

Argument of A.G. Riddle, Esq., of Cleveland, delivered at the court house in Jefferson, Ohio, on the 26th and 27th of November, 1858, in the case of the state of Ohio vs. Hiram Cole, 1859, tried for poisoning his wife on the 9th of Sept., 1857, at Bainbridge, Ohio / Reported by Eli Bruce.

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Publication/Creation

Cleveland : J.H. Williston & co., printers, 1859.

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ARGUMENT

OF

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A. G. RIDDLE, ESQ., OF CLEVELAND,

DELIVERED AT THE COURT HOUSE IN JEFFERSON, OHIO, ON THE

26th and 27th of November, 1858.

IN THE CASE OF THE

STATE OF OHIO

V S.

HIRAM COLE,

ried for Poisoning his Wife on the 9th of Sept., 1857,

AT BAINBRIDGE, OHIO.

REPORTED BY ELI BRUCE.

CLEVELAND, O.:

L. WILLISTON & CO., PRINTERS, BEN FRANKLIN OFFICE, SUPERIOR ST.
1859.

ROYAL COLLEGE
OF
PHYSICIANS
OF
LONDON

BY THE REPORTER.

The case of *HIRAM COLE*, in the nature of the charge, the variety, extent and peculiarity of the facts involved, is one of the most remarkable that has ever been tried in this country.

When the indictment was returned by the Grand Jury, little was known of the real facts, or of the means supposed to have been employed by the defendant to effect his purpose. And hence, while he was charged with having made use of arsenic, the State spent much of its strength in establishing that he administered strychnia.

Not the least remarkable incident of this trial, was the acquittal of the Defendant by the jury; which was received by the community with surprise, alarm, and indignation.

These matters taken together, must furnish the excuse for giving the closing speech in the case to the public—a speech which not only contains the views of the Prosecutors upon the whole case in full, but also a narrative of all the facts and incidents, with an epitome of the evidence.

It is believed it also contains a full discussion of the important medical and scientific questions, entering so largely into the case.

It is not claimed that these pages contain all that the advocate said in the course of his six hours forensic labors. Some unavoidable repetitions, many amplifications, as well as replies to minor points made by the Defendant's counsel, were omitted by the request of Mr. Riddle, to whom the report was submitted, as not essential to a full expose and proper understanding of the case; and as tending to swell the report to an inconvenient bulk.

The report itself, was carefully prepared from full notes taken at the trial, and while it contains the argument in full, it is believed that those who heard it will also recognize the peculiar turn of thought, figures and illustrations of the advocate; as well as much of the language in which the whole was delivered.

Cleveland, January 3d, 1859.

E. B.

ROYAL COLLEGE
OF
PHYSICIANS
OF
LONDON

MAY IT PLEASE THE COURT—

GENTLEMEN OF THE JURY:—

I come with my young colleagues to lay the great burthen of this case upon you ; upon your judgments, upon your souls, and upon your consciences.

All that human knowledge possesses of its strange and varied facts, have now been fully detailed to you. Patiently day by day, and item by item, with laborious certainty, the State has erected before you that terribly symmetrical structure of facts and circumstances, which, when completed, oppressed even the spectator with a sense of its fatal perfection.

When the defence, with great show and parade, called and recalled their witnesses, marched and counter-marched them ostentatiously before you, with what eager hope you awaited the disproof—the clearing up, or explanation of some, if not all of the matter that bore so weightily against the defendant. Was there ever such an impotent mock of proof, and poor sheer pretense at solemn investigation. How painfully each witness was dragged and dredged, and what effort to impart consequence to trifles that disappeared in the breath that would magnify them. Even the color and texture of wrapping-paper, with great labor was established and expectation was for a moment cheated with the hope that there was enveloped a solution of some dark mystery. And finally when the defence closed, what it called its evidence ; with what disappointed surprise you looked the enquiry—“ Is that all ? Can that be all ? ”

And then followed the arguments. You could not withhold your attention from the vigorous, strong, manly and eloquent argument of my colleague, Mr. Forrest ; yet turned with eager anxiety to the two gentlemen for the defence, with the hope still that some new or further light, might exhibit the case in a more hopeful aspect for the prisoner.

For nearly two days a mingled tide of argument, law, logic, pathos, and eloquence, has uninterruptedly swept over you ; finding such lodgment as it might in your judgment and hearts, and now while the full force of these remarkable efforts is unimpaired, I ask you if the integrity of the case made by the State is in the least broken.

And not the least remarkable element of this extraordinary case, is the defence made before you. Conceived and created by a

strong tenacious nature and mind, I recognize in every part of it the shaping hand of my friend Mr. Thrasher; not only his the forming mind, but he too, supplied the will and purpose that have carried his colleagues (Mr. Sherman and Ex-Chief Justice Ranney) through their labors just closed.

In the way to the field of our labors, I find one or two things which demand a word. You remember a few mornings since with what solemn effect one of the defendant's counsel (Judge R.) appealed to the court, to protect his client from the murderous assaults of the Cleveland press; declaring that their sheets were filled with lying reports of the case in progress; that hundreds were sent daily to this doomed town, and no human effort could save him from their effect; an appeal enforced with the free tears of Mr. Thrasher, and I think one or two from Mr. Blakeslee. And the court solemnly admonished the press generally, and on investigation it appears that a single Herald, had arrived here with a letter of a single paragraph, containing not a word that any body has dared to say was untrue! And all this, too, while your own leading paper, which had found its way to your hands, contained that marvelous composition, read by the defence to you at the opening of the case. A statement whose felicitous fictions find no foundation in the proofs, and wear no semblance of probability—yet these with amplifications, and references to learned works added since its production here was urged by these complaining gentlemen into a paper that you must see.

We were also told that since the occurrence that occasioned this trial, a relentless prejudice—a bloody popular clamor, has pursued the unfortunate defendant, increasing the hazard of his trial. It is doubtless to be hoped that if our people have not already, they soon may reach that state of refined cultivation, in which a gentleman may quietly dispose of a wife, who indecorously stands between him and a mistress, without so provoking our present notions of humanity, as to hazard the safety of his praiseworthy experiment!

However this may be, the court removed this case from the county where it arose, and beyond the reach of popular infection, and where you can have no notions in reference to it, save what you derive from the evidence.

The first gentleman for the defence (Mr. S.) dolorously complains of the mystery of the prosecution. Clouds and thick darkness have shrouded it from the beginning, and he was obliged to grope in unknowing ignorance as to what we claim. "The State has no theory!" "What, hang a man without a theory?" "erect a gallows?" &c. Gentlemen, you perform no such sad or vulgar office. You find the defendant in the custody of the law, and leave him there. At your hands he only receives the legal impress of his actions, to denote their quality, and there your labors cease.

And that estimate of you must be low indeed, that seeks to frighten your judgments from just conclusion with the phantoms of hangmen and gibbets, which so largely contributed the images to that gentleman's ghostly eloquence.

No ! we have no theories. We deal only in facts. We say the defendant poisoned his wife and prove it. It is for the gentleman to inflate theories as they have done. Yet whether they shall be able thus to buoy up their cause, or whether the wretched defendant, and their collapsed wind bags, shall go down together in the whelming flood, remains for you to decide.

The last gentleman repeats the complaint in another form. Reading from the constitution which he helped to form : that the accused shall be tried only on a charge specifically set out,—he says we charge the defendant with arsenic, and seek to convict him of causing death by strychnia. The rules governing indictments and proof under them, are older than the constitution, and founded in quite as much wisdom. Nor, your Honor, does the constitution impair those rules, and was never before supposed to.

In approaching the case itself, I may, perhaps, say, I have no ambition to challenge applause, and if I escape severe criticism must consider myself fortunate.

I need say no more of the importance of this case, arising in the loss of one human life and directly involving another; it epitomizes all that is intensely grave and great in human affairs, and gives to the very atmosphere which surrounds it, the nameless solemnity which we breathe and feel.

We charge that on the 9th day of Sept., 1857, at Bainbridge, in the County of Geauga, the defendant administered to his wife a deadly dose of arsenic in coffee, and also in salts, of which she died.

We charge that on the 8th day of Sept., at the same place, he purposely substituted a bottle of laudanum and arsenic, similar in size and appearance, for a bottle of medicine his wife was then taking, by means of which she took the laudanum and arsenic ; and died on the 9th. We say again, that on the 8th he caused her to take the laudanum and arsenic, and also on the ninth, arsenic in coffee, and salts as before, of which she died. Some one of these causes of death we must prove, not specifically that she died of arsenic, but of poison. 3d Greanleaf, Ev. sec. 135, "In the case of death by poisoning, it is not necessary to prove the particular substance or kind of poison used, &c." "It is sufficient if the jury are satisfied from all the circumstances, and beyond reasonable doubt, that the death was caused by poison administered by the prisoner." Wharton's Law of Homicide, page 323.

Mr. Wills states the rule thus, in his work on Circumstantial Evidence, page 179 : "Some foreign writers on medical jurisprudence maintains that poisoning can never be satisfactorily substan-

tiated unless the particular kind of poison be made out ; but that is a point which it does not fall in the province of medical jurisprudence to determine." "Such a doctrine has never been admitted in English jurisprudence, and its recognition would be fraught with danger. Some of the vegetable poisons, in the present state of science, scarcely admit of that kind of proof ; and to require it would be to proclaim impunity to offenders skilled in chemistry."

The defendant says he is not guilty as charged, but he further says solemnly, and upon it he stakes his life, that the deceased, Adelia Cole, did die of poison, to wit: laudanum and arsenic taken by mistake, without any intentional agency on his part. Let us pause a moment to clearly understand the issues between us. We say she died of poison, so says the defendant. And thus at a blow every other possible cause of death is lopped away.

We say the poison was administered by the agency of the defendant, he says it was accidental, here we are at issue.

