be out on Monday forenoon, and may be engaged in the evening with a friend from Edinburgh, who has come to town for a few days, will you defer your visit till Tuesday? I had wished to send a message to Mimi last time I saw you, but I had no time for a word. You are, I hope, now enjoying a very happy interview. I am longing to hear from you. Meanwhile believe me, &c.

The interview refers to Miss Smith. That I knew was a clandestine interview. L'Angelier was in the habit of writing to me. Our correspondence went on for perhaps two years. Very often my note did not require an answer. It might be asking him to come to tea or call; latterly we addressed each other by our Christian names. I addressed him by his surname, and he addressed me "Dear Mary," or "My dear Mary;" never "Dearest Mary." I was first introduced to him by a lady now resident in England—Miss Philpot. I knew his mother lived in Jersey. I never inquired what her occupation was. He had two sisters, and he had a brother who died some time before. I don't know that I ever inquired what his occupation was. I don't think I was in the habit of meeting him in other houses in Glasgow than my own. I have said that circumstances enabled me to fix an illness of L'Angelier's on the 19th February. I remember that he said he did not go to the office on a certain day after that, but that he went on the Saturday; that fixed it for a Thursday, and I knew it was not the last Thursday of February. I did not recollect this when I was first examined, but it was suggested to me by the Fiscal's amanuensis. I recollect it now, but not from that. The amanuensis said the 19th was the date of his first illness in his pocket-book. That was on the 4th June (referring to notes). I made these notes afterwards. Till he told me I did not recollect the 19th as the day, but I recalled it some days afterwards. Hart was present when the clerk mentioned it. I never saw the Sheriff. The dates of my precognitions are 6th, 7th, and 23d April, 4th, 5th, and 23d June. When I saw L'Angelier on 2d March, he described the nature of his illness; he said he was so ill that he fell on the floor, and was unable to call for assistance till next morning; that it was unlike anything he had ever felt before; that he was conscious, but unable to move. He spoke of his second illness as a bilious attack or jaundice. It was prior to 9th March that he told me of the discontinuance of the engagement; it might have been in the latter part of January or some part of February.

He told me then that some months before, imagining Miss Smith rather cool, he offered to break off the engagement, but he was not anxious to do so; he said this was some months previously. She would not accept this. He said that afterwards she proposed a return of the letters on both sides. That might be about February. He said he refused to do that, but that he offered to give the letters to her father. I did not understand the meaning to be that he threatened to shew the letters to her father. I understood that to be a consent on his part to give up the engagement, and he so represented it. Miss Smith would not accede to that proposal, and the engagement remained unbroken at Miss Smith's desire. That was on the last occasion that he referred to it.

By the LORD ADVOCATE—[Shewn No. 20.] This was written in March 1856.

By the LORD JUSTICE-CLERK—The Sheriff was not present when the clerk of the Prccurator-Fiscal suggested this to me.

The LORD JUSTICE-CLERK—It turns out, then, that you were examined by the Procurator privately, with no Sheriff present to restrain improper interference; and your recollection is corrected by the Procurator's clerk—a pretty security for testimony brought out in this sort of way.

James Cunningham, the person who signed the *Thistle* circular, here entered the court.

The LORD JUSTICE-CLERK, addressing him, stated the nature of the application made by the Dean at the commencement of the sederunt, and said that the circular bore that all the letters that passed between the prisoner and L'Angelier were to be published to-morrow. Up to this time only one letter has been produced; and the Court were desirous to know, first of all, whether and how he had got a copy of the printed letters?

J. CUNNINGHAM—I have no copy of these letters.

The LORD JUSTICE-CLERK—The Court wished next to know if it was his intention, in framing this circular, to publish these letters to-morrow, whether they were produced or not at the trial?

J. CUNNINGHAM—I hope your Lordship will excuse me. This is a very unexpected scene for me. (A laugh.) Perhaps I may not answer you direct. Would you repeat the question?—On the Lord Justice-Clerk doing so, Cunningham said—Certainly not; only the letters produced at the trial. I had no copy, and have no copy.

The LORD JUSTICE-CLERK—The circular was certainly incautiously expressed.

J. CUNNINGHAM—I see it now, but it is quite usual to issue in cases of this kind a circular to country agents to provide for the demand.

The LORD JUSTICE-CLERK—All kinds of puffing?

J. CUNNINGHAM—Yes; as in everything else.

The LORD ADVOCATE then stated that they proposed to read No. 1 of the letters recovered by Murray from the print copy.

Mr YOUNG said he must object to this. He understood that the proposal was not only to read No. 1, but all the letters professing to be original. There were letters included in the print copy, which were in a different category—he meant letters not professing to be original, but professing to be copies and drafts; and he did not mean to allude to them at present. It appeared that upon the 30th March the Procurator-Fiscal of Glasgow presented a petition to the Sheriff, setting forth the

circumstances, suspicious as they appeared to him, connected with the death of this unfortunate Frenchman, and praying for a warrant, not only to exhume the body for a *post mortem* examination, but also to search the repositories of the deceased, and to recover anything that the prosecutor might think it necessary to take possession of. And it appeared that that warrant was granted on the same day. They had not received the original, but the copy had been spoken to by the Procurator-Fiscal. That warrant was put into the hands of a Sheriff-officer of the name of Murray, who took with him a person who was without any official character, and they first proceeded to the office of Huggins, and next to the house of Mrs Jenkins, in both of which places a search and recovery was made. It further appeared that whatever was recovered at either of these places was kept exclusively in the hands of this officer and his assistant, and was thereafter either in the hands of the Procurator-Fiscal or of his clerks, or of the Crown Agent in Edinburgh, until some partial access—whether complete access or not he was not in a position to say—was obtained to them by the prisoner's agents in June. He thought he was entitled to say, that when a prosecution, whether of a public or private nature, was made, the law of Scotland made no distinction between the two in regard to the rules and preliminary investigations and recoveries with a view to that taking place. According to the principle of the law of Scotland, the recovery was made not by the prosecutor at all, but by the magistrate; and the proper course to be followed in this or in any similar case would have been to secure whatever was recovered by the magistrate or by his officer, under the warrant of the magistrate himself. Whatever was recovered should have been immediately put into the possession of the magistrate himself, or into the hands of his proper clerk. However, instead of that, the prosecutor never, so far as we see from the evidence laid before us, submitted them at all to the inspection and consideration of the magistrate—the Sheriff of Lanark in this case; neither were they placed into his hands, or that of his proper officer, for custody, so as to secure that all that had been recovered should be made available for the ends of justice. It was scarcely necessary that he should suggest to his Lordship how dangerous a partial production was to the ends of justice. They had nothing before them here to shew that they had upon the table, or within the control of either the one side or the other, all the recoveries that were made on the 30th March; and he took leave to say that the rule and principle of their law had been outraged in this matter, and outraged in a manner very dangerous to the ends of justice. The magistrate had merely granted his warrant for the recovery, and took no further security for their being kept in such a state as to meet the ends of justice on both sides, but left them entirely to the prosecution. If the magistrate has neglected his proper duty, the result of that, he apprehended, was, that no use could be made of what was thus recovered; and it would be unsafe to admit any part of this correspondence in evidence.

The Solicitor-General said he was not sure, from the statement of his learned friend, whether he made two objections or only one to the production of this correspondence. He did not know whether his learned friend did not object to the course pursued by the proper authorities in their manipulation of these documents. If that was meant by his learned friend, he submitted that this was not the proper time for bringing such

an objection. The other and principal objection, he understood, was, that these documents had been kept up in such a way as to prevent the prisoner from having any security that the whole of the documents existing in the repositories of the deceased have been recovered. As he understood the theory propounded by his learned friend, it was that the recovery of the documents made by the warrant of the magistrates was for the benefit of both parties, and that, therefore, the documents should be at once put into the hands of the Sheriff or his clerk, and that he should be responsible for their safe custody. He (the Solicitor-General) took leave to demur to that theory, either in law or in practice. If that were the rule in practice, it would in effect just come to this, that in every county of Scotland all documents recovered under warrant in criminal investigations would immediately be placed in the hands of the Sheriff-Clerk, and when they were wanted by the Procurator-Fiscal, either for the purpose of being copied or of being transmitted to Crown counsel in Edinburgh, he would require to lodge a receipt with the Sheriff-Clerk for these documents. He (the Solicitor-General) would take leave to say, from the legal experience he had in several capacities, that such a proceeding was wholly novel and unknown in the practice of the criminal law in Scotland. But besides this, and in reference to the present case, he would say that the moment the Procurator-Fiscal found that this was a case involving the charge of murder (which, as the Court was aware, was on the 30th or 31st of March), he discovered by that that it was a prosecution of a kind that must necessarily be handed over to the Lord Advocate—a case which could not be prosecuted before the Sheriff-Courts, and over which the Sheriff could have no control. The Procurator-Fiscal necessarily became from that time merely the hand of the Lord Advocate, and every recovery which he made was substantially a recovery by the Lord Advocate. It was, therefore, essential that any document in the possession of the Procurator-Fiscal should be held by him for the Lord Advocate. But his learned friend stated that the Court must deal with these documents as in the case of a prosecution at the instance of a private party. He did not think there was any authority in the law of Scotland for such a procedure. But suppose a case; suppose that L'Angelier had not died, but that several attempts to poison him had been made, and suppose that he held all these documents in his own hands, could it be said that he had any other duty to fulfil towards the prisoner's counsel, except to lodge them in the hands of the clerk of Court for production at the trial? In his view, this was all the absolute duty which lay on the public prosecutor; but the Court had a discretion, which they wisely exercised, in seeing that the trial did not proceed until the prisoner's counsel had got sufficient opportunity of making themselves acquainted with those documents. The granting them such a delay was a question of time, and of that the prisoner had not availed herself. His learned friends contended that the Sheriff alone had authority to grant such a warrant. It was competent for any magistrate to grant a warrant for the recovery of any document which was necessary; and if the Procurator-Fiscal, while at a distance from the county town, found it necessary to get a warrant, he could have no difficulty in obtaining it from a Justice of the Peace. Civil and criminal prosecutions were widely different. In the former, the whole correspondence must be produced, or if that was not done, the prosecution was incom-

petent; but, of course, this was not the case in criminal prosecutions. If, however, the counsel for the Crown found anything in those documents which had come into their hands which went to establish the innocence of the prisoner, they would have acted most unfairly, if either, on the one hand, they had carried on the prosecution, or if, on the other, they had prevented the prisoner's counsel from getting access to those documents. Nothing of the kind was, however, hinted, so far as he knew, in the present case. The only respect, he submitted, in which this case differed from those which ordinarily came before the Court was, that the number of documents in the case, and which required to be produced, was much more numerous than usual. But the only difference which that could make in the mode of bringing forward the case was, that they would require more time for the investigation of these documents, and in making preparations for the trial. But if they had wished them earlier, or considered it of importance, and their right, to get them early, they might have applied to the Sheriff, as they thought he had the jurisdiction over them, or they might have applied to the Court of Justiciary; and he had no doubt that their Lordships would have granted any delay which was necessary. The sum of the matter was this, they complained that the Lord Advocate had got into his hands certain productions, and of these productions he had used those which he thought proper, and he had not used those which he did not think necessary. The counsel for the prisoner said if they had had these documents in their hands, they would have used them differently; but where was the panel who was ever brought to that Court who was not prepared to make a similar objection? There was no ground for the statement that any documents which were in the custody of the Lord Advocate were not made accessible to the prisoner's counsel. All the documents in the hands of the public prosecutor—many of them very illegible—had been copied, and given over to the prisoner's counsel. He apprehended that the objections of the defenders to the production of these documents were objections purely of time; and, so far as they had any weight, were the necessary consequence of the course they themselves had followed. The objections had no weight in law, for there was neither authority nor principle to bear them out.

The Lord Advocate said that, even supposing there might have been some objection to the course followed by the authorities in Glasgow in reference to these documents, it did not follow from such an irregularity that the letters should be rendered inadmissible as evidence. He could quite understand that his learned friend should say to him, "You have not identified these letters as being found in the repositories of L'Angelier." He thought that would be matter for the Jury to consider. It would be enough for him to prove the handwriting, and that they had been found in such and such a bag or in such and such a desk. The Jury would consider whether their identification was sufficient. Again, he could understand his learned friend to say, you have not connected these letters in a satisfactory way with the envelopes; but this also was a matter for the Jury to determine. But their objection, he understood, went a great deal further than that; for, supposing he had proved their identification by half-a-dozen of witnesses, his learned friends held that it was incompetent to produce any letter or other document which had not been received from the custody of the Sheriff-Clerk. Where was their authority for such a statement? The common style of indictment was,

that the documents to be used at the trial would in due time be lodged in the hands of the Clerk of Court, that the prisoner might have an opportunity of seeing the same. So said the indictment, and, in accordance with that, such had been the ordinary practice; but such had not been the case here. All these documents had been supplied to the prisoner before they were lodged in the hands of the Clerk of Court. But it might be said that it was the duty of the Sheriff-Clerk to transmit the documents to the Clerk of Court. But in the Sheriff-Court the same form of indictment was found. There the Clerk of Court was the Sheriff-Clerk, and those words proved most distinctly that in any criminal practice the Sheriff-Clerk was not the custodier of the documents to be produced at a trial. His learned friends said they did not know what documents were in the hands of the prosecutor; but had they taken any steps to remedy that ignorance? If they thought any of these documents had been withheld, they could have applied to the Court to be furnished with them. But no such application had been made; and, accordingly, he submitted to the Court, independent altogether of the matter of principle, that the objections to the admissibility of the correspondence was without any foundation. In the next place, he hoped their Lordships would pause before laying down a general principle which would entirely alter the ordinary course of procedure in such cases. He understood his learned friends to say that the Sheriff-Clerk is the legal custodier of all documents in criminal charges, and that they are only to be received by the public prosecutor, under an obligation to give him the same access to them as the prisoner's counsel. This would be a novelty in the first place, and he believed would be productive of most injurious effects in practice. The best proof that no hardship had been felt in this case was, that no application had been made for further inspection; and his learned friends had not attempted to prove, although they had Mr Hart and Mr Young in the witness-box, that any documents had been withheld from them.

The Dean of Faculty prayed their Lordships to sustain the objection, not only as an act of justice in the present case, but as it would have the effect of discountenancing and putting a stop to a most vicious manner of procedure in the administration of the criminal law of Scotland. He did not say that the Lord Advocate was not entitled to the possession of the documents for the purposes of the prosecution, and he did not say that his Lordship, or any other prosecutor, public or private, was bound to produce, or put within the reach of the prisoner, every document and every article which he was to use until the proper time came for lodging them in the hands of the Clerk of Court before which the trial was to take place. But he was dealing with no such case. He was dealing with the case of a prosecutor applying to a judge, obtaining the judge's warrant, and by that means possessing himself of documents which, without warrant, he could not possibly obtain; and he maintained that, if the public prosecutor got a warrant putting him in possession of documents of this description, he was responsible for their preservation and safe custody. This was the best answer to the strange illustration of the Solicitor-General, that if the deceased L'Angelier had been prosecutor here, he would have been entitled to retain the documents in his own hands. Certainly he would; but why? Because he would not have had recourse to a judge for a warrant to put him in possession of them. He had always understood, and he had the authority of every writer on the criminal law of Scotland,

that this was one of the most important duties devolving on the Sheriff. And he had heard nothing to-day to the contrary, except the mere allegation that a different practice was believed to prevail. If so, that was a most vicious practice, and the sooner it was put an end to the better. His learned friend (the Solicitor-General) said that these documents, when recovered, became the property of the Crown. In one sense he admitted that they did so; but who represented the Crown in that case? It was the magistrate, and not the prosecutor. In that Court their Lordships represented the Crown, and the Lord Advocate was the prosecutor. The Sheriff represented the Crown in his own Court, and the Procurator-Fiscal the party prosecuting. Therefore the doctrine asserted by him was nothing more than this, that the repositories were searched on the warrant of the magistrate, and that the magistrate was charged with the custody of the documents found therein. How that duty had been performed in the present case their Lordships could judge, and how it had been prevented they could also judge. He did not wish to use harsh language in speaking of the conduct of the authorities in Glasgow. He thought the responsibility rested a great deal more with the prosecutors than with the magistrates in this case. It rested not at all on the Sheriff-Clerk, who, though he was the proper party, could not in this case have applied himself to the investigation. But what did the Procurator-Fiscal do? He put the warrant into the hands of a sheriff-officer, and this person, with another who had no authority whatever, went and took possession of every document belonging to the deceased which they could find; and then the Procurator-Fiscal, having thus made himself responsible for their safe custody, allowed the vast quantity of letters and documents to be carried home by the sheriff-officers and their assistants, and kept in their possession for ten days or a fortnight. Up to this moment no inventory had been made of the whole of these documents, and he had no certainty that the whole of them had found their way back to the Procurator-Fiscal. He could scarcely believe such a practice had existed; but certainly if it did exist it was a most vicious one, and the sooner it was altered the better. The Dean then proceeded to treat on the extreme probability that, in examining this mass of correspondence, some of the letters had been separated from their proper envelopes, and put up along with the wrong ones. Then these letters, of which the Crown proposed to make such important use, had not been got by the prisoner's counsel until the last day on which the Crown had a right to delay; and he contended that, considering the shape in which the case had been brought up, as regarded the documents and correspondence, it would be the grossest injustice to the prisoner to produce any part of them as evidence against her. He was not going to make it a question of time—a question upon which similar cases usually hinged—but he would take leave to say, that the time which was lost while these letters were being most improperly manipulated by the Sheriff's officers and subordinates would have sufficed them to put the case in a state of better preparation.

The Judges then retired for a short time; and on returning to the Court,

The Lord Justice-Clerk stated that the Court were of opinion that the objection to the reception of the correspondence was not well-founded. At the same time, he thought it right to say that he felt most strongly

the justice of the remarks of Mr Young to a certain extent. He considered that whenever a warrant was granted by the Sheriff to his officers, a report should be returned to the Sheriff. When they had got possession of the documents, the proper course would have been to have got them inventoried; but that had not, he was surprised to observe, been followed in this case. He thought the Lord Advocate was wrong in saying that it was a case for the Jury to consider whether the letters were sufficiently identified; for unless the Court were first convinced that there were good grounds for their going to the Jury, as such they would not be admitted. It was the most natural thing, he thought, after a warrant had been granted by the Sheriff for the recovery of documents, that he should inquire what documents had been recovered, receive a report of them from his officers, and see that they were properly identified and inventoried. However, these objections did not prevent the admissibility of the documents which had been recovered and identified. It was true that the Court was bound to reject any documents in which the connexion could not be traced. As far as he could see, the prosecutor in this case seemed to have acted with a degree of care for the interests of the defender which he had seldom seen. The documents were given to the prisoner's agents before the indictment was served, and in a form which saved them great loss of time. On the whole, he considered that the prosecution had acted in this case with exemplary generosity.

Lord HANDYSIDE and Lord IVORY concurred.

It being now past six o'clock, the Court adjourned till ten the following day.

FIFTH DAY—SATURDAY, July 4.

The Court resumed this morning at ten o'clock. Miss Smith still preserved the same cheerfulness and composure which she has shewn since the commencement of the trial.

Dr CHRISTISON was recalled and examined by the LORD ADVOCATE—With regard to the use of arsenic as a cosmetic, do you think it safe to use it by putting it in a basin of water, and washing the face with it?—I should think it very unsafe indeed. What effect would you expect it to produce?—Inflammation, probably, of the eyes and nostrils, and perhaps of the mouth. The arsenic might get into the mouth, and it would be very difficult to keep it out of the eyes and nostrils; and if it once got in, as it is a rather insoluble solid, it would be difficult to wash it out. A preparation of arsenic is sometimes used as a depilatory?—Yes; a preparation made from the common arsenic. I know that preparation. The old name of it is *arasma turcorum* because of its being used by the Turks. It is essentially a sulphuret of arsenic and a sulphuret of lime. It is only used for removing hairs from the skin, not for the complexion. In cases of murder and suicide, you were asked, the other day, whether the exaggeration of that was not always on the side of suicide—that is, whether it was not always the case that persons committing suicide used a larger amount of the destructive element than was necessary to accomplish their object?—[Objection being taken to the question by the Dean, it was not pressed.]

By the DEAN—The common arsenic of the shops, you say, is an inso-

luble solid?—It is said in general terms to be so. It is sparingly soluble in cold water. It is not absolutely insoluble, however, even in cold water. About the five-hundredth part might be dissolved in cold water by violent agitation; and if the arsenic were to be boiled in the first instance, about a thirty-second part would remain in the water after it cooled. Cold water is the worst of all things to hold arsenic in suspension; only the fine parts of the powder would be held in suspension. The coarse arsenic sold in the shops would be found to fall to the bottom. Suppose water were used to wash the face or hands without drawing up the arsenic from the bottom, you would not expect any very serious consequences to result?—I can only say I should not like to do it myself. I do not know absolutely what would follow, but, on account of the risk, any person who would do so would do a very imprudent thing.

By the Lord Advocate—Arsenic, though strictly heavier than water, would remain in suspension?—The finer part of the powder would remain in suspension, but not long. Can you tell how long?—I never made any experiment, but I should say it would be a very short time. Speaking on mere hazard, I should say in the course of three or four minutes there would be scarcely any of the arsenic remaining in suspension, and there would only remain what had dissolved. I am speaking, as I said, without having experimented.

By the Lord Justice-Clerk—Has arsenic any taste?—Your Lordship is aware that there is a great deal of dispute about that. After the strong affirmation of its having no taste which I myself published, a greater authority than I—Professor Orfila, of Paris—still adhered to the description that it had a taste. All I can say about that is, that experiments were made by myself and others, as far as it was possible to make experiments with so dangerous a substance, and we found the taste to be very slight indeed; if anything, it was rather sweetish, but all but imperceptible. Then, there can be no doubt that large quantities of arsenic have been swallowed repeatedly by persons without observing?—The experiments were made by myself and two medical gentlemen, and, so far as we went, we all agreed as to the result. Professor Orfila, of Paris, maintained that the arsenic had a taste, though he referred to my experiments. But I think I may add, my Lord, that it has struck me as very strange, that neither Orfila nor any others who have doubted these observations of mine on the matter, said that they made experiments themselves. Orfila does not say so. He merely expresses his belief, notwithstanding what I have stated. If taken in coffee or cream, then, the arsenic, having, if any, a sweetish taste, would not be perceptible?—Not at all. I think, my Lord, if you would allow me, I could put that in a clearer point of view by a preliminary observation, viz., that several persons who have taken arsenic largely, without knowing at the time what they were taking, observed no taste, some observed a sweetish taste, and others what they called an acrid taste. With regard to the acrimony, however, there were two fallacies. One was that, when asked about the taste, they confounded the acrimony with the roughness of taste in the mouth; and, secondly, the burning effects slowly developed by the poison afterwards.

By the Dean—In these cases you have spoken of, in what medium was arsenic given?—Sometimes in simple vehicles, such as coffee and wine, and sometimes in thicker substances, such as soup. I think there are

instances where some roughness was observed in the case of porridge; but I cannot speak exactly as to the vehicles. I do not think the vehicle had much effect on the different tastes. I cannot state the quantity administered in these cases. I have no idea at present. Are these cases in which you were personally concerned?—Strange to say, I have only been personally concerned during my life in two cases of poisoning by arsenic; I mean personally concerned. I have, of course, been often in cases like the present. Were the cases to which you refer in support of your general view cases in which you were personally concerned, or merely recorded cases?—It only came twice under my personal observation. It is the opinion of Orfila that the taste of arsenic is an acrid, but not a corrosive taste. Exciting salivation, is it not?—I think that is a pretty correct translation of the French. The word acrid is a professional phrase, but Orfila uses the word *apre*, which rather means rough.

The DEAN—Yes; in his 1st vol., p. 377, he does use the word; but at p. 357 of the same volume you will find he says the taste is *acre et corrosive.*

Witness—I was not aware of that. "Notwithstanding the statement of Dr Christison," I think he says, "the taste of arsenic is acrid." That is all I remember of it. He did not say he made the experiments himself, nor did he give his authority. Orfila is a high name in the medical world; none higher of modern date in the department of medico-legal chemistry.

By the DEAN—You mentioned some experiments you had personally made, in combination with two other scientific gentlemen; would you tell me the nature of these experiments?—We tasted the arsenic both in a solid and a liquid state, and allowed both kinds to pass as far back along the tongue as it was possible to do with safety, so as to spit it out afterwards. We allowed it to remain on the tongue about two minutes, then spit it out, and washed the mouth carefully. Can you give me any idea how much arsenic there was in your mouth on that occasion?—About two grains. One of the gentlemen present, the late Dr Duncan, kept three grains in his mouth a long time. We allowed it to remain on the tongue generally two minutes; a time quite sufficient to ascertain the taste.

By the LORD ADVOCATE—Is it a common thing in cases of this sort to ascertain the quantity of arsenic?—No. In the great majority of criminal cases it is not ascertained even within presumption.

By the LORD JUSTICE-CLERK—Are you aware that a great chemist maintained that there was arsenic naturally in the bodies of all human beings?—I have heard that; but he afterwards surrendered his opinion.

By the DEAN—There has been a great shifting of opinion among medical men as to the probable effects of arsenic, has there not?—Not during the last thirty-five years. Prior to that our information as to the effects of arsenic was very vague. Was it not generally thought at one time that there was naturally arsenic in the human stomach?—It may be so, but it is quite new to me.

The CLERK then read several letters which had been already spoken to by witnesses in the course of the trial.

A series of letters, which had been identified as being in the prisoner's handwriting, were then read by the Clerk.

The first letter (No. 1) had on the envelope which went with it the postmark, "30th April 1855." [In most cases only extracts were read from the letters]:—

My dear Emile– I do not feel as if I were writing you for the first time. Though our intercourse has been very short, yet we have become as familiar friends. May we long continue so; and ere long may you be a friend of papa's is my most earnest desire. . . . .

The next was No. 5, which bore the postmark, "18th April 1855," commenced :—

My dear Emile—I think you will agree with me in what I intend proposing—viz., that for the present the correspondence had better stop. I know your good feeling will not take this unkind; it is meant quite the reverse. By continuing to correspond, harm may arise; in discontinuing it nothing can be said.

The letter No. 7 was objected to by the Dean of Faculty, as being only the fragment of a letter, apparently from the deceased to the prisoner, and found in the deceased's lodgings. After hearing arguments from the counsel on both sides, the Judges retired to consider the point, and on returning rejected the document, as it only amounted to some memoranda, apparently with a view to writing a letter, but nothing else; there being no evidence that such a letter was ever sent, or that the mind of the writer continued as there indicated.

No. 11 next read :—

Dearest Miss Perry—Many kind thanks for all your kindness to me. Emile will tell you I have bid him adieu. Papa would not give his consent, so I am in duty bound to obey him. Comfort dear Emile; it is a heavy blow to us both. I had hoped some day to be happy with him, but, alas! it was not intended; we were doomed to be disappointed. You have been a kind friend to him; oh, continue so. I hope and trust he will prosper in the step he is about to take, and am glad he is now leaving this country, for it would have caused me great pain to have met him. Think not my conduct unkind; I have a kind father to please. Farewell, dear Miss Perry, and, with much love, believe me yours sincerely, Mimi.

No. 13 was addressed to Mr L'Angelier at Jersey, with the postmark, "September 4, '55" :—

Monday, 3d.

My dearest Emile—How I long to see you. It looks an age since I bade you adieu. Will you be able to come down the Sunday after next? You will be in town by the 14th. I do not intend to say anything till I have seen you. I shall be guided by you entirely; and who could be a better guide to me than my intended husband? I hope you have given up all idea of going to Lima. I will never be allowed to go to Lima with you; so I fancy you shall want to get quit of your Mimi. You can get plenty of appointments in Europe—any place in Europe. For my sake do not go. . . . . It will break my heart if you go away. You know not how I love you, Emile. I live for you alone; I adore you. I never could love another as I do you. Oh! dearest Emile, would I might clasp you now to my heart. Adieu for to-day. If I have time I shall write another note before I post this. If not, I shall have a letter at the garden for you; so dearest love and a fond embrace. Believe me your ever devoted and fond Mimi.

No. 15; postmark, "3d Dec., '55" :—

Tuesday, two o'clock.

My own darling Husband—I am afraid I may be too late to write you this evening, so as all are out I shall do it now, my sweet one. I did not expect the pleasure of seeing you last evening; of being fondled by you, dear, dear Emile. Our cook was ill and went to bed at ten. That was the reason I could see you; but I trust ere long to have a long interview with you, sweet one of my soul, my love, my all, my own best beloved. . . . B. and M. are gone to call for the Houldsworths and some others. Never fear me; I love you well, my own sweet darling Emile. Do go to Edinburgh and visit the Lanes; also, my sweet love, go to the ball given to the officers. I think you should consult Dr M'Farlane; that is, go and see him. Get him to sound you—tell you what is wrong with you. Ask him to prescribe for you, and, if you have any love for your Mimi, follow his advice. And oh! sweet love, do not try and doctor yourself; but, oh! sweet love, follow the M.D. advice. Be good, for once, and I am sure you will be well. Is it not horrid cold weather? I did, my love, so pity you standing in the cold last night, but I could not get Janet to sleep, little stupid thing. . . . . My own

sweet beloved, I can say nothing as to our marriage, as it is not certain when they may go from home—when I may is uncertain. My beloved, will we require to be married in Edinburgh, or will it do here? You know I know nothing of these things. I fear the banns in Glasgow; there are so many people know me. If I had any other name but Madeline it might pass; but it is not a very common one. But we must manage in some way to be united ere we leave town. How kind of Mary to take any trouble with us. She must be a dear good creature. I would so like to visit her; but no, I cannot. I shall never, never forget the first visit I paid with my own beloved husband; my sweet dear Emile—you sweet darling. . . . But, pet, I must stop, as they will be in shortly. If I do not post this to night you shall have a P.S. Much, much love; kisses tender; long embraces—kisses, love. I am thy own, thy ever fond, thy own dear loving wife—thy MIMI L'ANGELIER.

No. 17; postmark, "Helensburgh, April 30, '56":—

Tuesday, April 29, 1856.

MY OWN, MY BELOVED EMILE,—I wrote you Sunday night for you to get my note on your birthday (to-day), but I could not get it posted. Disappointment it was to me—but—"better late than never." My beloved, may you have many happy returns of this day. . . . I wish we were more alone; I wish I were with you alone—that would be true happiness. Dearest, I must see you; it is fearful never to see you; but I am sure I don't know when I shall see you. P—— has not been a night in town for some time, but the first night he is off I shall see you. We shall spend an hour of bliss. There shall be no risk—only C. H. shall know. . . . . I have been reading *Blackwood* for this month. *B.* is a favourite publication of mine—in fact, I think it is the best-conducted monthly publication. I have only got the length of Henry VIII. in "Hume," and I agree with you it would not make a careless person become good. . . . Only fancy, in turning out an old box yesterday, I got an old note-book three years old, and in going over it, many of the pages had the name L'Angelier on them. I did not think I had been so fond of my darling then. I put it in the fire; as there are many names in it I would not like to see beside yours, my own sweet darling husband. Now, this is a very long letter to-night. I must conclude with a fond, fond embrace, a sweet kiss. I wish it were to be given now.

No. 21; postmark, dated "Helensburgh, May 3, '56":—

Friday.

MY OWN, MY BELOVED EMILE—The thought of seeing you soon makes me feel happy and glad. Oh, to hear you again speak to me, call me your wife, and tell me you love me! Can you wonder that I feel happy? I shall be so happy to see you. I cannot tell how I long to see you; it looks such an age since I saw you, my own sweet pet. I am well; cold quite gone. P—— has been in bed two days. If he should not feel well and come down on Tuesday, it shall make no difference. Just you come; only, darling, I think if he is in the boat you should get out at Helensburgh. Well, beloved, you shall come to the gate; you know it; and wait till I come. And then, oh, happiness; won't I kiss you, my love, my own beloved Emile, my husband dear? I don't think there is any risk. Well, Tuesday, 6th May; the gate, half-past ten; you understand darling. . . . My beloved Emile, I feel so delighted at the idea of seeing you, I cannot write. I hope you will be able to tell me that we shall get married in September. Darling, I love you; I shall remain for ever true. As you say, we are man and wife; so we are, my pet. We shall, I trust, ever remain so. It shall be the happiest day of my life the day that unites us never more to separate. . . . Beloved of my soul, a fond embrace, a dear kiss till we meet; we shall have more than one, love, dearest. From thy own, thy ever devoted and loving wife, thine for ever.

Tuesday, half-past ten o'clock. MIMI.

No. 23; postmark, "Helensburgh, 7th;" month illegible; year 1856. It reached Glasgow on 7th May:—

Wednesday morning, five o'clock.

MY OWN BELOVED HUSBAND—I trust to God you got home safe, and were not much the worse of being out. Thank you, my love, for coming so far to see your Mimi. It is truly a pleasure to see my Emile. If we did wrong last night it must have been in the excitement of our love. I suppose we ought to have waited till we were married. Yes, beloved, I did truly love you with my soul. I was happy; it was a pleasure to be with you. Oh, if we could have remained never more to have parted. . . . Beloved, we shall wait till you are quite ready. I shall see and speak to Jack on Sunday. I shall consider about telling mamma. But I don't see any hope from

her. I know her mind. You, of course, cannot judge of my parents; you know them not. I did not know, or I should not have done it, that I caused you to pay extra postage for my stupid cold letters; it shall not occur again. Darling Emile, did I seem cold to you last night? Darling, I love you—you, my own Emile. I love you with my heart and soul. Am I not your wife? Yes, I am. And you may rest assured, after what has passed, I cannot be the wife of any other but dear, dear Emile. No, now it would be a sin. . . . I shall always remember last night. I dread next winter. Only fancy, beloved, us both in the same town and unable to write or see each other; it breaks my heart to think of it. Why, beloved, are we so unfortunate? . . . I shall always remember last night. Will we not often talk of our evening meetings after we are married? Why do you say in your letter—"If we are not married, I would not regret knowing you?" Beloved, have you a doubt but that we shall be married some day? I shall write dear Mary soon. What would she say if she knew we were so intimate? She would lose all her good opinion of us both—would she not?

No. 25, a letter bearing to be from the deceased to the panel, was then offered, but objected to (on the ground that there was no evidence that it had ever been sent), and laid aside for the time.

No. 31; postmark "Helensburgh, 14th," month and year illegible. Reached Glasgow, 14th June 1856:—

My Dearest Emile,—I shall keep your letter and press it in my bosom. My fond Emile, are you well? I am longing so to see you, my sweet pet, to kiss and pet you. Oh, for the day when I can do so at any time. I fear we shall spoil each other when we are married, we shall love each other so. How we shall enjoy that time when we have no one to disturb us in your little room.

No. 35; postmark "Helensburgh, June 27, 1856":—

Friday night.

Beloved, dearly beloved Husband, sweet Emile,—How I long to call you mine; never more to leave you. What must occur ere that takes place God only knows! I often fear some cloud may yet fall on our path, and mar our happiness for a long time. I shall never cause you unhappiness again. No, I was unkind, cruel, unloving, but it shall never be repeated. No, I am now a wife, a wife in every sense of the word, and it is my duty to conduct myself as such. Yes, I shall behave now more to your mind. I am no longer a child. . . . If you only saw me now (I am all alone in my little bed-room) you would never mention your home as being humble. I have a small room on the ground floor—very small—so don't fancy I could not put up in small rooms, and with humble fare. But if you think it would do you good—a tour—go by all means for six months or so. I trust you will take great care of yourself, and not forget your Mimi. Oh, how I love that name of Mimi! You shall always call me by that name; and, dearest Emile, if ever we should have a daughter, I should like you to allow me to call her Mimi, for her father's sake. . . . As you ask me, I shall burn your last letter. It was my cold which prevented me going to Arrochar. . . . I was *ill* the beginning of this week, so if I should have the happiness to see you Tuesday night I shall be quite well. I think I feel better this week. I cannot eat. I have not taken any breakfast for about two months, not even a cup of tea, nothing till I get luncheon at 1 o'c. I don't sleep much. I wonder, and so does M., that my looks are not changed; but I look well, as if I eat and slept well. I don't think I am any stouter, but you can judge when you next see me. But I must go to bed, as I feel cold; so good night. Would to God it were to be by your side, I would feel well and happy then. Mimi L'Angelier.

It was again proposed to read No. 25.

The Dean of Faculty objected to its reception, on the ground that while the postmark of No. 35 was Friday, 27th June, the letter itself at the end bore to have been written at one on the Saturday morning. This did not correspond with the postmark. It was therefore evident that the envelope was not the proper one; and could they even fix what was the date of this one, the reference to the last one was worth nothing.

The Lord Advocate held that the letter was one that ought to be received.

After debate the Lord Justice-Clerk and Lord Handyside ruled that the letter could not be received, Lord Ivory dissenting.

No. 37; postmark, "Helensburgh, 15th July 1856," envelope addressed to M. L'Angelier, 10 Bothwell Street, Glasgow:—

My sweet, beloved, and dearest Emile,—I shall begin and answer your dear long letter. In the first place, how are you? Better, I trust. You know I did feel disappointed at our marriage not taking place in September. But, as it could not, why, then, I just made up my mind to be content, and trust that it may be ere long. We shall fix about that at our next meeting, which I hope won't be long. Emile, dear husband, how can you express such words—that you mar my amusements and that you are a bore to me? Fie, fie, dear Emile, you must not say so again—you must not even think so—it is so very unkind of you. Why, I would be very unhappy if you were not near me. I did laugh at your pinning my little flower to your shirt. I always put your flowers into books—in the drawing-room, there I can go and look at them at any time. Do not weep, darling, fond husband, it makes me sad to think you weep. Do not do it, darling; a fond embrace and dear kiss to you, sweet and much-beloved Emile. Our intimacy has not been *criminal*, as I am your wife before God—so it has been no sin our loving each other. No; darling, fond Emile, I am your wife. I shall cease to be childish and thoughtless, I shall do all I can to please you, and retain your truly, dear, fond love. You know I have wished as much as you do to give you my likeness, but I have not had an opportunity. I promise you you shall have it *some* day, so that promise won't be *broken*. If I did not sign my name, it was for no reason. Unless it is to a stranger, I never do put *Smith*, only *Madeline*. You shall, dear love, have all your letters back. Emile, love, you are wrong. If I did feel cool towards you in winter, I never gave one thought of love to any other. No other image has ever filled my heart since I knew you. I might admire some people, but, on my soul, I never did love, since I knew you, any but you, my own dear fond and ever beloved Emile. I am so glad you go and take a walk on Sunday. I would rather you did so as go to church.

No. 41; postmark "July 24," (year illegible):—

Tuesday morning, July 24.

My own beloved Emile,—I hope and trust you arrived safe home on Monday. I did enjoy your kind visit on Sunday. . . . I was not astonished at your thinking me cool, for I really have been in fault. But it is my way. But I must change it to you. I shall try and be more affectionate for the future. You know I love you dearly. Ah! Emile, you possess my love. I could not love any other as I do you; and believe me I shall ever remain true to you. I think a woman who can be untrue ought to be banished from society. It is a most heartless thing. After your disappointment, dearest Emile, I wonder you would have had any confidence in another. But I feel that you have confidence in me, or you would not love me as you do. I long for the day when we shall be always together. . . . .

No. 43; envelope addressed "Mr L'Angelier, Bothwell Street, Glasgow"—postmark, "Helensburgh, July 1856":—

Beloved and darling Husband, dear Emile,—I have just received your letter. A thousand kind thanks for it. It is kind, and I shall love you more for writing me such a letter. Dearest, I do love you for telling me all you think of me. Emile, I am sorry you are ill. I trust to God you are better. For the love of Heaven take care of yourself—leave town for a day or two. Yes, darling, by all means go to Mrs M'Lan's. It will do you much good, only come back to me. Yes, Emile, you ought in those sad moments of yours to consider you have a wife. I am as much your wife as if we had been married a year. You cannot, will not leave me your wife. Oh, for pity's sake, do not go. I will do all you ask, only remain in this country. I shall keep all my promises. I shall not be thoughtless and indifferent to you. On my soul, I love you and adore you with the love of a wife. I will do anything—I will do all you mention in your letters, to please you, only do not leave me or forsake. I entreat of you, my husband, my fondly loved Emile, only stay and be my guide, my husband dear. You are my all, my only dear love. Have confidence in me, sweet pet. Trust me. Heaven is my witness I shall never prove untrue to you—I shall, I am your wife. No other one shall I ever marry. I promise I shall *not* go about the streets, Emile, more than you have said. We went about too much. I shall not go about much. But one thing you must promise me is this, That if you should meet me at a time in B. St. or S. St. you will not look on me crossly; for it almost made me weep on the street last winter sometimes when you hardly looked at me. I shall take lessons in water colours. I shall tell you in my next note what I intend to study. It will rather amuse you. P. gave me

the dog "Sambo," Skye breed—"Pedro" the coachman got for me, English breed. They had their names when I got them. I am sorry you dislike melons, as they are rather a favourite of mine. I hope, dear pet Emile, you will get nice lodgings. I always thought the gardens were too far away from your office. How nicely the 12s. would suit us at Hillhead. I hope we may meet soon. P. or M. are not going from home. We intended to post at Arrochar, so it would be no use your being in the boat. I shall not see you till the nights are a little darker. I can trust C. H., she will never tell about our meetings. She intends to be married in November. But she may change her mind. Now, Emile, I shall keep all my promises I have made to you. I shall love and obey you—my duty as your wife is to do so. I shall do all you want me, trust me, keep yourself easy. I know what awaits me if I do what you disapprove—you go off. That shall always be in my mind—Go, never more to return. The day that occurs I hope I may die. Yes, I shall never wish to look on the face of man again. You would die in Africa. Your death would be at my hand. God forbid; trust me I love you; yes, love you for yourself alone. I adore you with my heart and soul. Emile, I swear to you I shall do all you wish and ask me. I love you more than life. I am thine, thine own Mimi L'Angelier. Emile, you shall *have all* your letters the first time we meet. It may cost me a sigh and pang, but you shall have them all. I wonder what you would do with one of my drawings, a stupid black-looking thing. Minnoch left this morning. Say nothing to him in passing. It will only give him cause to say you did not behave in a gentlemanly manner. Do not do it. He said nothing to me out of place, but I was not a moment with him by myself. I did not wish to be alone with him.

No. 47; postmark, "Helensburgh, August 11, '56":—

Wednesday afternoon.

BELOVED AND EVER DEAR EMILE,—All by myself. So I shall write to you, my dear husband. Your visit of last night is over. I longed for it. How fast it passed! It looked but a few minutes ere you left me. You did look cross at first, but, thank Heaven, you looked yourself ere you left—your old smile. Dear fond Emile, I love you more and more. Emile, I know you will not go far away from me. I am your wife. You cannot leave me for ever. Could you, Emile? I spoke in jest of your going last night, for I do not think you will go very far away from me, Emile, your wife. Would you leave me to end my days in misery? for I can never be the wife of another after our intimacy. . . . No one heard you last night. Next night it shall be a different window, that one is much too small. I must see you before you go to Badgemore. . . .

No. 49 (postmark illegible):—

Thursday evening.

MY OWN DEAR EMILE,—How must I thank you for your kind dear letter? Accept a fond embrace, and dear kisses, and assurances that I love you as much as ever, and have never regretted what has occurred. I forgive you freely from my heart for that picture. Never do the same thing again. . . . I cannot see you ere you go, for which I am sorry. You forget that my little sister is in my bed-room, and I could not go out by the window or leave the house and she there. It is only when P. is away I can see you, for then Janet sleeps with M. You see I cannot see you if you go on Monday; don't write me again till I tell you. If you do not go, write me so as I may not write to Badgemore. . . . I did tell you at one time that I did not like Minnoch, but he was so pleasant that he quite raised himself in my estimation.

No. 51; postmark, "Helensburgh, 29th Sept. '56":—

I did not write you on Saturday, as C. H. was not at home, so I could not get it posted. I don't think I can see you this week. But I think next Monday night I shall, as P. and M. are to be in Edinburgh. But my only thought is Janet; what am I to do with her? I shall have to wait till she is asleep, which may be near eleven o'clock. But you may be sure I shall do it as soon as I can. . . . Mr Minnoch has been here since Friday. He is most agreeable. I think we shall see him very often this winter. He says we shall, and P. being so fond of him, I am sure he will ask him in often. . . .