He says she died of the dose taken the 8th. We say if she did he gave it, which is the same issue. We say she died of a dose taken the 9th. He concedes if she did, he is guilty. We say she also took strychnia — if she did, the guilt of the defendant is admitted.

The burthen of establishing some one of these issues is with the State, although the defendant affirmatively avers his side of some of them. And if the State shall establish any one of them, a conviction must follow. For the proof of any or all of these issues as usual, the State relies upon circumstantial evidence, of which so much has been so well said by the last gentleman for the defence. I shall add little. The necessity for this proof is apparent, and its competency to work conviction admitted. It has its foundation in this nature of things, that a given fact owes its birth to some preceding fact, becomes itself the parent of succeeding facts, and is collaterally related to some surrounding facts : and hence human experience with its accumulated observation, can with practical certainty determine from the preceding, succeeding, and surrounding facts, whether an otherwise unknown assumed fact exists or not.

It is true that every fact from which inference is to be drawn must be clearly proven to exist, and that the conclusion sought to be inferred from them, must be the sole reasonable conclusion, that can be drawn from them. When these concur, that high degree of certainty is attained, that men placed where they must act, must permit that action to be controlled by, even in concerns of as grave import as that under consideration. That degree of certainty is thus stated by Mr. Wills who has received the high eulogium of Judge Ranney, page 220, "conclusions thus formed are simple inferences," &c., "and they constitute that MORAL CERTAINTY upon which men securely act in their own grave

and important concerns, and upon which they may therefore safely rely for the truth and correctness of their conclusions in regard to those events that fall within the province of criminal jurisprudence."

"That degree of certainty," says Lord Chief Justice Pollock in the Mannings case, "that you would act upon in your own grave and important concerns, is the degree of certainty which the law requires, and which will justify you in returning a verdict of guilty."

Mr. Greenleaf states the same rule substantially, vol. 3d, sec. 28; quotes, also, Mr. Lofft's observations in note 1, on page 124, do.

Thus, then, gentlemen, we are to prove that the poison of which Adelia Cole died, was administered by the defendant; and this we establish by showing either that the taking was not accidental; or that she died of poison taken on the 9th, or that she died of strychnia, whenever taken. This we show by proof of facts from which no other inference can be drawn, and by them we must attain that high moral certainty that men in their gravest and most momentous concerns would act upon.

When this is attained, however reluctantly the conclusion is reached, to longer hesitate, or to turn aside, would not only be weak, but wicked. He who with a knowledge that Hiram Cole had poisoned his wife, should enable him to flee, and he who upon this jury with the certainty of his guilt should fail to convict, would equally subserve the purpose of murder, by aiding the murderer to escape.

As to the facts themselves, as claimed by us, I know not how one can be questioned,—our witnesses are intelligent, unimpeached and uncontradicted; so that the doubt, if any shall ultimately arise, will be only as to the conclusion to be finally drawn from them.

I shall take the defendant at Garrettsville, on the first of July, 1857, and follow him and his fortunes in the order of events.

He was then about 25 years of age, of weak intellect as his counsel say, living as is conceded with Augusta Wheeler his mistress, and had been for at least three months, passing her off as his wife. Adelia Cole was then residing with her mother at Lyons, N. Y., and had been for nearly three years, having returned to that point from Hamilton, Canada West, where she left her husband, and where Miss Wheeler also resided. About July 1st, Miss Wheeler returned to Canada, and soon after the defendant with his traps, half a dozen old horses, and broken down buggies, made his appearance at Chagrin Falls, where he went into business with Mr. Stage.

The character of the connection with Miss Wheeler is admitted. Was it put an end to, or temporarily suspended? That it was merely suspended is proven, first by his statement to Beecher and

others, "that she had gone home on a visit," which supposes a return—secondly by his retaining a part of her wardrobe with him at the Falls, and hung ostentatiously in his room—third, he told Walker Eggleston "that she would return that fall, or the ensuing spring,"—and fourth, the defendant, his counsel, and brother Charles, would have you believe, that this connection was given up reluctantly, and only at the urgent remonstrances of his brothers and friends; and would be likely to be resumed whenever it could be, free from their censure, a matter to which the terribly significant reference is made in Cole's subsequent letters.

The connection, then, was merely suspended. In this state of things his wife Adelia came upon the stage. How came she there? Did she voluntarily thrust herself upon her husband? Not at all. She was brought there by his brother. He did not even go for her. "Did not like to travel," as he told Stage, "was afraid he should be arrested for debt," as he said to Charles, who did not believe him. That she was brought by his procuring, and for his purpose, whatever that was, is admitted.

Thus, then, we have the wife suddenly brought upon the scene, with the certainty that the mistress will soon make her appearance there also. What does the defendant propose to do with both of these women? Not live with both certainly. *One must yield to the other.* Which shall it be—the wife or the mistress? Turn to the defendant's letter to Augusta, Oct. 12th, for the answer to this query—"A. gladly would I take you by the hand and lead you to the altar: *you have promised to do this!*" Do what? why to marry him! when was this promise made? It must have been before she left Garrettsville, for they never met after, nor is there a word of proof that it was by letter. If it was, it must have been prior to Adelia Cole's death, which is all we care for. She was to return in the fall or spring—return to fulfil this promise of marriage, made while the wife was living. The wife is to give place to the mistress, and that, too, before fall, or at the farthest, the next spring.

The gentlemen for the defence jeer at the idea that the wife was brought to Ohio to be disposed of. If she is to be murdered why not do it elsewhere? at New York? on the way here? or why do it at all? why not fly with Augusta? Sure enough, we cannot tell. We only know his connection with his paramour was temporarily suspended—that he was forced to that by his brothers, that she was to return, that before she was to come, he sent for his wife, and, while he was under promise of marriage to another—a marriage evidently to be consummated, or enjoyed at the Falls, and necessarily after some disposition of his wife.

Follow events along. Charles went for the wife under instructions to bring her on a certain train that would reach Cleveland at 6 P. M., and take her to the City Hotel, where Hiram Cole would

meet them with a carriage. On the day agreed upon, the defendant left the Falls with his carriage, leaving the nameless garments of his mistress foul with adulterous stains hanging in his room ; and saying to Stage that he "might go to Canada before he returned."

For some reason not apparent, Charles took the wrong train, or they miscalculated time ; perhaps he suspected something, and cared not to meet the engagements. At any rate he reached Cleveland at noon, six hours too early. Did he take Hiram's wife to the City Hotel and await his brother, and thus secure an early meeting of the parties ? Not at all. He sent her in a buss to the Depot of the Mahoning R. R., and went himself to the City Hotel, "*to see if his brother was there,*" as he says ; and not finding him, put his wife on the cars, and at Solon sent her by hack to the Falls. When she reached Stage's her husband had gone, she was shown to the "blue chamber," where hung the unseemly garments of her rival, hinting to her woman's heart the unutterable guilt of him she came to meet, and of her own unutterable wrongs.

The husband meanwhile was awaiting his wife's arrival in Cleveland, anxiously no doubt. He had no word that she had passed there, nor could Stage's messenger find him the next day.

Do you believe he ever intended his wife should come to the Falls ? that he intended she should see the robes of his mistress ? could he have forgotten them ? did he trust to disposing of them after his return, and before her eye should fall on them ? He provided no other room for her, and was to take her to that.

What did he mean when he said he might go to Canada before his return ? That was the home of the fatally beautiful Augusta. And what did he mean afterwards, when in reply to Stage and Chauncey Eggleston, he said "if he had met his wife at Cleveland he should have made it all right !" All right ! what and how ?

The scene that transpired when the wife first visited the apartment of the sinning husband, the court says does not belong to our case. What transpired between husband and wife when they finally met, we know not. The fondly loving is easily and gladly deceived ; and never so happy perhaps as when most deceived. That she was wholly deceived and undoubtingly believed in her husband's entire innocence, we know from her declarations.

What light do these circumstances throw upon the purpose for which Adelia Cole was brought to Ohio ? And a few days later when he made his business arrangement with Chauncey Eggleston, he took occasion to say that he "would not rent a house to live in, he had a furnished house at Lyons, and his wife would probably not remain longer than fall ;" the time when he looked to a reunion with his Augusta that had been, and was to be.

But says my eloquent friend Mr. Sherman, Hiram entertained the sincerest and most devoted love for his wife ; "he had," said

the gentleman, with the emphasis of his right hand on the left side of his vest, "these letters of his wife to him, written from Lyons during those three years of separation; he had them on his breast, he must have loved her with these reminders, and could not have formed a purpose of harm to her."

Heaven protect from such love! He so loved her that in his passions first excess, the undeveloped form of a rustic little girl serving milk to her mother's customers, in the streets of Hamilton, caught his eye; and he fixed upon and followed her until incipient and mysterious sense took the form of passion; until that passion ripened with her ripening years to a guilty yielding of herself to her seducer, and then followed that separation. The unknowing and loving wife, rearing her only babe, and sitting for weary years in the gathering twilight of half-widowhood, indicting those tender and loving missives that fell into the sty of her husband's adultery as ineffectually as dead leaves from a withered bough.

He loved his wife so, that he fled with his mistress, and gave her up only on a promise of future marriage—so devotedly attached that he sent his brother for her, and either planned her deliberate murder, or wantonly and scarcely less cruelly, flaunted in her face the foul garments of his paramour.

Love! It is said to have presided at the creation, and that something of its divinity is still left to the sons of men. When it possesses the heart of a true man it enobles it, and him—kindles the imagination, elevates the soul, and purifies the sense. To him, under the wide heavens and on the outstretched earth, there is nothing so lovely as the form of the loved; in all the harmonies of the universe no sound so sweet as her voice. In the spirit of old chivalry, he still goes forth to win trophies and laurels, to be laid at her feet alone. With the sacrament of possession, happiness is only complete and intensified. With what care he constructs and embellishes her home? How reluctantly he leaves it even for a moment, and how eagerly flies back to it; where he lingers and hovers with sleepless affection; as the fabled Gnome is said to haunt the place where its treasure is buried.

There is an appetite that has its highest origin in the lowest sense; when it receives full license it draws heart, brain, soul, intellect, all that makes the man, into the filthy sluice of its gratification. Nothing can so brutalize and debase, so totally efface every high sentiment and noble emotion. God ceases to be holy, and woman pure, and it estimates her only, as she may minister to its greed.

Men call this Lust; and under its control, the physical frame itself becomes a bloated mass of loathsome disease, in which every groveling passion, and foul appetite, deposits its vile larva, and it hatches an obscene brood of vices and crimes; beginning in seduction and adultery, and ending in murder.

It is the gentlemen who challenge this parallel, and you shall say whether love or lust, stimulated the actions of this miserable defendant.

Mr. Cole came to the Falls the 5th or 6th of July. He had suddenly been thrust away by Stage, had made an arrangement with Eggleston who went West, was running hacks to Solon, &c. He had failed to meet his wife at Cleveland, had not made it right there, had not gone to Canada, had still his memories of the past, an engagement to marry in the future, and still his wife on his hands.

Remembering this, let me name the catastrophe out of its order, that in less than eight weeks, Adelia Cole died of poison, accidentally taken as her husband says. And with this ghastly light upon them, let us group the now rapidly accumulating incidents, and we shall find such a magazine of material collected, that the occurrence of the accident, can create no surprise—indeed it must have happened.

If Cole planned and executed the murder, with the design of having the catastrophe attributed to accident, some little apparatus would have been prepared and so adjusted that the required solution would appear to be the natural one—the way to it so adjusted that few after explanations would be needed. If poison was to be the agent, it would be openly bought and paraded on some pretence, and so placed that it could be accidentally taken. A thousand modes of administering it could be devised, but if the wife should happen to be taking medicine, the facilities would be increased. Meantime toward or after the middle of August, an incident occurred that evidently precipitated matters.

Walker Eggleston, who was the employee of Eggleston & Cole, and on quite confidential terms with Hiram, says that about two weeks before the death of Cole's wife, he saw him reading a letter in front of the Eggleston House, that he told him that it was from Augusta, that in it she said what must be regarded as the most uncoquettish and unwomanlike thing in the world to say, to a seemingly tardy lover—that she, Augusta, had had a good offer of marriage, from a gentleman naming him; and innocently asks his disinterested advice as to what she had better do. That Cole went on to say he could get \$500 by consenting to it, but he be damned if he would; as he owed the fellow a grudge." One would suppose that he would not let so rare an opportunity escape to pay it off, with a surplus mistress; and so thought Walker; especially as he says Cole had so many women—Cole thought differently.

It is about this time as near as we can arrive at it from all the proof, that we first begin distinctly to hear of arsenic for Horses, and now for the first time on the face of this earth, was heard of laudanum and arsenic, as a horse medicine for any purpose.

True it is that along back just before Augusta left Garrettsville,

the defendant proves that he bought an ounce of arsenic of Dr. Lee at that place, done up in the identical brown paper, and duly labeled : true also, and as significant as true, that this or a similar package of arsenic was found in the stand draw of Cole's room at Eggleston's, after the death of his wife, open and with the label gone. How it came there, when or by whom is not fully disclosed or for what purpose—nor does it appear that Mrs. Cole knew of its existence, or nature.

True it is that something had been said by Cole about small doses of arsenic, as a dope for horses—but what, nobody can exactly tell, nor did anybody know with certainty that he ever gave any in that form, for that purpose. But now for the first time I repeat, was the strange compound of laudanum and arsenic ever heard of as a medicine for horses. No witness, horse fairier or otherwise, has ever heard of it and all the immense enquiry and research of the gentlemen has failed to show from what quarter a suggestion of this did or could arise. "It was a remedy for the bots," so Cole said. Had he horses so afflicted? There is no pretence of it. Did he ever use it upon his horses? He said he had, but not a mortal eye saw him. That it was a new idea with him we know, for he spoke of it for the first time to his uncle Horace Cole, on the fatal evening of September 8th, and he said it was "a new medicine;" which is utterly inconsistent with the pretence that he learned of it years before in Canada—a statement unsupported by a particle of proof; and never heard of till after arrested for this crime.

The idea then that this was really a horse medicine was a mere pretense. And further, where was this medicine kept? in or about the stable, where it might be used? No! But it was put by him in that same stand draw until as he says, his wife placed it in the bureau to remove it from the child.

You have then this never before heard of poisonous compound on a lying pretense, placed where it would not have been, and so carelessly there placed by the defendant, that the unsuspecting wife is obliged to put it in the very place he doubtless intended it for. We have now this compound poison in the bureau, with the unlabeled arsenic in the stand drawer, sufficient to account for any accident.

It was about this time that any one first heard of Cole's wife taking medicine. She had spent several days at Horace Cole's and her aunt knew not of it. Mrs. Chauncey Eggleston had not heard of it before; and the fact that the bottle after her death was at least four-fifths full, and could never contain but two liquid ounces; is conclusive that she could not have taken it long, for at one tea-spoonful a day it would last but sixteen days.

This medicine, said to be the tincture of blood root, in an ordinary two ounce vial is treated by the defendant and his counsel

as of the gravest importance. They, or he knows the exact purpose for which it was procured and used, and precisely the part it played in this startling tragedy. And we shall fail rightly to estimate its value if we lightly overlook it.

The defendant has produced good Mrs. Beers, all the way from somewhere, who swears that just about the time Mrs. Cole left Hamilton to return to Lyons, she prescribed tincture of blood root and sulphur to her as an anti-conceptive remedy, that soon after she showed her a four ounce vial and said she was taking it. There seems something a little remarkable about all this. It would seem that this was about the time that Cole was in pursuit of Augusta, and strangely enough about the same time naughty Mr. Beers, broke out of the arms of good Mrs. Beers, and broke into the arms of another, and thereupon Mrs. Beers and Mrs. Cole, betook themselves and most actively to anti-conceptive remedies, with the pious hope doubtless that they would have a vicarious operation in the exposed direction !

Pardon me, the gravity of this occasion precludes my treatment of this miserable stuff, in the only manner it deserves.

On the evening of Sept. 8th, Adelia Cole said to Mrs. Horace Cole that she was taking this medicine for a rash, that it was helping her, and showed her hands.

A few days before that time, the defendant said to Mr. Horace Cole, at the Falls, *that he got this medicine for his wife at Cleveland.*

Before the funeral of his wife he procured his uncle Horace to have the officiating clergyman announce to the public at the close of that ceremony that his wife brought this identical blood root medicine with her from Lyons. So oppressed was he with the knowledge of the fatal purpose for which it had been procured and used, that while no enquiry had been made, and no suspicion had been uttered, he had this seemingly uncalled for and gratuitous statement—itself a lie if he told his uncle the truth before—made on that most unseemly occasion !

I declare to you, gentleman, that while we are left somewhat to conjecture on this subject, we are compelled to believe that in or behind that little phial of harmless tincture, lies one of the criminal means of this unfortunate woman's death. Where got she that medicine ? where and how ? No mortal knows but Hiram, and he said he got it for her at Cleveland.

This phial which I now show you is that medicine bottle containing a small portion of the identical blood root tincture. Observe its color, and the appearance of the vessel. This was kept in a small paste-board box in the bureau. This other phial now shown you, is the identical horse medicine bottle, with a quantity of the original compound in it. You observe that in size and shape, the phials are duplicates. Observe also that when the sediment—the arsenic in the bottom of this is concealed—the liquids are identical

in color. Remember also that this bottle, said to be used elsewhere, by the contrivance of the defendant, gets itself also into that box in the bureau. Remember another item or two of proof; that when this horse medicine bottle was first seen it was nearly full; that when it was compared with the blood root phial after the death of Mrs. Cole, there was scarcely a shade of difference in the height of their contents; showing that as the blood root ebbed away, the laudanum and arsenic ebbed with it. Remember the relations of Cole with his mistress, that they were to be married; that his wife for that purpose must be disposed of; that she did die within a few days, of accidental poisoning; and can you doubt for a moment, that all these singular incidents and coincidents were all carefully contrived and prepared results of the defendant's own doing and plotting; and can anything now but a special providence save that woman from this carefully contrived accident?

In the boundless realm of casualty and misfortune, did mere chance ever before so carefully and persistently bring together and deposite the elements of such an accident? and that too to accomplish the very thing that the adulterer most desired!

We have now reached the first of Sept. We have this wife on some pretense taking a medicine procured by this husband: we have this horse medicine so peculiarly like it, by his contrivance placed with it and there left, with the necessity for her "taking off." If by a lucky accident she does take the horse medicine, well and good. If she takes poison by any other means and dies, it is just as well. There lies that bottle in the bureau, and that paper of arsenic in the stand drawer, either which will account for it.

Cole and his wife occupied a room on the ground floor in the north-west corner of the house, Mrs. Chauncey Eggleston—her husband still absent—occupied one in the north-east corner, with a pantry between them, and both opened into a common room lying to the south of them, from which the only outside door led to the street.

During Monday night, Sept. 1st or 2d, Mrs. Eggleston was awakened by the noise of some one in Cole's room as if violently vomiting; this continued more or less during the night. Tuesday morning Cole said to her his wife was taken very sick in the night "and like to have died." That she was still very ill, that he must leave that morning, and he wanted she should take care of her. That on going to her, she was still vomiting, with a great burning in the throat and stomach, that as she lay on her back or side, the burning and pain extended through. That she complained of thirst, which increased, great languor. It appears that in the afternoon Cole returned, and finding his wife still low, called Dr. Curtiss, who found her symptoms alleviated from the morning, yet still great irritation of the stomach and throat. On enquiry and

examination he could arrive at no satisfactory cause for the illness, he prescribed for and left her. Next morning as he says Cole called him again, and said his wife had had another attack during the night before. On calling he found her rather worse than in the afternoon before, symptoms the same, and again prescribed for her. By the testimony of Mrs. C. Eggleston, Mrs. Munroe Eggleston, and Miss Ellen Eggleston, Mrs. Cole began to be up Thursday, yet complaining of intense thirst, and saying she had never felt so before.