No. 53; postmark, "Helensburgh, October" (day and year illegible):—

Tuesday morning.

MY DEAR EMILE,— . . . . Our meeting last night was peculiar. Emile, you are not reasonable. I do not wonder at your not loving me as you once did. Emile, I am not worthy of you. You deserve a better wife than I. I see misery before me

this winter. I would to God we were not to be so near the M. You shall hear all stories and believe them. You will say I am indifferent because I shall not be able to see you much. I forgot to tell you last night that I shall not be able of an evening to let you in. My room is next to B., and on the same floor as the front door. I shall never be able to spend the happy hours we did last winter. Our letters I don't see how I am able to do. M. will watch every post. I intended to speak to you of all this last night, but we were so engaged otherwise.

No. 57; postmark, "Glasgow, November" (day and year illegible) :—

Friday night, twelve o'clock.

MY OWN DARLING, MY DEAREST EMILE,—I would have written you ere this, but, as I did not intend to be out till Saturday, I saw no use in writing. . . . Sweet love, you should get those brown envelopes, they would not be so much seen as white ones put down into my window. You should just stoop down to tie your shoe, and then slip it in. I have been ordered by the doctor, since I came to town, to take a fearful thing, called peasemeal—such a nasty thing; I am to take it at luncheon. I don't think I have tasted breakfast for two months. But I don't think I can take this meal. I shall rather take cocoa. But, dearest love, fond embraces, much love, and kisses, from your devoted wife, your loving and affectionate wife, MIMI L'ANGELIER.

No. 61; postmark, "Glasgow, Nov. 18" :—

First letter I have written in Blythswood Square house. Good night, my very sweet love.

No. 63; postmark, "Glasgow, Nov. 21, '56" :—

Now, about writing, I wish you to write me and give me the note on Tuesday evening next. You will, about eight o'clock, come and put the letter down into the window—(just drop it in—I won't be there at the time)—the window next to Minnoch's close door. There are two windows together with white blinds. Don't be seen near the house on Sunday, as M. won't be at church, and she will watch. In your letter, dear love, tell me what night of the week will be best for you to leave the letter for me. If M. and P. were from home I could take you in very well at the front-door, just the same way as I did in India Street, and I won't let a chance pass—I won't, sweet pet of my soul, my only best-loved darling.

Now, you understand me, Tuesday evening next, between seven and eight o'clock. Drop the note in between the bars on the street, and I shall take it in. The window with white blind, next to Billy's door.

No. 65; postmark, "Glasgow, Nov. 30, '56" :—

. . . . I was sorry I said anything about Mary. It was not kind of me. She's your kind and true friend. It was very bad of me, but I was vexed she said she would not write me. I thought she had taken some dislike to me, and would not write me. She had written me all along, knowing M. did not know; so I thought it peculiar she should drop writing without some other excuse.

No. 67; "Glasgow, Dec. 5, '56" :—

SWEETEST, DEAREST LOVE,—If it is more convenient for you to drop in my note at six o'clock, do it; it will suit me just as well. If not six, eight o'clock. Will you, darling, write me for Thursday first? If six o'clock, do it; I shall look. If not at six o'clock, why I shall look at eight. I hope no one sees you; and, darling, make no noise at the window. You mistake me. The snobs I spoke of do not know anything of me; they see a light, and they fancy it may be the servants' room, and they may have some fun; only you know I sleep down stairs. I never told any one, so don't knock again, my beloved. . . . I wept for hours after I received your letter, and this day I have been sad—yes, very sad. My Emile, I love you, and you only. I have tried to assure you no other one has a place in my heart. It was Minnoch that was at the concert with me. You see I would not hide that from you. Emile, he is P.'s friend, and I know he will have him at the house; but need you mind that when I have told you I have no regard for him? It is only you, my Emile, that I love; you should not mind public report. You know I am your wife, and that we shall shortly be united; so it matters not. I promised you I should be seen as little in public with him as I could. I have avoided him at all times. But I could not on Wednesday night; so, sweet love, be reasonable.

No. 69; "Glasgow, 8th Dec. '56" :—

MY DEAREST LOVE, MY OWN FOND HUSBAND, MY SWEET EMILE,—I cannot resist

the temptation of writing you a line this evening. Dear love, by this time you will have my parcel. I hope ere long you may have the original, which I know you will like better than a glass likeness. Won't you, sweet love? . . . Emile, I don't see when we are to have a chance. I don't know, but I rather think papa and mamma will go in to Edinburgh with James in January, but I don't hear of them being from home in February. I rather fear we shall have difficulties to contend with; but we must do our best. How am I to get out of the house in the morning with my things (which will be two large boxes, &c.), I don't know. I rather think they must go the night before; and for that I would try and get the back-door key. The banns give me great fright; I wish there was any way to get quit of them. What stupid things they are!

No. 73; postmark, "Glasgow, 17th ——, 1856":—

My own Beloved, my Darling,—I am longing for Thursday to bring me your dear sweet letter. . . . Beloved Emile, I don't see how we can. M. is not going from home, and when P. is away Janet does not sleep with M. She won't leave me, as I have a fire in my room, and M. has none. Do you think, beloved, you could not see me some nights for a few moments at the door under the front door, but perhaps it would not be safe? Some one might pass as you were coming in. We had better not. . . .

No. 75; postmark, "Glasgow, Dec. 19, 1856":—

My Beloved, my Darling,—Do you for a second think I could feel happy this evening, knowing you were in low spirits, and that I am the cause? Oh, why was I ever born to annoy you, best and dearest of men? Do you not wish—Oh, yes, full well I know you often wish you had never known me. I thought I was doing all I could to please you. But no. When shall I ever be what you wish me to be? Never! never! Emile, will you never trust me—she who is to be your wife? You will not believe me. You say you heard I took M. to the concert against his inclination, and forced him to go. I told you the right way when I wrote. But from your statement in your letter of to-night you did not believe my word. Emile, I would not have done this to you. Even now I would write and tell you I would believe. I would not believe every idle report. No, I would not. I would, my beloved Emile, believe my husband's word before any other. But you always listen to reports about me if they are bad.

No. 81; postmark, "Glasgow, 28th Dec. 1856":—

. . . . Now, I must tell you something you may hear. I was at the theatre; and people, my love, may tell you that M. was there too. Well, M. was there, but he did not know of my going. He was in the Club Box, and I did not even bow to him. To-day, when B., mamma, and I were walking, M. joined us, took a walk with us, and came home. He was most civil and kind. He sent Janet such a lovely flower to-night, to wear on Monday evening. Now, I have told you this, sweet pet. I know you will be angry, but I would rather bear your anger than that you should perhaps blame me for not telling you, as some one will be sure to inform you of me. . . .

No. 85; dated "Friday, Jan. 9;" postmark, "Glasgow, 10 Jan. 1857":—

It is past eleven o'clock, and no letter from you, my own ever dear, beloved husband. Why this, sweet one? I think I heard your stick this evening. Pray, do not make any sounds whatever at my window. If it were possible, sweet one, would you not leave my notes at six, as at ten o'clock the moon is up, and it is light?

Mimi L'Angelier.

No. 87; postmark, "Glasgow, 11th Jan. '57":—

My own dear Beloved Emile,—I cannot tell you how sorry I was last night at not hearing from you. . . .

No. 89; postmark, "Jan. 14, 1857":—

My own beloved darling Husband,—I have written Mary a note, and you shall have one too.

No. 91; postmark, "Glasgow, Jan. 16, 1857":—

Friday, three o'clock afternoon.

My very dear Emile,—I ought ere this to have written you. . . . Well, my dear Emile, you did look cross at your Mimi the other day. Why, my pet, you cannot

expect that I am never to go on S. St. Sometimes I must. It is not quite fair of you. I have kept off that street so well this winter, and yet when you meet me, and the first time you have bowed to me this season, that you should have looked so cross. . . .

No. 95; postmark, "Glasgow, 21st Jan. 1857":—

MY DEAREST EMILE,— . . . Why no letter, pet, on Monday night? It was such a disappointment to your Mimi. I cannot see you on Thursday, as I had hoped. Jack is out at a party, and the boy will sit up for him, so I cannot see you. A better chance may soon occur, my dear pet. . . . MIMI.

No. 97; postmark, "23d January 1857":—

Thursday, twelve o'clock.

MY DEAR EMILE,—I was so very sorry that I could not see you to-night. I had expected an hour's chat with you; but we must just hope for better the next time. I hope you are well. Is your hand quite better, my dear pet? . . . I am, with much love, for ever your own dear, sweet, little, pet wife, your own fond Mimi L'Angelier. . . . A kiss, my pet—my own sweet one, my beloved little pet husband. . . . Emile, my own beloved, you have just left me. Oh, sweet darling, at this moment my heart and soul burns with love for thee, my husband, my own sweet one. Emile, what would I not give at this moment to be your fond wife? My night dress was on when you saw me. Would to God you had been in the same attire. We would be happy. Emile, I adore you. I love you with my heart and soul. I do vex and annoy you, but oh, sweet love, I do fondly, truly love you with my soul, to be your wife, your own sweet wife. I never felt so restless and unhappy as I have done for some time past. I would do anything to keep sad thoughts from my mind. But, in whatever place, some things make me feel sad. A dark spot is in the future. What can it be? O God, keep it from us! Oh, may we be happy. Dear darling, pray for our happiness. I weep now, Emile, to think of our fate. If we could only get married, and all would be well. But, alas! alas! I see no chance, no chance of happiness for me. I must speak with you. Yes, I must again be pressed to your loving bosom, be kissed by you, my only love, my dearest, darling husband. Why were we fated to be so unhappy? Why were we made to be kept separate? My heart is too full to write more. Oh, pardon, forgive me. If you are able, I need not say it will give me pleasure to hear from you to-morrow night. If at ten o'clock, don't wait to see me, as Janet may not be asleep, and I will have to wait till she sleeps to take it in. Make no noise. Adieu, farewell, my own beloved, my darling, my own Emile. Good night, best beloved. Adieu; I am your ever true and devoted Mimi L'Angelier. . . . I don't see the least chance for us, my dear love. M. is not well enough to go from home, and, my dear little sweet pet, I don't see we could manage in Edinburgh, because I could not leave a friend's house without their knowing it, so, sweet pet, it must at present be put off till a better time. I see no chance before March. But rest assured, my dear love Emile, if I see any chance, I shall let you know of it.

No. 101; postmark, "Glasgow, Feb.—1857:"—

I felt truly astonished to have my last letter returned to me; but it will be the last you shall have an opportunity of returning me. When you are not pleased with the letters I send you, then our correspondence shall be at an end; and as there is coolness on both sides, our engagement had better be broken. This may astonish you; but you have more than once returned me my letters, and my mind was made up that I should not stand the same thing again. And you also annoyed me much on Saturday by your conduct in coming so near me; altogether I think, owing to coolness and indifference (nothing else), that we had better, for the future, consider ourselves strangers. I trust to your honour as a gentleman that you will not reveal anything that may have passed between us. I shall feel obliged by your bringing me my letters and likeness on Thursday evening at seven. Be at the same gate, and C. H. will take the parcel from you. On Friday night I shall send you all your letters, likeness, &c. I trust that you may yet be happy, and get one more worthy of you than I. On Thursday at seven o'clock.—I am, &c. M.

You may be astonished at this sudden change, but for some time back you must have noticed a coolness in my notes. My love for you has ceased, and that is why I was cool. I did once love you truly and fondly, but for some time back I have lost much of that love. There is no other reason for my conduct, and I think it but fair to let you know this. I might have gone on, and become your wife, but I could not have loved you as I ought. My conduct you will condemn, but I did at one time love you with heart and soul. It has cost me much to tell you this—sleepless nights—but it

was necessary you should know. If you remain in Glasgow, or go away, I hope you may succeed in all your endeavours. I know you will never injure the character of one you so fondly loved. No, Emile, I know you have honour, and are a gentleman. What has passed you will not mention. I know when I ask you that you will comply. —Adieu.

No. 103; postmark, "Glasgow, 9th Feb. '57":—

I attribute it to your having cold that I had no answer to my last note. On Thursday evening you were, I suppose, afraid of the night air. I fear your cold is not better. I again appoint Thursday night first, same place, street gate, seven o'clock.—M. If you can bring me the parcel on Thursday, please write a note saying when you shall bring it, and address it to C. H. Send it by post.

No. 105; postmark, "Glasgow, 10th ——, 1857":—

Monday night.

EMILE,—I have just had your note. Emile, for the love you once had for me, do nothing till I see you. For God's sake do not bring your once loved Mimi to an open shame. Emile, I have deceived you. I have deceived my mother. God knows she did not boast of anything I had said of you, for the poor woman thought I had broken off with you last winter. I deceived you by telling you she still knew of our engagement. She did not. This I now confess, and as for wishing for an engagement with another, I do not fancy she ever thought of it. Emile, write to no one—to papa or any other. Oh! do not till I see you on Wednesday night. Be at the Hamiltons' at twelve, and I shall open my shutter, and then you come to the area gate, and I shall see you. It would break my mother's heart. Oh, Emile, be not harsh to me. I am the most guilty, miserable wretch on the face of the earth. Emile, do not drive me to death. When I ceased to love you, believe me it was not to love another. I am free from all engagement at present. Emile, for God's sake do not send my letters to papa; it will be an open rupture. I will leave the house. I will die. Emile, do nothing till I see you. One word to-morrow night at my window to tell me, or I shall go mad. Emile, you did love me. I did fondly, truly, love you too. Oh, dear Emile, be not so harsh to me. Will you not—but I cannot ask forgiveness—I am too guilty for that. I have deceived. It was love for you at the time made me say mamma knew of our engagement. To-morrow one word, and on Wednesday we meet. I would not again ask you to love me, for I knew you could not. But, oh, Emile, do not make me go mad. I will tell you, that only myself and C. H. knew of my engagement to you. Mamma did not know since last winter. Pray for me—for a guilty wretch—but do nothing. Oh, Emile, do nothing. Ten o'clock to-morrow night—one line for the love of God.

Tuesday morning.

I am ill. God knows what I have suffered. My punishment is more than I can bear. Do nothing till I see you. For the love of Heaven do nothing. I am mad. I am ill.—Sunday night.

No. 107:—

Tuesday evening, twelve o'clock.

EMILE,—I have this night received your note. Oh, it is kind of you to write me. Emile, no one can know the intense agony of mind I have suffered last night and to-day. Emile, my father's wrath would kill me—you little know his temper. Emile, for the love you once had for me, do not denounce me to my P. Emile, if he should read my letters to you he will put me from him—he will hate me as a guilty wretch. I loved you, and wrote to you in my first ardent love—it was with my deepest love I loved you. It was for your love I adored you. I put on paper what I should not. I was free because I loved you with my heart. If he or any other one saw those fond letters to you, what would not be said of me? On my bended knees I write you, and ask you as you hope for mercy at the judgment day, do not inform on me—do not make me a public shame. Emile, my life has been one of bitter disappointment. You, and only you, can make the rest of my life peaceful. My own conscience will be a punishment that I shall carry to my grave. I have deceived the best of men. You may forgive me, but God never will. For God's love, forgive me, and betray me not. For the love you once had to me, do not bring down my father's wrath on me. It will kill my mother (who is not well). It will for ever cause me bitter unhappiness. I am humble before you, and crave your mercy. You can give me forgiveness, and you, oh, you only, can make me happy for the rest of my life. I would not ask you to love me or ever make me your wife. I am too guilty for that. I have deceived and told you too many falsehoods for you ever to respect me. But, oh! will you not keep my

secret from the world? Oh! will you not, for Christ's sake, denounce me? I shall be undone. I shall be ruined. Who would trust me? Shame will be my lot. Despise me, hate me, but make me not the public scandal. Forget me for ever. Blot out all remembrance of me . . . I did love you, and it was my soul's ambition to be your wife. I asked you to tell me my faults. You did so, and it made me cool towards you gradually. When you have found fault with me I have cooled. It was not love for another, for there is no one I love. My love has all been given to you. My heart is empty, cold; I am unloved, I am despised. I told you I had ceased to love you—it was true. I did not love as I did; but, oh! till within the time of our coming to town I loved you fondly. I longed to be your wife. I had fixed February. I longed for it. The time I could not leave my father's house, I grew discontented; then I ceased to love you. Oh, Emile, this is indeed the true statement. Now you can know my state of mind. Emile, I have suffered much for you. I lost much of my father's confidence since that September; and my mother has never been the same to me. No, she has never given me the same kind look. For the sake of my mother, her who gave me life, spare me from shame. Oh, Emile, will you, in God's name, hear my prayer? I ask God to forgive me. I have prayed that he might put it in your heart to spare me from shame. Never, never, while I live can I be happy. No, no, I shall always have the thought I deceived you. I am guilty; it will be a punishment I shall bear till the day of my death. I am humbled thus to crave your pardon. But I dare not. While I have breath I shall ever think of you as my best friend, if you will only keep this between ourselves. I blush to ask you. Yet, Emile, will you not grant me this my last favour?—if you will never reveal what has passed. Oh, for God's sake, for the love of Heaven, hear me. I grow mad. I have been ill, very ill, all day. I have had what has given me a false spirit. I had resort to what I should not have taken, but my brain is on fire. I feel as if death would indeed be sweet. Denounce me not. Emile, Emile, think of our once happy days. Pardon me if you can: pray for me as the most wretched, guilty, miserable creature on the earth. I could stand anything but my father's hot displeasure. Emile, you will not cause my death. If he is to get your letters, I cannot see him any more; and my poor mother, I will never more kiss her. It would be a shame to them all. Emile, will you not spare me this? Hate me, despise me, but do not expose me. I cannot write more. I am too ill to-night.

P.S.—I cannot get to the back stair. I never could see the way to it. I will take you within the door. The area gate will be open. I shall see you from my window at twelve o'clock. I will wait till one o'clock.

No. 109; postmark, "Glasgow, 14th Feb. 1857":—

Saturday.

MY DEAR EMILE,—I have got my finger cut, and cannot write, so, dear, I wish you would excuse me. I was glad to see you looking so well yesterday. I hope to see you very soon. Write me for Thursday, and then I shall tell you when I can see you. I want the first time we meet that you will bring me all my cool letters back—the last four I have written—and I will give you others in their place. Bring them all to me. Excuse me more just now. It hurts me to write; so with kindest and dearest love ever believe yours, with love and affection, M.

No. 111:—

DEAREST SWEET EMILE,—I am so sorry to hear you are ill. I hope to God you will soon be better. Take care of yourself. Do not go to the office this week; just stay at home till Monday. Sweet love, it will please me to hear you are well. I have not felt very well these two last days—sick and headache. Every one is complaining: it must be something in the air. I can't see you on Friday, as M. is not away, but I think on Sunday P. will be away, and I might see you, I think, but I will let you know. I shall not be at home on Saturday, but I shall try, sweet love, and give you even if it should be a word. I cannot pass your windows, or I would, as you ask me to do it. Do not come and walk about, and become ill again. You did look bad on Sunday night and Monday morning. I think you got sick with walking home so late, and the long want of food, so the next time we meet, I shall make you eat a loaf of bread before you go out. I am longing to meet again, sweet love. We shall be so happy. I have a bad pen—excuse this scrawl—and B. is near me. I cannot write at night now. My head aches so, and I am looking so bad that I cannot sit up as I used to do; but I am taking some stuff to bring back the colour. I shall see you soon again. Put up with short notes for a little time. When I feel stronger you shall have long ones. Adieu, my love, my pet, my sweet Emile. A fond, dear, tender love, and sweet embrace. Ever, with love, yours, MIMI.

No. 113; postmark, "Glasgow, Feb. 27, 1857":—

MY DEAR, SWEET EMILE,—I cannot see you this week, and I can fix no time to meet with you. I do hope you are better. Keep well, and take care of yourself. I saw you at your window. I am better, but have got a bad cold. I shall write you, sweet one, in the beginning of the week. I hope we may meet soon. We go, I think, to Stirlingshire, about the 10th March, for a fortnight. Excuse this short note, sweet love. With much fond tender love and kisses; and believe me to be yours, with love,

MIMI.

No. 115; postmark, "Glasgow, 3d March 1857":—

MY DEAREST EMILE,—I hope by this time you are quite well, and able to be out. I saw you at your window, but I could not tell how you looked—well, I hope. I am very well. I was in Edinburgh on Saturday to be at a luncheon of forty at the Castle. It was a most charming day, and we enjoyed our trip very much. On Friday we go to Stirling for a fortnight. I am so sorry, my dearest pet, I cannot see you ere we go—but I cannot. Will you, sweet one, write me for Thursday, eight o'clock, and I shall get it before two o'clock, which will be a comfort to me, as I shall not hear from you till I come home again. I will write you, but, sweet pet, it may only be once a-week, as I have so many friends in that quarter. B. is not going till next week. M., P., J., and I on Friday. B. goes to the ball next week. I am going to a ball in Edinburgh the end of next week, so cannot go to both, and I would rather go to the one in Edinburgh. I have not seen you all this week—have you been passing? What nasty weather we have had. I shall see you very soon, when I get home again, and we shall be very happy, won't we, sweet one? as much so as the last time—will we, my pet? I hope you feel well. I have no news to give you. I am very well; and I think the next time we meet you will think I look better than I did the last time. You won't have a letter for me this Saturday, as I shall be off; but I shall write the beginning of the week. Write me for Thursday, sweet love, and with kind love ever believe me to be, yours, with love and affection,

MIMI.

No. 117; postmark, "Glasgow, 4th March 1857:"—

DEAREST EMILE,—I have just time to write you a line. I could not come to the window, as B. and M. were there, but I saw you. If you would take my advice, you would go to the south of England for ten days; it would do you much good. In fact, sweet pet, it would make you feel quite well. Do try and do this. You will please me by getting strong and well again. I hope you won't go to B. of Allan, as P. and M. would say it was I brought you there, and it would make me to feel very unhappy. Stirling you need not go to, as it is a nasty, dirty, little town. Go to the Isle of Wight. I am exceedingly sorry, love, that I cannot see you ere I go. It is impossible; but the first thing I do on my return will be to see you, sweet love. I must stop, as it is post-time. So adieu with love and kisses, and much love. I am, with love and affection, ever yours,

MIMI.

No. 119 was objected to by the DEAN, being only a copy taken by a press, and was reserved.

No. 121:—

MY DEAR SWEET PET,—I am so sorry you should be so vexed. Believe nothing, sweet one, till I tell you myself. It is a report I am sorry about, but it has been six months spoken of. There is one of the same kind about B. Believe nothing till I tell you, sweet one of my heart. I love you and you only. Mrs A. only supposed; M. never told her. But we have found out that Mrs A. is very good at making up stories. Mrs A. asked me if it was M. gave me the trinket you saw, and I told her no. My sweet love, I love you, and only wish you were better. We shall speak of our union when we meet. We shall be home about the 17th, so I shall see you about that time. I wish, love, you could manage to remain in town till we come home, as I know it will be a grand row with me if you are seen there. Could you, sweet love, not wait, for my sake, till we come home? You might go the 20th or so. I would be so pleased with you if you can do this to please me, my own dear husband. I shall be very glad to meet you again, and have as happy a meeting as the last. I have quarrelled with C. H. just now, so cannot see you to-night. I shall write you next week. Neither M. nor his sisters go with us. Only M., B., J., and J. go to-morrow. P. on Saturday night. I have only been in M.'s house once, and that was this week, and I was sent a message, because M. could not go herself. I will tell and answer you all questions when we meet. Adieu, dearest love of my soul, with fond and tender embraces. Ever believe me, with love and kisses, your own fond, dear, and loving

MIMI.

The LORD ADVOCATE argued that No. 119 should be read, because it was proved by its contents taken in connexion with Nos. 117 and 121.

The COURT then rose for consultation, and, on their return, Lord IVORY stated at some length the grounds on which he held the letter to be receivable—although the Jury must judge whether or not the letter was actually received.

Lord HANDYSIDE concurred with Lord Ivory. He regarded the document as intimately connected with other documents already read. It was a full and complete letter, having a date and a signature. It had been copied by a copying press, and therefore he inferred its despatch; while its receipt was proved by the fact that in a subsequent letter various questions asked in it were replied to.

The LORD JUSTICE-CLERK differed from the other Judges, because there was no separate and independent proof that the document had been despatched or received by the prisoner; but he regarded it as of little importance whether it went to the Jury or not, as the points referred to in it were covered by No. 121.

No. 119:—

Glasgow, March 5th, 1857.

MY DEAR SWEET PET, MIMI,—I feel indeed very vexed that the answer I received yesterday to mine of Tuesday to you, should prevent me from sending you the kind letter I had ready for you. You must not blame me for this, but really your cold, indifferent, and reserved notes, so short, without a particle of love in them (especially after pledging your word you were to write me kindly for those letters you asked me to destroy), and the manner you evaded answering the questions I put to you in my last, with the reports I hear, fully convince me, Mimi, that there is foundation in your marriage with another. Besides, the way you put off our union till September, without a just reason, is very suspicious. I do not think, Mimi dear, that Mrs Anderson would say your mother told her things she had not; and really I could never believe Mr Houldsworth would be guilty of telling a falsehood for mere talking. No, Mimi, there is foundation for all this. You often go to Mr M.'s house, and common sense would lead any one to believe that if you were not on the footing reports say you are, you would avoid going near any of his friends. I know he goes with you, or at least meets you in Stirlingshire. Mimi, dear, place yourself in my position, and tell me am I wrong in believing what I hear? I was happy the last time we met—yes, very happy. I was forgetting all the past, but now it is again beginning. Mimi, I insist on having an explicit answer to the questions you evaded in my last. If you evade answering them this time, I must try some other means of coming to the truth. If not answered in a satisfactory manner, you must not expect I shall again write you personally, or meet you when you return home. I do not wish you to answer this at random; I shall wait for a day or so if you require it. I know you cannot write me from Stirlingshire, as the time you have to write me a letter is occupied in doing so to others. There was a time you would have found plenty of time. Answer me this, Mimi—Who gave you the trinket you shewed me; is it true that it was Mr Minnoch? And is it true that you are directly or indirectly engaged to Mr Minnoch, or to any one else but me? These questions I must know. The doctor says I must go to the Bridge of Allan. I cannot travel 500 miles to the Isle of Wight and 500 back. What is your object in wishing me so very much to go south? I may not go to the Bridge of Allan till Wednesday; if I can avoid going, I shall do so for your sake. I shall wait to hear from you. I hope, dear, nothing will happen to check the happiness we were again enjoying.—May God bless you, pet, and with fond and tender embraces, believe me with kind love your ever affectionate husband,

EMILE L'ANGELIER.

No. 121 was then again read.

No. 123; postmark, "Bridge of Allan, 10th March 1857" (reached Glasgow 5.30 P.M.):—

MY OWN BEST LOVED PET,—I hope you are well. I am very well, but it is such a cold place, far colder than in town. I have never been warm since I came here. There are very few people that we know staying in the village. Have you ever been here, my own dear little pet? I hope, sweet one, it may make you feel well and strong again,

and that you will not again be ill all the summer. You must try and keep well for my sake; will you, will you, my own dear little Emile? You love me, do you not? Yes, Emile, I know you do. We go to Perth this week to see some friends. I am going to Edinburgh the end of this month. B. will, I think, go too. I saw you pass the morning we left, and you, little love, passing the front door; but you would not look up, and I did not know where you were going to. We shall be home Monday or Tuesday. I shall write you, sweet love, when we shall have an interview. I long to see you—to kiss and embrace you, my only sweet love. Kiss me, sweet one, my love, my own dear sweet little pet. I know your kindness will forgive me if I do not write you a long letter; but we are just going to the train to meet friends from the north. So I shall conclude with much love, tender embraces, and fond kisses. Sweet love, adieu. Ever, with love, yours, MIMI.

No. 125; postmark, "Bridge of Allan, 13th March 1857" (reached Glasgow, 10.45 same night):—

DEAREST AND BELOVED,—I hope you are well. I am very well, and anxious to get home to see you, sweet one. It is cold, and we have had snow all the week, which is most disagreeable. I feel better since we came here. I think we shall be home on Tuesday, so I shall let you know, my own beloved sweet pet, when we shall have a dear, sweet interview, when I may be pressed to your heart, and kissed by you, my own sweet love. A fond, tender embrace; a kiss, sweet love. I hope you will enjoy your visit here. You will find it so dull; no one here we know, and I don't fancy you will find any friends, as they are all strangers, and don't appear nice people. I am longing to see you, sweet one of my heart, my only love. I wish we had not come here for another month, as it would have been so much nicer; it would then be warm. I think if you could wait a little, it would do you more good; but you know best when you can get away. Adieu, my only love, my own sweet pet. A kiss, dear love, a tender embrace, love and kisses. Adieu, ever yours, with love and fond kisses. I am ever yours, MIMI.

Nos. 127, letter of deceased to Mr Kennedy, 129, letter to Mr Kennedy, and 131, French letter to Mr Thuau, were given in, having been previously read in the course of examination of witnesses.

No. 133; postmark, "Stirling, 16th March 1857":—

MY DEAREST WILLIAM,—It is but fair, after your kindness to me, that I should write you a note. The day I part from friends I always feel sad; but to part from one I love, as I do you, makes me feel truly sad and dull. My only consolation is that we meet soon again. To-morrow we shall be home. I do so wish you were here to-day. We might take a long walk. Our walk to Dunblane I shall ever remember with pleasure. That walk fixed a day on which we are to begin a new life—a life which I hope may be of happiness and long duration to both of us. My aim through life shall be to please and study you. Dear William, I must conclude, as mamma is ready to go to Stirling. I do not go with the same pleasure as I did the last time. I hope you got to town safe, and found your sisters well. Accept my warmest, kindest love, and ever believe me to be yours with affection, MADELINE.

No. 135 was a memorandum in French of L'Angelier's address at the Bridge of Allan; and 139 an envelope addressed to "M. L'Angelier, Post-office, Stirling."

No. 137, envelope; postmarks, "Glasgow, 19th March 1857;" and "Stirling, 20th March, 9.0 A.M.," addressed to M. L'Angelier at Glasgow, were also given in.

No. 141; postmark, "Bridge of Allan, 20th March":—

DEAR MARY,—I should have written to you before, but I am so lazy in writing when away from my ordinary ways. I feel much better, and I hope to be home the middle of next week. This is a very stupid place, very dull. I know no one; and besides it is very much colder than Edinburgh. I saw your friends at Portobello, and will tell you about them when I see you. I should have come to see some one last night, but the letter came too late, so we are both disappointed. Trusting you are quite well, and with kind regards to yourself and sister, believe me, yours sincerely,

I shall be here till Wednesday. P. EMILE L'ANGELIER.

No. 143, letter to Mr Stevenson from Bridge of Allan, formerly read.

No. 145, letter to Mr Kennedy from Bridge of Allan, formerly read, postmark, "Bridge of Allan, 20th March."

No. 147, letter from Mr Stevenson to Mr L'Angelier, posted at Glasgow, 21st March 1857, at night, and reached Bridge of Allan 9 A.M. next morning.

No. 149, letter from the panel to L'Angelier at his lodgings, Glasgow, with postmark, "Glasgow, March 21, 1857." This was the one found in L'Angelier's vest pocket after his death:—

Why, my beloved, did you not come to me? Oh, my beloved, are you ill? Come to me. Sweet one, I waited and waited for you, but you came not. I shall wait again to-morrow night—same hour and arrangement. Oh, come, sweet love, my own dear love of a sweetheart. Come, beloved, and clasp me to your heart; come, and we shall be happy. A kiss, fond love. Adieu, with tender embraces. Ever believe me to be your own ever dear, fond MIMI.

The LORD ADVOCATE then proposed to give in the deceased's pocket-book, and to have the entries in it read. The Court had decided when he offered it before that then a sufficient foundation had not been laid; but he thought that objection could not be made now. The handwriting of the entries was proved to have been L'Angelier's; and various circumstances had been proved, in the course of the evidence already adduced, to have occurred on the very days under date of which they were entered in this book. He therefore submitted that these entries were statements by himself of what he did on these days, and that the pocket-book should be received.

Mr YOUNG argued that the book was irregularly kept; that the entry of the occurrence on the 22d had been proved by the several witnesses to be inaccurate; and that, though some of the matters entered under dates did occur under those dates, there was no guarantee that they were all so. Instead of being a memorandum-book regularly kept, the entries were the exceptions. So far as he had been able to discover, there was no case in which such a book had been received in evidence of facts mentioned in it. If such a case existed, it would no doubt be founded upon on the side of the prosecution; but if there were not, he submitted that the present was not a case of the kind in which this Court should begin the admission of such evidence.

The SOLICITOR-GENERAL said that he knew of no principle in the law of evidence which excluded a document written by a deceased person from being used as evidence in such a case, and contended that it was good secondary evidence. It was a statement by L'Angelier that a certain circumstance happened on a certain day. Their Lordships would not have excluded the evidence had it been deponed to by a third party who had heard the deceased make the statement; and though he could not give a precedent precisely similar, he thought the whole principle of secondary evidence was in favour of its admissibility.

The DEAN OF FACULTY was also heard on the point. He contended that no precedent could be shewn in which the ordinary pocket memorandum of a deceased person had been used for the purposes sought in this case. There was no evidence to prove that the dates were correctly entered; and, in fact, the book did not profess to be a regular diary. The journal was begun in 1857; the deceased lived eighty or eighty-one days in that year, and the number of entries was only twenty-six; and for upwards of a week prior to his death it had ceased to be his journal at all; besides, even amongst these few entries, there were instances to prove the

loose and careless manner in which they were sometimes made. The Solicitor-General had said that it was good secondary or hearsay evidence; but it appeared to him the present was an attempt to apply secondary evidence in a manner hitherto unknown. He had always understood that the principle by which secondary evidence was admitted was subject to this proviso—that a statement made for one purpose could not be received for another—that a statement made by a party, even on oath, upon one subject was not receivable for another purpose. To shew further the incorrectness of the entries, the Dean referred to one under date 5th March—"Saw Mimi—gave her a note and received one," which was contradicted by letter 119, which had been put in evidence on the ground that the prisoner's letter of the 5th March was an answer to it; whereas, according to the entry, they were exchanged one for another.

The COURT then retired; and on their return,

The LORD JUSTICE-CLERK intimated that the Court would give their decision on Monday morning.

The LORD ADVOCATE stated that, in the event of the memorandum book being received, he would close his case, with the exception of one witness, named Anderson, from the Bridge of Allan, who had been indisposed; but in the event of the book being rejected, he would reserve his right to call further evidence.

In reply to a Juryman, the DEAN OF FACULTY said that he had a number of witnesses to call for the defence, and would not undertake to say that the case would be closed before Wednesday.

The LORD JUSTICE-CLERK remarked that, in a case of such importance, he could not be expected to go on with his charge immediately after the speeches on both sides were concluded.

The Court then adjourned till Monday.

SIXTH DAY—MONDAY, July 6.

The Court resumed this morning at ten o'clock.

On the point of admission or rejection of the diary of deceased as evidence, the consideration of which their Lordships adjourned from Saturday till Monday,

The LORD JUSTICE-CLERK, after alluding to the great importance of the matter, said—The admission of hearsay evidence is an established rule in the law of Scotland, but under restrictions and conditions which go in many instances to the entire rejection of the evidence. What is now to be proposed is this—to produce for the consideration of the Jury certain memoranda or jottings made by the deceased, in which certain things are said to have been done, which go directly to the vital part of this charge. The Dean has felt that so strongly that he did not scruple to state what was the purport of one of the entries; but we must take care that the rules of evidence are not relaxed, merely because it appears that the matter is of the highest importance in the case. Before evidence can be received and allowed to go to the Jury, it must be evidence competent to be tendered. It will not do to take a half view of the case, and think it material that such a thing should go to the Jury as evidence if it is not legally admissible against the prisoner. That is the rule also in

civil cases. It is of importance, then, in considering whether the evidence is admissible, indeed I should say it was vitally important, to consider and ascertain in what circumstances, if possible from what motive, and at what period of the transactions going on at this time, these entries were made. Now, it is a most remarkable fact that there is no entry regarding the prisoner, or circumstances connected with the prisoner, before the 11th of February, while the purpose on her part of breaking off this engagement, and of demanding the letters, had been communicated to the deceased, and his purpose and resolution not to give up the letters, and to keep her to the engagement, appeared to have been made known on the 13th; and his purpose in writing these entries obviously was to endeavour to strengthen his hold upon the prisoner, not only by refusing to give up the letters at that time, but afterwards to object to their interviews and communications, so as to endeavour to effect his object in preventing the marriage, and to entice her into giving up the engagement at once. I make this observation not merely with reference to the weight and credibility of those entries, but with reference to their admissibility. In the case of hearsay evidence, we can ascertain from the witness a statement of all the circumstances, and all the motives connected with the statement being made by the deceased. What staggered me a good deal was—I put it to my mind thus: Supposing an entry is found in a diary, "I met A B, and arranged to meet A B at such a place to-morrow night," and at that place he was found murdered. It might be admissible against the panel charged with murder, that the statement was of a kind to be left with the Jury to say whether his being murdered at this particular place was not the result of that appointment. I was a good deal affected, too, although I own the law is generally very strong on this point, by what the Lord Advocate so forcibly stated. Supposing that in this book there was found an entry that this man had purchased arsenic, would that not have been available in favour of the prisoner? I think there is an objection, without giving a different opinion on the point, which may arise, and that is, it may be also evidence against the deceased. One illustration was suggested to my mind by a person whose authority and experience are higher than any of our own. Take an action of divorce against the wife, where the paramour was dead, and an entry is found in any diary of his that he had enjoyed the embraces of this woman in her husband's absence—could this diary be produced against the wife? I say no. What we are asked here to do is a thing altogether without example or precedent. No traces or indication of such a proceeding are to be found in any book that a memorandum made by the deceased shall be proof against the panel in a charge of murder. I am unable to admit such evidence. One cannot tell how many documents may exist, and be found in the repositories of the deceased. I have a dim recollection of a case in 1808, the trial of a man of the name of Patch for murdering a man named Page, and in which a letter of the murdered man, prior to his death, was produced, but I have not found that it was allowed to be admitted. The point is perfectly new, and I am certainly of opinion that it should not be admitted.

Lord HANDYSIDE said—We are asked to receive, as evidence for the Crown, a pocket-book containing an almanac and diary for 1857, in which certain entries are made opposite to certain days of the week from Feb. 11 to March 14. I mention these extreme dates, first, because they

include the period of the whole of the entries in the diary—the entries not beginning with the commencement of the year; and second, because the period during which the entries were made has reference only to the first and second charges in the indictment. The third charge is about time, and is subsequent to the entries ceasing to be made. The special point is, whether the entries of certain dates—two in number—are to be read to make evidence for the prosecution as regards the first and second charges in the indictment. The whole of the entries have been written with a lead pencil. I notice this to make the observation that ink and penmanship afford to a certain degree the means of ascertaining whether the entries were made at the time opposite to which they are written. When all the entries are in pencil there can be no clue as to the time when the entries are in point of fact made, or that the original entries have not been expunged, and others substituted in their place, whether this be in correction of memory or with the purpose and design of imposition. But waiving this peculiarity in the present case, the point to be determined is, whether the entries of a deceased person setting forth as having occurred at particular dates, and connected with the name of an individual, are admissible as evidence to support a criminal charge. So far as my knowledge goes, this is a new point. We have received no assistance from the bar by reference to any authority. No case has been stated to us bearing upon the subject; and having taken some pains myself to search for authority and precedent, I have been unsuccessful in finding either. If the fact be so undoubted, it is a circumstance on which the objector to its admission as evidence is entitled to found, as shifting from him to the prosecutor the burden of shewing that such evidence ought to be received. I think the question is one of great difficulty, at least I have found it to be so. Had the writer of the memoranda been living, they could not have been held as evidence. They might have been used in the witness-box to refresh the memory of the witness. What would be required would be the oath of the witness, and his evidence would be taken irrespective of any weight being put upon the memoranda. It is the oath of the witness and the authority of his statement in the box that the law requires; but if the writer has died, is this circumstance to make such memoranda thenceforward admissible as evidence? There is no check upon the accuracy of these statements, whether arising from innocent mistakes or from prejudice. I don't say that they are supposed to be false, for the idea is repugnant, from the consideration that it would be idle and fanciful to say that such memoranda would be kept by the writer; but it is quite conceivable that statements may be made wholly imaginary, with a view to the subsequent injury of the party, and could it be admissible to take as evidence such a diary, which might be made a baneful instrument of calumny and accusation? I speak just now of private memoranda, diaries, and journals taken in the abstract. As to other writings of a deceased person, such as letters, I do not say that they may not be admissible as evidence after death; for they had been communicated to at least one person. It was contended that the principle of hearsay evidence was admitted to extend to documents written by a deceased person. It is assumed that a declaration in writing of what is spoken would have been admissible, but this would be a fallacious ground to rest on, if words written would require to be

taken as they stand without explanation or qualification. Words spoken to another are subject to further inquiry by the party spoken to as to the meaning of the speaker, and a sort of cross-examination made as to the matter which was communicated to him; and all those things may be brought out in the examination of the witness who comes into Court and gives us hearsay evidence. Now, a mere writing in the way of memoranda or an entry in a pocket-book, in the sole custody of the writer till his death, cannot be subjected to any such tests. It may be an idle piece of writing, or it may be unfounded suspicion or ambiguous charges preferred by hostile and vindictive feelings in a moody and spiteful mind. This view impressed me strongly against the idea of admitting a journal or diary as evidence to support the prosecution. I think the question before us must be decided as a general point. As such, I take it up. If I were to take into account the peculiar circumstances of this case, I see much perhaps to vindicate the Court in its reception as evidence, and there is to be found in the letters which have been already read in evidence much to give corroboration and verification to some at least of the entries in the pocket-book; but I feel compelled to close my mind against such considerations, and look above all to a general and therefore safe rule by which to be guided. I have come, therefore, to the conclusion that the production of the diary as evidence in the case, in support of the first and second charges, ought to be rejected.

Lord Ivory said, that, like their Lordships, he had given his most anxious, serious, and unremitting consideration to this subject. He had sought every book, and had found little or nothing in the way of authority certainly; but judging by the abstract rules of evidence applied to other cases, he could find no principle to exclude the document. He therefore felt himself totally unable to come to the conclusion that this evidence should be excluded from the Jury. He would content himself with simply intimating his dissent. It appeared to him it was admissible as evidence, and it would be for the Jury to consider what was the value of that evidence, and to decide.

The Lord Advocate said, there was a passage in the letter No. 79 which he considered material to the case, and which he wished read.

The following passage was then read by the Clerk:—"B. and M. are from home. Will you not come to your wife Mimi? I think you may come shortly to the house. I shall let you in. No one will hear you. You can make it late; twelve if you please. I will long for you, sweet dear Emile. Emile, I will see your sweet smile, and hear your sweet voice. You will come to your Mimi and clasp her to your bosom, kiss her and call her your wife. I will not wish you a merry Christmas; but if we are saved till next together, we shall then be happy."

Mrs Anderson examined by the Lord Advocate—I am acquainted with the prisoner. I recollect meeting her at my own house on 5th February last. I had no conversation with her then about Mr Minnoch. I met her at a party at Mrs Wilkie's house, and it was then that we spoke of Mr Minnoch. She wore a necklace on that occasion. She told me she had got it from her papa. I asked her if she had not got it from Mr Minnoch. She said "No."

The Lord Advocate intimated that the case for the Crown was closed.

EXCULPATORY EVIDENCE.

The DEAN OF FACULTY said it was desirable, in bringing forward the evidence as to L'Angelier's character, that, if possible, no names should be dragged into public notice.

The LORD ADVOCATE said he was willing to endeavour to avoid bringing out any names.

The following evidence for the defence was then proceeded with :—

ROBERT BAKER—I am a grocer at St Helier's, Jersey. I lived in Edinburgh at one time, and acted as waiter in the Rainbow Tavern, and when there I was acquainted with Emile L'Angelier. That was in 1851. He lived in the Rainbow between six and nine months, till he went to Dundee. We slept together. The tavern was kept by an uncle of mine, Mr George Baker, at that time. L'Angelier was then in very bad circumstances, living on Mr Baker's bounty. He was out of a situation, and waiting till he could get one. I saw a good deal of him at that time. He was a quiet sort of a person. I was not much out with him. He was very easily excited. He was at times subject to very low spirits. I have often seen him crying at night-time. He spoke of suicide a while before he went to Dundee. He said on more than one occasion he was tired of existence, and that he wished he was out of the world. I remember on one occasion he got out of bed and walked to the window. I awoke and asked him what he was doing there; he said if I had not disturbed him he would have thrown himself out. The windows of the Rainbow are six storeys high, very nearly the height of the North Bridge. He was in the habit of getting out of bed at night and walking about the room weeping, and in a very excited state. I was aware that about that time he met with some disappointment in a love affair. He did not tell me about it, but my uncle did. I heard him talk to other people about it. It was some lady in Fife. He was very distressed at his situation, and not being able to keep his engagement. When he was speaking on this subject, I did not see him crying. On that occasion when he said he intended to have thrown himself over the window, he seemed very cool; he was not crying. He did not seem excited or agitated in any way. He came to his bed at once when I spoke to him. I thought he was in earnest, because he had talked about it so often before. We were in the habit of taking walks together in the morning before business began. Several times we walked together to Leith Pier. He talked to me about suicide when we were on the pier. He said one morning he had a great mind to throw himself over; for he was quite tired of his existence. I have seen him reading newspaper accounts of cases of suicide. I have heard him say on such an occasion—"Ah, there is a person who has had the courage to do what I should have done; I wish I had the courage to do the same."

By the LORD ADVOCATE—I had met him once in Jersey. He had been living in Edinburgh before I saw him, and was over in Jersey on a visit. It would be about 1846, I think, that I saw him there.

By Mr YOUNG—[Shewn letter No. 1]—I received that letter from the deceased from Dundee. There is no date on it. It was shortly after he left the Rainbow to go to Dundee that I received it. In it he says (after giving me instructions as to his trunks and letters) :—"I never was so unhappy all my life; I wish I had courage to blow my brains out."

WILLIAM PRINGLE LAIRD—I am a nurseryman in Dundee. I was acquainted with the late L'Angelier, and knew him when he was in the service of Dickson & Co., in 1843. I took him into our employment in Dundee in 1852. He had been away from the Dicksons' a long time, and had been in France before he came to me. He came to me about six o'clock on the 25th January, or Old Handsel Monday. He remained with me till the end of August or 1st of September. I thought he was a very sober young man, and very kind and obliging. He was very changeable and excitable in his disposition. He was sometimes very melancholy, and other times very lively. When he came to me in January 1852 he was very dull; he was not very well, and had a kind of cold. He did not tell me exactly at first, but shortly after he came to me he told me about a cross in love. He had assisted me sometimes in the seed-shop, but he sometimes wrought light work in the nursery too. It was about a fortnight or a month after he came that he told me he had had a

cross in love. He told me it was reported that the girl was to be married on another, but he would scarcely believe it, as he did not think she would take another. I understood it was because she was pledged to him. He told me who she was. Was she of a higher rank than himself?—I did not know the lady, but I believe she was in the middle station of life. After this I saw the lady's marriage in the newspapers. I got a letter from my brother in Edinburgh, and he asked me if L'Angelier had seen an Edinburgh newspaper of a certain date, in which the marriage was? L'Angelier had read the notice of the marriage. I know Wm. Pringle. He is my cousin, and was my apprentice at the time I refer to. I think it was he who told me about something L'Angelier had done. I spoke to L'Angelier in consequence. I told him I was sorry to see him so melancholy, and was still more sorry to hear that he had taken up a knife with which to stab himself. He said very little; but was very dull. I did all I could to soothe him. He said he was truly miserable, and wished he was out of this world—destroy himself, or something to that effect. He was in a very melancholy state after this. He was gloomy and moody, and never spoke to any one. I had frequent conversations with him every day; at least several conversations. Did he appear to be a person who had any religious feeling that would deter him from doing what he said?—He attended church regularly, and was very moral, but he did not shew anything particular as to religion. He went sometimes to church with me, and sometimes he went to the English Chapel. He told me often about his having been in France, and that he was in Paris during the Revolution of 1848. He told me he was engaged in the Revolution.

The Lord Justice-Clerk asked if this was necessary?

Mr Young—It is to shew his nationality.

Examination continued by Mr Young—He told me he was a member of the National Guards. He was rather a poor man. I don't recollect the wages he had from me. He came to me as an extra hand, and was out of employment at the time; and I think he had 8s. or 9s. a-week, with bed, board, and lodgings. He had no engagement, and was very well pleased with what he received.

William Pringle—I was in the service of Mr Laird in Dundee in 1852. I knew L'Angelier, who was there at that time. We both lived in Mr Laird's house. I had frequent conversations with L'Angelier. I remember of seeing a marriage in the newspapers. I did not see L'Angelier read it; nor did I tell him, so far as I recollect, what I had seen in the newspaper. I told him I had heard of the marriage in the nursery. I mentioned that to him when we were in the shop. I don't remember the express words I used; but I told him the circumstance that I had heard at the nursery that there was such a marriage. I don't remember of saying to him I had seen it in the newspapers. He seemed to be very much agitated when I told him about it, and he ran two or three times behind the counter; at least once or twice. He then took hold of a counter knife. He did not point it to his throat, but held it extended in his hand. I stepped forward to him in consequence, and he then put it down. I don't remember what he said. I don't think he was crying; at least I did not observe it. He was very changeable in his temper and spirits, and was particularly melancholy for some time after this occurrence. He and I slept together. I was a little afraid, in my own mind, that he would do something wrong. I am now twenty-one, and that was in 1852—five years ago.

Andrew Watson Smith—I am an upholsterer in Dundee. I was acquainted with L'Angelier when he was in Laird's employment in 1852. He and I became pretty intimate. I was lodging at that time at Newport; and L'Angelier was frequently in the habit of visiting me. He sometimes came on a Saturday, and remained till the Monday. We slept together on these occasions. I had very good opportunities of observing his disposition and state of mind. I thought him a very excitable sort of character, often in high spirits, and often very low. He mentioned to me a disappointment in love he had at that time. He mentioned the lady's name. He told me he had been engaged to her for a number of years—that he loved her very much—and that it had been broken off; and that on these occasions he felt inclined to destroy himself. He shewed me a ring he had got from the lady. There was a name on it, and I think it was the lady's, but I am not sure. Generally, when he spoke about destroying himself, it was in a very melancholy strain. He said he would never be happy again, and that he thought he would drown himself. Did he

ever actually tell you at one time of his having gone to destroy himself?—I have a very faint remembrance of it, but I am not sure. The question pressed.—He said he once went to the Dean Bridge at Edinburgh to throw himself over, but I am not quite sure.

By the LORD JUSTICE-CLERK—Was that before he came to Dundee?—Yes.

By Mr YOUNG—And why did he try to do this?—Because this lady had jilted him. Did he say what hindered him from doing it?—No. Was self-destruction a very frequent subject of conversation with him?—Yes. Did you think him serious when he spoke of destroying himself?—I thought him serious in his own mind; but still I had no serious apprehensions he would do it. Was it want of courage that made you think so?—Well, want of courage, perhaps. Anything else?—No; nothing else that struck me. It was only when he was in his low moods that he spoke about self-destruction. He told me about being in France at the Revolution. Did he mention to you about any injury he had received there?—He told me he felt very nervous after leaving France, which he attributed partly to the excitement of the occasion. He said he frequently heard a noise behind him, which he described like a number of rats following him. He was always very excited when he spoke about the lady who had jilted him. I remember of his crying once on those occasions. He appeared to be in great grief. That was the first time he talked to me about destroying himself, and of drowning himself.

WM. ANDERSON examined—I was a nursery and seedsman in Dundee in 1852. I was acquainted with Emile L'Angelier while he was with Mr Laird. He sometimes came to my shop. I saw a good deal of him, and had several conversations with him. What was his character?—I think he was rather sanguine and excitable. He had the appearance of being vain. His conversation had that character. When women were spoken of, he boasted of his success with ladies, and spoke a great deal about them. Do you remember what he said about them?—I remember one occasion particularly. It was in my own house. One night I had him to supper, and the conversation turned upon ladies. He told me he was very intimate with two ladies in Dundee at the time; that he felt an attachment towards them, and that it seemed to him it was returned. He said they were very beautiful girls, and worth a considerable sum of money.

The LORD JUSTICE-CLERK—Did he mean he was successful in seducing ladies, or what?—No; that he loved them, and that they loved him in return.

By Mr YOUNG—I thought he spoke in earnest. He did boast of ladies being attached to him. That was not his constant subject; it only came up occasionally. Did he ever speak of being jilted?—He said he could not tell what he would do if he were jilted. He spoke to the effect that he would have revenge in some shape or other on them if they did jilt him. Was he irritable in his disposition?—Occasionally he was. How did he shew it?—He would sit on some occasions quite dull when females were spoken of, and then he would suddenly get up in an excited state. Did his manner or disposition appear to you like that of a Scotchman or Englishman?—It was more like the French, Italian, or Spanish style.

WILLIAM OGILVIE, examined by Mr YOUNG—I am assistant teller in the Dundee Bank. In 1852 I was secretary of the Floral and Horticultural Society in Dundee, and a number of the meetings of that Society were held in Laird's back-shop. In this way, I became very intimate with L'Angelier. He was very variable in his spirits—remarkably so. What were his favourite subjects of conversation?—Well, it was generally about ladies. Was he vain of his success with them?—From his conversation he was.

The LORD JUSTICE-CLERK—Vain of what?—He talked of ladies always looking at him in passing along the street. He seemed to have considerable success in getting acquainted with them.

By Mr YOUNG—He spoke of them falling in love with him. Did you ever hear him say what he would do if he got a disappointment?—On one occasion—it was in Laird's shop—standing and speaking to him one evening, he said that if he got a disappointment he would think nothing of taking that knife (lifting a large knife which they had for cutting twine, and suiting the action to the word) and sticking it into himself. He was not speaking of any real case. The idea seemed to excite him somewhat. He spoke to me on one occasion about being in France, and travelling there. He did not mention any date. I understood he travelled with some

persons of distinction, and that he had charge of all their luggage, horses, &c.—I don't know in what capacity. He said that, in travelling, the horses were very much knocked up in consequence of the long journeys, and that he had given the horses arsenic.

By the Lord Justice-Clerk—Was it in French or in English he said that?—It was in English. Allow me to explain. At that time I was not much acquainted with the effects of arsenic, and I was interested in what he said, and wanted to know what effect it had on the horses. What he told me was that he had given it to the horses in order to enable them to accomplish a long journey. I asked him what effect the arsenic had. He said it made them long-winded, and by this means they were enabled to finish the journey. In reply, I asked if he was not afraid of poisoning the horses. Oh, no, he said, so far from doing that, he had taken it himself. I told him I should not like to follow his example. He seemed to say that he had not felt any bad effects from it, or that there was no danger, or some expression like that.

Examination continued by Mr Young—Did he tell you any other property it had?—He mentioned that another effect of it was that it improved the complexion. Did he lead you to understand that he had taken it to improve his own complexion?—He did not say so in so many words; but that was what I inferred from what he said. Did he say anything about having taken it as a medicine, or for a pain that he had?—Yes; he said he had a pain in his back, or a difficulty of breathing, and that it had a good effect in that way. Did he ever shew you any arsenic?—I am not sure that he did. I rather think that he opened the desk and shewed me some in a paper. He either shewed me some, or said that he had some—I am not sure which—but it was either the one or the other. Did he shew you any mineral at the same time?—Yes; he shewed me a fine piece of copper ore. It was that which led to the conversation about arsenic. He told me he had got that piece of ore on his journey, and it was that brought on the conversation both about the journey and the arsenic. Did you ever see him eat anything that you understood to be dangerous?—I have seen him on more than one occasion eat poppy seeds in large quantities—in handfuls, in fact, while in the shop. Did you make any remark at the time?—He had been selling a quantity of poppy seeds from a drawer, and after the customer had left the shop, he took out a handful and eat them. I expressed my surprise, and said I understood they were poisonous. He said, "So far from that, they are much better than filberts or nuts." Did he say anything more about them?—Yes; he said he had taken them in such quantities that he had got quite giddy with them. I think he said he had done that in Dickson and Son's shop when he was there.

Cross-examined by the Lord Advocate—I became acquainted with L'Angelier in the early part of 1852. He used to talk a good deal about ladies. He said what he would do if he were jilted; but he did not say he had been jilted. I did hear that he had, but not from himself. We had only one conversation about the arsenic. He did not say in what shape he took it, or in what quantity. The way it came about was this: I was making a collection of minerals, and I had expressed a wish to possess some specimens. He said he had a number of specimens at home, and he shewed me the piece of copper ore which he had in his desk. I said I would like a bit like it, and it was in the course of conversation about that, and the mode in which he had obtained it, that he spoke about the arsenic. Why did you suppose that poppy seeds are dangerous?—I understood that opium was made from them.

By the Lord Justice-Clerk—Was it only on the day that they were exhausted that he gave the horses arsenic?—I am not able to say; he just said in general terms that he gave them arsenic. I cannot say that he spoke like a foreigner. I knew he was a foreigner, but he spoke remarkably good English. I think I only heard him speak French on one occasion. I am quite sure that it was not the French word for the common bere that they give to horses. He spoke in English. I am quite sure he meant arsenic.

David Hill—I am a market gardener in Dundee. I was in Mr Laird's employment when L'Angelier was there. That was in 1852, when I was in Mr Laird's service, and L'Angelier was there. I once found a small parcel. That was before L'Angelier was there. I found a small parcel, and lifted it, and put it into my pocket, and brought it to Dundee. The person I shewed it to there supposed it to be arsenic. I don't recollect how long that was before L'Angelier came. I men-

tioned it to him. I told him of finding it there. He said, Oh, that was nothing strange, he used it regularly. He said nothing more; at least, I don't recollect.

Mr Young—Did he tell you for what purposes he used it?—No, he said he used it regularly. I tried to remember, but I don't recollect for what purposes.

Cross-examined by the Lord Advocate—You have been trying to remember; how long?—Well, I can't say; since I have been asked about this affair.

The Lord Advocate—When was that?—Saturday last.

The Lord Advocate—Who asked you?—Captain Miller.

The Lord Advocate—That is Captain Miller of Glasgow?—He was Superintendent of Police at Glasgow. He is now Messenger-at-Arms. Do you know that anybody was there with you when you spoke about it?—No.

The Lord Advocate—He said he used it regularly?—Yes, Sir.

The Lord Advocate—Did he say in what way?—No, he did not mention it. I did not inquire.

Re-examined by Mr Young—How long is it since you were cited to appear?—Since Monday.

Mr Young—A week ago; you have been thinking about it since then?—Yes, Sir.

Mr Young—You were examined on Saturday?—Yes, Sir.

Mr Young—You have heard of L'Angelier's death from the newspapers?—No, Sir; but I had heard people talking about it.

Mr Young—After you heard of L'Angelier's death in Glasgow, did you remember this circumstance?—Witness hesitated.

The Lord Justice-Clerk—Did you recollect this circumstance of the conversation about arsenic when you heard of L'Angelier's death?—No.

Mr Young—But you recollected it some time ago?—Yes, Sir.

The Lord Justice-Clerk—If you did not recollect it then, what brought it to your mind?—I do not recollect.

The Lord Justice-Clerk—Was it any conversation of others at Dundee that made you recollect this conversation about arsenic?—I do not know, Sir.

The Lord Advocate—Did you recollect it before Mr Miller spoke to you?—Yes, Sir.

Edward Mackay, examined by Mr Young—I am a merchant in Dublin; was in the habit of visiting Edinburgh in the course of my business. On such occasions I went to the Rainbow. I got acquainted with L'Angelier there. I was acquainted with Mr Baker, who keeps the tavern. I was first acquainted with L'Angelier in 1846, and continued to see him at the Rainbow till the day or so before his going to Dundee. I had many meetings and conversations with him. I saw quite enough to enable me to form an opinion of his character and disposition. My opinion was anything but a good one. I considered him a vain, lying fellow. He was very boastful of his personal appearance, of parties admiring him—ladies in particular—of his high acquaintances especially, and the society he moved in, when he returned from the Continent, and was more of a man. He boasted of the high society he met on the Continent—the titled people. Not believing what he said, I did not store up any of their titles. I met him one evening in Princes Street Gardens, shortly before his going to Dundee. He went to Dundee the following day. He was sitting when I came on him accidentally. He had got his head in a cambric pocket-handkerchief. I put my hand on him and said, L'Angelier. He looked up, and seemed as if he had been crying very bitterly. His eyes looked as if he had been weeping much. He mentioned a lady in Fifeshire who had slighted him, and treated him very badly. I made light of the matter. He was much excited when he was telling me. He spoke about ladies admiring him very often. On one occasion, I remember particularly, he came into the Rainbow and told me a lady in Princes Street, walking with another lady, had remarked what pretty feet he had. I believed it to be a story latterly. I never believed a word he said. On that occasion in particular, he spoke of ladies admiring him.

The Lord Justice-Clerk—He said he heard the ladies say this?—Yes.

The Lord Justice-Clerk—Was it a common occurrence for him to speak of ladies admiring him in this way?—Yes.

Re-examined by the Lord Advocate—I have a counting-house in Dublin. I believed the story of the Fifeshire lady, because I saw him weep.

The LORD ADVOCATE—You believed him when he wept?—Yes. I thought there was something in it then. (Laughter).

JANET CHRISTIE, examined by Mr YOUNG, deponed—Some years ago I was acquainted with a Mrs Craig, residing in St George's Road, Glasgow. She had a son in Huggins and Company's warehouse, Glasgow. I visited her house frequently. I occasionally met L'Angelier there. I recollect hearing him say that the French ladies used arsenic to improve their complexion. That was about four years ago.

Cross-examined by the LORD-ADVOCATE—I can't recollect exactly when it was that L'Angelier made this observation. I have not the slightest recollection whether it was at a dinner or an evening party. I do not recollect in whose presence he said so.

By the COURT—My acquaintance with him was very slight. I thought he was rather forward and full of pretension.

ALEXANDER MILLAR, examined by the DEAN OF FACULTY—I am in the employment of Huggins and Company. I was acquainted with the late L'Angelier. He was there before I was. He told me he was going to be married. He told me so several times, first about nine months before his death. He said several times he intended to be married on certain days, but these days passed. At last he said he was really going to be married. I said it would pass over as usual. He affirmed, however, that it would not. He gave me to understand that it would be in about two months after the time he told me. He told me on that occasion to whom he was to be married. He was very sensitive, easily depressed, and as easily uplifted.

The LORD JUSTICE-CLERK—On a former day we got an expression from Mr Kennedy that he was very mercurial.

Examination continued—I do not recollect him speaking to me about suicide, or desiring to be in his grave. On one occasion, however, he said he wished he was dead. He once spoke to me of a person taking his own life. He said he did not consider there was any sin in a person taking away his own life to get out of the world when tired of it. Having lost all happiness in it, I think was his expression. I objected, and said that our life was not our own, and that we had no right to do with it as we chose. He did not acknowledge, so far as I recollect, having altered his opinion. Upon the occasion when he said he wished he were dead, I was just going to say something, when a party came into the room, and our conversation was brought to an end. I was going to remonstrate with him. I said it was a singular expression he had used. He seemed to me to be talking nonsense, so I answered him, "You certainly don't believe what you say?" He said he did. I then said, "You certainly don't mean it?" He said he did. When I was about to remonstrate further, a party came in and put a stop to our conversation. He seemed very serious. There was no other occasion on which such conversation passed between us. He complained to me several times of having a kind of diarrhœa; and about the middle of February he said he had pains in the bowels and stomach, and his eyes were watering very much. He thought at the time that it was the effect of cold. He had on several previous occasions complained of the effects of diarrhœa. Almost since I knew him he complained so, but, latterly, he did so more frequently. I went to Huggins and Co., the 1st September 1853, and I became acquainted with him then. L'Angelier received a great many letters. I knew that he had letters from some lady, but I did not know her name till the beginning of February. He had several female correspondents besides Miss Smith.

Cross-examined by the SOLICITOR-GENERAL—In the warehouse we had the impression that he was a young man of regular habits. We considered him a worthy young man. The occasion in February when his eyes were suffused, was, so far as I can remember, about the 13th. There was another occasion when he complained—perhaps the 19th or 20th. I saw him that day in the warehouse. He came in at one o'clock. He had not been there earlier that day. When I first saw him that day, there was a sort of blackish appearance round his eyes, and a dark-red spot on his cheek. I asked him what was wrong with him? He said he was nearly dead last night. I then asked what had been the matter with him? He said he had been rolling on the floor all night. He had been so weak that he had to remain quiet. He could not call for assistance. He was so sick, he said, he was like to vomit his inside out. I asked him what he had vomited? He said it was yellowish, and very bitter. I suggested it might be bile. He said his landlady suggested the same. He said that between four and six o'clock in the morning he called his landlady to get a cup of

tea, he was so weak. I believe he got it. It was on the 19th or 20th that he told me this. He said he was very much pained in his bowels and stomach. While he spoke to me, he felt very sick. He used no action when he told me of this. He did not say where he had been the night before. He was not regularly in the office after that. Some days he looked in. I believe he was absent for some time. That was in consequence of his illness.

AGNES M'MILLAN, examined by Mr YOUNG, deponed—I was at one time in Mr Smith the architect's service as table-maid. I was with him for a year. It is three years previous to last May since I left. Miss Madeline Smith was at home when I was there. The second daughter, Miss Elizabeth Smith, left home to go to a school near London when I was there. I understood that Miss Smith had returned from the same school some time before. On one occasion, Miss Smith told me something about arsenic. I cannot remember what brought the conversation on, but I perfectly remember her saying, either that arsenic was used for the complexion, or that it was good for the complexion; either the one or the other. I can tell nothing more about it.

JAMES GIRDWOOD, surgeon in Falkirk, examined by Mr YOUNG—I have been in practice in Falkirk for about forty years. Have you ever been asked as to the safety of using arsenic as a cosmetic?—Very frequently, since the publication of that article in "Chambers' Journal." How long ago is that?—It is about two years ago, I think.

Cross-examined by the LORD ADVOCATE—Doctor, who consulted you, if that is a fair question?—Many of my friends. What did you say?—I said it was highly injurious, and ought not to be used so.

JOHN ROBERTSON, druggist, Queen Street, Glasgow, examined by Mr YOUNG—Do you remember some time ago of arsenic being asked in your shop by a man-servant?—Yes I do; about the middle of May last, so far as I can remember. Would you just tell us about it, if you please, Mr Robertson?—There was a young man came in, I should say from seventeen to nineteen, and asked for 6d. or 1s. worth of arsenic. I asked him for what purpose. He said that it was for a lady who was waiting outside. For what purpose, I again asked? He said she was going to use it for the complexion. Did you see any one waiting outside?—No. Did you give the arsenic?—No, I declined to give it.

The LORD JUSTICE-CLERK said this evidence was of no use. The circumstance happened at the time when rumours about the case had been circulating.

The LORD ADVOCATE—I did not ask his name.

PETER GUTHRIE, examined by Mr YOUNG—I am the manager of an apothecary establishment in Sauchiehall Street, Glasgow. It is Froyn and Gun's. We sell arsenic among other things. I remember a lady coming to me and asking as to the particular use of arsenic. That was at the beginning of last year. She came alone. She produced a copy of "Blackwood's Magazine," which contained an article on the use of arsenic for improving the complexion. She asked me if I had seen it? She expressed a strong desire to have the arsenic, and I declined to give it. She asked again and again, and I refused.

Cross-examined by the LORD ADVOCATE—There was nobody with her at the time. I mentioned the matter to a man named Johnston, who was in the shop at the time. I cannot say whether it was during the day that this happened.

WILLIAM ROBERTS, examined by Mr YOUNG—I am a merchant in Glasgow. I became acquainted with the deceased L'Angelier about 1853. He once dined with me. That was on Christmas-day 1855. It was on a Sunday. On that occasion he became very ill. It was after dinner. There were a few friends dining with me at the time. When the ladies left the room, L'Angelier got ill. I shewed him the water-closet and then left him. I sat for a considerable time waiting on him, and wondered why he was not coming. I opened the dining-room door, and heard a groaning, and some person vomiting. I went to the water-closet, and found L'Angelier very ill indeed, vomiting and purging. The men who were with me rushed out to his assistance. I went up stairs and got him cholera mixture, and he took a considerable quantity of it. We got very much frightened, as cholera was in the town at the time. L'Angelier remained in the water-closet a considerable time. Some time after a gentleman took him home in a cab. L'Angelier returned a few days after to apologise for his illness. He was a considerable time ill in my house. I

think an hour, probably two. I did not pay much attention as to time, never fancying that the case would come to this.

Cross-examined by the LORD ADVOCATE—I thought a good deal of L'Angelier. He was a nice little fellow. He sat in the church with me, and in the same pew, for three years. I would have believed his word at that time, as I had a very high respect for him.

By the COURT—I would not latterly have believed his word. That feeling does not arise from my own observation or knowledge, but what I have heard since. I mean from what I have heard since the commencement of these proceedings.

CHARLES BAIRD, examined by Mr YOUNG—I am the son of the late Mr Robert Baird, writer in Glasgow. I have an uncle in Huggins and Co.'s warehouse. I was acquainted with the late Mr L'Angelier. It was about two years ago I first became acquainted with him. I frequently met with him after that in his lodgings. I remember him on one occasion being very ill in his lodgings. He was living with Mrs Jenkins at the time. I think the date was about October 1856. I went to Spain immediately after that. When I went up to L'Angelier's he was just coming in. He said he had just returned from the office. He put his hand on his stomach, doubled himself up, and screamed with pain. This lasted, I should say, for about a quarter of an hour. I advised him to send for a medical man, and I believe he did so. I left him going to bed. This was about ten o'clock. I saw him on the following day between nine and ten o'clock in the morning. I asked him how he was? He said he had had a very bad night of it, and that he had sent for a medical man. I think Dr Steven, in the Great Western Road, was the name. I remember the name of the medical man distinctly. I remember the name of the Great Western Road distinctly. L'Angelier told me he had vomited a great deal indeed. L'Angelier was once in my mother's house. He never met Miss Smith there to my knowledge.

By the COURT—My family was acquainted with Miss Smith.

Cross-examined by the LORD ADVOCATE—Mrs Jenkins was with L'Angelier when he was so bad. I could not say whether she was present when L'Angelier told me that he had sent for Dr Steven. I returned from Spain about the 5th of April.

ROBERT BAIRD, examined by the DEAN OF FACULTY—I am a brother of the last witness. I was acquainted with L'Angelier. I am unable to mention the date when I became acquainted with him. It is not less than two years ago. I remember his asking me to introduce him to Miss Smith. I cannot say how long that is ago. I should think somewhere about two years ago. He asked me several times to do it. He was very pressing about it. I introduced him to her ultimately. I believe that I asked a gentleman to introduce them, but he declined. That was an uncle of my own. I think I asked my mother to do it. I asked her to ask Miss Smith to call some evening, that I might introduce Mr L'Angelier. She declined. They certainly never met in my mother's house, to my knowledge. I introduced them on the street. He never asked me to introduce him to Miss Smith's father, but he stated his determination to be introduced, and expressed some anxiety about it. When I introduced them, Miss Smith was not alone; her sister was with her. My age is nineteen.

By the SOLICITOR-GENERAL—L'Angelier asked me once to go to Row. I thought that was for the purpose of seeing Miss Smith. He frequently expressed his desire to see her father. You know her father?—I have been at her father's house.

ELIZABETH WALLACE, examined by Mr YOUNG—I keep lodgings in Glasgow, and have done so for a number of years. Mr L'Angelier lodged with me at one time. I understand that was when he first came to Glasgow. He came in 1852, about the end of July or beginning of August, and remained till December 1853, about a year and a-half. Did he give you any account of himself?—He said something about being a lieutenant in the navy at one time, and that he had got a situation in Glasgow. I understood that he meant the British navy, but I may have been wrong. He did not tell me he had sold his commission, but just that he had left the navy. He spoke of having lived in Edinburgh before he came to me. He did not say anything of being in any situation, but that he had been long out of a situation. He never alluded to Dundee. I have lived in Fife. He told me he had been frequently in Fife. He mentioned being acquainted with families of distinction, but I don't remember now who they were. He said he had heard of the Balcarras family.

By the LORD ADVOCATE—He was a well-conducted young man—kept good hours. He kept no company when with me. Did he mention any disappointment in love which he had?—One day he said he had met an old sweetheart. He had a great aversion to medicine. He played on the guitar and sung occasionally.

Colonel FRASER, examined by Mr YOUNG—I reside in Portobello. I was not acquainted with the late Mr L'Angelier. I never saw him in life to my knowledge. Did he ever dine with you?—No, never. At the time of his death I received a note from Mr George M'Call, intimating his death. He mentioned him as a friend of mine, and I was very much surprised that he did so. There is no other Colonel Fraser in Portobello.

By the LORD ADVOCATE—There is a Captain Fraser, of the navy, in Portobello.

Dr CHARLES ADAM, of Coatbridge—I am a physician at Coatbridge. I keep a druggist's shop there. I was in my shop on Sunday the 22d March last. I remember a gentleman coming in as a customer wanting something that afternoon. A gentleman called and asked twenty-five drops of laudanum, which I gave him. He then asked for a bottle of soda water. I said I had none, but that I could give him a soda powder, which I did. This was about half-past five o'clock. I took the gentleman for some military man, because several of them were in the habit of calling on Mr Buchanan of Drumpeller. I took him for one of them. He had a moustache. [Shewn photograph.] That has a resemblance to the person, but I could not be certain it was the same. It is like the person. My shop was dark at the time, because I had not the shutters down, and had only light by the glass door. I therefore could not clearly observe what his dress was. I supposed his dress to be of a dark brown shade in colour. He had on a bonnet, not a hat. It was a Balmoral bonnet. [Shewn the bonnet of the deceased.] It was like that. I remember seeing a handkerchief sticking out of his outside breast pocket.

By the LORD ADVOCATE—I saw no person with him, but he came in as if he had left some person at the door, and had been talking to him. How does a man look when he appears as if he had been talking to somebody at a door?—He was looking around as if he had been answering some question. Are you generally in the shop?—Not always; sometimes. Were you in the shop that night?—Yes. Was anybody else in?—A girl came in. Who was she?—I do not know. What did she want?—I am not certain. Were not many of the military men in the habit of coming to your shop?—Not to my shop. You have seen many of them; are you sure that is not the picture of one of them?—No. Is that picture like any of them you have seen?—Not to my knowledge. When did you first mention this?—About three or four weeks ago to Mr Miller. He was the first person I mentioned it to. I met him for the first time three or four weeks ago. I told him this when I first saw him. I told him he had got cigars. I was not certain at the time, but I knew he had got something beside the soda water. I recollected afterwards that it was laudanum. I don't know what object Mr Miller had in coming to me. What question did he first put to you?

This was objected to by the DEAN OF FACULTY, and the witness was removed. After a short discussion, he was recalled.

Examination resumed by the LORD ADVOCATE—I did not recollect at the first; Mr Miller inquired if I had given arsenic? I said I had given none. He then asked if a person had called and got any medicine at all? I did not recollect for a few minutes, but I did at that time.

The COURT—That is not entered in the book. Why not?—Because it is not required. We never put it down if under a 6d. worth.

Mr YOUNG—It is only the practice to book arsenic. It is not the practice to enter any other medicine. I was precognosced on the other side by the Procurator-Fiscal, whose name I don't know; it was on Thursday last. I was precognosced in no different way by Mr Miller than by the Fiscal.

The LORD ADVOCATE.—My shop is about 600 yards to the west of the inn.

The COURT—That picture is not like any of the moustached gentlemen, so far as I have seen. I cannot be quite certain that was the man who was in my shop. I have some supposition that it is the same, but I am not quite certain. I was shewn that portrait at the end of last week. By whom?—I don't know the name of the gentleman. By the Fiscal?—I don't know. I was able to give Mr Miller a description of the person. He was rather taller than I am. I saw the photograph in Edinburgh on Friday last.

Dr JAMES DICKSON, druggist, Baillieston, examined by Mr YOUNG.—Baillieston is on the road between Coatbridge and Glasgow. It is five miles from Glasgow, and two and a half from Coatbridge. On a Sunday evening in March, a gentleman came into my shop—about the end of March—at half-past six evening. He appeared to be unwell. He was holding his hands over his stomach and bowels, and complaining of pain. He wanted laudanum. I gave him some at the counter. From twenty to twenty-five drops. He said he had come from Coatbridge, and was going to Glasgow. He was about five feet seven inches in height, as far as I can remember. He wore a moustache, which we don't very often see in our locality. He was from twenty-five to thirty years of age. His complexion was not very dark. He had on a tight-buttoned coat. I recollect that distinctly. He had a Glengarry or Balmoral bonnet. I was precognosced by Mr Miller, and I told him what I said now. I was cited without seeing any portrait. I saw one when I came here. [Shewn portrait.] It is extremely like the person who called at my shop. I think he had a white pocket handkerchief in the breast pocket of his coat.

By the SOLICITOR-GENERAL—This was one of one or two Sundays when I was at home in the end of March. It might be April, but I don't think it was in the beginning of March. I said to the Procurator-Fiscal that it might be two and a half or three months ago. His coat was darkish, but I can't tell the precise colour. There was no one with him in my shop. I did not observe any one in the streets before or after he came to me. He spoke, it struck me at the time, with a slightly foreign accent.

By Mr YOUNG—My shop is about two or three hundred yards from the high road to Glasgow.

By the COURT—If a person wished medicine, he would require to come to my shop, as there is no other medical man in the place. He took the laudanum.

Dr ADAM re-called by the COURT—The person who came into my shop did not complain of illness. He swallowed the laudanum. I did not ask him what it was for.

Miss JANE KIRK, Gallowgate, Glasgow, examined by Mr YOUNG—I am sister to Dr Kirk, who keeps a druggist's shop in Gallowgate. It is on the north side, to the west of Abercrombie Street. On a Sunday night some time ago a gentleman came in, and got something. It was in March, but I forget the day, about the end of the month, at eight o'clock P.M. He wanted medicine. I do not remember what precise medicine he wanted. He got it, and took it away with him. I think it was a powder. I don't remember what kind of powder. I served him. He was a young man, about thirty years of age. He was not tall, rather to the middle size; not very thin, but rather slenderly built. Complexion fresh, and rather fair. He had on a Glengarry bonnet, but I could not say what was the rest of his clothes. [Shewn portrait.] This is as like him as any thing I have ever seen. I was struck with his appearance at the time; noticed it particularly. He paid for the medicine he got. He took the money from a little purse. [Shewn No. 1 of inventory No. 2.] This is the purse.

Cross-examined by the LORD ADVOCATE—This happened in March, I think. L'Angelier was alone. He was about five minutes in the shop. I am sure that is the purse. It is not only like it, but I think it is it. I can't remember what the medicine was. I did not enter it in the books. I did not enter the money in any book. I never enter in a book the money I get over the counter. There was nobody else in the shop serving. There was another woman in the shop whom I did not know. I was asked whether a gentleman had called and bought medicine. I never said so before I was asked. I was asked that about a fortnight or three weeks ago.

By Mr YOUNG—The woman who was in the shop made some remarks to me about the appearance of the gentleman. The remarks were as regards his dress.

By the COURT—She spoke about the hair at the lower part of his face, and his appearance generally. That was after he went out. He did not appear to be a foreign-looking gentleman such as I have seen.

By the LORD ADVOCATE—There was gas-light in the shop.

ROBERT MORRISON was examined by Mr YOUNG—I am in the employment of Messrs William and Robert Chambers, publishers and editors of *Chambers's Journal*, Edinburgh. [Shewn four numbers of *Chambers's Journal*, numbers 8, 9, 10, and 11,

of inventory No. 1.] These are numbers of *Chambers's Journal*, and were published in the usual way. The present circulation is about 50,000. The first of these numbers is dated 20th December 1851. The circulation was a little larger then than now. The second is dated 11th June 1853, when the circulation was the same. The third is 9th June 1856—same circulation; and the fourth is 9th July 1856, the same circulation. There is an article in each of these numbers on the subject of the use of arsenic. I am not aware whether or not the publication of these articles created a sensation at the time.

GEORGE SIMPSON, examined by Mr YOUNG—I am in the employment of William Blackwood and Sons, publishers, Edinburgh. [Shewn No. 12 of the inventory, a copy of *Blackwood's Magazine* for December 1853.] That is a number of *Blackwood's Magazine*. The circulation was about 7000 at that time. Messrs Blackwood were also the publishers of a book called "The Chemistry of Common Life," by Professor Johnston, in two volumes. That book was published in 1855. The circulation of the numbers varied from 5000 to 30,000. The circulation of the separate publication of the volume is now, I should say, about 10,000. As to the chapter in the same number of the Magazine—article 23—I can, I think, say positively, that the numbers containing it sold to the extent of 5000 copies; and the copies sold in numbers and volumes of that one article were about 16,000. There was a larger sale of the first article.

A number of letters were then put in. The first, having postmark September 18, 1855, was from the prisoner to the deceased, and was as follows:—

BELOVED EMILE—I have just received your note. I shall meet you to-day. I do not care though I bring disgrace on myself. To see you I would do anything, and bear anything. I desire to make you happy. Beloved, you are young. You ought to desire life. Oh, for the sake of your love, what would I not do, Emile? To succeed in this life, my dear, every one must suffer disappointments. I have met with disappointments, and I will meet with them again.—Your beloved, MIMI.

Letter marked 257 was then read. It was dated "October 19, 1855":—

BELOVED EMILE—Your kind letter I received this morning. Emile, I adore you. It is for yourself alone that I live. I love you. I can give you no other reason than this for desiring you; but I can have no other. If you had been a young man belonging to Glasgow, there would have been no objection to you by my parents; but as you are unknown to them, they have rejected you. Before long, you say, "I shall rid you and all the world of my presence." God forbid that you should ever do this—(sensation). My last letter was not filled with rash promises. No, Emile; the promise in my last letter must be kept. God forbid that it should be prevented. MIMI.

No. 176 was next read. It was dated "Tuesday":—

DEAR EMILE,—I am almost well to-day. If the weather would only get warmer! I have lost my appetite entirely. It is just anxiety and coldness that is the cause. I am better to-night. I have asked once or twice for a conversation with you. Am I to get it? Do you really think the conversations of the girls are what you say? I never heard a young lady speak on the subject you mention; but perhaps it is different in the schools. I always had a bed-room for myself, and never heard of such conversations. Do you think they are so bad? Some may, but I cannot think so of all.—Yours, MIMI.

Dr ROBERT PATERSON, examined by the DEAN—I am a physician in Beith, and have been in practice there for years. I have seen several cases of suicidal poisoning. These cases were of persons in different situations in life, principally young females in mills. In seven cases the poisonings were by arsenic. In many the arsenic was got about the works, in others it was purchased. I was called to prescribe for them professionally. They all died, with one exception. I used all the remedies I could think of. In six cases the patients submitted to medical treatment, and made no attempt to prevent it. Not one of the six disclosed before death that they had taken poison. I inquired directly at several of them whether or not they had taken arsenic or poison. They all denied it, and submitted to medical treatment just like any other patients. In the case of the seventh that was a recovery. She admitted to me that she had taken poison, but it was after she had almost recovered. She was then aware that she was recovering. During her illness she was sullen and morose, and would not speak on the subject. Arsenic is used to a large extent in colour establishments. It was so more extensively some time ago. The people in these establishments had great facility in taking away arsenic. The seven cases of which I speak occurred within eighteen years. The symptoms were characteristic of poison, the vomited matters shewing different colours, according to what the patient had particularly eaten.

Cross-examined by the LORD ADVOCATE—These were all cases of known suicide. I can't say whether any of them asked for a medical man to attend them. The intervals between taking the poison and death were very various; none of them was before six hours, and one of them exceeded twelve hours. The early symptoms I cannot speak of.

By the COURT—There are less facilities in obtaining arsenic now. There is less of it made now.

JOHN FLEMING, examined by Mr YOUNG—I am storekeeper to Messrs Todd & Higginbotham, printers and dyers, Glasgow. I have been so for the last eleven years, and take charge of the chemical matters used in their printing and dyeing matters. Arsenic is one of the substances used in large quantities for colouring. We get at a time from three to four hundredweight. We generally get it from Charles Tennant & Co. in its pure white state. It is used for the purpose of making colour. We get it in barrels. The arsenic barrel is put into the store among other things, and quite open. When the arsenic is taken out for sale, the lid is loosely laid on again. Three men and a boy work in the store along with me. Their duty is to weigh out the different substances to the colour-maker. From 80 to 90 lbs. are generally given to the colour-maker at a time. I give that quantity several times a-month. There is no person allowed to enter the store except those engaged in the store. I could not give the number of hands employed in Higginbotham's establishment. I would not miss three or four ounces of arsenic if it were taken away.

ROBERT TOWNSEND, examined by Mr YOUNG—I am foreman to Joseph Townsend, manufacturing chemist in Glasgow. My brother deals largely in arsenic. We have always large quantities at a time in our concern. We have from one to ten tons at a time. It is kept in the counting-house. It is locked up during the night, but not during the day. It stands in casks, as meal does in a meal shop. One cask is kept open. We employ from 100 to 140 hands. There would be no difficulty in them taking quantities away, if they were so disposed.

By the LORD ADVOCATE—I have never known any taken away.

JANET SMITH, examined by the DEAN OF FACULTY—I am sister to Madeline Smith, and am 13 years old. I was sleeping in my father's house last winter and spring in Blythswood Square. I slept in the same bed with Madeline. I generally went to bed before her, but we both went at the same time on Sunday. It was in general the same thing every Sunday. On the 22d of March we both went to bed at the same time. We went about half-past ten, or after. We went down stairs from the dining-room. I don't remember who went to bed first, but we were both undressed at the same time, and we both got into bed about the same time. We take about half-an-hour to undress commonly. We were in no particular hurry that night in undressing. She was in bed with me before I fell asleep. She was in her night-clothes as usual. I don't mind who fell asleep first. It would not be long before I fell asleep. I recollect papa making a present of a necklace to my sister. It was about a year ago. I have known her take cocoa.

By the LORD ADVOCATE—She kept it in a paper in her room. We have a fire in the room. We went to bed at our usual time for Sunday.

By the DEAN OF FACULTY—I have seen her take her cocoa in the dining-room. There was nobody else in the house took it except her. On the 23d March I found her in bed when I woke on the Monday morning. That would be about eight in the morning.

Dr JAMES A. LAWRIE, physician in Glasgow, examined by the DEAN OF FACULTY—I have been in practice for a good many years. I have not made arsenic my particular study, but I have lately tried it on my skin. I have taken a quarter or half an ounce of the arsenic sold by Currie, and washed my hands with it freely. I have put half an ounce in water, and washed my face. I tried the latter experiment on Saturday, but washed my hands before that. The effect was the same as using a ball of soap with sand. It softened the skin. I do not think that increasing the quantity would make any difference, on account of the arsenic's insolubility. There would be as much dissolved out of half an ounce as out of a whole ounce. I used an ordinary hand basin. I have treated one case of poisoning by arsenic. Some years ago, during the prevalence of cholera, I was asked to see a gentleman about seven or eight o'clock in the evening, and the account was that he had been ill since three or four o'clock in the afternoon. I found him then labouring under premonitory symptoms

of cholera, and I prescribed for him. I returned about ten o'clock, and discovered the symptoms very much aggravated, and the vomiting and purging still continued. His voice was not affected, and the vomiting was not the same as that superinduced by cholera. It was a reddish-yellow matter, and I requested it to be set aside. I thought that it was not a case of cholera, and asked the gentleman what he had taken. He said he had only taken his ordinary food, wine, &c., but nothing else. The symptoms went on still further, and I called a consultation of other medical men. I put the question still more strongly to him, and he said he had taken nothing. I was still satisfied that something else was the matter from the aggravation of the simptoms, and at last he died about three o'clock in the morning. Next day I discovered from a druggist's assistant that the deceased gentleman had purchased half in ounce of arsenic on the day of his death. I then caused an analysis of the vomited matter and of the stomach to be made, and discovered that arsenic was present in large quantities.

By the Lord Advocate—I filled the basin with the usual quantity of water, and mixed the arsenic with it. It is a practice I would have no fear of adopting, so far as one experiment goes. If I had a case which required it, such as vermin on the skin, I would not hesitate to adopt it, but only if necessity required it. About the experiment you mentioned, is extreme thirst an early symptom in poisoning by arsenic?—So far as I know, it is. Is it equally so in cholera?—I don't say that it is equally so; thirst in cholera belongs to a later stage.