On Wednesday or Thursday of that week, I think the result of the whole proof is, that Mrs. C. Eggleston, her daughters, Ellen and Alice, with Walker Eggleston, were all taken precisely similar to Mrs. Cole, except slighter vomiting, burning thirst, and languor, and unlike anything either had before known. Nobody of that family escaped except the little Adelia three years old, and this defendant.

What produced this strange and simultaneous illness. Green vegetables, melons, and fruits! They were never known to produce all of these symptoms. This ceaseless intense burning, that unquenchable thirst, and deadly languor, never came from that source.

My learned friend Mr. Thrasher, in his cross examination, hints at another solution; the nameless periodic intervals usually known only to mature females.

In this instance it not only involved Mrs. Cole, Mrs. Eggleston, and Miss Ellen, but little Alice and Walker! A case of such unanimous catamenia, sparing neither age nor sex, was never heard of! The enquiries of Dr. Curtiss preclude the idea that even Mrs. Cole was suffering from that cause.

No, Gentlemen, the long threatened and carefully prepared accident occurred. If his wife like to have died, why was not Mrs. Eggleston called? Why did he wait till all danger passed? why was there a return the next evening? from what possible source came those symptoms, except arsenic? And you will remember that slight quantities of arsenic were afterwards detected by Prof. Cassels, in the Liver, and by Drs. Hamilton and Mixer, in other tissues, and I think I shall satisfy you that she took no arsenic after that. Had Mrs. Cole died then, don't you believe it would have been charged to that horse medicine?

And after the failure of that accident with the fear of being suspected what more probable than that for the purpose of preventing suspicion, a lesser quantity was infused into the food or drink of the rest, from which he alone of those who would be likely to partake of it, escaped.

From this till the ensuing Tuesday the memorable 8th, a period of quiet and convalescence prevailed, enlivened only by that highly moral incident, of the procuring of that especial young lady known

as "the Pony," for the use and behoof of this renewed and devoted husband.

On that Tuesday evening, Cole with his wife and child, with two satchels, left for his uncle Horace Cole's, near Bainbridge center; arrived there after dark, left the satchels for a time in the buggy near the house, from whence they were brought by Hiram. He and his wife retired to an upper room about nine o'clock; she took a cup, spoon and water, with a single candle. The uncle Horace fell asleep in his chair. The aunt retired to a room below soon after; Hiram's sister Adelia, long an inmate of her uncle's family, sat sewing in another room below.

The little boy, the only other member of the family, had gone to bed before, near the room of Adelia, which opened from the hall leading up stairs.

In about three-fourths of an hour after Hiram and his wife retired, a cry of alarm aroused the inmates below, who on hurrying to the room—Adelia being first—found the wife in strong spasms—saying to her sister as soon as she could speak, "she had taken Hiram's horse medicine by mistake, and nobody was to blame." And there on the stand stood the phial, with the fatal arsenic sparkling at the bottom, the blood root of course being absent.

The neighbors were alarmed, strangers to Hiram and his wife—the two Mrs. Goodsell's—mother and daughter-in-law; Mrs. Briggs, a daughter of old Mrs. Goodsell, and Samuel Goodsell, a son—all arriving at nearly the same time, and all before 10 o'clock. Horace Cole was then absent for Dr. Shepherd—had been sent by Hiram, who apparently hurried him off with his own—a fast horse. Dr. Shepherd must have arrived at near eleven—residing $3\frac{1}{2}$ miles away, and over a hilly road. Nearly all of these persons were present after their several arrivals, until Mrs. Cole had so far recovered from the attack, that she could safely and prudently be left, which was about 3 o'clock A. M.

The first statement of Hiram to the attendants was that he was asleep and was awakened by his wife striking him with her elbow in the breast—on her going into a spasm, that he was so frightened that he leaped from the bed, and nearly out of the room. In the printed statement he says, "he sprang out of bed and lighted a candle on the stand; in doing so, he saw the white ring of arsenic in the bottom of the phial, sitting on the stand where Mrs. Cole had left it. He immediately exclaimed, why! you have got my horse medicine instead of your own."

The statement of Dr. Shepherd, as to the symptoms which fell under his eye is substantially: she went into strong tetanic spasms, involving all the voluntary muscles. The head was thrown back, the chest elevated, the jaws set, the fingers drawn in, the whole body inflexibly rigid, and the eyes staring. These spasms came on suddenly after a regular interval, remained a given time and as suddenly and completely departed.

During the intervals the patient was comparatively easy. The upper part of the person was bathed in a profuse sweat, and very hot. She complained of burning in the throat, and great thirst, no burning or pain in the stomach at any time; required to be held down in the spasms by pressure over the region of the stomach. Complained at no time of nausea, or pain in the bowels, made no effort to vomit, or pass stools or urine. The patient evinced an intense nervous susceptibility, intolerent of sound, sudden approach or rustling of the bed clothes. Either of which would induce some return of spasm. A drop of water falling on her neck threw her into a most violent spasm. All the other witnesses fully sustained Dr. Shepherd.

Mrs. Briggs, who held her lower limbs most of the time, says she felt the muscles draw under her hands, as she was about to go into a spasm, and that while in them she seemed to rest on her head and heels.

Dr. Shepherd, whose high bearing, modest deportment, learning and candor, won even the reluctant commendation of the defendant's counsel, says that although a retired physician, he promptly responded to the call to attend Mrs. Cole, that being told that she had merely taken a tea spoonful of laudanum and arsenic in solution, which he supposed to be true, and that from the slight solubility of arsenic he supposed she must have taken but a small quantity, that at the period of his arrival he supposed that that must have been all taken up from the stomach. That from some idiosyncrasy of the patient, evidently possessing a predisposition to nervous influence, he supposed that in some way hardly apparent, and which he had no time to investigate, the symptoms must be wholly due to the laudanum.

That his first effort was at once directed to eliminate these from the case, for which purpose at the earliest possible moment and as fast as practicable, he administered strong coffee alternating with tincture of camphor,—that he gave from seven to twelve cups of coffee by one o'clock; and that under the treatment, the symptoms appeared readily and rapidly to yield—that on the disappearance of the violent symptoms no other came up—that there was at no time any sign of narcotism—that he retired from her room about one, went back for a short period soon after, and regarding her as fully removed from the influence of the poison, with nothing to prevent a speedy and complete recovery, he returned home about half past 3 A. M., expecting she would need no further medical attention.

This was the exclusive character of the symptoms and history of so much of the case, from the first moment of observation, from which the manifestations did not vary save that the spasms increased in intensity until about twelve, when they subsided gradually, were less frequent, and milder, until at three, all spasms had ceased, and there only remained the nervous sensibility

which at six A. M. had nearly subsided, when she arose and had her bed made, complaining only of dizziness, and starting as she fell asleep.

What did Adelia Cole take, and in what quantity that evening, on her retiring? and how came she to take it—for all concur that it produced these extraordinary manifestations.

A solution of these queries will require us to turn back and more carefully examine ground so hastily sketched, as well as to discuss the medical evidence and authorities.

The defendant answers promptly that she took the horse medicine from Eggleston's by mistake, and repeated the mistake in a worse form at Bainbridge; and to that alone is to be attributed these nearly, and as he claims ultimately fatal consequences. There was the horse medicine speaking for itself. The blood root two days after was found in the box in the bureau drawer at Eggleston's. That Adelia said she made the mistake though she did not say how, and at one time we find her wondering how she could have made it, as well she might.

What she said was hardly proof at all, and when we find that all she knew of it was what Hiram told her when he made his discovery while lighting the candle, we know what value to put on her words.

On Monday, Sept. 7th, it would seem that Cole went to Cleveland as he says, to see about an arrangement with the Mahoning R. R. by which passengers could be ticketed through from Cleveland to the Falls, going in Eggleston & Cole's hacks to and from Solon. He appears to have been as anxious about this as he could be about any business matter. He returned on that Tuesday, and he has since claimed that he had an arrangement by which he was to meet the railroad men at Cleveland very early the next morning. Cleveland is 18 miles north-west from the Falls, and Bainbridge 5 miles south-east. In Cole's absence at that time, his wife and Mrs. Eggleston had made arrangements to go to Bainbridge that Tuesday evening together. Of this he must have learned on his return. What does he do? He breaks up that arrangement, volunteers to go with his wife himself, which could not have arisen from regard for her, when we remember his constant infidelities, takes upon himself ten additional miles travel to meet his next morning's engagement, and hazards his ability to meet that at all. What was his object? What was he repeatedly talking about up to that time? This horse medicine! And so full was he of this matter, that on that Tuesday evening at the table, he remarked that he supposed his wife "was going away to get rid of taking her medicine," to which she replied she was going to take it with her. After tea the preparations were completed, and did she take her medicine?

In the first place as to the probabilities and possibilities of this matter.

That she knew the character of that medicine, the defence are as anxious to establish as we can be. That she was watchfully alive to its presence we know, for when Ellen two or three days before went to her room for peppermint, she told her to go to the bureau drawer. Ellen says she found four vials in the box, and on taking up one Mrs. Cole sprang to her with a cry of alarm, saying, "that is poison, a drop of it will kill you." Had there been a coiled adder in that box, ready "to pour its venom and its strength," she would not have been more fearful.