Dr Douglas Maclagan, Edinburgh, examined by the Dean of Faculty—You have had some experience in cases of poisoning by arsenic?—I have. You have, of course, read a good deal upon the subject?—Yes. And have devoted a good deal of your attention to chemistry?—Yes. From what you know of the properties of arsenic, do you think that there would be any danger in using water in which a quantity of arsenic had been put, to wash the face and hands. There is so very little arsenic dissolved, that I cannot conceive that it would do any harm to anybody. What proportion of arsenic will dissolve in cold water?—If the water is merely poured upon it and allowed to stand, a very minute quantity indeed; but if agitated in cold water, I think it dissolves 1 part in 400, or some such proportion as that. That is so very minute a quantity, that it could not do any great harm, I suppose?—It would do no harm to the entire system, unless there were some ulceration or abrasion. If it is kept long in contact with the skin, it might be absorbed into the system. If a person were to wash his face and hands with water into which half an ounce or an ounce of arsenic were put, do you think that would have any effect?—I should think that there would be but very little. Arsenic will dissolve to a greater extent in hot water will it not?—Yes. But of course that depends a great deal upon the temperature?—Of course. In the case of hot water used for the purpose of washing, would the increased temperature make any difference in the amount dissolved?—It would make some difference; but it does not make a very great difference, because the quantity dissolved by simply pouring hot water upon the arsenic is not very great. In order to make boiling water an efficient solvent of arsenic, you must boil the arsenic in it?—Yes, and for some time. How long?—You require to continue the boiling for some little length of time, in order to dissolve it in very minute quantities; but if you want to dissolve a good large quantity of arsenic, from the experiments which have been made—not by myself, but by Dr Taylor—you will require to boil it violently for half-an-hour. Suppose you were to boil it violently for half-an-hour, what portion will be dissolved?—I cannot mention the exact proportion dissolved. I think it retains about a 40th part of its weight after the water cools. Now, will the presence of organic matter in a fluid interfere with its solvent power upon arsenic?—As a general rule it does. Would tea or coffee be equally solvent as water?—There does not appear to be any difference between tea, coffee, or water, when poured upon arsenic. They dissolve but a very small quantity. Would such a mixture as chocolate or cocoa be a sufficient solvent of arsenic?—I do not know how you can determine whether it is a sufficient solvent or not. You cannot filter through it, and the residuum of the arsenic is undissolved. There is a great deal of organic matter in the ordinary chocolate or cocoa. It should be entirely organic matter, except in so far as it is water. If a solution of arsenic were applied to the skin, would that have any effect?—I do not know that it would have any effect, at least I never heard of

any effect being produced by a watery solution of arsenic. I do not think it would have much effect either one way or another. If the water containing arsenic is kept in contact with the skin, or rubbed into it, the arsenic may be absorbed into the skin. There are cases on record where arsenic in ointment has proved poisonous by external application. You remember the case of a girl Davidson, who took arsenic by mistake?—Yes. You published an account of that?—I did. I attended her during the whole of her illness. How did she come to take the arsenic?—She took it by accident. In the first place, I may mention that she is not a very strong-minded person, and the accident would hardly have happened to a reflecting person. She was going to take what she thought was an effervescing powder, so she took up a white powder, which was in a paper, and put it in a jelly can, containing water, and swallowed it off. She was immediately taken ill with symptoms of poisoning, but did not become aware of her situation till she saw a dog pulling about a paper with the words, "Arsenic, poison." She then remembered that the arsenic was in the house, and belonged to her father. You have directed your attention to the symptoms of arsenical poisoning?—Yes. We all know the ordinary symptoms. Most of them are very much, almost identical with the symptoms of cholera. In the case of slight quantities of arsenic, it would appear that the symptoms very closely resemble those of what are called bilious or British cholera attacks. In fatal cases of arsenical poisoning, there is a more close resemblance between the patient and a person labouring under the malignant or Asiatic cholera. Can you diagnose a case of arsenical poisoning by the symptoms?—I believe you may. What are the ordinary symptoms?—In the first place, the vomiting would be bloody. Can you account for that symptom?—From the violent irritation, and the pouring out of a bloody mucus into the stomach; that is, after the stomach has emptied all its contents. What are the symptoms?—Supposing there were two more affections of some of the mucous membranes, an unaccountable occurrence of an extensive inflammatory redness about the eyes, and the occurrence of nervous symptoms, such, for instance, as paralysis or numbness of the limbs. But these are not necessary symptoms?—A person may be suffering from the effects of arsenic without these being produced if the quantity is small. You never saw jaundice as a symptom of arsenical poisoning?—I am not entitled to speak of my own experience, as I never saw it. Are you aware that there is any authority for saying that jaundice is a symptom of arsenical poisoning? There is a single line in Taylor's book which says that jaundice has been observed, and which refers to the remarks of Dr Marshall in the case of Turner. [Read from Dr Marshall's book the account of Mr Turner's experiment on his son, who states that he observed a yellowness in the face which had not been noticed in former experiments.] Is that a description of jaundice?—It is a description of at least one symptom of jaundice—yellowness of the skin; but it is rather strange that it does not mention the most common of all signs of jaundice, yellowness of the eyes. If you were determining the presence of that disease, jaundice, you would not be satisfied by observing merely the yellowness of the skin?—One looks to the eye first in a case of jaundice, because you see it best there. Do you think that a sensation of choking and a feeling of inflammation of the throat are symptoms of arsenical poisoning?—Certainly. Would that occur in a case of ordinary British cholera? I have seen people who are affected with choleraic symptoms complaining of being sore about the throat, but it is generally the soreness arising from what they first vomit, and after that is the muscular soreness.

Cross-examined by the Lord Advocate—What is it that causes the yellow outline of the eyes and skin?—Absorption of the choleraic matter into the blood. I presume there is nothing in cases of arsenical poisoning that produces that?—It is certainly very remarkable that we have so few cases of arsenical poisoning where the jaundice shows itself; we have eruption of those same parts of the duodenum, according with arsenical poisoning. I am not so certain that jaundice is a symptom of arsenical poisoning.

The Lord Justice-Clerk—But if you saw the appearance of the eye was much darker than usual, would that lead you to think there might be jaundice?—Oh, certainly.

The Lord Justice-Clerk—I knew a case of jaundice where the man grew yellow and yellower every day, and at last it was found that that arose from using a cake of yellow soap. (Laughter).

The LORD ADVOCATE.—Suppose you were told that in a case the body after death had a yellow appearance, and it was found to be the effect of arsenical poisoning, you would not be surprised at that?—No, not at the yellowish aspect of the skin but I would not expect that there would be marked jaundice. And if you found any symptom of that kind, where repeated doses of poison had been taken during the period from the time that the patient took ill, what would you say of that?—If such a case did occur, I would say that there would be some connexion between the cause of death and the occurrence of jaundice. In regard to the vomiting, there is a great difference in different kinds of arsenical poisoning?—Generally the vomiting is severe. You state that the presence of organic matter detracts from the power of holding arsenic in solution, would you say the same in regard to holding it in suspension?—Certainly not. Is great thirst a symptom of arsenic?—Generally it is, and generally an early and a persistent symptom. Is it so in cholera?—I should say that I have seen the thirst very early in cholera. Do you think it is usually so?—Yes, I think it is. I think you said that if the face were washed with water containing arsenic, no injurious effect at all would result?—I do not know any effect it would produce. Do you think that if you washed the face in that water, any of the arsenic would be absorbed?—Not if you keep your mouth shut; I should say your mouth and eyes. If you keep your mouth and eyes open, a quantity of the arsenic will go into them. I think, that being the case, you could scarcely recommend it as a practice?—I do not recommend it.

By the DEAN—You were asked the effect of such a fluid as cocoa in holding arsenic in suspension, will you give me any idea how much arsenic will be held in suspension by an ordinary cupful of chocolate or cocoa?—I could not answer that question. Can it be a large quantity?—It must entirely depend upon the kind of chocolate. Cocoa in this country is generally thin; but chocolate in France is generally as thick as porridge. It is not the case in this country.

The DEAN OF FACULTY then announced that the case for the defence was closed; and it being then half-past four o'clock, the Court adjourned.

SEVENTH DAY.—TUESDAY, July 7.

The Court resumed to-day at ten o'clock, when

The LORD ADVOCATE proceeded to address the jury for the Crown. He said—

MY LORDS, AND GENTLEMEN OF THE JURY,—After an investigation which, for its length, has been unexampled by any case in the criminal annals of this country, I have now to discharge perhaps the most painful public duty that ever fell to my lot. I am quite sure, gentlemen, that in the discharge of it I shall meet with the attention which the deep importance of this case requires, and which it has received from beginning to end. Gentlemen, it is impossible, whatever impression may have been produced in your minds, that during this long and protracted trial, in which have been laid before you so many elements—some of them necessarily to a certain extent disjointed; I say whatever moral impression may have been produced in your minds—and I think that there is very little doubt what that impression must be—that you can readily appreciate the full bearing of these details on the proposition which this indictment contains. It is now my duty, as clearly and fully as I can, to draw these details together, and present to you, if I can, in a connected shape, the links of that chain of evidence that we have been engaged for the last week in discussing. It may have been thought that the result of the inquiry which was gone into, would be such as would have justified us, on the part of the Crown, in resting content with the investigation, and withdrawing our charge against the prisoner. But so far is that from being the result to which we come, that, if you give me your attention for, I fear, the somewhat lengthened trespass on your patience that I shall have to crave, you will come to the conclusion that every link is so firmly fastened, that every loophole is so completely stopped, that there does not remain the possibility of escape for the unhappy prisoner from the net which she has woven for herself. The indictment charges three separate crimes, or rather it charges two crimes, one of them having been committed twice, and the other once. It is an indictment which charges two separate acts of administering poison with intent to kill, and the third charge is

the successful administration of poison with intent to kill, namely, murder—three charges to which different parts of the evidence apply, but they all hang together, they throw light upon each other—they are not unconnected acts or crimes; for, first, the administration with intent to poison was purely part of the design to kill; and, on the other hand, the fact of the death reflects and throws back light upon the previous acts of administration. Gentlemen, in stating to you the evidence on which we think that these charges must be found proved, I shall avoid as far as possible travelling into a region which this case affords too great materials for. I mean those almost incredible evidences of disgrace, of sin, of degradation, of social depravity, which this case describes. The fearful domestic results which, it must be evident, followed—the commiseration and horror which the age, the sex, the condition of the prisoner suggest—all these are things into which I shall not travel. They might unnerve me in the discharge of my painful public duty. Besides, no language of mine, none of the eloquence of my learned friend, could convey to the mind one-tenth of the impression which the bare recital of the details of this case has already carried throughout the whole of the country. I shall only say that these matters weigh on my mind—as I am sure they do on yours—with a weight and an oppression which neither require nor admit of expression. The only remark of this kind which I shall give is this, that while the prisoner, in the position of the unfortunate lady at the bar, is entitled, and justly entitled, to say such crime shall not be lightly presumed on, yet, gentlemen, if the charge in the indictment be proved—if the tale which I have to tell be true—this case will be proved to be one of the most deliberate homicides that ever justly brought its perpetrator within the compass and penalty of the law. Gentlemen, the evidence of the Crown is one into which it will not be necessary for me to go into any great detail. It is a very important fact in the inquiry, but it is one of which you can have no doubt whatever, that this unfortunate man, Emile L'Angelier, died of arsenic. There can be no doubt about that. The symptoms which he exhibited on the night of the 22d, and morning of the 23d of March, were in all respects the symptoms of poisoning by arsenic. I may have occasion, in the course of my remarks, to come back upon this. I do not stop for the present to demonstrate it. His body was opened, and the stomach was analysed by Dr Penny, who found an immense quantity of arsenic in that organ. The other parts of the body which were taken out at the exhumation were analysed by Dr Christison, and he found traces of arsenic in them; and therefore, gentlemen, I think you will come to the conclusion—and it is not a conclusion on which it is for me to dwell—that the inquiry starts with this striking fact, that L'Angelier died on the morning of the 23d March in consequence of the administration of arsenic. Whether administered by another, or taken by himself, in whatever way he swallowed it, the cause of his death was doubtless arsenic. The next question to which I come is—by whom was that poison administered? That truly constitutes the inquiry that we have now to prosecute. I do not allude, in passing from this—the *corpus delicti*, I may say;—in passing from the cause of L'Angelier's death, I do not allude to a theory which barely crossed my mind during the leading of the evidence yesterday, as a possible case to be made for the defence, that the arsenic which was found in the stomach of L'Angelier was to be attributed to other causes, and that, in short, his death arose from bilious attacks or cholera. Gentlemen, this is a theory which it is impossible to maintain. I pass from it, as I say, at present, and I assume, therefore, for the rest of the argument, that L'Angelier died of arsenic. But, gentlemen, passing from that, I now proceed to inquire what is the evidence that connects the prisoner at the bar with the death of L'Angelier; and before I state to you in detail the evidence which appears to me to shew the guilt of the prisoner, I must, after the course which the trial has taken, and the remarks which have been incidentally made in the course of it, set you right in regard to some matters which have been raised respecting the conduct of the prosecution. Gentlemen, a good deal was said while leading our evidence, especially regarding the documents of the deceased, on the course that was followed when this inquiry first began after the death of L'Angelier. The matters that were alluded to were, no doubt, of considerable importance; but you must draw, gentlemen, the distinction carefully between remarks intended to apply to the general system of conducting prosecutions of this kind, and to those matters in which the prisoner can state any injuries. Gentlemen, I say that, as far as regards

the prosecution in our hands, we know of no case in which a prisoner has had greater facilities than the prisoner at the bar. Not too great facilities, for everything which we did in that matter had a tendency to elicit the truth, which is the only object of this inquiry. Nor do I think that in so rare and singular a case as this, we in the slightest degree departed from our public duty in enabling the prisoner more easily to conduct her defence. But, gentlemen, so far as the proceedings have gone, whatever remarks may be made as to the particular conduct of particular officials, I think I shall shew you most clearly that the prisoner has suffered nothing in that respect; but that, in truth, if the matters referred to in these observations have had any effect on the accused at all, it is not against the prisoner that that effect has been produced. Gentlemen, on the death of L'Angelier, a great quantity of documents were left by him in various of his repositories. His death was sudden and unexpected. Drs Thomson and Steven made a *post mortem* examination. They could not state what the cause of death was. His employers, who took an interest in him, grew anxious. They examined his repositories, and they found that in his desk in the office, and in his lodgings, there were a variety of letters. The first examined were those in the desk in the office, which were examined by Mr Stevenson himself; and on reading some of them, it gave them a misgiving as to what the truth of this case might be. L'Angelier died on the 23d, and on the 25th Mr Stevenson made a communication to the Procurator-Fiscal—not charging anybody with the crime, or implicating any one, but simply calling his attention to the fact that L'Angelier had died under these circumstances, and stating that there were letters found in the desk which might be of importance, by throwing light on the mystery of his decease. The result was, that Mr Stevenson himself brought up six or seven letters to the Procurator-Fiscal himself that day. These letters were clearly identified. The investigation went on. By the 30th of March, Dr Penny made his medical report. A warrant was that day issued by the Procurator-Fiscal—not against Miss Smith, or in a criminal charge at all, but in the case of a sudden death—to search the repositories of the deceased. Gentlemen, that was done. The letters in the desk were sealed up in the presence of Kennedy and Stevenson. They were sent to the Procurator-Fiscal's office. They were found with the seals unbroken by Stevenson when he was there; and I think the box was opened in his presence. Mr Wilson, the Procurator-Fiscal's assistant, received the box in that state in the presence of Hart. He swears he locked it up at that time, and delivered it to Murray in the state he got it. Murray swears he marked the letters there, and delivered them in the state in which he got them; and from that time their identification was certain. In the lodgings, letters were found in the portmanteau, in the desk, and in the tourist's bag. The letters in the portmanteau and desk were made up into bundles by Murray. They were carried by M'Lauchlin to his house. He swore they were not touched during that night. Murray received them in the state he found them the night before. They marked the documents, keeping them under lock and key during the process, and handed them to the Procurator-Fiscal, who marked them himself; therefore, if you believe these circumstances, the identification of these letters is also complete. As regards the letters in the tourist's bag—the bag was opened by Murray in the presence of Mr Stevenson and Mr Hart; and there can be no doubt, therefore, of what the letters were contained in that repository. Now, gentlemen, it has been said this is a very loose and improper mode of conducting business, and that these letters should have been handed over to the Sheriff-Clerk. Now, I am very far indeed from saying that the proceedings, in the first instance, were what I could wish them to have been; because I know of no excuse for an officer, in the execution of his duty, when he recovers documents, and by the authority of the warrant, not identifying them completely at the time. But, on the other hand, that is a question not, as I think, relating in the least to the interest of the panel at the bar; because, if you shall be satisfied that these letters came into the hands of the Procurator-Fiscal in the state in which they were found, if these officers had not been officers of the law at all, that evidence would have been perfectly complete. But it is said that they do not know yet what documents were recovered by the Procurator-Fiscal. Gentlemen, they are not entitled to say so, for this plain reason, that they had it in their power, at any period, to ascertain what documents were recovered by the Procurator-Fiscal. It seemed to be said that the public prosecutor was in a

position in which it depended entirely on his will and pleasure what facilities should be given to a party accused of a crime before this Court. There is no such law in this land. If the documents were in the hands of the Procurator-Fiscal the prisoner was entitled to access to them, and an application to the Court of Justiciary would have hindered the prosecutor from keeping back a single document to which the prisoner was entitled. If they had wished to know what documents were recovered by the Procurator-Fiscal, and if any documents were retained by him, they had it in their power, before this trial began, to make their application to the Court, and ascertain that fact in the proper and legitimate manner. Every scrap of paper that passed between the prisoner and the deceased, in one shape or other, was produced in this process. It is not now in the mouth of the prisoner, or her advisers, to say that one single document has been retained. There was a complaint made that we had refused access to the original documents. Gentlemen, we did so on our own responsibility, and that we did rightly there can be no shadow of doubt. You have heard it explained in what state the repositories were, and you have seen how vital every scrap almost we have produced is to the justice of this case. It was absolutely necessary that we should have the use of documents to identify the handwriting and trace the letters, to ascertain their date and their import, and it was necessary that we should take care that under no circumstances these important elements of evidence should run the slightest risk of being lost to justice. The prisoner used a right which the law gives to a prisoner in this country. She used the remedy of what was called "running her letters" immediately after the time she was apprehended. The effect of "running letters" is this—that unless the public prosecutor bring the case to trial within a certain time, he or she goes free; and therefore it was absolutely necessary that within a limited time the case for the prosecution should be prepared. But the prisoner could have delayed the trial at any time. If her advisers had clearly thought there were improper obstacles placed in the way of her defence, do you imagine that for a fortnight or so they would have refrained from applying for delay of the trial, which they would have got at once from the indulgence of the prosecutor without any further proceedings, but which, if the prosecutor had been unwilling, the Court would have granted as a matter of course? I mention this, because I think an undue impression might have rested upon your mind in regard to these results during the discussions that arose. Gentlemen, to what extent the Sheriff should personally superintend precognitions, is a matter relating to the general administration of the criminal law. I am right when I say, that whatever may be the theory, the practice in any county in Scotland has never been for the Sheriff-Clerk to be custodier of documents. In regard to taking precognitions, although the Sheriff is responsible, it is not possible that in all cases he shall personally superintend the precognitions of a witness; nor do I think it a subject of observation on the part of my learned friend that any particular witness has been precognosced on my account without the Sheriff being present. I venture to say the result would have been, that this case must have been delayed until it was impossible for the public prosecutor to bring the prisoner to trial, or that the important public interests, which in the great community of Glasgow are committed to these important and learned officials, would have been necessarily injured. I do not say that the Sheriff ought not, as far as possible, to be present at the precognitions of witnesses, especially in such a case as this, nor do I say, in one way or other, in this case, that that duty was or was not discharged, for we have no means of judging; but what I say is this—these are matters in relation to the criminal law of this country which have no bearing on the interests of the panel in this case, and that this is a subject which does not affect it in any way, so far as the prisoner at the bar is concerned. Gentlemen, it has been stated that I should never have produced only a part of the correspondence. Gentlemen, I believe it. It is unfortunate only to have a partial correspondence; but I have produced all the correspondence referred to. It is a most essential production. But we have only one side of the correspondence. We have nearly 200 letters, or more than 200 letters, from the prisoner to the deceased, and we have only one copy of a letter from the deceased to the prisoner. There were other writings in the handwriting of the prisoner, but these, it seems, cannot legally be made evidence in the case. I regret that, in a case of such importance, we have only the letters on one side—that we have all the letters of the prisoner, and only one copy of a letter of the deceased. It is well known from

the correspondence that the letters of L'Angelier were in existence at a very recent date. I could not have been much surprised that a lady would not preserve letters of the description of those recently written; but that does not interfere with the evidence. Down to the 7th or 8th of February these letters were in existence, and we have had no explanation at the same time as to what has become of them. This we know, and this only, that there is not a single scrap in the handwriting of L'Angelier, except those four documents, three of which have not been admitted as evidence. I have done all I could to make that complete; but there is no doubt that at this very moment we have her whole correspondence, and you will have to consider the circumstance that there is only one single letter of the deceased Emile L'Angelier's. Gentlemen, the only matter in which the prisoner is interested in regard to this question is not of great importance. She has an interest whether these letters were in their proper envelopes, because they often bear no date themselves, and the postmark on the envelope is the only evidence to satisfy us if they were in the proper envelope; but let me make this observation on that subject, that this is a difficulty which necessarily occurs in every case where quantities of letters are sent in envelopes. It has been a misfortune in letters sent that there is no evidence that they were received in the same envelope in which they were found. Sometimes the letter might be in the right envelope and sometimes it was in the wrong one; and all that the officers in this case could do was to look with the closest and most scrupulous nicety, so as to put it beyond all question that it was produced in the same envelope as it was found in; and the remark of my learned friend would have been just as forcible and well founded had he asked what evidence we had that, although they were contained in these envelopes, they were sent in them, and how we can prove that the letters found in the desk in the office, not made up in any particular manner, were in the right envelope at all. The remark made in every case of the kind is the same as my learned friend ventured to make,—why we don't shew that the envelopes are the same; but I will say this, the envelopes are evidence to enable us to arrive at a conclusion. If we find in a series of letters that, in the first place, one letter is dated on a particular day, and the postmark corresponds to that particular day, and should we find that one bears date "Monday night," and the postmark is "Tuesday morning, December 28th," the letter having the date Monday night, without the day of the month, but the next day it is posted, and the postmark is the 28th; that the next is dated "Monday morning," and we find the postmark "Monday, 20th February," and that we have found from another source that that was the day—we must conclude that the letters were kept in their proper envelopes. I don't think that is the case, but it will enable you to judge as to the position of the case, and if you find that uniformity in a series of letters, one after another, you can have no doubt that they have been found in their proper envelopes, and that the true date is the date of the postmark. But, gentlemen, I do not wish to rest solely on that. There is scarcely one which I could not prove; though there were no envelopes and no postmark at all, I could prove every one in their relation to each other. Before the investigation was made into this matter, that was clearly and distinctly found out. Although the postmark is a strong presumption that there is evidence that the letters were in their proper envelopes, it does not depend on that circumstance; for it will be proved to a certainty, so far as it can be traced, that it is true. Now, gentlemen, having disposed of these preliminaries, I come to the principal details of this case. My story is short. This young lady returned from a London boarding-school in 1853. She met L'Angelier somewhere about the end of the year following, in the city of Glasgow. L'Angelier's history has not been very clearly brought out. It has been shewn that in 1851 he was in poor and destitute circumstances in Edinburgh. Of his character I will say nothing at present but this—that it is quite clear that by his energy he had worked his way up to a position which was at least respectable, and that those who came in contact with him had very considerable regard for him. It is no part of my case to maintain the character of the unhappy deceased. The facts of this case make it quite impossible for any defence of him to be made; nor am I at all ready to say that his conduct was that of a man. It has been found that when Miss Smith, the prisoner, first became acquainted with Emile L'Angelier, he was a man moving in a respectable position, and bearing a respectable character, and liked by all who came in contact with him. He was spoken of by three of his landladies in the best of terms; the Chancellor of the French Consulate

spoke of him as respectable and steady; and he was spoken of by Mr Kennedy, and his fellow-clerks in Huggins' office, with respect; and I do not say anything at present but that such is the fact. L'Angelier and the prisoner were introduced by a gentleman, and after some time it seems that an attachment had commenced between them, which was forbidden by her parents. It is only right to say that the early letters of the prisoner shew a great amount of proper duty, proper obedience, and proper feeling; but since that time interviews went on between the deceased and her; and in the year 1856, as we find from these letters, their intercourse assumed a criminal aspect. From that time till the end of the year, not once nor twice, but on repeated occasions, he had criminal connexion with the prisoner. The prisoner had so far committed herself by the end of 1856 that she was, I need not say, in L'Angelier's power. But her affection was damped within that period. In December she seeks to break off all connexion with L'Angelier by the coldness of her letters. She wanted hers back. He threatened to put them in the hands of her father. It has been rather severely said that that was dishonourable; but, gentlemen, I do not see anything dishonourable about it. The dishonour would have been greater if he had allowed the prisoner to become the wife of any honest or honourable man. She therefore saw in what position she was. She knew what she had written had put her in the power of L'Angelier. She knew that if these letters were sent to her father, not only would her marriage with Mr Minnoch be broken off, but that her parents would be set against her; and she writes in despair to him that such would be the case. She attempts to get her letters back. He refuses. There is one interview: she attempts to buy prussic acid. There is another interview: she has bought arsenic. There is another interview: she has bought arsenic again. Her letters—from being cold, from the demand for the letters being connected with them—again assume all the warmth of affection they had before. On the 12th March she makes arrangements with Mr Minnoch for their marriage; and on the 21st she invites L'Angelier to her house, with all the ardour of seeming love. She buys arsenic on the 18th, and L'Angelier dies of poison on the 23d. The story is strange—almost incredible; and no one can wonder that such a story should carry a chill of horror into every family. She is well entitled to have the charges against her proved; and I am about to lay before you such proof as shall bring conviction to your minds, and such as no reasonable doubt can remain in your minds. Fearful as the result of your verdict may be, should you consider my case established, I have to ask, and you have to return that verdict. In occult cases, the ends of justice would be frustrated if we were to say, you shall not convict a man of murder unless some one saw the deed done. But in the administration of poison that remark applies with peculiar force. In truth, the giving of poison before witnesses is so far from being presumptive proof of guilt, that it may be the strongest evidence of innocence. In a recent case, which created as great an interest in a sister country as this has done in ours, the poisoner sat at the bedside of his victim, surrounded by medical attendants, administered the poison to him in their presence, and witnessed his dying agonies with a coolness that could hardly be believed. Nothing could have been stronger presumptive evidence of his innocence than that; and he very nearly escaped conviction, from the fact that it was done without concealment, in the presence of witnesses. And, therefore, in cases of poisoning, the fact of there being no eye-witnesses of the act of administration is truly not an element of much weight or materiality. If it told at all, it would seem that, if it were done with an evil intention, it would be done secretly. The question is, whether we have been able, by the appliances at our command, to track the stream of crime through all its courses. I now proceed to consider the evidence in detail. In doing so, I shall follow a more simple and direct course than could be done in hearing the witnesses. This we commenced with the symptoms of death, and were obliged, in a certain unconnected way, to take evidence of the different parts of this chain out of their order. I shall go now exactly in the order of time, beginning at the 29th April 1856. The first letter which it is necessary for me to refer to is a letter dated 29th April 1856. I have already told you of the nature of the connexion which began between them at that time, and I intend to read a few passages from the correspondence between the 29th April 1856 and the end of that year, in order to shew you, in the first place, how far the prisoner had committed herself at that time; and, in the second place, the moral and mental state to which she had reduced herself,

and you will then be better able to appreciate the course which ultimately she was driven to pursue. The letter I am going to read is dated July 29, 1856. It is posted at Helensburgh:—

Dearest, I must see you; it is fearful never to see you, but I am sure I don't know when I shall see you. Papa has not been a night in town for some time, but the first night he is off I shall see you. We shall spend an hour of bliss. There shall be no risk—only C. H. shall know.

C. H. was Christina Haggart, who had been the confidante of the amour from its commencement, or nearly so, who had been the vehicle through whom the letters had been transmitted, and who had been cognizant of all, from first to last. The next letter is Friday, without a date; but the letter reached Glasgow on Saturday, 3d May 1856:—

Papa has been in bed two days. If he should not feel well and come down on Tuesday, it shall make no difference. Just you come; only, darling, I think if he is in the boat you should get out at Helensburgh. . . .

In another letter, dated "Wednesday morning, five o'clock," with the postmark at "Helensburgh, 7th, 1856," and the postmark at "Glasgow, 7th May," she writes:—

Wednesday morning, five o'clock.

My own beloved Husband,—I trust to God you got home safe, and were not much the worse of being out. Thank you, my love, for coming so far to see your Mimi. It is truly a pleasure to see my Emile. . . .

Then, after referring to Lima, where it seems L'Angelier had once intended to go, she goes on to say:—"I shall write dear Mary soon. What would she say if she knew we were so intimate. She would lose all her good opinion of us both—would she not?" This letter speaks a language not to be mistaken, and from that fatal time dates the commencement of this tragedy. The letters proceed, between this date of May 1, down to the end of the year, in a strain that really I do not think I should be justified, even in a case of this kind, in bringing fully and fairly before you. I may say this, however—and my learned friend knows it only too well; if there is any doubt about it, it is very easy to prove it—that the words in which they are couched, the things to which they refer, shew such an utter overthrow of the moral sense, of all sense of ordinary delicacy or decency, as to create a picture which I do not know ever had its parallel in an inquiry of this kind. This is the character of these letters from May 1856 down to the end. Where she had learned this depraved moral state of thought and feeling is another matter; and if my learned friend means to say that L'Angelier had his own share in corrupting her, I do not mean to deny it. It is no matter to this inquiry whether it was so or not; but such is the fact as regards the tone of the letters. There is scarcely one of these letters, down to the middle of December, and beyond that, that does not allude in direct terms to sexual intercourse. On Friday, a letter, with the postmark, "Helensburgh, Friday, 27th April:"—"Would to God it were to be by your side, I would feel well and happy then. I think I would be wishing you to *love* me if I were with you, but I don't suppose you would refuse me. For I know you will like to *love* your Mimi." In another letter, which has no date, but which bears the postmark "18th July," she swears she will never marry any one else; and in another letter, enclosed in the same envelope, she says:—"Our intimacy has not been criminal, as I am your wife before God—so it has been no sin our loving each other. No, darling fond Emile, I am your wife. You know I have wished as much as you do to give you my likeness. But I have not had an opportunity. I promise you you shall have it some day—so that promise won't be broken. If I did not sign my name it was for no reason. Unless it is to a stranger, I never do put Smith, only Madeline." The conclusion of the letter is in the same strain as the rest. Then the correspondence proceeds. In a letter, dated "Saturday night," and bearing the postmark "Helensburgh," with the day illegible, but which must have been written some time during 1856, she says:—"I shall not see you till the nights are a little darker. I can trust C. H., she will never tell about our meetings. She intends to be married in November. But she may change her mind." Christina Haggart was, in fact, married soon after that time. The next letter I refer to is one dated Thursday evening, in which she says:—"I cannot see you ere you go, for which I am sorry. You forget that my little sister is in my bed-room, and I could not go out by the window, or leave the house, and she there. It is only when P. is away I can see you, for then Janet sleeps with M. You see I cannot see you." In that letter she alludes to the

August number of *Blackwood* as having read it, and says she is just going to read the September one, so that indicates that it was written at the commencement of September. At the bottom of the page there is a very significant passage :—"I did tell you at one time that I did not like Minnoch; but he was so pleasant he quite raised himself in my estimation." Instead of Minnoch, the word William had originally been written, but afterwards scored out. Now, you will find that in the correspondence at the end of the year there are constant allusions made to Mr Minnoch, by way, evidently, of preparing L'Angelier for something in regard to that man; and it turns out, unquestionably, that L'Angelier was very jealous of Minnoch's attentions. The next letter has the postmark "Monday, September 29, 1856 :"—

I did not write to you (she says) on Saturday as C. H. was not at home, so I could not get it posted. I hope, love, you are home and well, quite well, and quite able to stand all the cold winds of winter. . . .

"There is some chance," she adds, "of our being in town at the end of October." Her next letter is dated "Tuesday, P.M.," and was posted in October. She says :—"I forgot to tell you last night that I shall not be able of an evening to let you in—my room is next to B., and on the same floor as the front door. [This refers to the Blythswood Square house, which she had never yet seen.] I shall never be able to spend the happy hours we did last winter. [That difficulty, as we shall see, was soon got over.] Our letters, I don't see how I am to do. M. will watch every post. I intended to speak to you of all this last night—but we were so engaged otherwise." Then the next letter I take up is dated Sunday, and was posted from Helensburgh on Monday, 20th October. In it she refers to papa being busy with the elections, evidently the Glasgow municipal elections, which take place in October, and this fixes the date—"Do you know I have taken a dislike to C. H.? I shall try and do without her aid in the winter. She has been with us four years, and I am tired of her, but I won't shew it to her." Then in another letter, dated "Friday night, 12 o'clock," in November—

Sweet love, you should get those brown envelopes, they would not be so much seen as white ones put down into my window. You should just stoop down to tie your shoe, and then slip it in. . . .

She had so arranged that, instead of having her room on the same floor with the front door, she should have it on the same floor as the low front door, so that the window of her room, being on a level with the pavement, might be a depository for their correspondence. This is the first letter giving instructions as to what is to be done. She mentions also that she had seen a friend, Mr William Anderson, and that he fancied she was going to take Minnoch. [The jurymen having each been furnished with a plan of the house in Blythswood Square, the Lord Advocate went on to explain it to them.] On the right hand of the front-door is the drawing-room, the next door to that is the dining-room, and then when you go along the passage there is no door of any kind, till you come to Mr John Smith's bed-room. Now, according to this arrangement of rooms, a person coming in at the front door could go into the drawing-room without attracting the attention of any one occupying either the bed-rooms at the back of the house or the bed-room in front. Then in the sunk flat, there is a door leading into the area, and in the passage the boy's room was on the left, and on the right the kitchen, and through that area-door any person could obtain entry without disturbing the people in the kitchen or bed-rooms. Now, gentlemen, I think that plan will give you a clear idea of the house; and that being so, I will call attention to a letter, No. 61, dated Monday evening, November 18, and posted at Sauchiehall Street receiving-office on the same day, in which she says—"First letter I have written in Blythswood Square house. Good night, my very sweet love. A kiss. Adieu, dear pet, my little husband, thy MIMI." This brings us then to the house in Blythswood Square. She had already said, "I do not see how I am to let you in," and had spoken of the window being too small; and in the letter No. 63, posted 21st November, and plainly written in Blythswood Square house, she says :—

MY VERY DEAR EMILE,—I do not know when this may be posted. Now about writing, I wish you to write me and give me the note on Tuesday evening next. You will, about eight o'cl., come and put the letter down into the window (just drop it in, I won't be there at the time), the window next to Minnoch's close door. . . . If M. and P. were from home, I would take you in very well at the front door, as I did in India street, and I won't let a chance pass. . . .

She could very well have taken him in by the street door; she could leave her own room, go up stairs without passing any bed-room, and had only to open the hall door

softly, and bring L'Angelier into the drawing-room without attracting the attention of any one. This letter proves that that is not a mere theory, but was what she proposed to do. The next letter I shall notice is dated 6.23 P.M., Friday, 5th December 1856; and I allude to this letter for the purpose of making an observation with regard to the dates. She says—"Will you, darling, write me for Thursday first? If six o'clock, do it; I shall look. If not at six o'clock, why I shall look at eight. I hope no one sees you; and, darling, make no noise at the window. I hope our next meeting will be as nice as the one on Tuesday. Thursday, 11th December, 6 o'clock, 8 o'clock"—that might be taken as the date of the letter; it is not that, it is the date of the assignation. In the body of the letter she says—"Put it in my window at six, if not, then at eight." That proves that the letter was written before Thursday, 11th December, and the postmark bears Friday, 5th December. The next letter is dated Sunday morning, 14th December, and Sunday was the 14th. It seems when we come down to this period that there was a serious intention on the part of these two persons to make an elopement. You had that proved by several letters, and there are in the letters various propositions about their being married by a Justice of the Peace. The next letter bears date the 16th December, which was Tuesday, and the envelope bears the postmark of 17th, the month being obliterated. In that letter she says, and I read this for the purpose of connecting it with the next letter—"I am going to the concert to-morrow; I do not know if Minnoch is going. J. and J. and others have sent out nearly fifty invitations to-day for the 29th. James is to be home on Friday." That was dated Tuesday. The next letter was written on Thursday, the 18th of December, and the envelope bears the postmark of the 19th. You see that in every instance the day of the week in the letters precisely corresponds to the postmark which you find on the envelope. This letter was dated Thursday. Thursday was the 18th, and the postmark was the 19th. It was one found in the desk, so there can be no mistake. It plainly was written after the last letter I read, and I mention this to shew you how the dates correspond; because in that letter she was going to a concert, and speaks about Minnoch. In No. 75, she says:—

> Emile, will you never trust me—she who is to be your wife? You will not believe me. You say you heard I took M. to the concert against his inclination, and forced him to go. I told you the right way when I wrote. . . .

There is evidence here of a fact, which we have under the hand of the prisoner a little further on, that about this time her affection towards L'Angelier had cooled. Whatever the reason of that might be, it is plain that a change had come over her feeling about this time. I have now brought you down to the 18th of December 1856. She says herself in a subsequent letter that her coldness began when she came to Glasgow in November. Not only so, gentlemen; but she begins to do what L'Angelier calls flirting with Mr Minnoch. Mr Minnoch tells you that at this time, and during the whole winter, there was a tacit understanding between him and Miss Smith that they were lovers. She repudiates that in this letter. She says, "You should not listen to reports, there is no truth in them at all." On the next day she says, "For your sake I shall be very kind to M. Our party was spoiled, as all the people James asked were old people. I am rather more fond of C. H. now; I can trust her." There is in the rest of this letter what I shall not read, for a plain and obvious reason, which it is impossible not to see the force of. It ends with this, "I am thy dear, fond, little, loving wife." That is the 18th December. The next letter bears date, Thursday night. Thursday was the 25th December, and it was posted at Glasgow on the 26th. But the next letter, No. 79, is one of great consequence, because it refers to meeting in the Blythswood Square house. It is dated Monday, 22d December, and it was posted at Glasgow, and there is no date on the envelope, the postmark being obliterated. But you will find internal evidence that it must have been that Monday, and you will see at once why. She says, in the beginning of the letter, "My lovely Emile, we must meet; if you love me, you will come." And she goes on to speak of a Christmas dinner, which, she says, is a great bore, and she says, "Will you give me a letter on Friday, at six o'clock? I say six; because I have promised, if I can, to go with Jack to the pantomime." And at the top of the page she says, "How very nasty to go and speak about James giving a party!" You know there was a reference in the last letter to James giving a party; and both that and her going to the pantomime shews that this letter was

written about that time. And as it bears date Monday, which was the 22d December, I think you will see that I am right when I say this was written on Monday the 22d, without another evidence which you have at the bottom—"Good night, I need not wish you a merry Christmas; but I wish we may spend the next together, and that we may then be happy." This shews, therefore, that it plainly was written on Monday the 22d. She says—

If P. and M. go, will you not, sweet love, come to your own Mimi. Do you think I would ask you, if I saw danger, into the house? I shall let you in. No one will see you. We can make it late. . . .

That means, you shall come into the house. Does it not mean, you have been in the house before? It speaks of his clasping her to his bosom. "You will come if papa and mamma go to Edinburgh; no one will see you, and there shall be no danger." The next letter bears date the 27th, and keep in mind what was said about the pantomime in the last letter. "Saturday night" is the date of this letter. Saturday was the 27th, the postmark was the 28th. She says:—

Now, I must tell you something you may hear. I was at the theatre; and people, my love, may tell you that M. was there too.

"I have been candid, because I think it best. Is it not so?" Then she says—"If you would drop me a note on Wednesday at 6, 8, or 10. I hope you may be happy. What are you to do on New Year's Day?" corroborating beyond all possibility the statement as to the date of the letter. There is an interval in the correspondence from 27th December till January 9th. Now, having traced this correspondence down, proving in the first place the greatest intimacy—proving that the correspondence was of such a character that no eye could see it without the character of the person who wrote it being blasted—proving over and over again her saying, not that she would marry him, but that she was his wife, and would never be the wife of any other man, because it would be a sin—having protested in language as strong as she could use, that for Minnoch she had no affection whatever, and had no intention of flirting with him, far less of being his wife—that being the state in which these two persons were at the end of 1856, we now come to the crisis, and I must beg you to keep the dates in mind from this time forth. The letter of the 9th of January 1857 bears a date, and it is one of the few which does so. It is posted at the receiving-house in Glasgow, January 10, and says:—

It is past eleven o'c., and no letter from you, my own ever dear beloved husband. Why this, my sweet one? I think I heard your stick this evening.

He was in the habit of drawing his stick across the bars.

(Pray do not make any sounds whatever at my window.) I fear your finger is bad. If it were possible, sweet one, could you not leave my notes at six, as at 10 o'c. the moon is up, and it is light. I hope, my own ever dear beloved one, you feel better and that you are in better spirits. Sweet dear Emile, I do truly and fondly love you with my heart and soul. But you, I know, think me cool and indifferent.

And she goes on to say—"I often wish I had you with me. Would you not put your arms round your Mimi, and fondly embrace her and keep her warm?" Then she wonders if the time would ever come. And then you have an observation of some consequence—"I wish I could see you; but I must not even look out of the window, as some one might see you; so, beloved, think it not unkind if I do not by any means look out. But just leave your note and go away." That is a general instruction. If you come to my window, and I don't look out, you may assume there is some reason why I do not pretend to see you, and just leave my note and go away. The next letter is dated "Saturday night," and bears the postmark of the 11th. She says:—"My own dear beloved Emile,—I cannot tell you how sorry I was last night at not hearing from you." Then she says:—"My own sweet Emile, I hope you got my note. It was posted at ten o'clock." It was dated Friday, and she says:—"I hope you got my note to-day, it was posted at ten o'clock," proving the date of this letter to be Saturday the 10th. Then, there is nothing material in the letter. She says towards the end:—"I don't think there is any chance of our living at Row again, but P. cannot get a nice place—he wants a much larger place than we have." She closes then in the warmest language—"A kiss to you whose form is ever on my eyes, whose name is ever on my lips. A kiss, a warm, tender embrace. Bless you, my own sweet love. I am your ever dear, fond, loving wife." At the time that letter was written, Mr Minnoch told you that though he had not, until a few days afterwards, asked and received her consent to be his wife, there was no doubt of the relationship between them. At that time she writes to L'Angelier:—"Monday night,

Sweet love, six if you can." The next letter bears date Monday night. Monday was the 12th. It seems to have been a habit of L'Angelier's to come to the window and leave a letter, and get an answer in the course of the day by coming back to the window. This letter was dated "Monday night," and is posted on the 14th. I am not sure that there is anything material in it. The next is dated Tuesday, and says—"I do not hear of Papa and Mamma going from home, so, my dear pet, there is no chance for us. I fear we will have to wait a bit. I do not see how I could venture to do it in Edinburgh; but if I do, you will hear." That means, "I do not see how I could go to be married in Edinburgh," as she explained afterwards, "I could not leave a friend's house in that way." She says:—"Mr Minnoch dines with us to-night, do you know? I think if you knew him you would say he is kind. I like him very much, better than I did." Then there is a letter, "Friday, three o'clock afternoon," posted the same day. When she writes, she posts the letter the same day almost uniformly; when she writes at night, it is posted in the morning. She says, among other things—"I ought ere this to have written you. I hope your hand is better." She regrets not being at the college, as "Sir Edward Lytton Bulwer is a great favourite of mine," referring to his inauguration as Lord Rector. She then says—"I shall have a note on Monday night, leave it at six. I will give you a note on Monday morning; but it is only when C. H. goes to church that I can get it posted, and she only goes every second Sunday. I hope you will enjoy yourself." The next letter bears date, "Monday, 5 o'clock," and the postmark is "Glasgow, 19th Jan. 1857." It is one of the letters that was found in the desk, and was taken by Mr Stevenson to the Procurator-Fiscal. She says—"My sweet beloved, I could not get this posted for you to-day; love, I hope you are well." Although the expressions from this time forward are much of the same kind as before, there is a manifest chill in them. The letters are shorter, curter, and colder.

I did not sleep all night thinking of my pet. I went to Govan with M., and when I got home, I was looking so ill, M. made me go and take a walk to get some colour, so B., Pattison, and I took a long walk on the Dumbarton road. When I told you, love, to write me for to-night, I forgot I am to be out.

This is on Monday, 19th January, and she writes further:—

As we go at 9 o'c., your letter will not be there, but I shall tell C. H. to take it in. Dearest Emile, all this day I have wished for you one moment to kiss you, to lay my head on your breast would make me happy. . . .

And so he was at the window on Sunday, the 18th January. Two of the letters I have passed contain passages which we will go back for a moment to point out. The letter of the 9th January contains this passage:—"When we shall meet again I cannot tell." And the letter of the 10th of January, No. 87, contains this passage:—"My dear Emile, my sweet dear pet, I should so like to spend three or four hours with you, just to talk over some things; but I don't know when we can meet, not for ten days. I might say Monday, same as last." This proves that they had met. "If you would risk it, my sweet beloved pet, we would have time to kiss each other, and a dear fond embrace; and though, sweet love, it is only for a minute, do you not think it is better than not meeting at all?" In the course of ten days they were to meet. They plainly had met before; but you see the meeting is postponed for the present. Now, there is a letter, No. 97, which is enclosed in an envelope, bearing date "Glasgow, 22d Jan. 1857," and is written on Friday. This letter was shewn to the prisoner, and she recognised the letter and the envelope. But in the envelope there was another letter bearing no date but "Sunday night, half-past eleven o'clock." At first it is not easy to see how that should have been enclosed in the envelope of Friday, 23d January. But that letter was written, not posted, and in all probability never was in an envelope at all. In the beginning of the letter she says:—

Emile, my own beloved, you have just left me. Oh, sweet darling, at this moment my heart and soul burns with love for thee, my husband, my own sweet one. . . .

I think it is plain that the true date of that letter is Sunday the 18th, because the letter of Monday the 19th says:—"I did love you so much last night when you was at the window." The next date is "Wednesday afternoon, 5 o'clock," the postmark is "21st January 1857," and Wednesday was the 21st January 1857. It is written at five o'clock, and, like all the letters which are written either in the morning or afternoon, bears postmark of the same date. It is a very short letter:—"My dear Emile, —I have five minutes to spare, my darling. I hope you are well. Why no letter on

Monday night? It was such a disappointment to me." The next letter bears date "Thursday, twelve o'clock," and the envelope bears the postmark of the 23d January, and Friday was the 23d of January. This letter, therefore, was written on Thursday the 22d. She had said in her former letter:—"I cannot see you on Thursday, as I had hoped." She said that on Monday the 19th; and on the Thursday she writes—"My dear Emile,—I was so very sorry that I could not see you to-night." That is No. 97, and that letter was found in the desk. and was spoken to and identified by the prisoner in her declaration. She says—"M. is not well enough to go from home." You recollect they meant to go to Edinburgh. She says—

My dear little sweet pet, I don't see we could manage in Edinburgh, because I could not leave a friend's house without their knowing it. . . . .

This is on the 23d, and about that letter there can be no question, because she identifies it in her declaration. On the 28th the prisoner accepts Mr Minnoch. The next documents are two envelopes, and they bear date the 24th and the 26th of January. You will see why they have no letters in them immediately. Passing these over, we come to two letters of the deepest possible consequence. They were enclosed in an envelope, posted at Glasgow in February 1857; and before I read them, let me refer to the evidence of Mr Kennedy on a most material point. She had accepted Mr Minnoch on the 28th of January. Mr Kennedy says that on a morning in February, and that a fortnight or so before the 23d, L'Angelier had come to the counting-house with tears in his eyes, and said that Miss Smith had written asking him to give up the letters, and bring her engagement to an end, as there was a coolness on both sides; that he had got the letter that morning; that he would not give up the letters; and that she would marry no one else while he lived. L'Angelier told that to Kennedy the day the letter came; you can, therefore, have no doubt whatever substantially of the date when the two letters I am now about to read to you were sent to L'Angelier. She says—"I felt truly astonished to have my last letter returned to me." There are two envelopes produced. One of these letters must have been returned by L'Angelier—"I felt truly astonished to have my last letter returned to me," which had been done plainly because it was not couched in the language of affection.

The Lord Justice-Clerk—It is stated that the postmark on that letter may have been 2d or 22d February.

The Lord Advocate—That is true. But the figure 2 is the only one that is stamped, and the 2d was the date beyond all question. It was posted on the 2d, and he must have received it on the 3d. She goes on—"It will be the last you shall have an opportunity of returning to me. When you are not pleased with the letters I send you, then our correspondence shall be at an end—and as there is coolness on both sides, our engagement had better be broken." The very words that Kennedy told you L'Angelier repeated to him the day the letter was received:—

This may astonish you, but you have more than once returned me my letters, and my mind was made up that I should not stand the same thing again. . . .

She had found coolness and indifference on both sides, and for that reason, and, as she says, nothing else, the engagement had better be broken off. She had been engaged four days before to Mr Minnoch. She was to return L'Angelier's letters. Therefore she had them. On the 2d of February 1857 she had his letters, and she had them to return. She was to return them on the Friday, and the likeness. She never returned the likeness. It was found in her chamber. What became of the letters? We have no explanation of that whatever. There is a postscript to that letter:—

You may be astonished at this sudden change, but for some time back you must have noticed a coolness in my notes. . . .

She was engaged at this time to another man:—

My conduct you will condemn, but I did at one time love you with heart and soul. It has cost me much to tell you this—sleepless nights—but it is necessary you should know. . . .

Gentlemen, what a labyrinth of bewilderment this unhappy girl—first by her lapse from virtue, and then by her lack of truth—is gradually getting herself into. She tries to break off this engagement by coolness, which, I dare say, was not affected. But she cannot do it with truth. She says:—"I have no reason for my conduct but that I do not love you as I used to do," when she knows that her reason for her conduct is that she has pledged her word to another. But she thought, by telling L'Angelier

in these strong terms that her affection was gone, and that she had no other reason, that his indignant spirit would induce him to fly off, and that she would then be free to follow her second engagement. She had behind the dreadful recollection of the correspondence that had passed. She probably did not know how much L'Angelier had preserved of it; but she knew that, if he chose, she was completely in his power. She did not hear from L'Angelier for more than a week. She wrote this on the 2d of February, and the next letter bears date of the postmark of the 9th. Its contents prove the time at which it was written. She says—"I attribute it to your having cold that I had no answer to my last note. On Thursday evening you were, I suppose, afraid of the night air. I fear your cold is not better. I again appoint Thursday night first, same place, street gate, seven o'clock.— M." Now, the first Thursday in February was the 5th, the next must have been the 12th, therefore this letter must have been written after the 5th of February, and before the 12th; and some days before, because Thursday the 12th is the time appointed. "If you can bring me the parcel on Thursday," says a postscript, "please write a note saying when you shall bring it, and address it to C. H. Send it by post." She had heard nothing, got no answer to her demand for letters, got no note, and she writes this very cold letter in a tone quite consistent with her former letter, assuming that everything was broken off, but making a second appointment for the delivery of the letters. But L'Angelier refused to give up her letters. He refused to give her up. He told Miss Perry, and he told Kennedy, and I think he told others, that he would not give up the letters, and that he would shew them to her father. Now, gentlemen, in other circumstances, and if matters had not gone so far between these persons, it might be thought a dishonourable and ungenerous thing in a man in L'Angelier's position to take that line of conduct. Whether it was so or not in this case is entirely immaterial to the matter in hand. But I cannot omit to say that, in the position in which the prisoner and L'Angelier stood, I do not see how, as a man of honour, he could have allowed that marriage to take place with Minnoch, and have remained silent. It may be doubted whether they were not man and wife by law. It is needless for me to discuss or consider that question. There certainly were materials in that correspondence on which that might have been maintained. But if L'Angelier chose to do it, and considered the prisoner as his wife—although, of course, they wished to celebrate it in the ordinary and respectable manner in which that ought to be done—if he considered her as his wife, he was entitled to refuse to give up that which proved the justice of his claims, and therefore I do not think there is much to be said, supposing it were relevant in this case, on the subject of L'Angelier refusing to give up the letters, or even on the subject of his intending to use them, to compel the woman who ought to have been his wife, by every sanction of promise and of act, to fulfil that promise in the face of the public. But it matters not. The fact is, he refused the letters; and the fact is, as you will find, that he made the threat to herself what he said he would do, to Kennedy, to Miss Perry, and to others. Monday night was the 9th of February. The appointment stood for the 12th, and the following letter is dated "Monday night," and the envelope is addressed "immediately." Recollect the strain of the letters that went before, and listen to this:—

Monday night.

Emile, for the love you once had for me, do nothing till I see you—for God's sake do not bring your once loved Mimi to an open shame. Emile, I have deceived you. I have deceived my mother.

Look at that date. She writes on Monday at night, and it is posted in Glasgow on the 10th:—

Be at the Hamiltons' at 12, and I shall open my shutter, and then you come to the area gate. I shall see you. It would break my mother's heart.

Unfortunately, in this case, the deliberate falsehoods into which this unhappy girl has brought herself is one of the least of her crimes:—

Emile, for God's sake do not send my letters to papa. It will be an open rupture. I will leave the house. . . .

You will remark that throughout all this despair there is no talk of their renewing the engagement, for the object was to be in a position to fulfil that with Minnoch:—

But, oh, Emile, do not make me go mad. I will tell you that only myself and C. H. knew of my engagement to you. . . .

And now, gentlemen, we have traced this matter up till we have left her in this unhappy position. She is so committed that she cannot extricate herself; and yet, if not extricated, her character, her fame, her reputation, and position are forfeited for

ever. But she does receive a letter from L'Angelier, which we don't possess; but on that Tuesday she again writes. That is one of the letters found in the desk. It was not posted at all; it was delivered. It was found in the envelope; but it refers plainly to the letter of the 24th, and to the assignations which were made. Gentlemen, every word of this letter, long as it is, I must read, as it is, perhaps, the pivot on which this case turns :—

Tuesday evening 12 o'c. Emile, I have this evening received your note. Oh it is kind of you to write me. . . . I have put on paper what I should not.

Doubtless, poor creature, she had done so, and we cannot see, throughout this unhappy history of the gradual downward progress of an ill-regulated mind—one cannot see it without feeling, what I am sure I feel from the bottom of my heart, the deepest commiseration; and doubtless, L'Angelier had abused his opportunities in a way which no man of honour ought to have done. He had stolen into that family and destroyed their peace for ever. And, gentlemen, my learned friend cannot say anything in that direction too strong; but still the fact remains that she put on paper what she should not :—" I was free because I loved you with my heart. If he or any other one saw those fond letters to you, what would not be said of me." If she was his wife, and considered herself as such in the eye of heaven, there was less to be said about the strain in which the letters were couched, at least they might have been written with a more innocent mind; but she saw what must be said if she was not to be his wife :—

On my bended knees I write you and ask you as you hope for mercy at the Judgment-day, do not inform on me—do not make me a public shame. . . .

Even in this despairing remonstrance there is, gentlemen, a false assertion, for she says —

There is no one I love. My love has all been given to you. My heart is empty, cold—I am unloved. I am despised. I told you I had ceased to love you—it was true. . . .

Gentlemen, I believe every word of that to be the truth, and to be the real foundation of all that happened. But, then, she had committed herself beyond the possibility of recovery. She goes on to say :—

Emile, I have suffered much for you. I have lost much of my father's confidence since that September. And my mother has never been the same to me. No, she has never given me the same kind look. For the sake of my mother, her who gave me life, spare me from shame. Oh, Emile, will you in God's name hear my prayer? . . .

P.S.—I cannot get to the back stair. I never could see the [there is a blank here, and I suppose it means the way to the back stair] to it. I will take you within the door. The area gate will be open. I shall see you from my window 12 o'c. I will wait till 1 o'c.

Gentlemen, I never in my life had so harrowing a task as raking up and bringing before such a tribunal and such an audience as this the outpourings of such a despairing spirit in such a position as this miserable girl found herself. To have her words which she wrote in confidence thus brought under public notice in any circumstances would be an intolerable agony; but the circumstances of this case throw all these considerations fairly into the shade; and if they for a moment obtrude themselves—as obtrude they must—they must be repelled; for our duty is a stern one, and must be discharged. And, gentlemen, passing from this for one moment, let me take in some of the surrounding circumstances, and see what they are. L'Angelier, whatever were his faults, was certainly true to her. He spoke to Kennedy about her; he said that in fact his attachment was an infatuation, and would be his death. It was not revenge he wanted; he wanted his wife. That is quite clear; and he plainly has told her that he would not permit his engagement to be broken, and that he would put these letters into her father's hands. And, gentlemen, now, as I have already said, I do not know that, in the circumstances, any one can say that he would be altogether wrong in so doing. But, gentlemen, at this time a very remarkable incident took place. More than four, and less than eight weeks, as one of the witnesses says, or about six weeks, as two of the witnesses say, prior to the apprehension of the prisoner, on the news of the death of L'Angelier becoming public—that is to say, something between four or eight weeks from the 26th of March, or, in other words, on the second week of February—the prisoner asked the boy, the page who served in the family, to go to a druggist's with a line for a bottle of prussic acid. The date, I think, is brought quite clearly within the period for any purpose which I have to serve. Six weeks before the 26th of March would just be between the 6th and the 12th of February. Then, as

to the state of mind she was in. Some extrication or other was inevitable, if she hoped to save her character; and with a strength of will which, I think, you will see was exhibited more than once in this case, she would not go back to L'Angelier. She had accepted the love of another, and had determined to marry that other, and she determined to carry out that resolution; and throughout all this, while she is in utter despair, and tries to move L'Angelier by protestations, there is not the slightest indication of an intention to go back to him, to love him, and to be his wife. Quite the contrary; but on that day, at the door of her own bedroom, she gave to Murray a line for prussic acid. For what, gentlemen, for what earthly purpose could she want prussic acid? And for what purpose did she say she wanted it? For her hands. This is the first suggestion of the extrication which she proposed to her own mind from this labyrinth of difficulty. And why did she want prussic acid? For her hands, as a cosmetic. Did you ever hear, gentlemen, of prussic acid being used as a cosmetic for the hands? Has there been—among a great deal of the curious medical evidence which we have had in this case—has there been a suggestion that prussic acid is ever used for the hands? But it will not have escaped your notice that not only is her mind now beginning to run upon poison, but that it is also beginning to run on the excuse for wanting it. She did not get the prussic acid; but it is perfectly clear that the time when she wanted it was the date of this despairing letter, and immediately before the meeting she had appointed for Wednesday the 11th. But, as I have already said, she did not get the prussic acid, and Wednesday the 11th came. "I cannot get," she says, "to the back-stair, but I will take you within the door." Another incident happened at this time. Christina Haggart, in her evidence, says that one day before the apprehension of Miss Smith—it was weeks, but not two months—an interview took place to her knowledge between the prisoner and L'Angelier in the house in Blythswood Square. She did not see L'Angelier, but she told you plainly that she knew it was he, and that he and the prisoner remained alone for nearly an hour in her room, and that she, Christina Haggart, remained in the kitchen while L'Angelier and the prisoner were together. There could not be any doubt about the date, although my learned friend tried to throw some obscurity over it. What she says is, that less than two months, not weeks, before the apprehension of the prisoner this interview took place. But when M. de Mean asked the prisoner how she and L'Angelier met, she denied he had ever been in the house at all, plainly and positively. I shew from the letters that he had been in the house more than once before that, but probably it was not in the course of 1857. But she positively denied he had ever been there. You find allusions throughout the letters of embraces, kisses, and interviews, and things which could only have taken place had he been in the house; and one witness states that he had been taken in at the front door, and another that he had an interview, however short. That that interview did take place, you have substantial testimony on the evidence of eye-witnesses. What took place at that interview we cannot tell. What we find is this, that in one way or other this feud had been made up, and that the whole thing had been arranged; and how arranged? Not certainly on the footing of getting back the letters—not certainly on the footing of the prisoner not continuing her engagement to L'Angelier; but upon the opposite footing—upon the footing of the engagement continuing. How was that to extricate the prisoner? What did she propose to herself to do? She had found that L'Angelier would not give up the letters. She did not persevere in her endeavour to induce him to do so by despairing protestations. She took another line, and that line was by pretending—because it could not be real—to adopt the old tone of love and affection—all this time keeping up the engagement to Minnoch, receiving the congratulations of his friends, receiving presents from him, and being engaged in fixing the time of their union. But they met that day, and the next letter was found in the desk, and was one of those brought by Mr Stevenson to the Procurator-Fiscal. It bears the date, "Osborne Buildings' Receiving Office, Glasgow, 14th February 1857." It is written apparently on Saturday the 14th:—"My dear Emile,—I have got my finger cut, and cannot write, so, dear, I wish you would excuse me. I was glad to see you looking so well yesterday." Now, I don't think that that refers to this interview. She was in the habit of passing his window and looking up to it; and the probability is, that this refers to some glimpse she had got of him in that way, or she

might have met him in the street. The interview, as I have told you, took place on Wednesday night. She goes on—"I hope to see you very soon. Write me for Thursday, and then I shall tell you when I can see you. I want the first time we meet that you will bring me all my cool letters back—[the only letters she asks for are her cool letters]—the last four I have written—and I will give you others in their place. Bring them all to me. Excuse me just now. It hurts me to write; so with kindest and dearest love, ever believe yours with love and affection—M." She asks for those letters back which she had written in her cool moments, to convince L'Angelier that she is as true to him as ever; but she, it will be seen, makes an appointment for Thursday, and if that was written according to the postmark, plainly the quarrel must have been made up, and Thursday was the 19th of February. Gentlemen, be kind enough to bear that in mind. We are now coming to the very crisis of this case. On Tuesday, the 17th February, L'Angelier dined with Miss Perry. He told her he was to see Miss Smith on Thursday. Thursday was the 19th, and you find in this letter corroboration of that statement of Miss Perry. She says, "Write me for next Thursday." He must have gone with the letters. He had that appointment with her, and he told Miss Perry that he had seen her on the 19th. Some day before the 22d of February, or I may say the 19th of February—and you will consider whether that is proved or not immediately—L'Angelier, in the middle of the night, was seized with a sudden illness. You heard it described by his landlady Mrs Jenkins. It was vomiting and purging—vomiting of a green stuff, with excessive pain, and he lay on the floor all night; he said he was so ill that he could hardly—he could not, in fact—call for assistance for some time. The landlady found him in this state in the morning. He was at last relieved, but only after a great deal of suffering. These symptoms were the symptoms of arsenic. My learned friend, no doubt, will say it might be cholera. Never mind at present whether it might be cholera or not. These symptoms were the symptoms of arsenic—of an irritant poison. I shall consider, by and by, whether the symptoms of cholera were precisely the same. It is enough at present that they were the symptoms of arsenical poisoning. He recovered and went to the office. On the 21st, the prisoner purchased arsenic from the shop of Mr Murdoch; a very singular purchase, gentlemen, for a person in her position to make. But it was not the first time in the history of this case that she tried to buy poison, for she tried to buy some before the meeting of Wednesday the 11th. I shall not stop just now to discuss the question of the reason which she gave for it, because my object, at present, is simply to give you the historical fact, although, gentlemen, if you shall find that the excuse she gave for buying the poison was a falsehood, it is difficult to see how strong and inevitable is the conclusion you must necessarily draw from that singular fact. But she went to Mr Murdoch's shop and asked for the arsenic openly; but the story she told in regard to its use was, upon her own confession, a deliberate falsehood. She wanted the poison to kill rats at the Row. The excuse that is given for it afterwards may have been an afterthought or not; but you have this singularly startling fact, that she, on the 21st February, goes to Mr Murdoch's shop to get the poison alone, there being no person with her. She says that the arsenic she wants is for the gardener at Row, to kill rats, and that he had first tried phosphorus paste, but that it had failed. Now, this was an utter falsehood, an admitted falsehood. You shall see immediately what she says is the real reason, and you will consider whether that is any more true than the one she at first gave. Having purchased that arsenic on the 21st February, according to my story, L'Angelier visited her on the 22d, which was a Sunday; and on the night of the 22d and morning of the 23d he was again seized with the very symptoms he had before —the identical symptoms, in a somewhat milder form, viz., a green vomiting, purging, pains, and thirst—everything, in short, which you would expect in a case of arsenical poisoning. I described these symptoms to Dr Christison, and you heard what he said he concluded. Dr Thomson, who attended L'Angelier as his patient, said that the symptoms which he himself saw were the symptoms which he would have expected in a case of arsenical poisoning. And for the present, for the purpose of what I am now maintaining, it is quite enough for my story that the symptoms were in substance those which would follow a case of arsenical poisoning; and that was on the 22d. There is no doubt about it. It is of the night of Sunday the 22d, and the morning of Monday the 23d of which we are now speaking. Gentlemen, it

is most material that you give me your attention to this particular time. If you believe Miss Perry—and I think you will find no reason to disbelieve her—L'Angelier told her he had seen the prisoner on the night of the 19th, and that he had been ill immediately after the 19th, and also that he had been ill on the 22d or 23d. I don't know that she named these days, but she said he had been twice ill before she saw him on the 2d March, and he told her that these two illnesses followed after receiving coffee at one time and chocolate at another time from the hands of the prisoner. Now, if that be true, then it is certain that he saw her on the 19th and on the 22d. And, in corroboration of that, would you listen to this letter, which was found in the tourist's bag, and which was unquestionably in the state in which it was when received, and I think you will consider it of the deepest importance on the real facts of this case. It was posted at Glasgow, the date being illegible; and we have had a great deal of discussion with the witness from the Post-Office as to what really was the postmark. That witness thought, at least, he determined a letter which indicated March. My learned friend disputed the accuracy of his inspection, and I am inclined to adopt his view; and, in fact, I do dispute it, and think the witness was wrong. I believe the postmark is entirely obliterated; and if you have the curiosity, or, rather, if you think it would assist you to look at it, as my learned friend proposed, I have no objection whatever; but I shall tell you the right date, and shall prove it, irrespective of the postmark. The date I would fix for it is Wednesday the 25th February, and the letter is as follows:—

DEAREST SWEET EMILE,—I am sorry to hear you are ill. I hope to God you will soon be better. . . . You looked bad on Sunday night and Monday morning. . .

Where had she seen him on the Sunday night and the Monday morning? It could only be Sunday the 22d and Monday the 23d of February:—

I think you got sick with walking home so late, and the long want of food, so the next time we meet I shall make you eat a loaf of bread before you go out. I am longing to meet again, sweet love. . . .

Now, gentlemen, if it was written on the 25th, it proves that he saw her on Sunday and Monday, the 22d and 23d; and it proves that he was sick at that time, and looking very bad. According to my statement, he had been taken ill on the 19th; and it proves that she was thinking about giving him food. It proves that she was laying a foundation for seeing him; she was taking stuff to bring back her colour; and it proves she was holding out a kind of explanation of the symptoms he had; because she says she was ill herself, and that as every one was complaining, it must be something in the air; and it proves that all this took place the day after she had bought the arsenic at Murdoch's. L'Angelier, it was also proved, had said his illness had taken place after receiving coffee from the prisoner. That was what he said, and she says in her own declaration that upon one occasion she did give him a cup of coffee. Gentlemen, as to the date of this letter there are a few facts to determine it absolutely. In the first place, it was dated on the Wednesday; it was after his illness, and it was after he was unable to go to the office in consequence of that illness; because she says:—"I am sorry to hear you are ill. I hope to God you will soon be better. Take care of yourself. Do not go to the office this week; just stay at home till Monday. I think you got sick with walking home so late, and the long want of food, so the next time we meet I shall make you eat a loaf of bread before you go out." The prisoner was shewn that letter, and she refers to it in her declaration, and refers to it in alluding to his recent illness. She says it was a mere jocular observation that about the want of food; but as she attributed his illness to want of food, she had made the observation about a loaf of bread. Well, then, gentlemen, if it was after he was ill, it was on a Wednesday; and in the month of March it could not be, because she says in this letter, which is of Wednesday's date, "I cannot see you on Friday as M. is not away, but I think Sunday P. will be away, and I might see you I think, but I shall let you know." Now the first Wednesday of March was the 4th. But there is a letter of the 3d March, which I will read immediately, in which the prisoner says they were going to the Bridge of Allan on the 6th. Therefore it is impossible that this could have been Wednesday the 4th March. The next Wednesday was the 11th, as she was still at the Bridge of Allan, and L'Angelier had not seen her; and it could not be the next Wednesday, which was the 18th, as L'Angelier was a great deal better, and had returned from Edinburgh. I have now shewn you how the matter stands up to the 25th of

February. No doubt the illness of the 19th of February took place, when I cannot prove that the prisoner had any arsenic in her possession. That is perfectly true. The prisoner's counsel took some pains to prove that arsenic might be had without a purchase at a druggist's shop; but you will have to look in the first place to the surrounding circumstances, and to the fact that L'Angelier said that his two illnesses had followed immediately after receiving a cup of coffee on one occasion, and a cup of cocoa or chocolate from the prisoner on the other. Then she admits that she did give him a cup of cocoa, and that she had the means of making it in the house; and the illness the second time was of the same nature as on the first occasion, and upon both occasions the symptoms were those of arsenical poisoning. But you will also consider what to my mind weighs with great force, the nature of the arrangement between L'Angelier and Miss Smith. How did she propose to extricate herself from the difficulty in which she was involved? She had everything at stake—character, and fame, and fortune, and everything to lose; and yet she knew she could not get back those fatal letters by any cajoling, and she did not intend to cajole any longer; but she professed to adhere to her engagement with L'Angelier. What did she contemplate when she went for the first time to purchase prussic acid? And now for the excuse that is given for the purchase of the arsenic. She says, in her declaration, that when she was in a school in England she had been told by a Miss Giubilei that arsenic was good for the complexion. She came from the school in 1853; and, singularly enough, it is not till that week and day of February last, the 22d, that she ever thinks of arsenic as a cosmetic. Why, gentlemen, should that be? At that moment, I have shewn you, far from thinking of her complexion, she was fighting for her life, or rather, for what was dearer than life; and is it likely that she would at this time be looking about for a new cosmetic? But what is the truth? What she read in *Blackwood's Magazine* and *Chambers's Journal* refers to the internal use of arsenic; and what does she say she did with what she purchased? She poured it into a basin and washed her face with it. Do you believe that, gentlemen? Was that following out what she had found in the magazines; because, whether it be a true theory or not, the use of arsenic there referred to, was to swallow it in very small quantities; and therefore, you will have to consider this, and to say whether you believe she bought the arsenic for the purpose she says. A very respectable gentleman came into the witness-box and swore that arsenic might be safely used in the way which the prisoner said she had done, and that he had the courage to try the experiment. I would not like to say anything to shake the nerves of so respectable a practitioner from Glasgow, but I don't think that that experiment has been altogether yet completed; and that experiment which he tried on his own face and hands on Saturday may, for aught we know, produce some baneful results hereafter. (A laugh.) But with all deference to Dr Maclagan and Dr Lawrie, you heard what was said by the two first authorities in Europe, that such experiments must necessarily be attended with danger. Dr Maclagan says that if you don't keep your mouth and eyes shut, the effect will be very bad; but that if you keep them shut, the effect is nothing at all. But Dr Penny and Dr Christison told you plainly that they would not like to wash in water so prepared. But of what avail is all this? Has the prisoner shewn, or her counsel, with all their ability, that any man anywhere ever prepared water with arsenic in it as a cosmetic? I fear there is but one conclusion you can come to; and that is, that there is not one word of truth in the excuse she has stated; and if therefore two falsehoods have been told about this business, first in the shop about the poisoning of rats, and, second, in her declaration, about her having used it for a cosmetic, I fear that the conclusion is irresistible that the purpose for which she did purchase it was a criminal one; and that, taking all the circumstances into consideration, you cannot possibly doubt that the object was to use it for the purpose of poisoning L'Angelier. But this time it fails. He is excessively ill. How she got the poison for the 19th I say at once—and the prisoner is entitled to any benefit that may give—I am unable to account for. But you will recollect what the symptoms are, and you will also recollect the meeting of the 22d or 23d, and of those letters that refer to that meeting; and it has been proved conclusively what has been said before that L'Angelier was sick at the time of the meeting, and that reminds me of what I had forgot; in the first place, that M. Thuau, his fellow-lodger, had asked L'Angelier whether he had been with Miss Smith

on the occasion of his first illness. If that took place on the 19th—and I think I have proved that pretty conclusively—then you have another witness testifying that on the 19th these two people met. It is quite true that Mrs Jenkins and M. Thuau said they did not think that L'Angelier was out on the 22d. They say so with hesitation; and it is plain that Mrs Jenkins's recollection of periods is not very accurate, unless she has something to go by. I shall shew you immediately that her recollection with regard to his last illness was corroborated and fixed by certain matters upon which she could not be mistaken; but from that letter of the 25th, which I have read, and which I think I have proved was written on the 25th, I think I have shewn that unquestionably he was out on Sunday night and on the Monday morning, and he told Miss Perry accordingly that he had been so. He got better, and on the 27th of February a letter, found in the tourist's bag, clearly identified, bearing the postmark of 27th February 1857, is sent from the prisoner in these terms:—"My dear, sweet Emile—I cannot see you this week, and I can fix no time to meet with you." That proves, if there were wanting proof, that the Sunday night and Monday morning were not subsequent to the 25th February:—"I do hope you are better. Keep well, and take care of yourself." In the former letter of the 25th she writes—"I am sorry to hear you are ill." Two days afterwards, which is quite consistent with the first, she writes—"I do hope you are better. I saw you at your window. I am better, but have got a bad cold." Therefore this letter of the 27th is clearly connected with the letter of the 25th, in which she says—"I am sorry to hear you are ill." In the letter of the 27th, she further says—"I shall write you, sweet one, in the beginning of the week. I hope we may meet soon." Now, gentlemen, what was L'Angelier about all this time? We have very clear evidence of that from Mr Kennedy, Miss Perry, and Dr Thomson. The man was entirely changed. He never recovered his looks and health. When he appeared in the office, as Miller told you, his complexion was wan, and there was a dark, hectic spot on either cheek. You have heard from Miss Perry that, on the 2d March, when he called on her, he was a frail and tottering man, entirely altered from what he used to be. He was allowed to be away from the office. He followed the advice given him in the prisoner's letter of the 25th; he did not return to the office till next week. Here it was proved that this was the only occasion on which he was detained by illness from the office. He was recommended to leave town for the good of his health, and to get leave of absence from the office. And while I am here, and before I pass on, let me just allude in a sentence to a conversation that took place between Miss Perry and L'Angelier. Gentlemen, you cannot fail to be struck with the significancy of what he said, that his love for Miss Smith was a fascination; and he used the remarkable expression, "Why, even if she were to poison me I would forgive her." He had said before, in a looser way, to Kennedy, that he was utterly infatuated, and that she would be the death of him; but this time he uses these remarkable words, "If she were to poison me I would forgive her;" and that in connexion with the statement that his illness had immediately followed the cup of coffee and cocoa which he got from her. What could have put that into his head, unless it was true that he had got a cup of coffee on the one occasion, and a cup of cocoa on the other? What could have put it into his head to say, "If she were to poison me I would forgive her?" Do you believe Miss Perry's story that he did say that? And if he said that he had a cup of coffee the first time, and a cup of cocoa the second, it was the effects that followed that put it into his head to say, "If she were to poison me I would forgive her." Now, having laid before you the evidence which I have brought to bear on the critical period of the 19th and 22d February, I leave you to judge whether, at all events, it is not certain that L'Angelier met the prisoner on these two occasions; secondly, that he got something from her on both occasions; and, thirdly, that his illness immediately succeeded after he had received the cup of coffee on the first occasion, and the cup of cocoa on the second; and, in the last place, that this took place in circumstances which led him to say, half in joke and half in earnest, "Well, if she were to poison me I would forgive her." Miss Perry does not say that this was a serious belief on his part, but it was a floating notion that went across his brain; and I suppose he drove it away again. We shall see what happened to drive it away; we shall see the protestations of renewed love which made him believe that the phantom which had been conjured up was, after all, a mere delusion of his own brain. But he sees Miss Perry on the

2d March, and had this conversation with her. In regard to Miss Perry, let me say that the observation which was made in the Fiscal's Office, which she said made her think of the day of L'Angelier's first illness, was certainly not the matter which led her to say that the first illness was on the day specified; for she recollected that it must have been so, for he had been dining in good health with her two or three days before the time of the appointment. She knew she had not seen him between the 17th, when he dined with her, and the 2d of March; and as he told her his appointment was for the 19th, she began to recollect the circumstances, and remembered that the 19th must have been the date of the first illness. When L'Angelier was recovering, the prisoner writes a letter dated Tuesday the 3d March. Now, here we come to a most extraordinary fact. It appears that L'Angelier had proposed to go to the Bridge of Allan; and on Tuesday the 3d of March the prisoner writes to say that she and the family go to Stirling for a fortnight, and were to go on Friday the 6th; and it seems that L'Angelier had some thoughts of also going to the Bridge of Allan. She writes—

My dearest Emile—I hope by this time you are quite well and able to be out. I saw you at your window, but I could not tell how you looked, well I hope. I am very well.

The terms of this letter, as I have already said, prove, I think, distinctly that the letter which I hold was written on the 25th could not possibly have been written after that date. She continues:—

I will write you, but, sweet pet, it may be only once a-week, as I have so many friends in that quarter. . . .

She writes the next day a letter, posted on the 4th March, and clearly written at that time. It is:—

Dearest Emile—I have just time to give you a line. I could not come to the window, as B. and M. were there, but I saw you.

This is very curious, gentlemen. She had made the attempt on two occasions, and had failed. Apparently her heart misgave her. Probably she thought that if she could get him out of the way, she might marry Minnoch without his interruption, and that then she could say to L'Angelier on his return that he could have no motive to interfere. You will see that her plan is to get L'Angelier to go to the Isle of Wight. She says:—

If you would take my advice, you would go to the south of England for ten days; it would do you much good. . . .

Gentlemen, you cannot but be struck that these last letters, though written in the old words, are not written in the old spirit of the letters between these two persons. And, as you might have expected, this struck L'Angelier himself. And I may now read what I regret to say is the only scrap of evidence under the hand of this unhappy young man that I have been enabled to lay before you. It is of some consequence. It shews the tone of his mind—it shews the position in which he stood as regarded the prisoner—it shews what had taken place between them since the reconciliation, and indicates very plainly what at that time his suspicions were. He writes:—

Glasgow, March 5th, 1857.

My dear sweet Pet Mimi—I feel indeed very vexed that the answer I received yesterday to mine of Tuesday to you, should prevent me from sending you the kind letter I had ready for you. . . . .

Referring manifestly to the conversation between Mrs Anderson, whom you saw in the box yesterday, and the prisoner on the subject of the marriage:—"No, Mimi (he continues), there is foundation for all this. You often go to Mr M.'s house, and common sense would lead any one to believe that if you were not on the footing reports say you are, you would avoid going near any of his friends. I know he goes with you, or at least meets you in Stirlingshire. Mimi dear, place yourself in my position, and tell me am I wrong in believing what I hear. I was happy the last time we met—yes, very happy." That was on the 22d. Now, observe he says that after that meeting of the 22d he was forgetting all the past. Whatever he had felt passing through his mind on the subject of the strange coincidence between his two illnesses was, he says, being forgot—he was for putting it away, but now he says it is all beginning. Here are his words:—

I was forgetting all the past, but now it is again beginning. Mimi, I insist on having an explicit answer to the questions you evaded in my last. . . .

This letter was written on the 5th March 1857; and the prisoner buys her second

ounce of arsenic the next day. But before she does so, she writes a letter on the 5th. It was plainly written on the 5th, because the press copy of the letter to L'Angelier was on the 5th, and it was an answer to it. As I told you, next morning she went to Mr Currie's shop, and purchased an ounce of arsenic, for the purpose, as she said, of killing rats in Blythswood Square house. She asked how much was sixpence worth, although she had purchased a similar quantity before on the 28th of February. When she got the letter from L'Angelier, in which he said, "I will find another way of satisfying myself," she replied, "Don't come to the Bridge of Allan, go to the Isle of Wight;" on his stating the impossibility of his going there, she writes him, "Well, go your own way;" but in the fear or expectation that he *might* come to the Bridge of Allan, she purchases the arsenic. It is quite true that she says, "I will answer all questions when we meet," but she purchased the arsenic notwithstanding. She purchased that arsenic incontestably on false statements. This time it was not rats at the Row, but rats at the house in Blythswood Square—which was to be shut up, and all the servants taken away. The whole of that statement was an absolute falsehood. There were no rats in Blythswood Square house, the servants were not all to be removed, and the house was not to be shut up. Gentlemen, again it is said, it is for her complexion that she bought it and used it. Do you really think that it had done her so much good in that way before as to induce her to use it again? No one has had the hardihood to go into that witness-box and say that it would have any beneficial effect upon the complexion, or any effect at all which could induce the prisoner to continue such a practice; but what does she do when she finds the toils getting close around her, and L'Angelier not longer to be put off—having pledged herself to one falsehood, and seeing that she could not escape, what does she do? She goes and purchases an ounce of arsenic. Gentlemen, draw your own conclusion. There is the statement about the cosmetic, but it is one which no reasonable man can entertain. It may, perhaps, be said, What did she do with all that arsenic—she could not use the half, the tenth, even the twentieth part of it, on the former occasion? Well, what she did I apprehend was this—she was afraid to leave it lying about, and whenever she had used what she wanted of it, she put the rest in the fire. The family were going to the Bridge of Allan, and when she found she was to leave town, she disposed of that portion of the arsenic which she had still remaining by putting it where it could not be discovered by any one. The two last letters she wrote were from the Bridge of Allan. They are cold letters enough. The first of them bears the postmark, Bridge of Allan, 10th May 1857, and in it she says, amongst other things, "We shall be home on Monday or Tuesday. I shall write you, sweet love, when we shall have an interview"—an interview, remark—"I long to see you, to kiss and embrace you, my only sweet love." She says, "I shall write you when we shall have an interview;" and we shall see with what feverish impatience L'Angelier awaits that interview. The last letter has the postmark 13th March. In it again she says:—"I think we shall be home on Tuesday, so I shall let you know, my own beloved sweet pet, when we shall have a dear, sweet interview, when I may be pressed to your heart, and kissed by you, my own sweet love. A fond, tender embrace; a kiss, sweet love." Then she says, "I hope you will enjoy your visit here." About that time it was arranged that L'Angelier should postpone his visit till the family came back. Gentlemen, what was going on at the Bridge of Allan at this time? The marriage with Minnoch was all settled; the day was fixed; she was committed beyond all hope of recovery, and she could see no way out. But, leaving her there for the present, let us follow L'Angelier for the next most critical ten days of his life. He got leave of absence on the 6th; he goes to Edinburgh for a week; he dines with the Towerses, talks to them about his illness, and again repeats to them the singular statement which he made to Miss Perry, that he had got coffee and cocoa "from somebody," and that his illness followed immediately. He says, he should not wonder that he should be ill after taking cocoa, for he was not accustomed to it, but he had often taken coffee, and never felt any bad effects from it. The Towerses were so much struck with what he said that they said, "Has any person been poisoning you?" To that he made no answer whatever; but you will not fail to see a remarkable corroboration in the story told by Miss Perry, and the real circumstances I am explaining. But he was to have had a letter from the prisoner appointing an interview—he had not had one since the 22d—and he was longing for

it with impatience. He came back to Glasgow on the 17th; he asked, was there not a letter for him; and none having come, he stayed at home all the Wednesday expecting the letter, but still none came. He went to the Bridge of Allan on Thursday the 19th, and after he had gone, the letter came. He had made arrangements that he was to stay at the Bridge of Allan for a week, and Mr Thuau was to forward to him any letters which arrived in his absence. We have not got that letter, but the envelope has been found. It bears to have been posted between 8.45 and 12.20 P.M. on Thursday. Gentlemen, that envelope was found in the tourist's bag. I have to remark, in reference to the observations of my learned friend, that that letter has never been found; we know not what has become of it, or where it is; but this is certain, that the envelope was found in the bag, and the things that were in the bag were marked at once, and there can be no doubt of the state in which they were found. I regret the absence of that letter as much as my learned friend, but I think we have internal evidence in the correspondence of what the import of that letter was. But that letter came on the 19th, and Thuau, on the same day, addressed it to the Post-Office at Stirling, to the address of L'Angelier, and it was posted at Franklin Place on the night of the 19th March, and reached Stirling on the 20th. On the 20th, L'Angelier writes to Miss Perry from the Bridge of Allan. He says, "I should have come to see some one last night, but the letter came too late." After a letter or two, which are not material now (they were material at first, as shewing the course he had taken), from Stevenson, we come to this, the last of the series—

Why, my beloved, did you not come to me? Oh, my beloved, are you ill? Come to me. Sweet one, I waited and waited for you, but you came not. . .