I here show you, gentlemen, two vials, of the same size and appearance as those used by Cole. One with a liquid of the color of the blood root, and the other with laudanum and arsenic. They are about as full as those were, say the witnesses, when they came from Cole's hands. We have in this a little too much undissolved arsenic; in the original it was about a half inch in depth at the bottom.

You observe that the liquids would readily be mistaken, but that when the whole of both are exposed, the difference is detected at the slightest glance. The arsenic is seen the moment the eye meets the vial. You observe the hard compact form the arsenic speedily assumes, the difficulty of agitating it, and the rapidity with which it settles, owing to its great weight, it being a metal.

It is said that Mrs. Cole took this vial from the drawer about 6 P. M. in a room with three windows, one looking to the west, of a bright afternoon, and do you believe it possible that in anything short of a fit of utter abstraction, she could have mistaken *this* vial of laudanum and arsenic, for *this* of blood root?

Further, when at Bainbridge she takes this from her satchel, by her candle even, would she not then have detected it? and further still, when she finally comes to take the dose, whether the vial was standing or lying down, quiet or agitated, she must have there detected it.

But you are to believe that with this palpable difference, she made the mistake three times, and under circumstances the most favorable to avoid them, and that he sprang from the bed, lighted a candle, and while so doing—and under his terror and excitement he saw the white gleam of the deadly arsenic in an instant. But we are not left to probabilities. We have absolute and positive proof on this point. Alice Eggleston, an intelligent and sprightly girl of twelve or thirteen, familiar with Mrs. Cole's room, says she stood looking into the drawer, as did also Hiram Cole, when his wife took the medicine from it, and that "*she took her medicine,*" not *the* medicine, or a bottle, but "*her medicine*" This she swore to before the inquest where it was written, and gentlemen are so well satisfied with it, and Cole knows so well whether she tells the truth, that they are content to take it without cross-examination, or a production of the witness before you. The probability and

positive proof, concur to establish that she did not make the mistake as claimed.

She took her medicine, and Cole took his, and they journeyed together to the uncle's ; and there as if besotted Hiram immediately falls to talking about his medicine. "He had a new horse medicine made of laudanum and arsenic, a deadly poison." Also his wife was taking a medicine ; and as if possessed and he must speak, he says he "came up that night to see that Adelia took her medicine."

He must speak of it, his heart, soul and brain were full of it. Did he knowing what would happen, think some little preparation of his good uncle and aunt necessary, so they would be less surprised, and when the needed explanations would be a little awkward to make ? as if he had said, "dear good uncle and aunt ! my medicine is a fatal poison, it will turn out that it resembles my wife's very much, and also they were kept together at the Falls, now if she has made a mistake and has got mine, and takes it to-night, and dies, you need not be much surprised !"—and they retire.

So easy for him was it to have changed vials when he went for the satchels, or in their room, to have substituted a third for hers, —to prepare it for and given it to her himself, that we need not speculate on that matter much.

Another thing here, it is conceded that she took a dose of sulphur that night. For what ? no mortal knows. Who prepared that for her ? nobody can tell. A single pinch of another poison to be named to you, in that sulphur, in that horse medicine, in that blood root or anything else under the multiplied opportunities which must have occurred, settles everything.

Cole himself is anxious to have you think he was absent when his wife took what she did take, and says in his statement of facts, that he went off to a sugar closet up stairs somewhere ; yet as they had but a single candle, this story is dark indeed.

If he told the truth to Dr. Shepherd, he must have seen her take it, as doubtless he did, for he said she took not quite a teaspoonful ; and he must also have known what it was.

As bearing on this matter let me here dispose of another thing I said that Mrs. Cole must have taken her medicine, and that Cole doubtless took his. We must remember, however, that on the Thursday morning following, her blood root medicine was found by Dr. Curtiss and others, in the box in the bureau drawer at Eggleston's, where the defendant would have you believe she left it. This is the first time that we know, that any other person than Cole had been to the drawer. Had Cole been there since the time he and his wife left on Tuesday evening and before this Thursday morning ?

Mrs. Eggleston and Ellen, both swear, that on Wednesday, the 9th, at about half past eleven A. M., Cole came in hurriedly, said not a word, went through the common room referred to, and passed into his own room, closed the door, remained there but a

moment, and both heard something like closing a drawer—that he came out, passed out onto the door step, and turned as if he had suddenly recalled something, and then for the first spoke, “Oh! my wife liked to have died last night—she took my horse medicine by mistake!” Was it possible that he had forgotten that fact of his wife’s fearful illness, or conscious that he had poisoned her there, that he had poisoned her at Bainbridge, and fearing that he was suspected, and fearing that on this announcement his auditors would fly to the drawer, and find the blood root gone—did he think it only safe to replace the vial before a word was uttered? There is not a shadow of doubt but what at that time he replaced that medicine. For what other purpose did he go there, and what other errand had he there at Eggleston’s. Even in that eminent work of fiction called “the facts,” the joint imagination of the whole defence, fails to suggest the purpose for which he then visited Eggleston’s at all.

Let us examine this subject in some of its medical bearings, for we have seen that on the supposition that the deceased took horse medicine, it must have been by the direct agency of the defendant; and if so, can we account for the results, or any of them on that hypothesis, or shall we be forced to resort to some other agency. If she took the compound in question, she must have imbibed only so much arsenic as the laudanum held in solution. The shape of the vial, the weight of the powder, with the known fact that the top of a liquid only flows, precludes the idea of her getting any of the undissolved sediment, unless indeed we resort to the unproven and unsupported supposition, that the vial was thoroughly shaken, and violently poured out. On an experiment made by Dr. Mixer, called for the defence, on a drachm and a half of this liquid, turned out by Mr. Canfield while the contents were in repose, I think but about three-eighths of a grain of arsenic was found in all forms. By a careful experiment by Prof. Cassels, he found that a drachm, the proper tea-spoonful, of laudanum, would dissolve not quite a tenth of a grain of arsenious acid, the form in which Cole used arsenic. Dr. Mixer, by experiment in another form, thinks it might hold in solution a trifle more. Mr. Thrasher has produced one of the same set of spoons used by Mrs. Cole on the occasion, which on actual test when full, holds a drachm and a half. A drachm of the laudanum of the shops, contains four grains of opium. This was procured of Mr. Mix, who says it was prepared as required by rule. Mrs. Cole probably would not have filled the spoon full. Cole said to Shepherd, she took not quite a spoonful, and that “she got but little arsenic, as it would not easily dissolve,” showing that he understood the qualities of arsenic, and suggesting the idea that the vial was not shaken.

If the spoon was full, she took at the most, six grains of laudanum, and not to exceed a half grain of arsenic, which allows for a large quantity to have passed out in suspension, or undissolved.

On a patient, a female, twenty-two years old, in ordinary health,

yet of slenderly make, and more than usually susceptible to medicinal influences, and taking this dose three hours after supper, what would we expect under the accumulated light of science and experience, to be the consequence? All the experts agree that no chemical union could take place between the agents so as to form a new chemical compound.

All on both sides also agree, even when we suppose the presence of a grain of arsenic, that the opium is the most dangerous, and each would probably act in its usual way, or it might be modified by the other.

Before I look more closely to this matter let me state the result of an experiment with this same horse medicine. Prof. Cassels put two cats to death with it, turning the liquid out in an ordinary way, *and both died solely and exclusively by the laudanum*, as every informed man would expect. There was not *an arsenical symptom in either*. These experiments were witnessed by Prof. Kirtland.

Opium, as you know, is a vegetable poison, yet what minimum quantity would cause death is unknown. Five grains for an adult is no unusual dose, and nobody says that six would occasion the death of Mrs. Cole. It would doubtless be a hazardous quantity for her, from which under adverse circumstances, bad results might supervene.

The symptoms should appear in from fifteen minutes to three-fourths of an hour. They are very uniform, says Mr. Taylor, on the 468th page of his work on poisons. "They consist in giddiness, drowsiness and stupor, succeeded by perfect insensibility, the person lying motionless, with the eyes closed as if in a sound sleep. If aroused, as he may be in this stage, he rapidly relapses into stupor. In a late stage, when coma has supervened with stertorous breathing, it will be difficult if not impossible to arouse him," &c. These are the leading usual symptoms, and probably death was never occasioned by opium in any form that most of these were not prominently present. From the quantities supposed, every medical witness who was asked, would expect a regular course of opium symptoms and nothing else—mere narcotism.

But we need pursue this opium no further, for no man pretends that the symptoms or any part of the case is due to that, and it may only be referred to as possibly modifying the manifestations of arsenic.

Arsenic, as you know, is a metallic poison, called from its local action an irritant, is supposed, however received into the system, to act mainly and primarily on the stomach. It is said that its ordinary effects are due to the fact that it is absorbed and carried into the circulation generally. While in the stomach, nobody can suggest a mode of stopping, or suspending absorption while life continues; and Prof. Cassels, and Dr. Hamilton, both think the presence of opium would accelerate absorption. While absorption is being performed, especially when the quantity renders it fatal,

we are yet to learn of a method of suspending the symptoms, although doubtless in the secondary stage, suspension of some of them may intervene, a matter I shall recur to again.

The smallest quantity of arsenic known to produce death, is two grains and a half. Taylor on poisons, p 268, says, "that under ordinary circumstances favorable to its operation, it is safe to say that from two to three grains is a fatal dose." This is the result of the numerous authorities before me. I read from Taylor as the most concise and perspicuous. A medicinal dose is about a sixteenth of a grain, "but half a grain will produce some of the symptoms of poisoning."

If we are right then, as to the quantity of arsenic contained in that tea spoonful of horse medicine, no dangerous consequences could have arisen from it. But you are vehemently told that the quantity is immensely more, four, six, ten or thirteen grains; and this in spite of proof, experiment and possibility. That all the symptoms are due to arsenic, and that how ever Prof. Cassels' cats died, Mrs. Cole managed to die of this arsenic. We will look to this more closely.