Posted at Glasgow on the 21st March, between 9 A.M. and 12.30 P.M., and deliverable between half-past one and 3 P.M. the same afternoon. That letter was found in the pocket of his coat, and of that letter and envelope there can be no dispute whatever. There was an appointment for Thursday the 19th, and on Wednesday the 18th she bought her third packet of arsenic. She went to Currie's shop on that day; she told him the rats had been killed, but she still found a great many large ones in the house; and as she had bought the arsenic before, and seemed a respectable person, and as the story was told without hesitation, she got the third packet of arsenic. That letter was enclosed by Thuau to L'Angelier on the same day that brought it. In his note he says: "My dear sir, I find a letter has arrived for you. I haste to put it in the post, if there is yet time." L'Angelier got that letter at Stirling after nine o'clock on the Sunday morning. He left Stirling shortly after evening service had begun—proved by his landlady that he left at that time—proved by the postmaster that he got the letter—proved that he was in his usual health when he left. He walked to Stirling from the Bridge of Allan. The guard recognised him as the gentleman who came in the train from Stirling to Coatbridge. He handed him over to Ross the auctioneer, and swears that they two were the only persons who left the train at Coatbridge, and that L'Angelier had some refreshment when the train stopped, and ate heartily. Thereafter he started in company with Ross at Coatbridge for Glasgow; and Ross swears that he walked all the way with him, that he was quite well, and walked briskly. He arrived at his lodgings a little while after eight o'clock; and his landlady, Mrs Jenkins, said he was greatly improved since he left on Thursday the 19th. He came home in the greatest spirits, and he told them that the letter had brought him home. His landlady knew at night that he was going to visit the lady; but she never asked him any questions on such occasions. She knew where he was going. He stayed in the house for a while, took some tea, and left the house in his usual health a little before or after nine o'clock. He is seen sauntering along in the direction of Blythswood Square about twenty minutes after nine. But he is too early; he knows the ways of the house; he knows the family are at prayers about this hour; it is too soon for him yet to go, and he must put off a little time. He goes off from Blythswood Square to the other side, and makes a call on Mr M'Allister, an acquaintance. He does not find M'Allister at home, but the servant recognises him, and says that he was there about half-past nine. Gentlemen, here my clue fails me. I lose sight of him for two or three hours, and my learned friends on the other side are equally unsuccessful in their endeavours to trace him. There is no attempt to shew that any mortal man saw him elsewhere than at the only place he was going to. He went out with the intention of seeing her, believing that he had an appointment at that place; and you cannot believe for a moment that, after coming from the

Bridge of Allan, post haste as he did, walking first to Stirling, then from Coatbridge to Glasgow, walking in the direction of Blythswood Square, he would give up his purpose when within 100 yards of the house. That is incredible—it is impossible. Well, gentlemen, he knew the ways of the house, as I have said already; he knew when it was the habit of the family to retire to rest. He knew he would have to wait till Janet was asleep; can you believe, can it be presented to your reason, that, after all that, L'Angelier could have returned without going to the house? The thing is impossible. But, gentlemen, if he did go to the house, what do you suppose he did? He went of course to the window, and of course made his presence known. He could do it with certainty. The prisoner denies that she heard anything that night. Is that within the region of possibility? She writes him a letter to come to her—I know she says the appointment was for Saturday—but do you suppose, from what you have seen in the course of that correspondence, that, even if that were true, she would not have waited for him the next night, on the chance that he had been out of town the first one? An interview so long delayed, so anxiously looked for, in which everything was to be told, which she knew he was waiting for, is it possible that she went to sleep that night, and never awoke till next morning? Gentlemen, whatever took place, I think you will come to this inevitable conclusion, that L'Angelier did go to the house, that he did make his presence known; and if he did that, what means the denial in her declaration that L'Angelier was there that night? The thing is impossible; you have no other trace of him. The policeman, it is true, does not see him; neither had he seen him in many a midnight walk there. You know what a policeman's beat is, and how easy it would be to avoid him. This was the critical night on which the question was to be decided of her fame and reputation for ever. When and how do we see him next? He was found at his own door by the landlady, without strength to open it, at two o'clock in the morning, doubled up in agony, speechless with exhaustion and pain, vomiting, parched with thirst, and burning with fever, and all these symptoms continued from two o'clock in the morning till the forenoon, when the man dies, poisoned with arsenic. So ends this melancholy tale, which I have taken so long to tell you. Nobody asked him where he had been—they knew where he had been, and that is the way they did not ask him. So said Mrs Jenkins. She asked no questions; but she said to the doctor, "What can be the meaning of this? Why, he has gone out twice in good health, and come back ill. We must have this looked into; we cannot comprehend it." The unfortunate victim, unwilling to admit what doubtless he suspected, only said, "I never was so bad before; I don't know what this can be; I never felt this before." When his landlady first proposed to send for a doctor, he said, "It is too far to go to-night;" for he seemed to be averse to giving trouble. She waits for a little while, and as he appears to get still worse, she proposes to go for Dr Steven who lives at hand. She went, and came back with a prescription. He makes some difficulty at taking the laudanum ordered—for although it appeared from Thuau that he did occasionally take it, yet he had always a horror at medicine. He thought he would get round without the laudanum; however he took it. But he got worse, instead of better; and he begs Mrs Jenkins to go again for Dr Steven, and Dr Steven comes. I shall have to speak of the allegation of suicide immediately, but does it not seem strange that my learned friends did not ask a single question either at Dr Steven or Mrs Jenkins, as to whether L'Angelier wished to recover or not? The evidence of Mrs Jenkins was of a most interesting character, and given in the most explicit and satisfactory manner, and she seemed a kind-hearted person. She was convinced that L'Angelier wished to recover. At last, Mrs Jenkins, taking the alarm, said, "Is there anybody you would like to see?" He replied, "I should like to see Miss Perry." He did not say, remark, I should like to see Miss Smith. If he had thought that he really was in danger, surely the most natural thing for him would have been that he would like to see the one whom of all the world he was most devotedly attached to. But he says, "I would like to see Miss Perry;" and, doubtless, if he had seen Miss Perry, we should have known more of this melancholy case. Before she came, death caught him—caught him more quickly than either he or his landlady imagined, and so the scene closed. When the doctor raised his head, it fell back; the man was dead—the mystery of the night remained sealed, so far as were the lips of the unhappy victim concerned. I have now told you this long and sad tale, and I am very much mistaken if it does not produce an effect on

your mind leading to one inevitable result. I don't wish to strain any one point against the unhappy prisoner at the bar; the case is one of such magnitude, and one so depending on minute circumstances—the more so from the position in which I have been placed in reference to the evidence—that I have had to collect all the little facts I could, in order to produce a chain of evidence which appears to me absolutely irrefragable. But, notwithstanding that, I have not the slightest desire to press you beyond the legitimate consequences of the facts laid before you in evidence. Before, with all possible candour, I go on to examine the course that has been followed by my learned friends for the defence, let me recapitulate, in a very few words, the statements I have laid before you. We have brought this unhappy prisoner down to the end of December, so indissolubly fixed to L'Angelier that she could never, without his consent, wed any other man. You find her, nevertheless, engaged to another, and a rupture with L'Angelier in consequence. You then find her two despairing letters, and the first purchase of poison. A reconciliation takes place; but still the marriage engagement with Minnoch goes on. It is proved by L'Angelier's own statement, and by others, that he was taken ill after receiving something from her. She goes to the Bridge of Allan. (I forgot to call your attention to the letter which she wrote Minnoch from thence on the 16th March, and I shall not now stop to do so.) Well, she tries to persuade him not to come to the Bridge of Allan. He goes, however. She comes back, writes him another invitation, and purchases another packet of arsenic on the same day. He comes home immediately, with her note in his pocket, and after going out for the express purpose of keeping his appointment with her, he comes home and dies of arsenic in twelve or fourteen hours. I have now concluded that part of the case which I think it necessary to set before you bearing directly upon the prosecution; but it is right that I should refer to the letter of the prisoner, addressed to Mr Minnoch. It is dated the 16th March, from the Bridge of Allan, the day before the family returned. I read it for the purpose of shewing the inextricable difficulty in which the prisoner was placed:—

My dearest William—It is but fair, after your kindness to me, that I should write you a note. The day I part from friends I always feel sad. But to part from one I love, as I do you, makes me feel truly sad and dull. My only consolation is, that we meet soon. To-morrow we shall be home. I do so wish you were here to-day. We might take a long walk. Our walk to Dunblane I shall ever remember with pleasure. That walk fixed a day on which we are to begin a new life—a life which I hope may be of happiness and long duration to both of us. My aim through life shall be to please and study you. Dear William, I must conclude, as mamma is ready to go to Stirling. I do not go with the same pleasure as I did the last time. I hope you got to town safe, and found your sisters well. Accept my warmest, kindest love, and ever believe me to be yours with affection,

Madeline.

This letter is written two days before she wrote to L'Angelier, making an assignation for the 19th, and only four days before she wrote that warm note found in the vest pocket of L'Angelier after his death. But there is another circumstance which I have omitted, and it is this. Apparently the prisoner had shewn no particular agitation at the news of L'Angelier's death. Gentlemen, if she was capable of committing the crime charged, you will not wonder at her self-possession. But on the Thursday, something had come to her ears. What that was I do not know; but one morning she is missed from the house. Whether she had been in bed at all is not ascertained. When her sister awoke, she was not there; she was not seen in the house by any of the servants. She was found by Mr Minnoch at half-past three o'clock in the Helensburgh steamer, at Greenock. Where she had been during that interval, we have never yet been able to discover; but that she must have been somewhere between seven in the morning, when she was missed, and three in the afternoon is certain. But, gentlemen, I do not ask you to accept this circumstance for more than it is worth; for the mere discovery of these letters would of itself have been sufficient to induce her to fly from her father's house. But still, such is the fact that these letters have been discovered, and that she does leave her father's house, and is found in the Helensburgh steamer. She is brought back by Mr Minnoch, and to him she makes no statement. She never explains, and never has explained what she did, or where she was, during that interval. Gentlemen, I say here ends the case for the prosecution. As I have said before, I have nothing but a public duty to perform; I have no desire to plead my case as an advocate; my duty is to bring it before you in the way in which I think truth and justice require; but I should have been wanting to that duty if I had not resolved to do my utmost to bring these various elements, the importance of which you will have seen, together; and shew you how they all bear upon the accusation I have made in the indictment. But I now come to consider the defence which I gather will probably be set up; and I shall endeavour to do so in a spirit of candour as well as justice. Now, gentlemen, the first thing that is suggested may be taken from the declaration of the prisoner herself. Although the declaration of a prisoner is never evidence in his or her favour, yet, in this case, if it be truth, I have no desire to prevent it from having its legitimate effects upon your minds. If she can tell a story consistent with itself and with the evidence, unquestionably I have no desire to press hardly upon her. Let us see what she says.

Having read her declaration, he proceeded to say—Now, gentlemen, that is her account of what took place. She denies entirely that she saw L'Angelier on the night of his death—she denies that she heard him on the night of his death. You will consider if that is consistent with any reasonable probability. No doubt the girl Janet slept with her. She says she found her sister in bed in the morning, and that they went to bed at the same time the night before. My learned friend did not ask her whether she had heard any noise during the night, but the prisoner is entitled to the benefit of the supposition that she did not hear any noise. The boy Murray, who slept in the room close to the back-door, swears he did not hear anything; and the two servant-maids, who slept in a room behind the door, swore they heard nothing. But, as far as regards that, it is proved that L'Angelier was in the habit of coming to the window; and you have it proven that on many occasions he did come into the house, and that he was in the house along with the prisoner. It does not appear that Janet knew anything of these meetings. You have her referred to in the prisoner's letters. Sometimes she says, "I could not get Janet to fall asleep," as an excuse for not visiting the window. In regard to the servants, you will recollect how the house stands by the plan. I have shewn you that nothing could have been easier than for the prisoner to go up stairs, open the front door, and receive him in the drawing-room, and that she could also have opened the front area-door, and let him in that way. Whether she could let him in by the back without the connivance of Christina Haggart is another question. She says that she never connived at it, and therefore it may be doubtful whether it was opened; but while there is nothing in what these witnesses say to imply that they did hear anything, there is nothing in it to exclude the possibility of a noise having been made. As to the use to which she put the arsenic, as I have said before, you must be satisfied that it is a reasonable and credible account before you can make up your minds upon the question; because, unless in some intelligible way you see that it was put to that purpose and use, I am afraid the prisoner stands in the position of having in her possession a quantity of the very poison of which her lover died, without being able to account satisfactorily for the possession of it. You will consider—the poison having been purchased only on these three occasions—never before—for a cosmetic, and used in the way you have heard applied—whether this is or is not a statement which is proved. If you feel that she did not use it to poison L'Angelier—if you think there is the slightest probability of it—can any reasonable man explain how she made these three solitary purchases, and used the whole of the arsenic in that way, and how it happened that the visits of L'Angelier were coincident with these particular occasions? If you come to that conclusion, it will go very far to prove her innocence; but if not, an opposite result must follow. But it is said, perhaps with some amount of plausibility, that the meeting which was intended to take place was a meeting trysted for Saturday, and not for Sunday. Now, gentlemen, the way in which I have presented that to you is, that either of these two suppositions is quite possible. The letter may have been posted after eleven o'clock, and in that case there can be no doubt that the tryst of the meeting was for Sunday. It may have been posted at nine o'clock, and in that case it was probably for the night before. Although it bears no date, it may possibly have meant that the tryst was to be held on the Saturday; but I may make this remark, that while throughout this correspondence the Thursday, or Friday, or Sunday are the nights generally appointed for their meetings, I have not found any instance of a meeting appointed for Saturday. But still that is within the bounds of possibility. But then it will be for you to consider—even supposing she expected L'Angelier on Saturday—whether, knowing that he was at the Bridge of Allan, as she says she did, and that he did not come, it is at all unlikely that she would wait for him on Sunday also. But if the appointment had been for Saturday, the question is—is it within the bounds of this case that he did not go to the window that night and make himself heard in the usual way? Now, it had been indicated by the course the defence has taken, that it will be said L'Angelier may have committed suicide; and, of course, that is a matter with which I am bound to deal. Why, gentlemen, if we had found in this case anything indicating, with reasonable certainty, a case of suicide, we might even then have disregarded all its facts, and given due weight to that in regard to the prosecution. I own, however, that I have been unable to see, in all the evidence for the prosecution or the defence, that this could possibly be a case of suicide. You must deal with it, and consider it as a question between murder and suicide, and make up your minds accordingly. If you are not satisfied that it was a case of murder, you will give the panel the benefit of the doubt; but, in considering that, the first question is—between suicide and murder—is there any other conceivable cause for what took place? and, therefore, before you deal with the question of suicide, you must see whether the other contingency is altogether excluded. It seems to have been said that L'Angelier was an eater of arsenic habitually, and may have been poisoned by an overdose. I think that rests upon evidence so little entitled to credit, that I don't mean to deal with it, and am willing to leave it to be dealt with by the Court. The only evidence of L'Angelier ever having spoken of arsenic is that of two parties who knew him in Dundee in 1852. On one occasion he said to one of them he had given it to horses, and used it himself; but that is entirely uncorroborated. The only other case—that of the man who found a parcel of arsenic, and never recollected the conversation about it until a few days before the trial—I throw out of view altogether. There is not, from the time he came to Glasgow, the smallest room for

suspicion that he was in the habit of taking arsenic; and he is not proved to have bought any, or to have had it in the house. That idea must be entirely rejected. Neither is there the slightest evidence that it would be possible, even had he been in the practice of eating arsenic, that he could have so arranged the matter that the amount of 160 grains could have been found in his stomach. This is so completely out of reason in this case, that I dismiss the fact as an hypothesis not fit to be dealt with. It seems, however, to be said that perhaps on the journey from the Bridge of Allan he had accidentally taken arsenic. But that won't do. It is impossible. Cases in which arsenic shews itself after five hours occur very seldom, and Dr Christison tells you that physical exertion would accelerate the working of the poison. But L'Angelier quitted the Bridge of Allan at three o'clock; he is found at Coatbridge at five; and he walked into Glasgow at eight, looking better than he had done for two weeks previous. He left his lodgings at nine o'clock, and is seen at half-past nine in good health. It appears that up to this hour he is quite well, and there is no proof that he had arsenic at any of those places. It seems, then, that accidental administration is out of the question. It is not suggested that he saw anybody that night except the prisoner; and therefore you are left entirely in a sea of conjecture, unless it is a case of suicide or murder; but, as I said before, this is for you to consider, and you are bound to weigh the whole matter deliberately. If suicide is even within the bounds of this case, of course you will give it proper weight in coming to a conclusion; but it is my duty to say, that I do not think the facts admit of the possibility of this case being one of suicide. Gentlemen, under any circumstances, we should have had to consider the balance between suicide and murder, because, although a great deal has been said as to L'Angelier's temperament, I don't think much attention should have been paid to that, for I could not discover from his temperament whether he was a person likely to commit suicide or not; and I doubt very much whether, in the statistics of suicide, it is true that the men of such temperaments as lead them to speak of committing suicide are the oftenest to do so. As regards L'Angelier's history, we had a good deal of it yesterday; but it was not of such a nature as to affect the case in the least. There was evidence from two or three parties, that while in a rather destitute condition in life he had spoken of putting himself out of the world. But the very witnesses who had proved that, proved at the same time that he was a kind of boasting, gasconading person, in the habit of saying what he did not mean. That he had other good qualities was unquestionable; but still he was in the habit of saying things which he knew not to be true. You must consider whether these statements are to be put in the balance with those of persons who knew him in Glasgow also; and it comes out afterwards that he was really a somewhat popular man in his way. But it is said he talked about committing suicide. Yes, he did; but he did not do it. He said if any lady jilted him he would put a knife into his heart; but he was jilted, and he did not do it. The man who goes to a window for the purpose of committing suicide while his companion is in bed, and waits quietly till his friend comes and takes him away from it, is not the man to commit suicide. All that belongs to a temperament which, I apprehend is much averse to suicide. It is characteristic enough of our neighbours on the other side of the Channel; but it does not to my mind lead to the conclusion, one way or other, of L'Angelier's having committed suicide. Now, his variable temperament is a matter of some consequence. Extreme depression and extreme elation should be considered in such cases; and the conversation which he had with regard to the abstract question of suicide, is perhaps the only thing that can at all bear upon this part of the case. But, then, you will have to consider the circumstances under which this proposed suicide was to be committed. He had taken up his position. He did not mean to kill himself if the rumours of the marriage with Minnoch were true; but he said I will shew these letters to her father. That is what he meant. He came from the Bridge of Allan for the purpose of seeing Miss Smith, very happy, in good spirits, and cheerful. He had a kind note in his pocket, and went out at night; and up to nine o'clock he had no thought of suicide. Is it conceivable that, without going near the house, he committed suicide? Is that within the range of probability? Where did he get the arsenic at that time? Not surely at Higginbotham's store. Not surely at any chemical work. Certainly not at any druggist's shop. That is inconceivable. If he had it with him, how did he take it? Is it in the least likely that a man in his position would go out and wander into Blythswood Square, swallow the arsenic dry there, and then totter home. This is a thing which is entirely out of the question. There is a possibility, no doubt, that he went and saw Miss Smith, and that she told him she was going to give him up; and that might make a great impression upon his mind. But, gentlemen, if she saw him, then the declaration which she has made is untrue; and if she did see him that night, is there any link awanting in the chain of evidence which I have been laying before you? This is, I own, a difficulty for which I am unable to account, but if the net is thus woven, then the evidence is complete. The only chance for the prisoner is to maintain that they did not meet that night; and if they did not meet, I cannot see how this case can be ever considered as one of suicide. It may indeed be suggested that when he came to the house he was not admitted; that Miss Smith, in point of fact, would not hear him, and that he went away in disgust. This is an observation that may be made; but you will consider, in the first place, whether it is possible that she, having fixed the meeting for the night before, and L'Angelier having gone on the Sunday, he would have desisted until he had attracted her attention. And if he did attract her attention, then, gentlemen, they did meet on that night, though she says in her declaration she never heard him at the window. Therefore, it must be maintained by

the prisoner that he did not come to the window, or make any noise; and in that case, I say again, I don't see how this case can be treated as one of suicide. But, then, it is said the quantity of arsenic found in his stomach clearly denoted a case of suicide, because so much could not have been given without wilful administration by the party himself. I don't think that is made out at all, because if the poison was given in cocoa, the probability is, as proved by Dr Penny, that a large amount might be held in suspension. Dr Maclagan proved the same thing. He was not asked what amount could or could not be given in a cup of coffee; no doubt it would require to have been boiled in the coffee to dissolve a large quantity. But if the defence set up is that founded on the article in *Blackwood's Magazine*, the prisoner is not without some knowledge of the properties of arsenic. She could easily boil it, having access to a fire in the kitchen, which was near her own bed-room. She had also a fire in her own room, and therefore that presents no difficulty. If we are right in saying that there were two former acts of administration, they were unsuccessful—and it is proved that a slight dose might be given in coffee. Well, gentlemen, this, as I have shewn to you, was the critical night, and if the thing were to be done at all, it must be done with certainty; and, therefore, there is nothing surprising in the fact that the third dose was very large in quantity. It is said, gentlemen, and probably will be maintained on the other side, that it was so mixed with soot or indigo that traces of it would have been found in the stomach. But, gentlemen, the arsenic with the soot in it was taken on the 22d of February before, and no traces of it could by any possibility have been discovered. Currie's arsenic, if coloured by indigo, would have probably left a certain amount of colouring matter in the stomach; but, as you are aware, it was coloured with waste indigo, which by actual experiment has been found to leave no trace of colour. In regard to the experiment on the dog, there were certain minute carbonaceous particles found after the administration of Currie's arsenic. But you will remember that when Dr Penny examined L'Angelier's stomach, his attention was not directed to that subject at all; he applied his tests not with the view of detecting carbon, but with a view to the detection of arsenic. And Dr Christison told you, that in the other parts of the body he would not have expected to find the smallest trace, even if the indigo had been there. Besides, gentlemen, independently of the fact that the analyst was not looking for the carbonaceous particles: these, being lighter than the arsenic, would have been thrown off by the process of vomiting, and, therefore, could not be detected. Therefore, gentlemen, I must own that this supposition of suicide does not appear to be of any avail; neither is there any probability of this being a case of suicide, from L'Angelier's demeanour. The landlady did not ask him where he had been, because she knew that he had been with Miss Smith; and I think you would expect that had he not been there he would have told. But, gentlemen, while that is quite sure, you can easily see, especially in a man of the temperament described by the witnesses, that if he thought he had got anything injurious from her he would rather have died than disclose it. Whether, when he sent for Miss Perry, he did not intend to disclose it, is another question; but there does not appear to have been the slightest desire for death, but, on the contrary, the last words he said were, "If I could only get a little sleep, I would be better." As to the character of L'Angelier, there has been a great deal of evidence brought forward, but I think I may say it is not of any importance. It is not for me to defend the character of the man. Now, gentlemen, having gone through this case with an amount of pain and anxiety which I cannot describe, I leave it entirely in your hands. I am quite sure that the verdict you give will be consistent with your oath, and with your own opinion of it. I have but a public duty to perform, and I have endeavoured to shew you as powerfully as I could all the circumstances which I found to bear upon the case; nor should I have done so but from a solemn sense of duty, and my own belief in the justice of the case. If I had thought that there were elements in the case which would have justified me in refraining from the painful task I have gone through, there is not a man in this Court that would have more rejoiced at it; for of all the persons engaged in this matter, apart from the unhappy prisoner, I believe the burden resting on me has been at once the most difficult and the most painful. I am quite sure, however, that in the case as I have laid it before you, I have not strained the facts beyond what was necessary and justifiable. In the meantime, I leave the case entirely in your hands. I see no escape for this unhappy girl; and there is but one course open to you if you come to the same conclusion.

His Lordship having concluded his address,

The Lord Justice-Clerk suggested that the Dean of Faculty should defer making his reply until the following morning.

The Dean of Faculty said, that as he could not promise that his address would be shorter than that of his learned friend, he would act upon the suggestion of the Court.

The Lord Justice-Clerk warned the jury that they should avoid drawing any conclusion in the present state of the case, seeing that they had heard counsel only on one side.

The Court then adjourned.

EIGHTH DAY.—WEDNESDAY, July 8.

The DEAN OF FACULTY then addressed the jury as follows:—GENTLEMEN OF THE JURY—The charge against the prisoner is a charge of murder, and the punishment of murder is death; and that simple statement is sufficient to suggest to us the awful solemnity of the occasion which brings you and me here together. But, gentlemen, there are peculiarities in the present case of so singular a kind—there is such an air of romance and mystery investing it from beginning to end—there is something so touching and exciting in the age, and the sex, and the social position of the accused—ay, and I must add, the public attention is so directed to the trial that they watch our proceedings and hang on our very accents with such an anxiety and eagerness of expectation, that I feel almost bowed down, overwhelmed by the magnitude of the task that is imposed on me. You are invited and encouraged by the prosecutor to snap the thread of that young life, to consign to an ignominious death one who, within a few short months, was known only as a gentle and confiding and affectionate girl, the ornament and pride of her family. Gentlemen, the tone in which my learned friend the Lord Advocate addressed you yesterday could not fail to strike you as most remarkable. It was characterised by such moderation as I think must have convinced you that he could hardly expect a verdict at your hands; and in the course of that address, for which I give him the highest credit, he could not resist the expression of his own deep feeling of commiseration for the position in which the prisoner is placed, which was but an involuntary homage of the official prosecutor paid to the kind and generous nature of the man. But, gentlemen, I am going to ask you for something very different from commiseration; I am going to ask you for that which I will not condescend to beg, but which I will loudly and importunately demand—that to which every prisoner is entitled, whether she be the lowest and vilest of her sex, or the maiden whose purity is as the unsunned snow; I ask you for justice; and if you will kindly lend me your attention for the requisite period, and if Heaven will give me patience and strength for the task, I shall tear to tatters that web of sophistry with which the prosecutor has striven to invest this poor girl and her sad strange story. What is the commencement of this matter? Somewhat less than two years ago, accident brought her acquainted with the deceased L'Angelier, and yet I can hardly call it accident, for it was due unfortunately in a great measure to the indiscretion of a young man whom you saw before you the day before yesterday. He introduced her to L'Angelier on the open street in circumstances which plainly shew that he could not procure an introduction otherwise or elsewhere. And what was he who thus introduced himself upon the society of this young lady, and then clandestinely introduced himself into her father's house? He was an unknown adventurer. We have been enabled in some degree to throw light upon his origin and history. We find that he is a native of Jersey; and we have discovered that at a very early period of his life, in the year 1843, he was in Scotland; he was known for three years at that time to one of the witnesses, as being in Edinburgh. He goes to the Continent; he is there during the French Revolution; and he returns to this country, and is found in Edinburgh again in the year 1851. And in what condition is he then? In great poverty, in deep dejection, living upon the bounty of a tavern-keeper, associating and sleeping in the same bed with the waiter of that establishment. He goes from Edinburgh to Dundee, and we trace his history there; at length we find him in Glasgow in 1853; and in 1855, as I said before, his acquaintance with the prisoner commenced. In considering the character and conduct of the individual whose history it is impossible to dissociate from this inquiry, we are bound to form as just an estimate as we can of what his qualities were, of what his character was, of what were the principles and motives that were likely to influence his conduct. We find him, according to the confession of all those who observed him then narrowly, vain, conceited, pretentious, with a great opinion of his own personal attractions, and a very silly expectation of admiration from the other sex. That he was to a certain extent successful in conciliating such admiration may be the fact; but, at all events, his own prevailing ideas seem to have been that he was calculated to be very successful in paying attentions to ladies, and that he was likely to push his fortune by that means. And accordingly once and again we find him engaged in attempts to get married to women of some station at least in society. We heard of one disappointment which he met with in England, and another we heard a great deal of connected with a lady in the county of Fife; and the manner in which he bore his disappointment on those two occasions is perhaps the best indication and light we have as to the

true character of the man. He was not a person of strong health, and it is extremely probable that this, among other things, had a very important effect in depressing his spirits, rendering him changeable and uncertain—now uplifted, as one of the witnesses said, and now most deeply depressed—of a mercurial temperament, as another described it, very variable, never to be depended on. Such was the individual whom the prisoner unfortunately became acquainted with in the manner that I have stated. The progress of their acquaintance is soon told. My learned friend the Lord Advocate said the correspondence must have been improper, because clandestine; yet the letters of the young lady, at that first period of their connexion, breathed nothing but gentleness and propriety. I thank my learned friend for the admission, but even with that admission I must ask you to bear with me while I call your attention for a few moments to one or two incidents in the course of that early period of their history, which I think are very important for your guidance in judging of the conduct of the prisoner. The correspondence in its commencement shews that if L'Angelier had it in his mind originally to corrupt and seduce this poor girl, he entered upon the attempt with considerable ingenuity and skill; for the very first letter of the series which we have contains a passage, in which she says, "I am trying to break myself off all my very bad habits; it is you I have to thank for this, which I do sincerely from my heart." He had been suggesting to her improvement in her conduct, or in something else. He had thus been insinuating himself into her company. And she no doubt yielded a great deal too easily to the pleasures of this new acquaintance, but pleasures comparatively of a most innocent kind at the time to which I am now referring. And yet it seems to have occurred to her own mind at a very early period that it was impossible to maintain this correspondence consistently with propriety or her own welfare; for, so early as April 1855, she writes to him in these terms—"I now perform the promise I made in writing to you soon. . . . I think you will agree with me in what I intend proposing, that for the present the correspondence had better stop. I know your good feeling will not take this wrong. It was meant quite the reverse. By continuing the correspondence harm may arise; by discontinuing it nothing can be said." And accordingly for a time, so far as appears, the correspondence did cease. Again, gentlemen, I beg to call your attention to the fact that in the end of this same year the connexion was broken off altogether. That appears from the letter which the prisoner wrote to Miss Perry in the end of September or beginning of October 1855. In the spring of 1856, it would appear, the correspondence, having in the interval been renewed, was discovered by the family of Miss Smith. On that occasion she wrote thus to her confidante, Miss Perry:—

> DEAREST MARY—I am extremely glad that it is known; now that it is so, I do not mind. I shall be of age soon, and then I shall have a right to decide for myself. In marrying Emile, I take the man of my love. I am going to Edinburgh on Monday for a week or ten days, and after coming back we shall go home for the summer.

After this the correspondence was put an end to by the interference of Mr Smith; and for a time that interference had effect. But, alas! the next scene is the most painful of all. In the spring of 1856 the corrupting influence of the seducer was successful, and the prisoner fell. That is recorded in a letter bearing the postmark of the 7th of May, which you have heard read. And how corrupting that influence must have been, how vile the acts which he resorted to for accomplishing his nefarious purpose, can never be proved so well as by looking at the altered tone and language of the unhappy prisoner's letters. She had lost not her virtue merely, but, as the Lord Advocate said, her sense of decency. Think you that, without temptation, without evil teachings, a poor girl falls into such depths of degradation? No. Influence from without—most corrupting influence—can alone account for such a fall. And yet, through the midst of this frightful correspondence—and I wish to God that it could have been concealed from you, gentlemen, and from the world, and I am sure the Lord Advocate would have spared us it if he had not felt it necessary for the ends of justice—I say that, even through the midst of this frightful correspondence, there breathes a spirit of devoted affection towards the man that had destroyed her that strikes me as most remarkable. The history of the affair is soon told. It is in the neighbourhood of Helensburgh almost entirely that that correspondence took place. In November the family came back to Glasgow. And that becomes an important era in the history of the case; for that was the first time at which they came to live in the house in Blythswood Square. What we are chiefly concerned in is to know what meetings took place between them in that last winter in the house in Blythswood Square; how these took place, and what was necessary for them to do in order to come together: for these things have a most important bearing on the question

which you are met here to try. Now, the first letter written from Blythswood Square bears date November 18, 1856. There is another letter, also written in November 1856. In this second letter she gives her lover some information of the means by which they may carry on their correspondence in the course of the winter. He was to get brown envelopes, and stoop down as if he were tying his shoe when he slipped in the letter. That shews by what means their correspondence was carried on by letter; and the jury would see that by letter chiefly, if not entirely, was the correspondence carried on in that house. The next letter was the 21st November:—

You will, about eight in the evening, come and drop the letter down. Tell me in it what night of the week is the best to leave your letters. If papa and mamma were from home, I could take you in by the front door, the same as I did in India Street.

Now, you see the conditions on which she understood it possible, and alone possible, to admit him to the Blythswood Square house. That condition was the absence of her father and mother from home—an absence which did not take place throughout the whole of the period with which we have to do. "If M. and P. were from home, I could take you in at the front door, and I won't let a chance pass." But that chance, gentlemen, never came. Her father and mother were never absent. Again, it is very important for you to understand the means by which communication was made between the two at the window. The Lord Advocate seemed to say that there were some concerted signals by rapping at the window or on the railings with a stick in order to attract attention. This, you will find, was an entire mistake. L'Angelier did on one or two occasions take that course; but the prisoner immediately forbade it, and ordered him not to do it again. In a letter which bears the postmark of December 5, 1856, she says, "Darling, do not knock at the window." About this time it is quite obvious that they had it in view to accomplish an elopement. I won't detain you by reading the repeated mentions of preparations for this. But I beg you to observe, gentlemen, that in going through this series of letters passing in the course of last winter, I endeavour to notice, as I pass, everything that relates to proposals for meetings, or reference made to meetings that had been had. I shall not willingly pass by one of them, for I wish thoroughly and honestly to lay before you every bit of written evidence that can affect the prisoner in that respect. In a letter which bears postmark "17th December," she says:—

I would give anything to have an hour's chat with you. Beloved Emile, I do not see how we can. Mamma is not going from home, and when Papa is away, Janet does not sleep with Mamma. She will not leave me, as I have a fire in my room, and mamma has none. Do you think, beloved, you could see me some night for a few moments at the door under the front door. But, perhaps, it would not be safe. Some one might pass as you were going in. We had better not; but I would so like to see you.

Now, you will recollect that Christina Haggart told us that upon one occasion, and one only, that there was a meeting in that place, arranged in the way spoken of in this letter—a meeting, that is to say, at the door under the front door, to which, of course, he required to be admitted through the area; and that was accomplished through the assistance of Christina Haggart. Then, again, there is reference in the next letter, of the 19th, to a desire for a meeting:—"Oh, would to God we could meet. I would not mind mamma. If papa and mamma are from home—the first time they are, you shall be here. Yes, my love, I must see you, I must be pressed to your heart. . . . . O yes, my beloved, we must make a bold effort." Here again is the same condition, and the impossibility of carrying the meeting through unless in their absence; but the first opportunity which occurs she will certainly avail herself of. Then in another letter, dated 29th, she writes:—

Beloved Emile, we must meet. If you love me you will come to me when papa and mamma are away in Edinburgh, which I think will be the 7th or 10th of January.

On the 9th of January she writes again a letter, in which you will find a repetition of the same warning how to conduct himself at the window. In the next letter, dated the 11th, she says:—"I would so like to spend three or four hours with you, just to talk over some things; but I don't know when you can come; perhaps in the course of ten days. . . . If you would risk it, my sweet beloved pet, we would have time to kiss each other, and a dear fond embrace; and though, sweet love, it is only for a minute, do you not think it is better than not meeting at all? . . . Same as last." Plainly, that was the short meeting which Christina Haggart told of as occurring in the area under the front door; and, so far as I can see, there is not a vestige or tittle of written evidence of any meeting whatever, except that short meeting in the area, down to the time of which I am now speaking—that is to say, from the 18th of November till the date of this letter, which is the 10th January. Then, on the 13th January, she writes a letter, which is also very important with reference to the events at this period, because at that time he had been very unwell.

It is past eleven o'clock, and no letter from you, my own dear beloved husband. Why is this, my sweet one? I think I heard your stick this evening. Pray do not make any sounds whatever at my window. I am glad you are sound. It is a great matter. I had a fear you were not, and I even thought you ill; but now I am happy on that point. I am very well. I do not hear of mamma or papa gonig from home. So, my dear pet, I see no chance for us. I fear we shall not have one.

That may have reference to either of their meetings, or to the possibility of their carrying out their design of an elopement. It matters not very much. Then on the 18th January we have this—"I did love you so much last night when you were at the window." Now, whether there was a conversation at that meeting or not does not very clearly appear; but, at all events, it can have been nothing more than a meeting at the window. She says—"I think I shall see you on Thursday night." I suppose the same kind of meeting that she refers to immediately after. Whether that meeting on Thursday night ever took place or not does not appear. In the next, dated 22d January, she says—

I was sorry that I could not see you to-night. I had expected an hour's chatting with you, but we must just hope for better success next time. I hope you are well. I do not see the least chance for us, my dear love. Mamma is not well enough to go from home, and I do not see that we can manage it in Edinburgh. I could not leave a friend's house without their knowing it. So, sweet pet, we must just hope for a better time. I see no chance of our marriage.

Now, gentlemen, that concludes the month of January. There are no more letters of that month. There is not another, so far as I can see, referring to any meeting whatever. Christina Haggart told you when she was examined, that in the course of this month the family were living in Blythswood Square, and that they met but twice; and it is clear that they could not meet without her intervention. I don't mean that it was physically impossible; but when the young lady saw so much danger, so much obstruction in the way of her accomplishing her object, unless she could secure the aid of Christina Haggart, there is not the slightest tittle of evidence that without that assistance she ever made the attempt. I mean, of course, meetings within the house. I don't dispute the existence of the correspondence which was carried on by the window, and I don't doubt that even on occasions they may have exchanged words at the window, and had short conversations there. But I am speaking of meetings within the house. The only evidence at all as to meetings within the house are, in the first place, in the area under the front door, and the other meeting that took place on the occasion when Christina Haggart introduced L'Angelier at the back door. Now, I am sure you will agree with me that this is an important part of the case; and I bring you down, therefore, to the commencement of the month of February, with this I think distinctly proved, or at least I am entitled to say, without a shadow of evidence to the contrary, that they were not in the habit of coming into personal contact. But now we have come to a very important stage of the case. On the 28th of January Mr Minnoch proposes, and, if I understand the theory of my learned friend's case aright, from that day the whole character of this girl's mind and feelings changed, and she set herself to prepare for the perpetration of what my learned friend has called one of the most foul, cool, deliberate murders that ever was committed. Gentlemen, I will not say that such a thing is absolutely impossible, but I do venture to say, it is well nigh improbable. He will be a bold man who will seek to set limits to the depths of human depravity, but this at least experience teaches us, that perfection, even in depravity, is not rapidly obtained, and that it is not by such short and easy stages as the prosecutor has been able to trace in the career of Madeline Smith that a gentle, loving girl passes all at once into the savage grandeur of a Medea, or the appalling wickedness of a Borgia. No, gentlemen; such a thing is not possible. There is a certain progress in guilt, and it is quite out of all human experience that, from the tone of the letters which I have last read to you, there should be a sudden transition —I will not say from affection for a particular object—but to the savage desire for removing, by any means, the obstruction to her wishes and purposes that the prosecutor imputes to the prisoner. Think, gentlemen, in your own minds, how foul and unnatural a murder it is—the murder of one who within a very short space was the object of her love —an unworthy object—an unholy object; but yet while it lasted—and its endurance was not very brief—it was a deep, absorbing, unselfish, devoted passion. And the object of that passion she now conceived the purpose of murdering. Such is the theory that you are desired to believe. Now, before you will believe it, will you not ask for demonstration? Will you be content with conjecture, will you be content with suspicion, however pregnant, or will you be so unreasonable as to put it to me in this form, that the man having died of poison, the theory of the prosecutor is the most probable that is offered? Oh, gentlemen, is that the manner in which a jury should treat such a case? is that the kind of proof on which they could convict in a capital offence? On the 19th of

February, on the 22d of February, and on the 22d of March—for the prosecutor has now absolutely fixed on these dates—he charges the prisoner with administering poison. Observe, he does not ask you to suppose merely that by some means or other the prisoner conveyed poison to L'Angelier, but he asks you to affirm that, on those three occasions, she with her own hands administered the poison. Look on the indictment and see if I have not correctly represented to you what the prosecutor demands at your hands. He says in the first charge that she "wickedly and feloniously administered to Emile L'Angelier, now deceased." Again, in the second charge, he alleges that she did "wickedly and feloniously administer to him a quantity or quantities of arsenic;" and in the third charge, that she did "wickedly and feloniously administer to, or cause to be taken by, the said deceased Emile L'Angelier, a quantity of arsenic, of which he died, and was thus murdered by her." These are three apparent cases of administration—facts which, if anybody had seen, would have been proved as matter of demonstration, but which, in the absence of eye-witnesses, I do not dispute may be proved by circumstantial evidence. Now, then, in dealing with such circumstantial proof of such facts as I have been speaking of, what should you expect to find proved? Of course, the means were in the prisoner's hands of committing the crime. The possession of poison will be the first thing that is absolutely necessary; and, on the other hand, the fact that the deceased on one occasion was ill from the consequences of poison, that on the second occasion he was ill from the same cause, and that on the third he died from the effects of poison. But it would be the most defective of all proofs of poison to stop at such facts as these, for one person may be in the possession of poison, and another person die from the effects of poison, and yet that proves nothing. You must have a third element. You must not merely have a motive—and I shall speak of a motive by and by—you must not merely have a motive, but opportunity, the most important of all elements. You must have the opportunity of the parties coming into personal contact, or of that poison being carried to the murdered person through the medium of another. Now, we shall see how far there is the slightest room for such a suspicion here. As regards the first charge, it is alleged to have taken place on the evening of the 19th February, and the illness, on the same theory, followed either in the course of that night, or rather the next morning. Now, in the first place, as to date, is it by any means clear? Mrs Jenkins—than whom I never saw a more accurate or more trustworthy witness—Mrs Jenkins swears that to the best of her recollection and belief, the first illness preceded the second by eight or ten days. Eight or ten days from the 22d, which was the date of the second illness, will bring us back to the 13th February, and he was very ill about the 13th February, as was proved by the letter I read to you, and proved also by the testimony of Mr Miller. Now, if the first illness was on the 13th February, do you think that another illness could have intervened between that and the 22d without Mrs Jenkins being aware of it? Certainly that won't do. Therefore, Mrs Jenkins is correct, that the first illness was eight or ten days before. That is one and a most important blow against the prosecutor's case in this first charge. Let us look now, if you please, at what is said on the other side as to the date. It is said by Miss Perry that not only was that the date of his illness, but that he had a meeting with the prisoner on the 19th. Miss Perry's evidence upon that point I take leave to say is not worth much. She had no recollection of that day when she was examined first by the Procurator-Fiscal; no, nor the second time, nor the third time; and it was only when, by a most improper interference on the part of one of the clerks of the Fiscal, a statement was read to her out of a book which has been rejected as worthless in fixing dates, that she then for the first time took up the notion that it was the 19th which L'Angelier had reference to in the conversation which he had with her. And, after all, what do these conversations amount to? To this, that on the 17th, when he dined with her, he said he expected to meet the prisoner on the 19th. But did he say afterwards that he had met her on the 19th? The Lord Advocate supposed that he had, but he was mistaken. She said nothing of the sort. She said that when she saw him again on the 2d March, he did not tell her of any meeting on the 19th. Well, gentlemen, let us look now, in that state of the evidence, as to the probabilities of the case. This first illness, you will keep in view, whensoever it took place, was a very serious one. Mrs Jenkins was very much alarmed by it, and the deceased himself suffered intensely. There can be no doubt about that. Now, if the theory of the prosecution be right, it was on the morning of the 20th that he was in this state of intense suffering, and that upon the 21st, the next day, he bought the largest piece of beef that is to be found in his pass-book from his butcher; and he had fresh herrings in such a quantity as to alarm his landlady, and a still more alarming quantity and variety of vegetables.

There is a dinner for a sick person! All that took place upon the 21st, when the man was near death's door on the morning of the 20th, from that irritation of stomach, no matter how produced, which necessarily leaves behind it the most debilitating and sickening effects. I say, gentlemen, there is real evidence that the date is not the date which the prosecutor says it is. But, gentlemen, supposing that the date were otherwise, was the illness caused by arsenic? Such I understand to be the position of my learned friend. Now, that is the question which I am going to put to you very seriously, and I ask you to consider the consequences of answering that question in either way. You have it proved very distinctly, I think—to an absolute certainty almost—that on the 19th February the prisoner was not in possession of arsenic. I say proved to a certainty, for this reason, because when she went to buy arsenic afterwards, on the 21st February and the 6th and the 18th March, she went about it in so open a way, that it was quite impossible that it should escape observation if it came afterwards to be inquired into. I am not at present dealing with her guilt or innocence of the second or third charges. But I want you to keep the fact in view at present for this reason, that if she was so loose and open in her purchases of arsenic on these subsequent occasions, there was surely nothing to lead you to expect that she should be more secret or more cautious on the first occasion. How could that be? Why, one could imagine that a person entertaining a murderous purpose of this kind, and contriving and compassing the death of a fellow-creature, might go on increasing in caution as she proceeded; but how she should throw away all idea of caution or secresy upon the second, and third, and fourth occasions, if she went to purchase so secretly upon the first that the whole force of the prosecution has not been able to detect that earlier purchase, I leave it to you to explain to your own minds. It is incredible. Nay, but gentlemen, it is more than incredible; I think it is disproved by the evidence of the prosecutor himself. He sent his emissaries throughout the whole druggists' shops in Glasgow, and examined their registers to find whether any arsenic had been sold to a person of the name of L'Angelier. I need not tell you that the name of Smith was also included in the list of persons to be searched for; and, therefore, if there had been such a purchase at any period prior to the 19th February, that fact would have been proved to you just as easily, and with as full demonstration, as the purchases at a subsequent period. But, gentlemen, am I not struggling a great deal too hard to shew you that the possibility of purchasing it before the 19th is absolutely disproved? that is no part of my business. It is enough for me to say there is not a tittle or vestige of evidence on the part of the prosecution that such a purchase was made prior to the 19th; and therefore, on that ground, I submit to you, with the most perfect confidence as regards that first charge, that it was absolutely impossible that arsenic could have been administered by the prisoner to the deceased on the evening of the 19th of February. I think I am making no improper demand in carrying it that length. Now, see the consequences of the position which I have thus established. Was he ill from the effects of arsenic on the morning of the 20th? I ask you to consider that question as much as the prosecution has asked you; and if you can come to the conclusion, from the symptoms exhibited, that he was ill from the effects of arsenic on the morning of the 20th, what is the inference?—that he had arsenic administered to him by other hands than the prisoner's. The conclusion is inevitable—irresistible, if these symptoms were the effects of arsenical poison. Again, if you are to hold that the symptoms of that morning's illness were not such as to lead to the conclusion of arsenical poisoning, what is the result of that again? The result of it is to destroy the whole theory of the prosecutor's case—a theory of successive administrations—and to shew how utterly impossible it is for him to bring evidence up to the point of an active administration. Then, as soon as you weigh the evidence, and test its application to the occasion to which it is intended to apply, you find it not merely inconclusive, but find it proof of the contrary. I give my learned friend the option of being impaled on one or other of the horns of that dilemma, I care not which. He was ill from arsenical poisoning on the morning of the 20th, or he was not. If he was, he received arsenic from other hands than the prisoner's. If he was not, the foundation of the case is shaken. So much for the first charge. Gentlemen, before I proceed further, I am anxious to explain one point which I think I left imperfectly explained in passing—I mean regarding the meeting referred to in the letter of Sunday night in the envelope of the 23d January. My statement was, that the Lord Advocate had admitted that that meeting which was there referred to was a meeting at the window. I think he did not admit it in this form, but he made an admission, or rather he asserted, and insisted on a fact which is conclusive to the same effect. He said that Sunday night was a Sunday immediately preceding the Sunday of letter 93. Now, then if it be the Sunday

night immediately preceding the Monday of letter No. 93, observe the inevitable inference, because on the Sunday night she says—"You have just left me." In the postscript to the letter of Monday she says—"I did love you so much last night when you were at the window." So that his Lordship's admission, though it was not made in the form that I am supposing, was exactly to the same effect. It proves that there was a meeting at the window like the others. That has interrupted the clue and course of my argument, which I am now going to resume. I have disposed of the first charge, and I have disposed of it in a way which I trust you won't forget in dealing with the remainder of the case, because I think it enables me to take a position from which I shall demolish every remaining atom of this case. But before I proceed to the consideration of the second charge more particularly, I want you to follow me very precisely as to certain dates, and you will oblige me very much if you take a note of them. The first parcel of arsenic which is purchased by the prisoner was upon the 21st of February. It was bought in the shop of Murdoch the apothecary, and the arsenic there purchased was mixed with soot. Murdoch was the person who ordinarily supplied medicines to Mr Smith's family, and she left the arsenic unpaid for, and it went into her father's account. Now, on Sunday the 22d it is said, and we shall see by and by with how much reason, that L'Angelier again had arsenic administered to him, and so far it may be that we have, in regard to the second charge, a purchase of arsenic previous to the alleged administration. I shall not lose sight of that weighty fact immediately. But from the 22d February onwards, there appears to me to be no attempt on the part of the prosecutor to prove any meeting between these persons. He was confined to the house after that illness, as you have heard, for eight or ten days. Now, suppose it lasted for eight days, that brings you down to the 2d March. On the 5th March there is said to be a letter written by L'Angelier to the prisoner, and there is a letter from the prisoner to L'Angelier which is said to have been written on the same day. But neither of these letters indicate the occurrence of a meeting upon that occasion, nor bear any reference to any recent meeting, nor any anticipated or expected meeting. In short, there is not, from the 22d of February to the 6th of March, any attempt to prove a meeting between the parties. I shall be corrected if I am wrong, but I think I am quite certain that from one day to the other there is not an insinuation that there was a meeting between the parties, from the 22d February to the 6th March. On the 6th March the prisoner goes with her family to the Bridge of Allan, and there she remains till the 17th; and on the 6th March, immediately preceding her departure to the Bridge of Allan, she buys her second parcel of arsenic, and that she buys in the company of Miss Buchanan, talks about it to two young men who were in the shop, and signs her name on the register as she had done on the previous occasion. She goes to the Bridge of Allan on the 6th, and confessedly does not return till the 17th. Let us now trace, on the other hand, the adventures of L'Angelier. He remains in Glasgow till the 10th. He then goes to Edinburgh, and returns on the 17th at night. He comes home by the late train to Glasgow. On the 18th he remained in the house all day. On the 19th, in the morning, he goes first to Edinburgh and then to the Bridge of Allan, from which he did not return till the night preceding his death, that is, on the 22d. I have missed directing your attention at the proper place to the fact that on the 18th, on her return from the Bridge of Allan, the prisoner purchases her third portion of arsenic in the same open way as before. Observe, gentlemen, that unless you shall hold it to be true, and proved by the evidence before you, that these two persons met on the 22d of February, which was a Sunday, or unless, in like manner, you hold it to be proved that they met again on the fatal night of the 22d March, there never was a meeting at all after the prisoner had made any of her purchases of arsenic. I maintain that there not only was no meeting, but that practically there was no possibility of their meeting. I say that unless you can believe on the evidence that there was a meeting on the 22d of February, or again on the 22d of March, there is no possible occasion on which she either could have administered poison, or could have purposed or intended to administer it. You will now, gentlemen, see why I wanted these dates well fixed in your minds, for from the first alleged purchase of poison to the end of the tragedy, there is no possibility of contact or of administration, unless you think you have evidence that they met on one or other of these Sundays, the 22d February or the 22d March. Let us see if they did meet on the 22d February. What is the evidence on that point of Mrs Jenkins? She says he was in his usual condition on the 21st, when he made that celebrated dinner to which I have already adverted, and when she thought he was making himself ill, and on that 21st he announced to her that he would not leave the house all the Sunday—the following day. He had, therefore, I maintain, no appointment with the

prisoner for the Sunday, else he would never have made that statement. On the 22d, Mrs Jenkins says she has no recollection of his going out, in violation of his declared intention made the day before. Gentlemen, do you really believe that this remarkably accurate woman would not have remembered a circumstance in connexion with this case of such great importance as that he had first of all said that he would not go out upon that Sunday, and that he had then changed his mind and gone out? She has no recollection of his going out, and I am entitled to conclude that he did not. And when he did go out of a night and came in late, what was his habit? Mrs Jenkins says he never got into the house on those occasions—that is, after she went to bed—except in one or other of these two ways: either he asked for and got a check-key, or the door was opened to him by Mr Thuau. She says he did not ask the check-key that night. If he had done so, she must have recollected. Thuau says he certainly did not let him in. Now, gentlemen, I must say that to conjecture in the face of this evidence that L'Angelier was out of the house that night is one of the most violent suppositions ever made in the presence of a jury, especially when that conjecture is for the purpose of—by that means, and that means only—rendering the second charge in this indictment possible, for without it, it is impossible. He was not ill till late in the morning, and he did not come home ill. There is no evidence that he ever came home at all, or that he ever was out; all we know is, that he took ill late in the morning about four or five o'clock. Only one attempt was made by my learned friend to escape from the inevitable results of this evidence. And it is by a strange and forced use of a particular letter, No. 111, written on a Wednesday, in which letter the prisoner says she is sorry to hear he is ill; but the portion which he particularly founded on was that in which she said—"You did look bad on Sunday night and Monday morning." My learned friend says that that letter was written on the 25th of February, and points out to you that the Sunday before that was the 22d. And, no doubt, if that were conclusively proved, it would be a piece of evidence in conflict with the other, and a very strong conflict it would indeed be, and one which you, gentlemen, might have great difficulty to reconcile. This, however, would not be a reason for convicting the prisoner. But, gentlemen, the contradiction is imaginary; for the only date the letter bears is Wednesday, and it may be, so far as the letter is traced, any Wednesday in the whole course of their correspondence. There is not a bit of internal evidence in this letter, nor in the place where it was found, to fix its date, unless you take that reference to Friday night, which is, of course, begging the whole question. Therefore, I say again, gentlemen, that it might have been written on any Wednesday during the whole course of their correspondence and connexion. But it is found in an envelope, from which its date is surmised. And, gentlemen, you are to be asked to convict, and to convict of murder, on that evidence alone! I say that if this letter had been found in an envelope bearing the most legible possible postmark, it would have been absurd and monstrous to convict on such evidence. But when the postmark is absolutely illegible, how much is that difficulty and absurdity increased? Except that the Crown witness from the Post-office says that the mark of the month has an R, and that the Post-office mark for February has no R, we have no evidence even as to the month. My learned friend must condemn the evidence of his own witness before he can fix the postmark. The witness said the letter must have been posted in the year 1857; but even on that point I will not take the evidence of a witness whom the Crown themselves have discredited. Besides, the whole evidence on this point is subject to this answer—that the envelope proves absolutely nothing. Again, to take the fact that a particular letter is found in a particular envelope as evidence to fix the date of an administration of poison, is, gentlemen, a demand on your patience and on your credulity which to me is absolutely unintelligible. The Lord Advocate said, in the course of his argument, that, without any improper proceedings on the part of the Crown officials, nothing could be so easily imagined as that a letter could get into a wrong envelope in the possession of the deceased himself. I adopt that suggestion, and if that be a likely accident, what is the value of this letter as a piece of evidence? especially in opposition to the plain evidence of two witnesses for the Crown, that the Sunday referred to in the letter could not be the 22d of February, because on that Sunday L'Angelier was never over the door. Well, I do not think the Crown has succeeded much better in supporting the second charge. I should like to know whether my learned friend still persists in saying that, on the morning of the 23d February, the deceased was suffering from the effects of arsenical poisoning; for, if he does, the answer is the same—that he was receiving arsenic from another hand than the prisoner's. And so, gentlemen, step by step—tediously, I am afraid, but with no more minuteness than is necessary for the ends of justice and the interests of the prisoner—I have pulled to pieces the web of sophistry which had been woven

around this case. Well, gentlemen, time goes on, and certainly in the interval between the 22d February and the 22d March, we have no event in the nature of a meeting between these parties. Nothing of that kind is alleged; and on the 22d of March it is perfectly true that L'Angelier goes to Glasgow, and goes under peculiar circumstances. The events connected with his journey from Bridge of Allan, with the causes and consequences of it, I must beg you to bear with me while I detail at considerable length. He went to the Bridge of Allan on the morning of the 19th, or, in other words, he went first to Edinburgh, and then from that to the Bridge of Allan. You recollect that upon the 18th—from the night of the 17th, after his arrival from Edinburgh, and in the course of the 18th—he had expressed himself very anxious about a letter which he expected. He spoke to Mrs Jenkins about it several times; but he started for Edinburgh without receiving that letter; and I think it is pretty plain that the sole cause of his journey to Edinburgh that day was to see whether the letter had not gone there. Now, in Edinburgh again he receives no letter, but goes on to the Bridge of Allan, and at the Bridge of Allan he does receive a letter from the prisoner. That letter was written on the evening of Wednesday the 18th—remember that—and it was posted on the morning of Thursday. It was addressed by the prisoner to the deceased at his lodgings at Mrs Jenkins'—she being ignorant of the fact that he had left town. It reached Mrs Jenkins' in the course of the forenoon, and it was posted in another envelope by M. Thuau, and addressed to L'Angelier at Stirling, where he received it upon Friday. Now, gentlemen, there are two or three circumstances connected with this letter of the greatest consequence. In the first place, it is written the evening before it is posted. In that respect it stands very much in the same position as by far the greater part of the letters written. In the second place, it undoubtedly contained an appointment to meet the deceased on the Thursday evening. That was the evening after it was written—the evening of the day on which it was posted. But he being out of town, and not receiving it until the Friday, it was of course too late for its object, and he did not come to town in answer to that letter—a very important fact too, for this reason, that it shews that, except by appointment, he did not think it worth while to attempt to come, because he could not see the prisoner. Remember how anxious he was before he left Glasgow; remember that he made a journey to Edinburgh for the very purpose of getting the letter that he expected. He was burning to receive the letter—in a state of the greatest anxiety—and yet when he gets it on the Friday morning in Stirling, seeing that the hour of appointment is already past, he knows that it is in vain to go. She cannot see him except when a tryst is made. Now, most unfortunately—I shall say no more than that of it at present—that letter is lost; and, most strangely, not merely the original envelope in which it was enclosed by the prisoner herself, but the additional envelope into which it was put by Thuau, are both found, or said to be found, in the deceased's travelling-bag, which he had with him at Stirling and Bridge of Allan. But the letter is gone—where, no man can tell. Certainly it cannot be imputed as a fault to the prisoner that that letter is not here. On the Friday he writes a letter to Miss Perry, in which he makes use of this expression—"I came to see some one last night, but the letter came too late, so we are both disappointed." He got the letter; he knew that it contained an appointment for that night, and the preservation of this letter to Miss Perry proves its contents so far. But the letter itself is gone, and I cannot help thinking that the Crown is responsible for the loss of that letter. If they had been in a position to prove, as they ought to have been, that these two envelopes were certainly found in the travelling-bag without the letters, they might have discharged themselves of the obligation that lay upon them in taking possession of the contents of that travelling-bag, which are now brought to bear on the guilt or innocence of the prisoner. Now, there is another letter which is sent to the Bridge of Allan through the same channel. It is addressed to Mrs Jenkins', and bears the postmark of 21st March—that is to say, Saturday morning. It reached Mrs Jenkins in the course of the forenoon; it was posted by M. Thuau in the afternoon of the same day, and was received by the deceased at the Bridge of Allan on Sunday morning. Here is the letter:—"Why, my beloved, did you not come to me? Oh, my beloved, are you ill? Come to me. Sweet one, I waited and waited for you, but you came not. I shall wait again to-morrow night—same hour and arrangement. Oh, come, sweet love, my own dear love of a sweetheart. Come, beloved, and clasp me to your heart; come, and we shall be happy. A kiss, fond love. Adieu, with tender embraces. Ever believe me to be your own ever dear, fond MIMI." When was it that she "waited and waited?" It was upon Thursday evening—that was the tryst. The letter to Miss Perry proves that. When, then, do you think it was likely that she should write her next summons? I should think, in all human

probability, that it was on Friday. She almost always wrote her letters in the evening; and when she wrote her letters in the evening, they were invariably posted next morning, and not that evening, for very obvious reasons. Now, then, is it not clear to you that this letter, this all-important letter, written upon the Friday evening, was posted on the Saturday morning, still believing, observe, that he was in Glasgow with Mrs Jenkins, and making the appointment for Saturday evening—"I shall wait to-morrow night, same hour." It is the very same amount of warning that she gave him when she made the appointment for Thursday evening. Here, in like manner, comes this letter, written, as I say, upon the Friday evening, and posted upon the Saturday morning—fixing a meeting for the Saturday evening. The two things square exactly; and it would be against all probability that it should be otherwise. She was most anxious to see him; she believed him to be in Glasgow; and she entreated him to come to her. Oh, but, says my learned friend, Sunday was a favourite night, but not Saturday. Really, gentlemen, when my learned friend has put in evidence before you somewhere about 100 out of 200 or 300 letters, that he should then ask you to believe this (because there is no appearance of a Saturday evening meeting in any of them which he has read), and also ask you to assume that there is no such appearance in any that he has not read—I think that would be a somewhat unreasonable demand. But unhappily for his theory or conjecture, it is negatived by the letters that he has read, as you will find. In one letter, No. 55, October 1856, she says—"Write me for Saturday that you are to be on Saturday night." That is, to meet her on Saturday night. Again, in letter No. 111, she says—"I shall not be at home on Saturday, but I shall try, sweet love, to meet you, even if it be but for a word"—alluding to her return from some party. Now, these are two examples selected out of the very letters that my learned friend himself has used, negativing the only kind of supposition that he has set off against what I am now advancing. Gentlemen, I think further, with reference to the supposed meeting on the Sunday evening, that I am entitled to say to you that there is no appearance of their ever having met without previous arrangement. The very existence of that number of references, in various parts of the correspondence, and at different dates, to meetings then made or that were passed,—the constant reference to the aid and assistance of Christina Haggart whenever there was anything more than a mere meeting at the window required, all go to shew that in meetings between these parties there always was and always must have been previous arrangement. If, indeed, as regards Blythswood Square house, the theory of the prosecutor had been correct, that he had it in his power at any time to go to the window in Main Street and call her attention by some noisy signal, the case might have been different. But I have already shewn how constantly she repeated to him her warning that he was on no account to make the slightest noise of any kind. Therefore, without previous arrangement, it does not appear to me to be possible for these parties to have met on the occasion the prosecutor says they did. And now let us see what the condition of Blythswood Square house and its inmates was upon this all-important Sunday, the 22d March. If I am right in the reading of the letter, she expected him on Saturday evening, and she waited for him then—waited most impatiently; waited and waited as she had upon the Thursday, but he came not. On the Sunday evening she did not expect him—why should she? When he did not come on the Thursday evening, when he did not come on the Saturday evening, why should she expect him on the following evening? Well, then, that is the state in which her expectations were on that occasion, and her conduct precisely squares with it. She is at home in the family. They are all at prayers together at nine o'clock. The servants come up to attend prayers along with the family. Duncan Mackenzie, the suitor of Christina Haggart, remains below while the family are at worship. The servants afterwards go down stairs to bed as usual—one after the other—first the boy, then Christina Haggart, and lastly the cook, who gets to bed about eleven o'clock. The family then retire to rest, and the prisoner with her youngest sister goes to her bed-room between half-past ten and eleven. They both get into bed about the same time; and, so far as human knowledge can go, that house is undisturbed and unapproached, till the prisoner is lying in the morning, side by side with her sister, as she had fallen asleep at night. Do you think it possible that, if there had been a meeting between these two parties, there should have been no evidence of it? The watchman was on his beat, and he knew L'Angelier well, and he saw nothing. As you must be aware, this is a very quiet part of the town, about which the appearance of a stranger at a late hour on a Sunday evening would attract attention. The policeman, whose special charge was, on such an evening, and in such circumstances, to see after every one passing there (and there is no charge against him of not having been upon his beat, and nothing in the least to

detract from his evidence), sees nothing. But now let me turn to L'Angelier. It is said that he came from the Bridge of Allan in answer to the invitation sent him by the prisoner in the course of Saturday. I don't think that is altogether a reasonable presumption. But even if you assume it, it won't advance the prosecutor's case one step. But I say it is not a reasonable presumption. I say it for this reason, because to say that he came into Glasgow on a Sunday at such great inconvenience to keep an appointment which was already past, is to suppose him to contradict on Sunday what he did, or rather omitted to do, on Friday under precisely similar circumstances. If he had wanted to have a meeting on an evening subsequent to that for which it was appointed, he could have been in on Friday. And yet on Sunday, when there was far less facility for putting his purpose into execution, when he required to walk a considerable part of the way, instead of going by rail, as he could have done on Friday, he is represented as having done this in the purpose of keeping a meeting which had been appointed for the previous night. I say that is not a reasonable supposition. We do not know what other letters he may have received at the Bridge of Allan on Sunday morning. Then there is surely a great deal of mystery attending the prosecution of this journey from the Bridge of Allan to Glasgow on that Sunday. But before I go into that, let me remind you that, with reference to the correspondence between him and M. Thuau as to the forwarding of his letters, we have this in his letter of the 16th March 1857: he says,—"I have received no letters from Mr Mitchell; I should like to know very much what he wants with me." Now you don't know anything of Mr Mitchell, and the Crown has not told you; but apparently L'Angelier was expecting letters from this Mr Mitchell when he was in Edinburgh. He was anxious to receive them, and who can tell what letters he received at Bridge of Allan on Sunday morning? Who can tell whether there was not a letter from this Mitchell? and, if so, who can tell what it contained? However, L'Angelier came to Glasgow, and, as I said before, there was a certain degree of mystery, and a very great obscurity, thrown over the identity of this man in the course of his journey to Glasgow. I refer to this part of the evidence because I think everything that bears on this part of the proceedings of L'Angelier on Sunday is important to the case. It is most essential that everything should be laid before you; and it is for that reason, rather than because I attach any great importance to the thing itself, that we brought before you the evidence of these three apothecaries to which I am going to refer. But observe, in the first place, what the evidence of the Crown is. They first call the guard of the mail train by which he travelled from Stirling to Coatbridge, and that guard says that a gentleman travelled with him from Stirling to Coatbridge on a Sunday, and set out to walk to Glasgow in company of the witness Ross. Now, Ross did not describe the person of L'Angelier, or his conversation, or anything about him, in such a way that anybody could possibly identify him from his description. And Ross was not shewn the photograph—a very remarkable omission on the part of the Crown, and, of course, done for some good reason. They did show the photograph to the mail-guard, and the mail-guard identified him entirely from the photograph; and yet when we proposed on the part of the prisoner to identify him in the same way, the Crown seemed to think that we were relying upon very imperfect means of identification. Why, it was their own suggestion; it was the very medium of identification on which alone they relied, and relied on the exhibition of that photograph to a single witness; and if he was mistaken, so was Ross also, for Ross told us nothing particular about him, except that he walked with a gentleman to Glasgow. But there are some things connected with his conversation while on the way to Glasgow that certainly startle one very much. After they had the refreshment at the inn at Coatbridge—none of the parties connected with which have been called as witnesses to identify or describe L'Angelier—after they left that inn, they fell into conversation, and while the conversation was generally on indifferent matters, it turned out among other things that Ross asked L'Angelier where he had come from; and what was the account that he gave of himself? That he had come from Alloa. It seemed to me at first that there might be some misunderstanding or misstatement on the part of the witness in calling Alloa the Bridge of Allan, or something of that kind; but no. Ross was quite sure about it. He said there was not a word spoken about the Bridge of Allan between them. I asked him, Did he tell him how far it was from Alloa to Stirling? and he said it was eight miles, which is just the distance; while, as we proved to you, the distance between the Bridge of Allan and Stirling is only between two and three. It is on this evidence that the Crown asks you to believe this was L'Angelier who came in with Ross. It might have been possible for the Crown to identify him further. In the course of his conversation with Ross, he said that he had come to Stirling the day before, or on Friday, that he

had endeavoured to cash a check at the bank, and had been refused, because they did not know him. No attempt has been made to shew that L'Angelier did this—no attempt to shew that he had a check with him—no attempt to shew that he had occasion to cash a check, having no money with him. All these things were open to the Crown to have proved. Not one of them have they tried. Now, on the other hand, observe the condition in which the witnesses for the defence stand in regard to this Sunday. Ross, you know, said that the man never parted with him from the time they started till they reached Abercromby Street in the Gallowgate; and, therefore, if it was L'Angelier who was with him, in the first place he gave him a perfectly false account of the place where he had come from, and the distance he had walked; and Ross's evidence is in direct conflict with that of the witnesses whom I am now about to refer you to. If L'Angelier was not with Ross, there then is no false account of the journey, and there is no difficulty in reconciling the evidence, and no difficulty in believing the witnesses, Adams, Kirk, and Dickson. Adams, the first witness, speaks to the 22d as the day of a gentleman passing along the road from Coatbridge to Glasgow bearing a very strong likeness to L'Angelier. Adams is not so clear about the likeness as the others, but he is perfectly clear about the day. And when you come to the witness Dickson at Baillieston, he is clear about the likeness, and what he says to the date is this, that it was a Sunday at the end of March. Miss Kirk is equally clear about the likeness. She is very strong on that; and besides she identified the purse from which he took out his money, and which was found on the person of L'Angelier after death. And she also takes the occasion to be the evening of a Sunday at the end of March. Now, gentlemen, I need not tell you it could not have been any later Sunday in March, because the poor man died the next morning, and it could not be the Sunday before that, for he was in Edinburgh; and, therefore, if it was a Sunday in March at all, and above all, if it was a Sunday in the end of March, it could be no Sunday but the 22d. Now, if these three witnesses are correct in what they stated to you, observe what the result is. He was ill. He was taking laudanum in the apothecaries' shops as he passed; and, finally, in Miss Kirk's shop he purchased, but did not consume, some white powder which Miss Kirk could not tell what it was. Well, he came to Glasgow. He is seen by Mrs Jenkins at his lodgings on his arrival at about eight o'clock. He remains there till nine, and then goes out. He is seen in different streets. He calls about half-past nine o'clock on his friend M'Allister, who lives some five minutes' walk from Blythswood Square. He calls there, but finds that M'Allister was from home. Again I ask, why have we not here M'Allister to tell us what he knew about him, or whether he expected him? Could M'Allister have told us anything about the Mitchell of this letter? Could M'Allister have explained what was the errand on which he had come from the Bridge of Allan? Why do the Crown leave all these different things unexplained on this, the last and most important day in his history? Now, gentlemen, from half-past nine till half-past two o'clock, at least five hours, he is absolutely lost sight of, and I was startled at the manner in which my learned friend, the Lord Advocate, met this difficulty. He says, it is no doubt a matter of conjecture and inference that in the interval he was in the presence of the prisoner. Good heavens! Inference and conjecture! I never heard such an expression made use of in a capital charge before, as indicating or describing a link in the chain of the prosecutor's case. It is new to me. I have heard it many a time in the mouth of a prisoner's counsel, and I dare say you will hear it many a time in mine yet before I am done; but for the prosecutor himself to describe one part of his evidence as a piece of conjecture and hypothesis is to me an entire and most startling novelty—and yet my learned friend could not help it. It was honest and fair that he should so express himself if he intended to ask for a verdict at all, for he can ask this verdict on nothing but a set of unfounded and incredible suspicions and hypotheses. Let us now look at this third charge in the light of probabilities, since we must descend to conjecture, and let us see whether there is anything to aid the conjecture which the Crown has chosen to consider as the most probable one. If you believe the evidence of the Crown, he suspected the prisoner of having tried to poison him before; but then, says my learned friend, his suspicions were lulled. She had become more kind to him before he had left town, and his suspicions were lulled. I thought my learned friend said he was brooding over it when he was in Edinburgh, and spoke of it in a very serious tone to Mr and Mrs Towers at Portobello. That was the 16th of March, after which he had nothing to change his mind in the shape of kindness from the prisoner, and, therefore, if he did once entertain the suspicion, however unfounded, there was nothing to remove it from his mind anterior to the evening of Sunday the 22d of March. A man whose suspicions are excited against a particular person is not very likely to take poison at that person's hand, and yet what

are we asked to believe that he took from her that night? That he took from her hand a poisoned cup in which there lurked such a quantity of arsenic as was sufficient to leave in his stomach after death eighty-two grains, such a dose indicating the administration of at least double—ay, I think, as Dr Christison said, indicating the administration of at least half-an-ounce—240 grains—and that he took it that evening from the hand of the prisoner, with all his previous suspicion that she was practising on his life. It is a dose which, as far as experience goes, never was successfully administered by a murderer. There is not a case on record in which it has ever been shewn that a person administering poison to another ever succeeded in persuading him to swallow such a quantity. There is the greatest improbability in that, and yet with all these extraordinary circumstances attending the character and quantity of the dose, this gentleman swallowed it having had his suspicions previously excited that the prisoner was practising on his life. But, gentlemen, here comes again another point in which the evidence for the Crown is very defective, to say the least of it. They knew very well, when they were examining and analysing the contents of this poor man's stomach, and the condition of his intestines generally, what was the arsenic that the prisoner had bought. They knew, from her own candid statement, that the arsenic that she bought was got partly at Murdoch's and partly at Currie's. Murdoch's arsenic was mixed with soot, Currie's arsenic was mixed with waste indigo. If that arsenic had been swallowed by the deceased, the colouring matter could have been detected in the stomach. I confess I did not expect to have it so clearly proved when the witnesses for the Crown were originally in the box; but you recollect what Dr Penny said when he was recalled by my learned friend on the other side, and I think a more clear or precise piece of evidence I never listened to. Now, gentlemen, there was one means of connecting the prisoner with this poison which was found in the stomach of L'Angelier—and a very obvious means. It may be very well for Professor Penny and Professor Christison to say now that their attention was not directed to this matter. Whose fault is that? The Crown, with the full knowledge of what was the arsenic which the prisoner had in her possession, could have directed their attention to it—they must have seen the importance of the inquiry, or, if they did not see that, they must suffer for their omission—plainly there can be no fault on the part of the prisoner, for, observe, she had no means of being present, or of being represented, at these *post mortem* examinations or chemical analyses. The whole thing was in the hands of the authorities. They kept it to themselves—they dealt with it exclusively—and they present forthwith that lame and impotent conclusion. Now, gentlemen, such is the state of the evidence on this third and last charge upon the 22d of March; and I do venture to submit to you that if the case for the Crown is a failure, as it unquestionably is, upon the first and second charges, it is a far more complete and radical failure as regards the third. The one fact, which is absolutely indispensable to bring guilt to the prisoner, remains not only not proved—I mean the act of administration—but the whole evidence connected with the proceedings of that day seems to me to go to negative such an assumption. I might stop there, for nothing could be more fallacious than the suggestion which was made to you by the Lord Advocate, that it was necessary for the prisoner to explain how that man came by his death. I have no such duty imposed upon me. His Lordship will tell you that a defendant in the Court has no further duty than to repel the charge and to stand upon the defensive, and to maintain that the case of the prosecutor is not proved. No man probably can tell certainly at the present moment—I believe no man on earth can tell—how L'Angelier met his death. Nor am I under the slightest obligation even to suggest to you a possible manner in which that death may have been compassed without the intervention of the prisoner. Yet it is but fair that, when we are dealing with so many matters of mere conjecture and suspicion, we should for a moment consider whether that supposition upon which the charge is founded is in itself preferable, in respect to its higher probability, to other suppositions that may be very fairly made. The character of this man, his origin, his previous history, the nature of his conversation, the numerous occasions upon which he spoke of suicide, naturally suggest that as one mode by which he may have departed this life. I say, gentlemen, understand me, that I am not undertaking to prove that he died by his own hand—if I were doing anything so rash, I should be imitating the rashness of the prosecutor—but I think there is more to be said for suicide than for the prisoner's guilt. But I entreat you again to remember that that is no necessary part of my defence. But of course I should be using you very ill—I should be doing less than my duty to the prisoner—if I had not brought before you the whole of that evidence which suggests the extreme probability of that man dying by his own hand at one time or another. From the very first time at which we see him, even as a

lad, in the year 1843, he talks in a manner to impress people with the notion that he has no moral principle to guide him. He speaks over and over again at Edinburgh, Dundee, and elsewhere—ay, the prisoner's letters shew that he had made the same threat to her—that he would put himself out of existence. The passages were read to you, and I need not repeat them to you. And is it half as violent a supposition as the supposition of this foul murder, that upon this evening—the 22d of March—in a fit of that kind of madness which he himself described came over him when he met with a disappointment—finding, it may be, that he could not procure access to an interview which he desired—assuming that he came to Glasgow for the purpose—assuming, even, that he mistook the evening of the meeting, and expecting to see her on the Sunday—can anything be more probable than that, in the excited state in which he then was, he should have committed the rash act which put an end to his existence? But whether he met his death by suicide, or by accident, or in what way soever he met his death, the question for you is—Is this murder proved? You are not in the least degree bound to account for his death. The question you have got to try is, whether the poison was administered by the hands of the prisoner. I pray you to remember that you are asked to affirm that on your oaths—to affirm on your oaths as a fact—that the arsenic which was found in that man's stomach was presented to him by the hands of the prisoner. Gentlemen, I have talked of the improbabilities which belong to this story. But surely you cannot have omitted to observe how very unnatural and extraordinary a crime it is to impute to a person in the prisoner's situation. I stated to you before, and I state to you again, as a piece of undoubted experience, that no one sinks to such a depth of depravity all at once; and now I ask you to remember at what period we left this correspondence—at a period when she desired to break off with L'Angelier no doubt—at a period when she desired to obtain possession of her letters. The return of them was refused. I am most unwilling to intersperse my address with remarks upon the character of a man who is now no more. But picture to yourselves the moral temperament—paint the feelings of a human being who, having received such letters from a girl as you have heard read in this Court, would ever preserve them. He must have been dead to all feelings of humanity, or he would never have refrained from burning these letters. But he not only preserves them, but he retains them as an engine of power and oppression in his hands. He keeps them that he may carry out his cold-blooded original design, not merely of possessing himself of her person, but of raising himself in the social scale by a marriage with her. It was his object from the first, and that object he pursues constantly, unflinchingly, to the end. But he will expose her to her friends and to the world—he will drive her to destruction, or to suicide itself, rather than let her out of his power. It may be said that I am only describing the great provocation which she received, and therefore enhancing the probability of her taking this fearful mode of extricating herself from her embarrassment. I don't fear that at all. I want you to look now at the picture which I have under her own hand of her own state of mind at this time—not for the purpose of palliating her conduct—not for the purpose of vindicating her against the charge either of unchasteness or impropriety as regards Mr Minnoch; but for the purpose of shewing you what was the frame of mind in which that poor girl stood at the time—the very time at which she is said to have conceived and contrived this foul murder. There are two or three letters, but I select one for the purpose of illustrating what I now say. It is written on the 10th February, and it is written after she has asked for the return of her letters and been refused. She says:—

> Emile, no one can know the intense agony of mind I have suffered last night and to-day. Emile, my father's wrath would kill me, you little know his temper. Emile, for the love you once had for me, do not denounce me to my P. Emile, if he should read my letters to you, he will put me from him, he will hate me as a guilty wretch. I loved you, and wrote to you in my first ardent love—it was with my deepest love I loved you. It was for your love I adored you. I put on paper what I should not. I was free because I loved you with my heart. If he or any one saw those fond letters to you, what would not be said of me? On my bended knees I write you, and ask you as you hope for mercy at the Judgment-day, do not inform on me—do not make me a public shame . . . Emile, think of our once happy days. Pardon me if you can; pray for me as the most wretched, guilty, miserable creature on the earth. I could stand anything but my father's hot displeasure. Emile, you will not cause my death. If he is to get your letters, I cannot see him any more; and my poor mother, I will never more kiss her. It would be a shame to them all. Emile, will you not spare me this? Hate me, despise me, but do not expose me.

Is that, gentlemen, the language of deceit? Is that the mind of a murderess, or can any one affect that frame of mind? Can you for one moment listen to the suggestion that that letter covers a piece of deceit? No, no. The finest actress that ever lived could not have written that letter, unless she had felt it; and is that the condition in which a woman goes about to compass the death of him whom she has loved? Is that

the frame of mind—shame for past sins, burning shame, dread of exposure, grief at the injury she had done her parents—is that the frame of mind that would lead a woman—not to advance another step on the road to destruction, but to plunge at once into the deepest depths of human wickedness? The thing is preposterous, and yet it is because of her despair, as my learned friend called it, exhibited in that and similar letters, that he says she had a motive to commit this murder. A motive—what motive?—a motive to destroy L'Angelier. What does that mean? It may mean, in a certain improper sense of the term, that it would have been an advantage to her that he should cease to live. That is not a motive in any proper sense of the term. That is not a motive, else how few of us are there that live who have not a motive to murder some one or other of our fellow-creatures. If some advantage, resulting from the death of another, be a motive to the commission of a murder, a man's eldest son must always have a motive to murder him that he may succeed to his estate; and I suppose the youngest officer in any regiment of her Majesty's line has a motive to murder all the officers in his regiment—the younger he is, and the further he has to ascend the scale, the more murders he has a motive to commit. Away with such nonsense! A motive to commit a crime must be something a great deal more than the mere fact that the result of that crime might be advantageous to the person committing it. You must see the motive in action—you must see it influencing the conduct—before you can deal with it as a motive for this; and thus only is it a motive in the proper sense of the term—that is to say, it is moving to the perpetration of the deed. But, gentlemen, even in the most improper and illegitimate sense of the term, let me ask you what possible motive there could be—I mean what possible advantage could she expect from L'Angelier ceasing to live so long as the letters remained? Without the return of his letters she gained nothing. Her object—her greatest desire—that for which she was yearning with her whole soul, was to prevent the exposure of her shame. But the death of L'Angelier, with these letters in his possession, instead of insuring that object, would have been perfectly certain to lead to the immediate exposure of everything that had passed between them. Shall I be told that she did not foresee that? I think my learned friend had been giving the prisoner too much credit for talent in the course of his observations upon her conduct. But I should conceive her to be infinitely stupid if she could not foresee that the death of L'Angelier, with these documents in his possession, was the true and best means of frustrating the then great object of her life. So much for the motive; and if there is no assignable or intelligible motive in any sense of the word, see what another startling defect that is in the case for the prosecution. Shall I be told that the motive might be revenge? Listen to the letter. Tell me if it is possible, that in the same breast with these sentiments, there could lurk one feeling of revenge? No; the condition of mind in which that poor girl was throughout the months of February and March, is entirely inconsistent with any of the hypotheses that have been made on the other side—utterly incredible, and wholly irreconcileable with the perpetration of such a crime as is here laid to her charge. It is of importance, too, that we should keep in mind the way in which her spirit was thus broken and bowed down with the expectation of an exposure of her conduct; for when the death of L'Angelier was made known to her, can you for a single moment doubt that her apprehensions were keenly awakened—that she foresaw what must be the consequences of that event—and, dreading to meet her father or her mother, feeling that in the condition of the family it was impossible she could remain among them, she left her father's house on the Thursday morning? I really don't know whether my learned friend meant seriously to say that there was an absconding from justice from a consciousness of guilt—an absconding from justice by going to her father's house at Row. Oh, he said, all we know is, that she left Glasgow early in the morning, and that she was found at three in the afternoon on board a steam-packet going from Greenock to Helensburgh; the interval is unaccounted for. If my learned friend were only half as ingenious on behalf of the prisoner as he is in supporting the prosecution, he could have very little difficulty in knowing that one who starts by water in the morning may be easily overtaken by others travelling by railway to Greenock in the afternoon. But she was on board a steam-packet with the determination of going no further than Helensburgh and its neighbourhood. And that he calls absconding from justice! If he means anything at all, that is what he must mean. Gentlemen, it is no flying from justice, but it is flying from that which she could just as little bear—the wrath of her father and the averted countenance of her mother. But she came back again without the slightest hesitation, and upon the Monday morning there occurred a scene as remarkable in the history of criminal jurisprudence as anything I ever heard of, by which

that broken spirit was altogether changed. The moment she was met by a charge of being implicated in causing the death of L'Angelier, she at once assumed the courage of a heroine. She was bowed down, and she fled, while the true charge of her own unchastity and shame was all that was brought against her; but she stood erect and proudly conscious of her innocence when she was met with this astounding, monstrous charge of murder. You heard the account that M. de Mean gave of the interview that he had with her in her father's house on the Monday. That was a most striking statement, given with a degree of truthfulness obviously that could not be surpassed. And what was the import of that conversation? He advised her as a friend—and that was the very best advice that any friend could have given her—if L'Angelier was with her on that Sunday night, then for God's sake let her not deny it. And why? Because, said M. de Mean, it is certain to be proved. A servant, a policeman, a casual passenger, is certain to know the fact, and if you falsely deny his having met you that evening, what a fact that will be against you! Gentlemen, the advice was not only good, but most irresistible in the circumstances if that meeting had taken place. But what was her answer? In answer to five or six suggestions, she said at length that she would swear to M. de Mean that she had not seen the deceased for three weeks. Is this not proved to be true? If it be true that she had not seen him on the 22d March, then she did not see him at all for three weeks. M. de Mean was in doubt whether she said three weeks or six weeks, either of which would have been probably quite true. Immediately afterwards she was brought before the magistrate and interrogated on the circumstances implicating her in the suspicion which had come upon her. What does she say? She tells the truth again with a degree of candour which very much surprised the magistrate, as well it might. Listen to the words of her declaration; for though these must lose much of their effect from the want of being listened to as spoken by her, I must ask you to look at two or three particulars there stated which it is of the utmost importance that you should mark. [Here the Dean read portions of the prisoner's declaration.] In reference to the passage where she speaks of L'Angelier having gone to the Bridge of Allan, he remarked, in answer to the Lord Advocate, that she certainly knew that fact then, because she had been told by M. de Mean. After commenting on other passages, the Dean continued:—Such openness and candour of statement, under such circumstances—first to M. de Mean, a friend, and next to the magistrate interrogating her on the charge, and who had, as was his duty, informed her that whatever she said might be used to her prejudice, but could not possibly be used to her advantage—I leave to speak for themselves. But I have now to request your attention to one particular point in connexion with this declaration—the different purchases of arsenic. With regard to the purchase of the 21st, I shall not trouble you with any further observations, because it does not require it; but the occasion of the second purchase cannot be passed over without further remark. It was made on the 6th of March, when she was going to the Bridge of Allan. For what purpose—for what murderous purpose—could that purchase have been made? She had been doing, you will have observed, everything in her power to prevent the deceased from going to the Bridge of Allan at the same time as herself, and she had succeeded in preventing him; and yet when going away to the Bridge of Allan she bought this arsenic—when going away from the supposed object of her murderous attack—when she could not possibly have any use for it as affecting him. She carries it away with her. But then my learned friend, the Lord Advocate, says that when she found some arsenic left over, and had got some which was of no use to her, she put it away, and in this way my learned friend tried to account for none having been found in her possession. But, gentlemen, what does she do on the 6th March in connexion with what was done on the 18th? The Lord Advocate argues that, finding she could not administer it, she threw it away; what could she mean by that? Perhaps it may be said that she kept it at Bridge of Allan in case L'Angelier should come there; well, then, she must have kept it until the 17th. Now, gentlemen, why did she throw away the arsenic on the 17th, and buy more on the 18th? Why did she throw it away just when she was coming within reach of her victim, and then buy more with circumstances of openness and publicity utterly inconsistent with the hypothesis of any illegitimate object? Why expose herself to the necessity of a repeated purchase when she could get or had got enough at once to poison twenty or a hundred men? Her conduct is utterly unintelligible on any such supposition as has been made by the prosecution. Let us now look at what was her object at this time in another view. She wanted L'Angelier to go away; she was most anxious that he should go to the south of England—to the Isle of Wight—for ten days. Oh, says my learned friend, her object was to marry Mr Minnoch in the meantime. Why, gentlemen, there was no

arrangement entered into, by that time, of the day of her marriage with Mr Minnoch. She was going away herself for ten days or more on a casual visit to the Bridge of Allan; and if L'Angelier had followed her advice and gone to the south of England, he would have returned at the expiry of the period named only to find matters as they were—Mr Minnoch still her suitor, but certainly not her husband. Then, again, L'Angelier's absence could surely be of no advantage to her, if she wanted to give him poison. All the facts, gentlemen, relating to this part of the case, go to shew this, that she had no object but perhaps to get rid of him for a time, to keep him from going to the Bridge of Allan, and to get him to go elsewhere, out of regard for his health, as expressed in her letters. But the possession of this arsenic is said to be unaccounted for, as far as the prisoner herself is concerned. It might be so, it may be so, and yet that would not make a case for the prosecution. She says she used it as a cosmetic. This might be startling at first sight to many of us here, but after the evidence we have heard, it will not in the least amaze you. At school her statement, which has been so far borne out by evidence, shews that she had read of the Styrian peasants using arsenic for the strengthening of their wind and the improvement of their complexions. No doubt they used it internally, and not externally, as she did; but in the imperfect state of her knowledge, that fact was of no significance. L'Angelier, too, was well aware of the same fact. He stated to more than one witness —and if he stated falsely, it is only one of a multitude of lies proved against him —that he used it himself. It is not surprising that if L'Angelier knew of this custom, he should have communicated it to the prisoner, nor that she should have used the arsenic externally, for an internal use is apparently a greater danger, which might have suggested it to her to try it externally; and there is no reason to suppose that, if used externally, as the prisoner says she did use it, it would be productive of any injurious effects. No doubt we have medical gentlemen coming here and shaking their heads and looking wise, and saying that such a use of arsenic would be a dangerous procedure. Well, so should we all say, that it is both a dangerous and foolish procedure. But that is not the question. The question is, whether the prisoner could actually so use it without injurious effects; and that she could do so is demonstrated by the experiment of Dr Lawrie and by the opinion of Dr Maclagan. The publication in *Chambers's Journal*, *Blackwood's Magazine*, and Johnston's "Chemistry of Common Life," of information on such uses of arsenic, had reached not the prisoner alone, but a multitude of other ladies, and had incited them to the same kind of experiments. The two druggists—Robertson and Guthrie—spoke to the fact of ladies having come to their shops seeking arsenic for such purposes on the suggestion of these publications. It cannot, therefore, be surprising to you, gentlemen, to learn, that when the prisoner bought this arsenic, she intended to use it, and did afterwards actually use it, for this very purpose. My learned friend the Lord Advocate said that great as was the courage that the unhappy prisoner displayed when charged with the crime, that demeanour was not inconsistent with the theory of her guilt. He said that a woman who had the nerve to commit the murder would have the nerve calmly to meet the accusation. I doubt that hypothesis. Gentlemen, I know of no case in which such undaunted courage has been displayed, from first to last, by so young a girl, confronted with such a charge, where that girl was guilty. But, gentlemen, our experience does furnish us with examples of as brave a bearing in as young a girl when innocent. Do you know the story of Eliza Fenning? She was a servant-girl in the city of London, and she was tried on the charge of poisoning her master and family by putting arsenic into dumplings. When the charge was first made against her, she met it with a calm and indignant denial. She maintained the same demeanour and self-possession throughout a long trial, and she received sentence of death without moving a muscle. According to the statement of an intelligent bystander, when brought upon the scaffold, she looked serene as an angel, and she died as she had borne herself throughout the previous stages of her sad tragedy. Opinion was divided as to the propriety of the verdict, and the angry disputants wrangled even over her grave. But time brought the truth to light; the perpetrator of the murder confessed it on his death-bed—too late to avoid the enacting of a most bloody tragedy. That case, gentlemen, is now matter of history. It happened at a time beyond the recollection of most of those whom I now address; but it remains on record—a flaming beacon to warn us against the sunken rocks of presumptuous arrogance and opinionative self-reliance, imbedded and hid in the cold and proud heart. It teaches us, by terrible example, to avoid confounding suspicion with proof, and to reject conjectures and hypotheses when tendered to us as demonstration. I fear that this is no solitary case—the recollection or the reading of any of us may recall occasions

> "When, after execution, Judgment hath
> Repented o'er his doom."