Throughout the physical universe, fixed in the solid earth, growing up in plants, blooming in flowers, and ripening in fruits and seeds, we find deposited these subtle and deadly agents.

Man has stumbled and blundered on many, ascertained their nature, mode of action, has given them names, and in good part understands the language they speak. To say that it is and must be otherwise, that we may not judge of the presence of these malignant powers, while working their purposes on the human subject, by their manifestations, with reasonable certainty, is to reflect either upon the power or goodness of providence. Since men sacrificed to evil spirits, and sought to arrest disease and death by conjuration, the race has progressed; and the learned do know some things. The accumulated treasures of three thousand years of experience and observation, are not wholly valueless, and men can determine whether a well known poison when present in a fatal quantity, and working its certain process to speedy death, does give out any of its well known signs or not.

I know that the symptoms of arsenic are more numerous and hence more varied than that of any other poison, and that they were never all present in any known case. But I aver no case of known arsenical poisoning can be produced, in which was not manifested some known arsenical symptom, or mode of action, that would at least be recognized as such, when suspicion was otherwise aroused. I wish these remarks to be remembered when we reach the last medical phase of the case, as they will there apply with force.

Mr. Taylor may also inform us of the symptoms of arsenical poisoning, p. 256. After saying they may come on in from half an hour to an hour, he says:—

"The individual experiences depression, nausea, and sickness, with an intense burning pain in the region of the stomach, increased by pressure. The pain in the abdomen becomes more and more severe, and there is a violent vomiting of a brown turbid matter, mixed with mucous, and sometimes streaked with blood. These symptoms are followed by diarrhea, which is more or less violent; and this is accompanied by severe cramps in the calves of the legs." "The vomiting is in general violent and incessant, and excited by any substance taken into the stomach. There is tenesmus, and the alvine evacuations are frequently tinged with blood. There is a sense of constriction with a feeling of burning heat in the throat, often accompanied by intense thirst."

"Before death coma sometimes supervenes, with paralysis, with tetanic convulsions, or spasms in the muscles of the extremities. In one instance trismus (lock jaw) appeared in three quarters of an hour." With slight omissions this is an outline of an acute case of fatal arsenical poisoning, as gleamed from ten thousand cases, for as you know arsenic, while the easiest of all possible poisons to detect, is yet the most popular.

Recall the symptoms in the case under consideration, and compare them with these. Tetanic spasms first, second, last, and always, not "of the muscles of the extremities," but the whole body becoming statuesque. Where is the "first faintness," "depression," nausea, with the burning in the region of the stomach, increased by pressure, pain in the abdomen, diarrhea, or coma?

Burning in the throat and thirst I admit, but they are common to other poisons.

Why is it that this arsenic neither speaks nor acts like arsenic, has neither its hands nor voice. That it completely rebels against the everlasting laws, stamped on its nature, by the everlasting God!

Compare the symptoms of Mrs. Cole and others, in their remarkable illness the week before, which so far as known are exactly parallel with these I have read to you. The gentlemen say we have to suppose the taking of arsenic in that instance; so do they in this. All the proof that she took it, that can be claimed, has its origin in Hiram's pretended discovery, and telling her she had made a mistake. There was the bottle there to be sure; so it was at the Falls, with the arsenic in the stand drawer. Do they say arsenic was found in the body; all the medical witnesses say it can as well be attributed to arsenic taken the week before death, as on the night before. And we say better, too, for if taken the night before death, we should have found it in the stomach, or signs of it. Thus we have in this strange dose the most powerful and only dangerous agent suddenly and miraculously disappearing, or assuming a new and unknown character, while the arsenic, powerless from its minute quantity, puts on not only supernatural strength, but exerts it in a supernatural manner. Even the last necessity cannot drive us to this absurd conclusion.

That Cole had poisoned his wife with arsenic and failed, we cannot doubt; that he would be likely to try some other agent in his future experiments, is probable. That he may have so contrived that by his means she may have taken a dose of this horse medicine, on the evening of the eighth, is possible; but that that alone produced the results we have witnessed, is impossible, no matter what were the quantities and proportions.

In our investigations for the cause of these remarkable phenomena, I wish again to remind you with emphasis, that the whole wide world of diseases, wounds, accidents, casualties, and misfortunes, are forever swept out of, and away from the possible field of our labors, and thus we are compelled to search for it alone in the narrow, rugged range of poison.

The defendant is obliged to, and does stake his life on the desperate hypothesis, that death could be caused only by poison, and that poison, arsenic.

We need not trouble ourselves to determine whether idiopathic, or traumatic tetanus, might account for any of the symptoms, as nobody claims that either did, but all claim that they did not.

It would however, require but little labor, with the means before us, to establish the wide and clear difference between our case, and that of ordinary tetanus, hysteria, or any thing else known.

We are then to find among poisons the sole agent, equal under the known circumstances of this case, to have produced those manifestations. And if such can be found, with no counteracting improbability in the way, we must fix on that.

If the united testimony of all the medical witnesses on the stand, conjoined with all the authority of all this array of books, is of any value, we find that agent in strychnia, or its equivalents alone. It is true, we do not trace this into the hands of the defendant, but in that does not reside the countervailing impossibility that must exist.

Although a recent discovery, its now well known fatal quality, and the certainty of its operation from the smallest quantity, has brought it into general and unprecedented use for the destruction of animals; and human beings also.

The American editor of Taylor's Medical Jurisprudence, on page 163 of his edition, says, "strychnia is very largely consumed in the United States as poison for dogs, wolves, and other obnoxious or dangerous carnivorous animals. It has been for some time past the most deadly weapon in the hands of the farmers and hunters in all parts of our country, especially in the West. It is estimated that between five and six hundred thousand ounces are annually manufactured in this country, besides what is imported." Retailled, as it is conceded to be in every drug shop in the land, it can easily be procured without our being able to show by whom, when or where, as every body knows that our statute regulating the sale of poisons, is disregarded by common consent.

It is said to be an alkaloid, and is classed not very perspicuously, among the so called narcotico irritants, yet possessing little that such a classification would seem to require.

It is the most fatal weapon in the whole deadly array of poisons, and in its symptoms—not even *rabies*, is so marked, distinct, and readily recognized. The ordinary observer who had ever witnessed a case, would forever remember, and could accurately describe their prominent peculiarities.

This agent is said to spend its force wholly through the nervous system upon the muscles, and hence the spinal cord receives and becomes a reservoir of it, from which along the thousand ramifying and imperceptible gossamer lines and filmy wires, it flashes that terrible energy through the whole shivering shuddering frame, grasping all the muscles, the obsequious slaves of the will, and wrenching them from its palsied sway, fills them with its resistless force, and strains them to their utmost possible capacity. While in the embrace of this poison trance, the whole mortal frame becomes an unbending statue, more rigid than if smitten with the frost of death. The intellect alone retains its integrity, unshaken by the paroxysms that convulse and congeal its distorted tenement.

Strychnia is generally supposed to cause death by fixing and holding the organs of respiration, and thus suspending that function until death ensues.

Some suppose, and among them, Dr. Hamilton on this stand, that it is occasioned by malignant influence on the blood, which prevents it from receiving oxygen. However important this question may be, it is hardly material for us to discuss in this case.

Half a grain in the case of Dr. Warner, produced death, and Dr. Taylor gives an instance of death from a fourth of a grain, in the London hospital.

An examination of a table of cases, by Dr. Taylor in his work on Poison by strychnia, at page 78, shows that the symptoms begin in from five minutes, to an hour; usually in less than a half hour; and according to the same authority, at page 28, they are “trembling of the muscles, shaking of the body, stiffness of the back and neck, general uneasiness, and a feeling of suffocation. The body and extremities are suddenly stiffened by muscular spasms; the hands are clenched, the toes are incurvated, the soles of the feet becoming hollow, the body assumes a bow like form—it rests on its head and heels, and the back is arched; the muscles of the abdomen are hard. During the paroxysms there is severe pain, leading to shrieks and cries, from the almost universal cramp; the face is dusky or livid, the lips are livid, the mind clear—there is consciousness. Remissions of these symptoms occur at short intervals, but, after a succession of the fits, and sooner or later in proportion to their intensity and duration, the person dies either from asphyxia, or as a result of exhaustion of nervous power, &c.”

"Heat and burning in the stomach," are added by Dr. Beck.—Beck's Med. Juris., 2d vol., p. 850. Thirst is found in some cases; and occasionally nausea and vomiting.

I give you here a case from the above table.

"One grain and a half of strychnia, taken in solution, on an empty stomach. Symptoms began by twitching more than an hour after taking the poison, general tremors, limbs rigid; whole body stiffened and straightened; neck drawn back, eyes protruding; pulse imperceptible, face livid, froth from mouth, violent tetanic convulsions with opisthotonos (resting on head and heels;) hands clenched, arms bent, legs and body extended. She died in a violent fit, two hours and a half after taking the poison."

In most of the cases, a leading symptom is the intense nervous excitability. It was prominent in Cook's case.

Christison says that strychnia can be detected by the symptoms, (Chris. on poisons, p. 691,) a doctrine abundantly established by Dr. Taylor in his treatise on strychnia poisoning, in which he also reviews the Palmer case. Also his evidence in that case, as reported in the London Lancet for August, 1856, page 94. Also the evidence of Dr. Christison in the same, page 99.

That man would be hardy indeed who would assail either of these great names. The two together are not to be questioned.

Gentlemen, recall the symptoms of our case as they have been detailed to you by any—by all of the witnesses, and mark their exact parallel with the leading symptoms I have just read to you. Can there be any doubt but that what produced them in one case produced them in all?

These symptoms have been submitted to six learned men of our side, who followed each other and neither heard his predecessor testify, and one and all declare unhesitatingly, that they are due to strychnia alone. They not only could be produced by no other agent, but by no other cause, going beyond what we were required to do.

First Dr. Vincent, of thirty years eminence in his profession, whose intellectual resource was found ample in the remarkable cross-examination to which he was subjected. "Had he not at the inquest expressed an opinion that the case was one of arsenical poisoning?" He had. "Why had he changed?" "He then gave his opinion upon such facts as he then had. He here gave it upon other and totally different facts."

Why, gentlemen, the world renowned Dr. Taylor, who tested the stomach and some of the tissues of Cook, in the Palmer case, and found antimony, gave it as his opinion that he died of that poison. And yet when he learned the symptoms, he solemnly swore that in his opinion George Parsons Cook died of strychnia, and the jury so found, although not a sign of strychnia was found in the body—an everlasting admonition to those who rely alone on chemistry to prove the cause of death.

To Dr. Vincent succeeded Dr. Harman, who fully sustained him. Then followed Dr. Curtiss, whose clear expose and manner of testifying disarmed even the spleen of my friend Mr. Thrasher. Dr. Shepherd succeeded, already referred to.

Then followed your own justly distinguished Dr. Hubbard, who on this stand greatly added to his high reputation.

We closed with Prof. J. Lang Cassels, a name that in his department of science, is an authority of itself, whose experience as a toxicologist is varied and valuable; and who, when he speaks of matters that have undergone his own investigation, his opinions will outweigh the heaviest book so ostentatiously lugged in and lugged out, morning, noon and night, by our overloaded friends for the defence. But fortunately there is no conflict of authority, between the living men or the living or dead books. All concur on the point now before us.

Nor did we stop with our own experts. The leading gentleman for the defence, Dr. Hamilton, together with Dr. Fifield, were fully with us on these points.

When we turn to the books, and put the issue between arsenic and strychnia, for the production of these universal tetanic spasms, and the really unmixed tetanus which was the staple of the case, how do we find it.

Dr. Tully in his recent work, one of great ability and research, on page 911, lays down, that strychnia or its equivalents, alone of all the poisons, can produce these tetanic spasms, of the character of those in this case.

"Strychnia is the only poison except brucia, (derived also from *nux vomica*) which produces tetanus in a pure, unmixed form; and this (Cook's illness) was tetanus in its pure and unmixed condition."—Taylor's poisoning by strychn. p. 28.

"Arsenic, antimony, and other irritant poisons, may occasionally produce tetanic spasms of *the muscles*, but then there are always other symptoms which precede or follow, of a totally different kind."—Do. do. Taylor on poisons, 257, "Arsenic sometimes produces tetanic spasms of *the muscles of the extremities*."

"Death by arsenic is sometimes preceded by convulsions."—Beck 2d, p. 493. Proceeding from exhaustion sometimes probably.

There can be no authority, living or dead, to show that arsenic ever produced tetanic manifestations of the exclusive character proven here.

An attempt to do so, of a certain sort, was resorted to on the cross-examination of Dr. Vincent, and was in harmony with that performance.

The gentleman read from Christison, p. 246, arsenic—"Puts on the form of pure tetanus," at least says Christison, Portal mentions an instance, but gives no particulars, and adds, that he never heard

of such an instance, before or since ; which is equivalent to denying that it ever existed.

At all events, arsenic as a first symptom, never produced a general tetanic spasm of the whole body ; on the face of this earth or elsewhere—never.

Leaving this subject here to follow the history of the case further, I ask how stands the argument ?

We have universal, well defined tetanic spasms, as the first main and only leading symptom, if we omit the high nervousness arising from this cause. And while under their influence the body assumes the bow-like form : the jaws close—and once crushed a spoon—the breath labors, the face ghastly and distressed ; the arms crossed and hands clenched ; the spasms succeed each other at regular intervals ; coming and going suddenly, increasing in violence for two hours ; and then subsiding. No other symptoms, signs or indications, save the burning in the throat, and thirst attend them ; and nothing comes up when they leave, and during all the intellect is clear.

We find no indication of idiopathic tetanus, if that can exist in this climate, or traumatic ; and neither could produce such a train of symptoms, had it been present. We find the symptoms must be attributed to poison only. That neither arsenic or laudanum were ever known to produce them ; that strychnia always does, and that no other could. Are we not bound by every rule of fair reasoning, logic, common sense, and experience ; by all the known operations of the human intellect ; to attribute these phenomena to strychnia ? Especially when it is accessible, and no fact is known at war with this conclusion.

We had traced the narration of this case to the morning of the 9th.

The neighbors departed at three, the Physician dismissed himself soon after, the good aunt retired about four ; and the sister Adelia reposing her exhausted form on the carpet, quiet was restored to that distracted house.

At six the patient had her bed made, at seven partook of slight refreshment with some relish ; the stomach irritated however rejected a small part of it, and it would seem also that she passed urine for the first time, and also again about noon. Apparently she continued to convalesce, and at nine all signs of the often-named nervous irritability had passed away.

She received visitors, calls from the attendants of the night before, complained only of soreness, and dizziness of the head while standing, and a bad taste in the mouth, and exhibited a tooth broken in the paroxysms of the night before. Continuing to occupy her bed, she continued to mend : at eleven had a placid slumber, and at noon partook of more food with a relish, again omitting slightly ; and went on till one, two and three, when on waking from her husband a cup of coffee, prepared by him, she

with a wry face complained of the strength of the last swallow and soon after said, "Oh, aunt, I fear my spasms are coming on again." Yet they did not, for Adelia, the sister, says she had no more nor signs of any till at about half past four P. M., when she took about a teaspoonful of epsom salts in coffee, procured, prepared and given by the defendant; and that in about thirty minutes, with a loud and startling cry of pain, she went into spasms, more fearful than any she had the night before.

To what must we attribute this last sudden and terrible attack?

"To that horse medicine," shriek the gentlemen, with ghastly lips. "There are remissions and intermissions, in the symptoms of arsenical poison, after which they may return with redoubled violence."

We say no! emphatically no! a thousand times no! That is contrary to all that is known of poisons, and the course of any of them; and we challenge them to an examination of the proofs and authorities on this momentous issue.

It is the general and universal law governing the actions of poisons, that from the appearance of the symptoms, they march steadily to a remorseless conclusion without intermissions, especially from a dose which produces death in twenty-four hours.

This is indeed one of the rules to determine illness by poison, from ordinary disease.

"Poisons are generally characterized by the rapidity with which the symptoms follow each other, and by their steady march to a fatal termination."—2d Beck, p. 375.

It is the character of poisons in large doses to produce serious symptoms immediately, &c. "Their operation under such circumstances cannot be suspended and then manifest itself after an indefinite interval; although this was formerly a matter of universal belief, and gave rise to many absurd accounts of what was termed slow poisoning."—Taylor on poi., p. 42. Christison states the same rule with amplifications—Chris. on poi., p. 48.

This is the rule of every toxicologist of our day, from Orfila to Otto.

It is claimed that arsenic is an exception to the general rule; that it presents frequent instances of indefinite intermissions, and in their explorations into the forbidden realm of anomalous cases, and doubtful authority, our opponents have produced no parallel case, but some singular and distorted instances of death from something. When death is produced by the secondary effects of arsenic, some remissions of symptoms occur, but when death occurs in twenty-four hours, we submit no case of a subsiding of all symptoms—of a recovery in fact of everything but the incidental debility—a complete intermission of thirteen hours, and then a return with greater than the original force, never occurred from arsenic or anything else.

Where is the arsenic all this time, and what is it doing ? There is no nausea, no vomiting, no soreness of stomach, or bowels ; no diarrhoea, no fainting, no languor, no coma, no stupor, no thirst even, no anything ! Where is it ? Is a part absorbed, and a part in the stomach ? what stopped absorption ? why does not the residue irritate the stomach ? Is all absorbed ? what then has arrested so completely all effects of absorbed arsenic ?

The whole blood is said to circulate through the whole frame, once in four minutes ; bearing this fearful enemy in its red tide, through and through the system. What power has so suddenly arrested, and held it captive so long ? aye, and what new agent again so suddenly loosed it, and imparted to it ten-fold strength ? How comes it that when its first force is spent, and itself is already in process of being eliminated from the system ; that it suddenly becomes vitalized and endued with such new and terrible energy ? That that teaspoonful of salts, was that fertilizing, and vitalizing agent, nobody for a moment pretends.

The utmost that can be claimed for the hypothesis of the defence, is thus concisely stated by Dr. Beck. "If death be somewhat retarded there—is not unfrequently a remission of all the distressing symptoms,"—and what then ?—"and the patient is then in a dozeing stupor. This usually happens about the second day, but is merely temporary, and the symptoms return speedily with equal or increased violence." 2d Beck, 493.

This was no sudden interruption in the midst of a violent exhibition of symptoms, and for a moment, and then a return ; but a subsidence into a complete departure, followed by a complete recovery, from everything, but the incidental illness.

Upon this exact case, all of the medical testimony unites to condemn this absurd theory of the defence. Not a solitary M. D. hazards a word to sustain it. Even Dr. Bennett (for the defence) looks his blankest and stupidest amazement at it. The forcible and picturesque language of Dr. Cassels, on the former trial of this case, best concludes all argument. "I would as soon expect a second fit of intoxication from the original dram, as a second attack of symptoms after such a recovery."

Recall for a moment the simple picture of that tender, fragile, beautiful thing, on that morning after that awful night, tremulously and tearfully grateful to Heaven, to her dear aunt and uncle ; to those dear strangers who flew to her relief ; and especially to that good physician, to whom under Providence, she attributed her deliverance. A little wondering how the accident could happen ; and as the glad day lapsed toward noon, the return to her bosom of that little exile, wailing and sleepless elsewhere ; and mother and child were wrapt away together, in healthful profound sleep. It was then that the dear aunt with shoeless feet stole to that sweet presence, and saw that image of dual repose, the memory o

which crushes her woman's soul in mist from her brimming eyes, and she only looks to you, what she cannot otherwise describe.