I pray God that neither you nor I may be implicated in the guilt of adding another name to that black and bloody catalogue. I have put before you, gentlemen, as clearly as I could, what I conceive to be the most important branches of this case; and I now ask you to bring your judgment—to bring the whole powers with which God has endowed you—to the performance of your most solemn duty. I have sometimes heard it said that juries have nothing to do with the consequences of their verdicts, and that all questions of evidence must be weighed in the same scale, whether the crime be capital or a mere case of pocket-picking. I cannot agree to that proposition. I indignantly repudiate it. It may suit the cramped mind of legal pedants, or the leaden rules of the heartless philosopher, but those who maintain such a doctrine are ignorant of what materials a jury is, and ought to be, composed. Gentlemen, you are brought here for the performance of this great duty, not because you have any particular skill in the sifting or weighing of evidence—not because your intellects have been highly cultivated for that or similar purposes—not because you are of a class or caste set apart for the work; but you are here because, as the law expresses it, you are indifferent men—because you are like, not because you are unlike, other men; not merely because you have clear heads, but because you have warm and tender hearts—because your bosoms are filled with the same feelings and emotions, and because you entertain the same sympathies and sentiments as those whose lives, characters, and fortunes are placed in your hands. To rely, therefore, upon your reason only, is nothing less than impiously to refuse to call to your aid, in the performance of a momentous duty, the noblest gifts that God has implanted in the breast of man. Bring with you to this service not only your clear heads, but your warm and tender hearts, your fine moral instincts, and your guiding and overruling consciences—for thus and thus only will you satisfy the oath which you have taken. To determine guilt or innocence by the light of intellect alone is the exclusive prerogative of infallibility; and when man's presumptuous arrogance tempts him to usurp the attribute of Omniscience, he only exposes the weakness and frailty of his own nature. Then, indeed,

> "Man, proud man,
> Dress'd in a little brief authority,
> Most ignorant of what he's most assured,
> Plays such fantastic tricks before high Heaven,
> As make the angels weep."

Raise not, then, your rash and impotent hands to rend aside the vail in which Providence has been pleased to shroud the circumstances of this mysterious story. Such an attempt is not in your province, nor the province of any human being. The time may come—it certainly will come—perhaps not before the Great Day in which the secrets of all hearts shall be revealed, and yet it may be that in this world, and during our own lifetime, the circumstances of this extraordinary story may be brought to light. It may even be that the true perpetrator of this murder, if there was a murder, may be brought before the bar of this very Court. I ask you to reflect for a moment what the feelings of any of us would then be. It may be that any one of you may be empannelled to try that guilty man. Would not your souls recoil with horror from the demand for more blood? Would not you be driven to refuse to discharge your duty in condemning the guilty, because you had already doomed the innocent to die? I say, therefore, ponder well before you permit anything short of the clearest evidence to induce or mislead you into giving such an awful verdict as is demanded of you. Dare any man who is here—dare any man here or elsewhere—say that he has formed a clear opinion against the prisoner?—will any man venture for one moment to make that assertion? And yet, if on anything short of clear opinion you convict the prisoner, reflect how awful the consequences may be. Never did I feel so unwilling to part with a jury—never did I feel as if I had said so little as I feel now after this long address. I cannot explain it to myself, except by a strong and overwhelming conviction of what your verdict ought to be. I do feel deeply a personal interest in your verdict, for if there should be any failure of justice, I could attribute it to nothing but my own inability to conduct the defence; and I feel persuaded that if it were so, the recollection of this day and this prisoner would haunt me as a dismal spectre to the end of life. May the Spirit of all Truth guide you to an honest, a just, and a true verdict! But no verdict will be either honest, or just, or true, unless it at once satisfies the conscientious scruples of the severest judgment, and yet leaves undisturbed and unvexed the tenderest conscience among you.

The Dean concluded after speaking for upwards of four hours.

After their Lordships retiring for about a quarter of an hour, the LORD JUSTICE-CLERK proceeded to deliver his charge to the jury. He said—

GENTLEMEN OF THE JURY,—After much conflicting evidence and argument, the time has now come for your deliberation and decision; and to enable you to discharge that duty aright and justly, it is necessary that you remember that the case is to be tried and decided solely on the evidence. You are not to give the slightest weight to the personal opinion of the guilt of the prisoner, which I regret my learned friend the Lord Advocate allowed himself to express. Nor are you, on the other hand, to be weighed in the prisoner's favour by the more moving and pathetic declaration made by her counsel of his conviction of her innocence. I think on both sides such expression of opinion by the counsel ought never to be brought before a jury. Neither of them are so good judges of the truth as all of you are. Engaged in the case and in its preparation, influenced by many considerations and many circumstances which are not brought out before you, it is not wonderful that in a case of this description the counsel on either side should entertain a wrong opinion as to the guilt of the accused, however honest and sincere that opinion may be. Now, gentlemen, in a case of poisoning, which is almost always an offence secretly perpetrated, it is quite true that it seldom occurs that anybody has seen the mixture and preparation of the poison, or seen it put into the fluid or substance in which it is administered. It is one great misfortune attending the administration of poison, that if the party is not immediately detected, in some such way as leaves no doubt of actual guilt, suspicions often arise most unjustly, and obtain great weight, just because it is a crime committed in secret. You must, therefore, keep in view, that while on the one hand the crime may have been perpetrated secretly, and no eye had seen the parties at the time, or what passed; on the other hand, you must not allow positive evidence to be supplied by suspicion, and still less admit of assumption as coming in room of that. The duty I have to do in aiding you, as far as I possibly can, to come to a decision, is very different from what fell to the lot of either counsel. I have simply to go over the evidence in detail, in case it may not be sufficiently in your recollection, and to make such observations as the evidence suggests as proper and fitting for your assistance. His Lordship then proceeded to read over the evidence of the principal witnesses. In regard to the evidence of Mrs Jenkins, he remarked that it was not immaterial that it could be gathered from what she said that L'Angelier's health seemed to have failed more or less before the occasions on which the alleged administration of poison took place. As to the indictment, it charged the prisoner with the administration of poison, with intent to murder, on certain days of the month. Now, in the indictment itself, in such a case, mere accuracy as to the precise date would be of no importance. But in this case it would be observed that the Crown, not only in the indictment, but in the argument afterwards, fixed upon the date 19th or 20th February; and therefore if the evidence did not satisfy them that that was the exact day—if, on the contrary, it were proved that it could not have been upon that day, but upon an earlier day—then, seeing that the prosecutor, from the letters, from the conduct of the parties, from everything else, had taken the date to be the 19th or 20th, the case brought before the jury was not supported by the evidence. Now Mrs Jenkins might be mistaken about this being eight or ten days before the second time, but she was not shaken upon that point at all. On the contrary, the other evidence in the case seemed to shew that she was right upon this ground. She could hardly have forgotten, considering the illness of the 22d, whether it had only been one or two days before, and whether he was but recovering from the effects of the first before he had the second. This was his first illness before the 22d. They must not overlook the remark-

able fact that there was no proof whatever, not the smallest vestige of proof, that the prisoner had arsenic in her possession at that time. It would not do to infer from her having arsenic afterwards that she had it also on the first occasion. Of the possession of arsenic by the prisoner at the first period, they had no proof in the evidence, however the purchase and use of arsenic might be afterwards proved. It ought not to be forgotten that the contents of the stomach on these two illnesses had not been examined, and therefore it was merely an inference that they were caused by arsenic,—an inference drawn from the fact that on the 22d of March he died from this poison. This was, he thought, very loose and unsatisfactory indeed. With reference to the second charge of administering arsenic, the jury had to consider that at this time the prisoner had arsenic in her possession which she had obtained at Murdoch's the night before L'Angelier's illness commenced. This was very true, and if the possession of that arsenic was not properly accounted for, they must suppose it was got for some other purpose than that which she described. He attached little importance to the statements of the druggists as to what was said by the prisoner about rats, because, without stating some such object, she would not have got it at all; and it was not to be supposed, if she had wanted it for a cosmetic, that she would tell the druggist. The question then arose, Did she see the deceased on the Sunday before the arsenic was administered? Mrs Jenkins did not see him go out of the house that night; and he asked the jury to consider whether there was, on the whole, apart from the correspondence, evidence that they had met together that night. If there was no proof that the administration took place on the 22d of February, then there was great force in the observation that the foundation of the case of the prosecutor had been shaken. His Lordship thought there was ample evidence to shew that a letter was anxiously expected by L'Angelier just before he went to the Bridge of Allan; so anxiously, that even after his return to Glasgow from Edinburgh, and after leaving instructions with Thuau about forwarding his letters, he went back to Edinburgh to see if the letter had not gone there before he went on to the Bridge of Allan; and it was evident that that letter so eagerly looked for, was in some way or other to regulate his motions. Well, a letter did come on the Friday, addressed to him at his lodgings, and was duly forwarded to him at the Bridge of Allan, and on the Sunday night L'Angelier unexpectedly returned, and when his landlady expressed surprise, answered, "It was *the* letter which brought me home." As to the statement that he had purchased laudanum twice on the road that night, his Lordship thought the jury would be satisfied that that was a mistake. L'Angelier left the house at nine o'clock at night, taking his latch-key with him, as he expected to be late. The next fact was his coming home ill about half-past two in the morning, and his getting worse through the night, or morning rather. He told his landlady he thought it was bile, and that was important, as shewing the absence of any belief in his mind that he had received anything from the prisoner to hurt him. His landlady's question, whether he had taken anything to disagree with him, would naturally have brought to his mind having received anything from the prisoner, had he been with her, but he alluded to nothing of the kind. It was of great importance that the jury should not be led away by the notion that it was the deceased who bought the laudanum in the two shops on the Coatbridge road, for when the doctor prescribed laudanum for his sickness, he would have been sure to have said, "Oh, I've had too much of that already; it's done me no good, and it may make me worse." While reading the portion of the landlady's evidence relating to sending for the doctor, he said they would judge whether L'Angelier's anxiety for a doctor was like the conduct of a man who had taken arsenic to accomplish his own death. His Lordship next read the evidence relating to the letter found in L'Angelier's vest pocket in the lodgings, and which had been sent by Thuau to the Bridge of Allan, beginning, "Why, my own beloved, did you

not come?" and fixing an appointment for the next night. After reading this letter, his Lordship said—Now, it is not proved that he got any other letter. He got this letter on the Sunday morning. He had complained in a letter to Miss Perry on the Friday that he had lost an appointment which had been made for the Thursday evening, owing to not getting the note till the Friday. And that this man, ardent to see this girl again, hoping to get the satisfactory answer which she had promised to give to his questions as to forming an engagement with Minnoch, should hurry home on the Sunday night, and go out from his lodgings in the hope that he would find her waiting, and that there was a possibility of his seeing her, is, I think, the only conclusion you can come to upon the matter. He goes out apparently as soon as he changed his coat, and makes some arrangements about some tea, or something else. And it is for you to say whether you doubt that that letter brought the prisoner into Glasgow on that Sunday night, taking the mail train, and walking from Coatbridge. But here the proof stops. And, supposing you are quite satisfied that that letter did bring him to Glasgow, are you in a condition to say, with satisfaction to your own consciences, that, as an inevitable and just result of that, you can find it proved that they met that night? That is the point in the case. That you may have the strongest moral suspicion that they met—that you may believe that he was able, after all their clandestine correspondence, to obtain the means of an interview, especially as she had complained of his not coming on the Thursday, said she would wait again to-morrow night, same hour and place, and talked of wishing him to clasp her to his bosom—that you may suppose it likely that, although he failed to keep his appointment on Saturday, she would be waiting on the Sunday, which was by no means an uncommon evening for their appointment—all that may be very true, and probably you all think so, but remember you are trying this case upon evidence that must be satisfactory, complete, and distinct. A jury may safely infer certain facts from correspondence. They may even safely infer that meetings took place, when they find these meetings either mutually appointed or arranged for by the parties. But it is for you to say here whether it has been proved that L'Angelier was in the house that night. If you can hold that that link in the chain is supplied by just and satisfactory inference,—remember, I say just and satisfactory—and it is for you to say whether the inference is satisfactory and just, in order to complete the proof,—if you really feel that in your own minds, you may have the strongest suspicion that he saw her; for really no one need hesitate to say that, as a matter of moral opinion, the whole probabilities of the case are in favour of it. But if that is all the amount that you can derive from that, the link still remains awanting,—the catastrophe and the alleged cause of it are not found together. And therefore you must be satisfied that you can here stand and rely upon the firm foundation, I say, of a just and sound, and perhaps I may add, inevitable inference. That a jury is entitled often to draw such an inference there is no doubt; and it is just because you belong to that class of men to whom the Lord Advocate referred—namely, men of common-sense, capable of exercising your judgment upon a matter which is laid before you to consider—it is on that very account that you are to put to yourselves the question, "Is this a satisfactory and just inference?" If you find it so, I cannot tell you that you are not at liberty to act upon it, because most of those matters occurring in life must depend upon circumstantial evidence, and upon the inference which a jury may feel bound to draw. But it is an inference of a very serious character—it is an inference upon which the death of this party by the hand of the prisoner really must depend. Alluding to Mr Stevenson's evidence, his Lordship observed that the moment the letters were seized by the warrant of the Sheriff, an inventory ought to have been taken of them, and that inventory should have been made by the Sheriff-clerk, as the officer of the Crown. He did not mean that the Procurator-Fiscal should not get access to them—quite the reverse; but this

should have been done in order accurately to ascertain what was found. But there could be no doubt that all the letters that were found were produced. His Lordship also referred to the leisurely marking of the letters by the officers as rather a loose proceeding, and one which might have defeated the ends of justice. He did not at all enter into the argument of the Dean of Faculty as to the loss of the letter written upon the Thursday night, and posted on the Friday. He did not think the Crown was responsible for that at all, and the letter was of no great value except as a loss to the Crown, because it might have so explained the hour and place of meeting on the Thursday night as to suggest how he could accomplish his object on the Sunday night. But there was another great defect, and it was this: as soon as these things were recovered, and brought properly to the office of the Procurator-Fiscal, the letter and the envelope in which it was found ought to have been marked by the same numbers at the time. He did not allude to this matter because the prisoner had sustained any grievance, but it might have been otherwise. Passing next to the medical testimony, his Lordship said it was proved by the clearest evidence that he died of arsenic; and there was no occasion for discussing the question as to the appearance of jaundice, if it were proved and admitted that the death was caused by arsenic. He referred next to the evidence as to the colouring matter, noticing the statement made as to the extreme difficulty of taking out the colouring matter, although a professional chemist might take most of it out by dexterous manipulation. Noticing next the medical evidence as to the articles found in L'Angelier's lodgings, he directed attention to the fact, that none of them could destroy life except the aconite, and the quantity of it was too small for that purpose. Commenting on the alleged use of arsenic as a cosmetic by the prisoner, in consequence of having read of the Styrian peasants, who by taking it became rosy and plump in complexion, his Lordship remarked that the prisoner must have known that the mountaineers took it inwardly, and in small quantities regularly, and that these results could not be produced by applying it once or twice externally. Alluding to the evidence of M. Thuau, his Lordship said that though it was obtained through an interpreter, he did not think, somehow or other, that they had got it satisfactorily. In going over the evidence of M. de Mean, the French Consul, in reference to that part of it in which he says—"Some time after L'Angelier had spoken of his relations with Miss Smith, I told him I thought he should go to Mr Smith and tell him that he was in love with his daughter, and that he wanted to marry her,"—his Lordship observed, I don't think there is any proof at all that the father was ever aware of his daughter's intimacy with L'Angelier, although the mother may have known it; and, however painful it might have been, I think it would have been a satisfactory thing to have got her father's statement; when, I have no doubt, it would have been seen that her connexion was wholly unknown to him: for I cannot but think that he would have taken stronger measures than the poor mother did, if he had known of it at all. L'Angelier, however, told M. de Mean that Miss Smith had asked her father's consent several times, and he refused it. De Mean went to Mr Smith and told him of L'Angelier's death. Next day, after being in Huggins' office, and hearing "certain rumours," he called on Miss Smith, mentioned L'Angelier's death, and told her that it was said that he had come from the Bridge of Allan the day before his death, in consequence of an invitation from her. "Miss Smith told him that she was not aware that L'Angelier had been at the Bridge of Allan, and denied that she had given him an appointment for Sunday. She said she wrote him on the Friday evening, giving him an appointment for the following day, Saturday." This, said his Lordship, was a curious thing, and contrary to the theory of the Dean of Faculty as to the letters, that the first letter was intended for a meeting on Friday night, while she told the witness that she had given him an appointment for the Saturday.

Mr YOUNG.—The appointment in the first letter, my Lord, was for Thursday night, and it is the second letter that she was speaking of, as appointing the Saturday, and that squares exactly with the Dean's theory.

With regard to the prisoner's statement to the chancellor of the French Consulate that deceased had never been in the house, his Lordship remarked—Now really, gentlemen, the statement of the Dean of Faculty that this girl starts into a heroine at this moment is an exaggeration which I did not think to hear from my learned friend. Why, if you believe Christina Haggart, he did enter the house, and was a whole hour with her on one occasion. Whether, then, this is anything more than a mere denial to this gentleman, whom she may have thought had no right to question her as he did, you will not pay much attention to it, especially if you believe the fact that she had at least one long interview with him. After finishing M. de Mean's evidence he said—I have already said that I think the prisoner derives no benefit from her denial to M. de Mean that she never admitted the deceased into her father's house; on the other hand, it is quite clear that this man had threatened not to give up her letters, and had made her aware that he would never allow her to marry another man. Therefore, there is probability in the supposition that despair and a feeling of revenge may have prompted her to endeavour to get rid of him; but her object was to get back her letters, and she could not do that, even by his death, so long as they were kept in the clerks' desk in Huggins' office. His Lordship then proceeded to read the prisoner's declaration, and having read that part of it where she says—"L'Angelier was very unwell for some time, and had gone to the Bridge of Allan for his health, and he complained of sickness, but I have no idea of what was the cause of it"—he said he could not explain that statement in the same way as the Dean of Faculty—that she had *heard* of his being at the Bridge of Allan, after he had been there and come back. According to his reading, the passage meant that she knew he had been there for his health; and if so, it contradicted the statement which she had made to M. de Mean. He dwelt also upon the fact of the prisoner having given cocoa to the deceased. That was a very important circumstance; but it became still more important a little further on, when she said that the servants and the family must have known of her having been in the habit of using cocoa in her bed-room. The evidence of the prisoner's sister certainly went to shew that cocoa was openly used by the prisoner at the breakfast-table; but neither the servants nor this witness were aware of the fact of cocoa being taken in the prisoner's bed-room, as stated in the declaration. Then the prisoner's alleged object in writing the first letter to the Bridge of Allan was to have a meeting with L'Angelier to tell him of her engagement to Mr Minnoch; but, if that was her only object, could she not have told him so in writing? On the supposition that that was her object, her language was most unaccountable. According to that, it was to clasp him to her bosom, and tell him she was engaged to another man. He then went over the evidence of Miss Jane Buchanan, who had accompanied the prisoner into Currie's shop when she bought the arsenic. She stated that the shopman had suggested phosphorus, and the prisoner then said "that they were leaving their town house, and that there would be no danger in laying the arsenic in the cellars." In reference to the denial of Miss Giubilei (now Mrs Walcott) that she had ever advised the prisoner to use arsenic as a cosmetic, it was certainly very plausible that an actress should have been fixed upon to recommend its use for that purpose; but unfortunately the statement was disproved by the lady herself. William Murray, her father's page, deponed to having been sent on one occasion for prussic acid by the prisoner, who told him that she wanted it for her hands. That, said his Lordship, was another extraordinary use to which to apply poison. Having adverted to the evidence of the druggists from whom the arsenic had been purchased by Miss

Smith, he read that of William Campsie, the gardener at Rowaleyn, who said he never had got any arsenic from Miss Smith to kill rats, and who himself used a paste mixed with phosphorus for that purpose. His Lordship said there was rather an odd circumstance which struck him at the time this statement was made. He had no idea that the prisoner was intending to escape when she left her father's house on the Thursday morning after L'Angelier's death. The Dean of Faculty had said that she was fleeing from the shame of an exposure; but his Lordship's opinion was, that, having made a statement already about getting arsenic for the gardener to kill rats, and knowing that if it were discovered that he had got no arsenic from her for such a purpose, unpleasant consequences might follow, she wished to see him in order to make an arrangement by which that statement might be borne out. The steamer in which she went only sailed from Helensburgh to Gairloch and back; therefore, escape by it was nearly impossible; and, in point of fact, he did not believe she had any intention of attempting it. He then came to the evidence of Mr Minnoch, who, he said, was in a very painful position. After stating that the prisoner had accepted him on the 28th of January, he read the affectionate letter which she had sent to that gentleman from the Bridge of Allan; and in which she expressed her warm attachment to him, rejoiced that their marriage day was fixed, and said that the occasion of her last long walk with him was the happiest day of her life, "and all that sort of thing." His Lordship then said there was a good deal of other evidence, but he found that he was utterly unable to finish it that evening. He did not think it right to go on with it in his present exhausted state, and he therefore proposed to reserve it until next day, when he would endeavour to be as brief as possible.

The Court adjourned at a quarter to six o'clock.

NINTH DAY.—Thursday, July 9.

The Court met this morning at ten o'clock, when

The Lord Justice-Clerk proceeded with his charge to the jury. He commenced with reading Mrs Clark's evidence, on closing which he remarked that there was not very much in this witness's evidence. The evidence of Kennedy, the cashier in Huggins & Co.'s was next read; after which his Lordship said it was a remarkable fact that not one of L'Angelier's letters was found in the prisoner's room, although she evidently had them all in her possession up to the 12th of February, when she told him that, if he brought her letters on the Thursday, she would return his along with his photograph. Remarking on the recovery of the letters found in the repositories of L'Angelier, he said that although the method of procedure which was adopted had been loose, irregular, and slovenly, it did not appear that the panel had suffered any prejudice from that. As to each letter being in its proper envelope in the first part of the correspondence, it did not much signify whether such were the case, because there was no doubt that those passionate letters, written by the prisoner, declaring such strong love for L'Angelier, and some of them expressed in very licentious terms, had been written by her at some time or other. Complaints had been made as to the difficulty of getting access to the correspondence on the part of the prisoner. On the whole it appeared to him that the facilities afforded for conducting her defence were such as no other panel had ever had. Commenting on the evidence of the female servants, he observed that it shewed that on one occasion an interview took place between prisoner and deceased in the house. His Lordship thought that the only conclusion to which the jury could come from all

this was, that the panel had ample facilities for admitting L'Angelier to the house if she wished it; and therefore if there was evidence otherwise, no practical difficulty lay in the way of his having an interview with her in the house on that Sunday evening—certainly there was nothing in the form or arrangement of the house to exclude his being there. That, however, would not supply the want of evidence of the fact; and if they did find that evidence, the mere facility would prove nothing. As to the story about using the arsenic as a cosmetic, he confessed that he looked on it as a false pretence altogether, and an excuse for the possession of the arsenic; this story, therefore, was not of the slightest importance at all. Referring to the illegibility of several of the postmarks, his Lordship said—I trust this will be the last occasion on which the postmarks are so carelessly impressed as they have been. You see the large number of marks which are so illegible that the date cannot be ascertained; in some cases the year being illegible, in others the month, and in others the day of the month. All this is done in Glasgow in a most careless and slovenly manner. It is a very important matter for the ends of civil and criminal justice, that the postmarks should be properly stamped. Mr M'Donald says that strict instructions have been given on this point, and that new stamps have been furnished in many instances; and I hope the attention of the Post-Office authorities will be still more directed to a matter of such great importance. His Lordship proceeded to read over all Miss Perry's evidence, commenting upon it as he proceeded. He referred to the fact that L'Angelier had said to her that on one or two occasions before he took ill he had got coffee or cocoa and chocolate from the panel. They had no proof that the panel had arsenic in her possession on the 19th February, and there was no evidence of any meeting on the 19th February, except what was drawn from the letter, the date of which the Lord Advocate fixed for the Wednesday. But here was a statement by the dead man—good and competent evidence; and the jury must judge of the weight of it. He mentioned at Portobello that he was ill after getting coffee and cocoa, and that he thought he had been poisoned; and again to Miss Perry he said, "I can't think why I was so unwell after getting that coffee and chocolate from her." He was talking of the panel at the time. "He said on the 9th to me, talking of his intense attachment for the panel, 'It is quite an infatuation my attachment for that girl.' I remonstrated with him, and asked him what motive she could have for giving him anything to hurt him. He said—'I do not know that; perhaps she might not be sorry to get rid of me.'" There seemed to be a suspicion on his mind as to what the panel had given him, but it was not a serious suspicion. This most unquestionably referred to two different illnesses, each following the getting of coffee or cocoa and chocolate from the prisoner. The jury must judge whether this conversation with Miss Perry was of importance. She did not interrogate him on the subject, and she seemed very properly to wish to banish the thought from his mind. Still this was said in earnest, and Miss Perry stated on oath that she thought he entertained some suspicion of the panel, though not a serious suspicion. It was true that Miss Perry knew the intimacy between the two parties was clandestine; that was strange conduct in a person of her respectability and of her age; but sometimes they would find that ladies at her time of life had a good deal of absurd sentimentality about them, and this lady seemed to have had considerable pleasure in being the confidante of the attachment between these two young persons. It might be explained in this way; but he did not think it could be doubted that she was a truthful witness. The jury must, however, consider whether this amounted to more than to give rise in their minds to very great suspicion, which might not warrant them in coming to a conclusion that he did get poison. They must remember that though he was ill on these occasions, and seemed to ascribe it to cocoa, there was no proof that the attack was really caused by arsenic on either of these two occasions. The symptoms corresponded with those of

irritant poison, no doubt, but then they might also be the symptoms of bilious attack; and the jury must consider whether they were warranted in confiding on his statements, however strongly made, to Miss Perry, that these attacks arose from some poisonous substance, it did not signify what. The prisoner bought arsenic on the 21st of February, before the second illness, and therefore the fact of her possessing it on that occasion of course gave much greater strength and point to his remark that he did receive something which had made him ill on the 22d February. As to the evidence for the defence, that he had on one occasion threatened to throw himself from a window in the Rainbow Tavern, his Lordship observed that, as the witness was in bed at the time, the deceased had ample opportunity to have thrown himself over, if he had been so inclined, before the witness could have interfered; and the jury would consider whether, when going about the room in an excited state, he had only thrown open the window to get some air. As to the other stories, that he would drown himself if he were jilted, they did not amount to much, when it was known that on one occasion he had been jilted and had not drowned himself. You will consider, said his Lordship, whether all that is merely the vapouring of a loose, talkative man, fond of awakening an interest in the minds of others about himself, or whether it affords any indications that he was likely to commit suicide. He also treated the story as to giving arsenic to horses on a journey in France as unimportant; it was nonsense to say that it made them long-winded if only given to them once, because it was only the constant use of it which could produce that effect. Altogether, he did not see the importance of this evidence. It was brought to support the notion that he poisoned himself with arsenic; but if he was in the habit of taking it in small quantities, he knew its qualities, and therefore this did not aid the notion that he took an immense quantity on the 22d March for the purpose of destroying himself. No doubt the prisoner was not bound to prove that he poisoned himself—it was enough for her to satisfy them that there was not evidence to bring home to her the guilt of poisoning him; but it was a hazardous thing to set up in defence that L'Angelier went out that night carrying such a quantity of arsenic in his pocket, and that he swallowed it, how, where, or when, no human being could conceive. And therefore he thought the case stood far better for the prisoner on her real plea, that the guilt was not brought home to her, which was truly the matter at issue. The question was, whether there was anything in his whole character which looked like a person who was in any danger of committing suicide; or whether he was not a man of far too much levity to do so. From all they knew of him, he believed he was not the man to do so. There seemed to be no reason for any depression of spirits on his part, so far as his worldly circumstances were concerned. He had a salary of £100 a-year—was better off than he had ever been in his life before, and had every reason to congratulate himself, instead of being cast down or depressed. Proceeding to the evidence of the druggists at Coatbridge and Baillieston, his Lordship remarked, that they had against that Mr Ross' evidence that he walked with him all the way to Glasgow, that he never complained of being ill, and that he had not gone into any shop on the way. There must, he thought, be a mistake on the part of these people, both as to the day and as to the man. It must also be remembered that he went home and took tea, and never complained that anything was wrong with him. As to the evidence that he bought a white powder in Kirk's shop, Gallowgate, his Lordship said it was not even suggested that this was arsenic; if it was arsenic, she was bound to write it down; and he did not think the jury could believe that he bought arsenic there, just after he left Ross, and before he saw the panel, or knew what answer he would get from her. The witness Kirk identified L'Angelier's purse as that from which he had taken the money to pay for the powder; but he could not attach the slightest importance to that. His Lordship then read the three letters put in by the

prisoner's counsel, with the object, as he said, of shewing that L'Angelier had frightened her by threats of taking away his own life. This was a common enough mode of influencing females; and if such was his design, he seemed to have succeeded in it. In these letters she certainly told the deceased that her father had interfered to prevent their marriage, but there was no independent evidence of that, and he rather thought, from other statements in her letters, that he knew nothing about it. From the third letter, it would appear that L'Angelier had been reproving her for some improprieties of language, and correcting her for her faults, which was one of the things, as she stated elsewhere, that made her affections cool towards him. As to the evidence with regard to the arsenic kept in great chemical works, he observed that there was no evidence that L'Angelier was ever seen about these works at all. Referring to the evidence of Dr Paterson of Beith, he said he could not see how it affected the present case. Alluding to Dr Lawrie's experiments with arsenic, he observed that in these experiments the hands and face were immediately afterwards washed with cold water, which might prevent any irritation, but if it was so used in this case, what effect could it have as a cosmetic? His Lordship next directed attention to the correspondence. The Lord Advocate's suggestions and theory in this case might be stated generally in a few words. The panel became acquainted with L'Angelier, the acquaintance went on very rapidly, and ended in an engagement; they corresponded frequently and clandestinely; on the 6th May 1856 he got possession of her person; the engagement was discontinued once or twice; the letters continued on her part in the same strain of passionate love for a very considerable time—I say passionate love, because, unhappily, they are written without any sense of decency, and in most licentious terms. After a certain time, Mr Minnoch's attentions to the girl became very marked; she saw there was no chance of marrying L'Angelier, even if she continued to like him sufficiently; but the other was certainly a most desirable marriage for her to make. The Lord Advocate says that her object then was to extricate herself from the position she was in. She made an appeal to L'Angelier to give up her letters, and the tone of her letters grew colder; and in one of them she told him that the attachment on her part had ceased, and she thought on his also. There seemed no reason, however, to suppose that such was the case on his side. The Lord Advocate says that by these cold letters she was trying to make him give her up, and give back her letters. She failed in that. The letters then resumed a warmer tone; and the Lord Advocate said that was to allure him back again, and to get him into the house in order to succeed in her design. Well, after her return to Glasgow from the Bridge of Allan, she wrote letters to him, thinking he had returned also, for the purpose of having an interview. The Lord Advocate's theory was, that when no allurements, or enticements, or fascinations from her could bring the letters back, she had proposed this interview, and bought the arsenic with the intention of poisoning him—that that last interview having taken place, she did actually administer that dose of arsenic to L'Angelier, from the effects of which, by whomsoever given, he died. All this, on the other hand, is treated as a totally incredible supposition by the counsel for the prisoner. It is said that she could not have had such a purpose—that it is something too monstrous to believe or inquire into even. Gentlemen, it is very difficult to say what the exasperated feelings of a female who had been placed in the situation in which this woman was placed might not lead her to do. And here it is that the correspondence comes to be of the utmost importance, as shewing what feelings she cherished about that time, what state of mind and disposition she was in, and whether there was any trace of moral sense or propriety to be found in her letters, or whether they did not exhibit such a degree of ill-regulated, disordered, distempered, and licentious feeling, as to shew that the writer was a person quite capable of compassing any end by which she could avoid exposure and

disgrace, and of cherishing any feeling of revenge which such treatment might excite in her mind, driven nearly to madness by the thought of what might follow the revelation of this correspondence. His Lordship then read one of the letters, remarking that the expressions used in that and following letters were most singular as passing between two unmarried people. We heard, said his Lordship, a good deal said by the Dean of Faculty as to the character of this panel; we have no evidence on the subject except what these letters exhibit, and no witness to character was brought; but certainly these letters shew as extraordinary a frame of mind and of passion as perhaps ever appeared in a court of justice. Can you be surprised, after such letters as those of the 29th April and 3d May, that on the 6th of May, three days afterwards, he got possession of her person. On the 7th of May she writes again, and in that letter is there the slightest appearance of grief, of repentance, or of remorse? None whatever. It is the letter of a girl rejoicing in what had passed, and alluding to it in one passage in particular in terms which I will not read, for perhaps they were never previously committed to paper as having passed between a man and a woman. There could be no doubt of the state of degraded and unholy feeling into which she had sunk, probably not the less so if it was produced by his undermining and corrupting her principles. And then the jury would not omit to notice the remarkable fact that though, from many remarks in her letters, it was evident that she was not in the habit of destroying his letters after their arrival, and that she must have had a great number of them in her possession, not one letter of his had been found. It had been said that in the latter part of this correspondence she was playing a part, and that such was the case was as clear as possible from the endearing manner in which she was writing to Minnoch and L'Angelier at the same time. As to the last letter which brought L'Angelier from the Bridge of Allan, she said it was written to inform him of the engagement to Mr Minnoch; but surely, had that been the case, she would never have wished to be "clasped to the heart," as she expressed it in her letter, of a man whom she had to inform that she was engaged to another, and that all relations must be broken off between them. That that letter brought him to town there could, he thought, not be a moment's doubt. In ordinary matters of life, there would not be any hesitation in coming to the conclusion that they did meet accordingly; but they would observe how much more serious it became when the inference was to be drawn in a case where that meeting is supposed to end in the administration of poison, and the death of one of the parties. There was certainly no difficulty in making arrangements to meet; and if she expected him on the Friday night, and also looked for him on the Saturday night, it would not be surprising that she would also wait for him the second night after the appointment.

The DEAN OF FACULTY—It was only the first night after the appointment, my Lord, that she waited for him.

The LORD JUSTICE-CLERK—In her letter she said, "I shall wait again to-morrow night—same hour and arrangement;" and, therefore, it might be expected she would wait for him the next night too.

The DEAN OF FACULTY—My Lord, that is the turning-point of the case, because the slightest difference of expression may occasion a different meaning.

The LORD JUSTICE-CLERK said he thought there was no doubt she would wait a second night, and the probability was that he had found her when he went to see her. But, then, that was an inference only, and if the jury thought it such a just and satisfactory inference that they could rest their verdict upon it, it was quite competent for them to draw that inference from the letter, and the conduct of the man coming to Glasgow with a special purpose. If this had been an appointment about business, and it had been shewn that a person came to town

for the purpose of seeing another, and he went out for that purpose, having no other object in coming to Glasgow, they would probably scout the notion of a person saying I never saw or heard of him that day that he came; but the inference they were asked to draw was this, that they met upon that night, where the fact of their meeting is the foundation of a charge of murder. Therefore the jury must feel that the grounds of drawing an inference in the ordinary matters of civil business, or the actual appointments of mutual friends, is one thing; and the inference from the fact that he came to Glasgow, that they did meet, and that, therefore, the poison was administered to him by her at that time, is another, and a most enormous jump in the category of inferences. Now, then, gentlemen, continued his Lordship, let us take the three charges in the indictment. The first charge is, that she administered poison on the 19th or 20th February 1857. Probably you may come to the conclusion, on the evidence of Miss Perry and others, that he did see her on that occasion; but she was not proved to have had arsenic or any other poison in her possession, and what I attach very great importance to is, that there is no medical testimony, by analysis of the matter vomited, that that illness did proceed from the administration of arsenic. If the doctor had examined the matter vomited, and said that there was certainly arsenic here, I am afraid the case would have been very strong against her as having given him coffee or something immediately before his illness on that occasion. But it is not proved that the illness arose from the administration of poison. Arsenic she had not, and there is no proof of her having possessed anything deleterious. Therefore I have no hesitation in telling you that that charge has failed. The second charge stands in a somewhat different position in regard to the evidence, though in one respect it is similar to the first case, for it is not proved that the illness arose from the administration of arsenic or any other poisonous substance. But, then, the way in which you can connect the prisoner with a meeting on that occasion is much stronger. Still, if you should think you can acquit her of the first charge, and that there is too much doubt to find the second proven, then you will observe how much that weakens the case that has been raised by the prosecution on the motives for revenge, on the change in the tone of the letters, and the desire to allure him again to her embraces and fascinations, which could not be accounted for except on the supposition of some such murderous design. In that view undoubtedly the foundation of the case is very much shaken, and will not lead you to suppose that the purpose of murder was cherished on the 22d. Then as to the charge for murder, the question for you to consider is a simple one. No matter how surrounded the prisoner is with grave suspicions, and with many circumstances that seem to militate against the notion of innocence upon any theory that has been propounded, still, are you prepared to say that you find that the interview upon the 22d March has been proved against her? She had arsenic before the illness of the 22d February, and I think you will consider the excuse about using arsenic as a cosmetic of the same stamp as those which she stated to the apothecaries. She bought arsenic again on the 6th of March, and certainly it is a very odd thing that she should buy more arsenic after she came back to Glasgow on the 18th of March. For unless you are to take the account to be sure, that she used it as a cosmetic, she has it before the 22d, and that is a dreadful fact if you are quite satisfied that she did not get it and use it for the purpose of washing her hands and face. It may create the greatest reluctance in your mind to take any other view of the matter than that she was guilty of administering it somehow, though the place where may not be made out, or the precise time of the interview. But, on the other hand, you must keep in view that arsenic could only be administered by her if an interview took place with L'Angelier, and that view, though it may be the result of an inference that may satisfy you morally that it did take place, still rests upon an inference alone, and that inference is to be the ground, and must be the ground, on which a verdict of guilty is to rest. Gentlemen, you will see, therefore, the necessity of great caution and jealousy in dealing with any inference which you may draw from this. Probably, though none of you may think for a moment that he did go out that night, and that, without seeing her, and without knowing what she wanted to see him about, he swallowed above 200 grains of arsenic on the street; on the other hand, gentlemen, if he did not commit suicide, keep in view that that will not of itself establish that the prisoner administered the arsenic. The matter may have remained most mysterious—wholly unexplained. You may not be able to account for it on any other supposition, but still that supposition or inference may not be a ground on which you can safely and satisfactorily rest your verdict against the panel. Now then, gentlemen, I leave you to consider the case with reference to the views that are raised upon this correspondence. I don't think you

will consider it so unlikely as was supposed that this girl, after writing such, letters may have been capable of cherishing such a purpose. But still, although you may take such a view of her character, it is but a supposition that she cherished this murderous purpose —the last conclusion, of course, that you ought to come to merely on supposition, and inference, and observation upon this varying and wavering correspondence of a girl in the circumstances in which she was placed. It receives more importance, no doubt, when you find the purchase of arsenic just before she expected, or just at the time she expected L'Angelier. But still these are but suppositions—these are but suspicions. Now, the great and invaluable use of a jury after they direct their attention seriously to the case with the attention you have done, is to separate firmly—firmly and clearly in your own minds—suspicions from evidence. I don't say that inferences may not competently be drawn; but I have already warned you about inferences in the ordinary matters of civil life, and such a case as this. If you can't say, we satisfactorily find here evidence of this meeting, and that the poison must have been administered by her at that meeting, whatever may be your suspicion, however perplexing may be the probability against her, and however you may have to struggle to get rid of it, you perform your best and bounden duty as a jury to separate suspicion from truth, and to proceed upon nothing that you don't find established in evidence against her. I am quite satisfied that whatever verdict you may give, after the attention which you have bestowed upon this case, will be the best approximation to truth at which we could arrive. You are the best judges, not only in point of law, but in point of fact, and you may be perfectly confident that if you return a verdict satisfactory to yourselves against the prisoner, you need not fear any consequences from any future, or imagined, or fancied discovery, for you will have done your duty under your oaths under God, and to your country, and may feel satisfied that remorse you never can have.

The jury retired at five minutes past one, and returned into Court at twenty-five minutes from two. The foreman, Mr Moffat, mathematical teacher in the High School, read the following verdict :—

In regard to the First Charge, the jury, by a majority, find a verdict of NOT GUILTY.

In regard to the Second Charge, the jury find, by a majority, a verdict of NOT PROVEN.

In regard to the Third Charge (the charge of Murder), the jury, by a majority, find a verdict of

NOT PROVEN.

The Lord Justice-Clerk then thanked the Jury for their services, and intimated that they would not be called upon to serve again for five years. He also said, that they would have perceived from what he had said to them that his own opinion quite coincided with the conclusion at which they had arrived.

The prisoner, who had listened to the verdict with the same calmness which she had manifested throughout the whole proceedings, was then dismissed from the bar.

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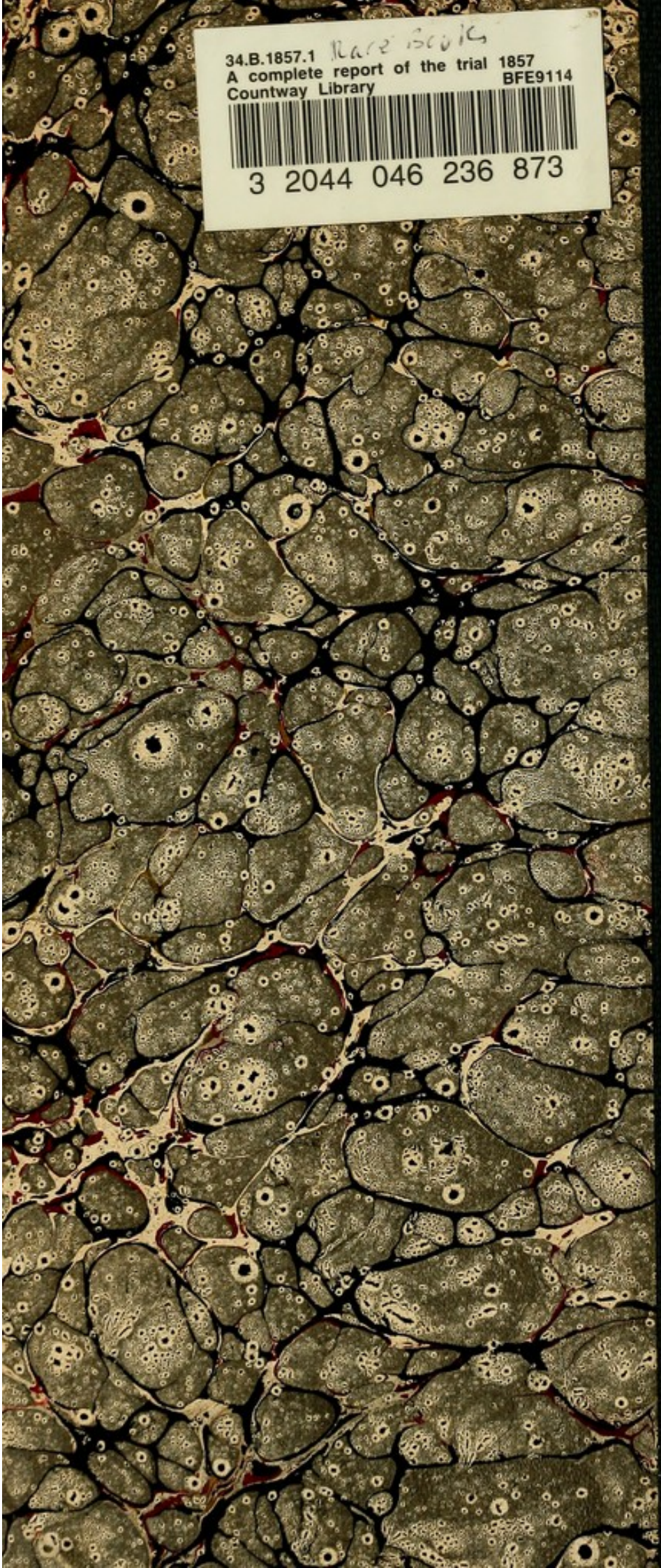
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