Sleep, oh fair young mother ! and from the profound depths of repose, gather strength and vigor, for the terrible struggle that awaits thy awakening. Sleep ! and bear with thee to that heaven of which thou art already dreaming, the memory of that last blissful slumber, the memory of the last embrace thy mother's arms shall ever, ever give that dimpled babe. Sleep, oh sweet babe ! while the footfall of the destroying father smites the earth with curses elsewhere. Sleep ! and in thy weary orphan's pilgrimage over the earth, bear with thee the charmed memory of that last, so blessed slumber. Well might that mortal matron put off her shoes, for that presence made the ground on which she stood, holy ground !

We have seen, gentleman, that at about half past four, Mrs. Cole took from her husband a very small portion of epsom salts ; and that at perhaps a little past five she gave a cry of alarm ; and was found in tetanic spasms. These were of precisely similar character to those of the night before, except they were more violent, succeeded each other more rapidly, and were of longer continuance, and affected the whole physical frame in the same way.

They were accompanied with the same nervous sensibility, with slight thirst, increased and more marked difficulty of breathing, and towards the close foam escaped from the mouth. The eyes were glaring, and the countenance ghastly and frightful to look upon. The intervals of comparative freedom from those manifestations were shorter, and less calm. The intellect remained clear and unshaken.

And save these there were no other or further symptoms whatever.

These fearful paroxysms increased in violence, until in the last, with the body bent violently back ; the jaws set, the lips everted, the eyes wildly staring ; the arms crossed over the chest, the fingers clenched ; the left foot turned in—and as the attendants think the toes turned up ; with foam on the lips ; the hard drawn breath came no more and to the rigidity of spasm, was added the rigidity of death !

Says the aunt "as I watched to see her come out of the spasm a little of her old sweet look stole back into her face and I knew she was dead." She died about 6 P. M.

As the breath left this tortured tenement, so it remained, permanently and fixedly rigid. The arms could not be extended even for disrobing, and the garments were cut away. When carried below, when laid in the coffin, when disinterred in February ; and again in April after, the same inflexible immobility was found.—

On the last occasion, on examination, the toes were found drawn down toward the sole of the foot.

One remarkable and thus far inexplicable phenomenon was also observed, the intense and pungent heat of the upper part of the person, remaining, and startling the waiting women, till towards the ensuing morning ; for which no solution has yet been suggested.

On the ensuing day at evening, Drs. Harmon & Curtiss, removed the stomach and duodenum, which were carefully secured and transmitted to Prof. Cassels, for chemical examination. No post mortem examination whatever, was had of the rest of the remains, then or ever after, except only to procure other portions for tests.

Prof. Cassels under all the approved lights of science, examined and tested the stomach and contents, for various poisons; especially for arsenic, and strychnia. Not an indication of arsenic was found. Nor did the coats of the stomach or duodenum, present any appearance, that would lead to a suspicion that arsenic had ever been present.

Under the color test, indications of strychnia were obtained, but upon the application of other tests no response was received, and hence Dr. Cassels, speaking as a chemist, says he did not find strychnia in the stomach.

Subsequently in February, the liver and a portion of the large intestine, were removed in presence of gentlemen of both parties; one half of which was delivered to Mr. Blakeslee for the defence. By an application of Marsh's test and other means, Prof. Cassels demonstrated the presence of a very slight quantity of arsenic, in the liver no more as he says, than might have been found in that of a patient who had been medicated with Fowler's solution, and not enough to account for death.

It would seem that Drs. Hamilton and Mixer's tests produced even slighter indications, and no arsenic was procured from the intestine. Under the tests for strychnia, no responses were obtained by either party, or indications of anything else.

Subsequently in April, under Dr. Hamilton's supervision and without our knowledge, a quantity of muscle from the thigh, the residue of the abdominal viscera, with the spinal column and a portion of lung were removed, and by himself and colleague, Dr. Mixer, were tested.

Infinite stress is laid upon this scientific labor and its results, by the defence ; and will receive a passing notice from us.

It is said the lung produced meconic acid, indicating opium, by the color test. That arsenic was produced from the muscle of the thigh, yet in what quantities seems a little confused.

The spinal chord was tested exclusively for strychnia, and none found.

To give importance and weight to this analysis, we are told the exact process, and that to enable these gentlemen to properly perform this labor ; as well as to determine their results ; some five dogs were put to death by strychnia ; the symptoms noted ; the stomach and contents, also the spinal chords, blood, and livers were tested, making in all some eighteen experiments ; and that *in every solitary instance, strychnia, by the color test alone was found.* Dr. Mixer is confident that in one instance they reproduced crystals, but as they had no glass, this could not be determined. Our eyes were to be blessed with a sight of it, but unfortunately it disappeared. No other but the well known color test was applied, not even the physiological test, which Dr. Mixer admitted was a more satisfactory one. Now, gentlemen, what is the value of these experiments in themselves, and how do they bear on this case ?

It is claimed, that not failing to obtain strychnia in a single instance, in the stomach and tissues, when death had been produced by strychnia, it follows that when the test is applied to the remains of Mrs. Cole, and none found, they thus prove she did not die by strychnia, though nobody has had quite hardihood enough to take this position directly.

Dr. Hamilton, a gentleman of the first standing as a physician, seems unaware of the value of the color test, for the detection of poisons, as estimated by the great names of science.

He says unhesitatingly, that by this color test, he can certainly detect the presence of the fifty-thousandth part of a grain. He says it could neither be seen, felt nor weighed ! He said too that he could detect the two hundred-thousandth part of a grain, but as my imagination failed with the disappearance of that fifty-thousandth, I could follow him no further.

What is the just value of the so-called color test, for the detection of poisons ? And as this applies to vegetable poisons generally, for which there is no other ; and applies to both strychnia and opium, the authorities will cover that same meconic acid, of which not a word has been said, by either of the gentlemen for the defence.

M. Devergie remarks, "That nothing is so deceitful as an absolute reliance upon color in testing. Four persons may look at the same colored product and it will be found to present to each a different shade or tint."—Med. Legale tom, iii, p. 17.

The strychnia color, you will remember, gentlemen, like that of other poisons, is not fixed so that it can be examined, but exceedingly transitory. Flashing out the violet for an instant, and fading into a red.

Hear Orfila : "The phenomena of color must not be relied on to demonstrate the existence of poison—Strychnia or its salt

must be so reproduced that all its characters may be established."
—Taylor Poi. by Strych. p. 92.

Speaking of the color test for morphia, he says, "Can a medical jurist rely upon simple changes of color alone as evidence of the presence of morphia or its salts? assuredly not. Such a conclusion should never be drawn until morphia or its salts has been separated and obtained."—Tay. p. do. do.

Orfila also mentions a case in which M. M. Ruspini and Cogrosi, were sadly deceived by this same color test for morphia. They found that a decoction of the viscera of a calf which had taken no poison, gave the same colored reaction with the test as the supposed poisoned articles which they were engaged in examining.

Mr. Taylor says in Note 1, to p. 92, of his work above quoted, "I have since heard of a case in which from the application of the same test, morphia was supposed to be contained in and eliminated with the urine. It was subsequently found that both lithic acid and the lithate of ammonia—constituents of healthy urine—produce the same change in iodic acid as morphia; and that this had given rise to the error. These remarks apply to strychnia and other alkaloids, as well as morphia. The color tests are useful when we can obtain an alkaloid crystalized in substance; but the mere indications of color, although they may give rise to suspicion, cannot be safely relied on as conclusive evidence."

"Certain organic compounds, such as pyroxanthine, salicine, and aniline, produce in very minute proportions colors in contact with sulphuric acid, which might in some instances be confounded with the effects of strychnia, where an eye was very eagerly engaged in looking for this poison."—Taylor Strych. Poi. 107.

On page 151 he says—"That aniline a product of the decomposition of organic substances, so widely different as indigo and benzole, produces no color with sulphuric acid, until bichromate of potash is added. A splendid violet color is then produced. Aniline appears as a very frequent product of the decomposition of nitrogenized substances, and probably no organic compound has been formed in so many different ways."

"There is no means of detecting opium itself, either in the solid or liquid state, except by the smell."—Taylor on p. 500. That the tests for morphia are entirely unreliable; see also p. 505, 507 and 509.

In the Palmer case Dr. Taylor swore that color tests to detect poisons were unreliable.

And Dr. Christison swore that the color tests for strychnia were uncertain. I shall soon have occasion to read their testimony at length.

We are told that a "new era in this science has been inaugu-

rated on Chardon hill," and that Drs. Hamilton and Mixer are its high priests.

It is no new era, gentlemen. In 1852, William Palmer, in England, was put on trial for the murder of George Parsons Cook, by strychnia. The stomach and some other viscera had been tested by Drs. Taylor and Rees, and slight antimony, but not a sign of strychnia, was found. Upon the symptoms alone did those gentlemen, with Christison and others, pronounce as do Prof. Cassels and others in this. There appeared Drs. Nunelly and Hereapath, learned chemists for the defence, who had also killed dogs. They too could detect the fifty-thousandth—two hundred-thousandth part of a grain. They swore that if Cook died by strychnia, it would have been found by Dr. Taylor. Yet there the jury relying on the symptoms, and the surrounding circumstances, unhesitatingly convicted, and a just atonement for crime was made. Inaugurate a new era by these gentlemen in the science of chemistry! They are respectable gentlemen in their Profession, but have no pretention to rank high in this department.

Why gentlemen do you not remember the process by which they were to change arsenious acid in the stomach of that unfortunate woman to arsenic acid, and thereby doubly its virility?—They find or fancy that there is the chloride of magnesium in the salts, which gave oxygen to the arsenious acid and thus doubly armed it with death!!

In the first place, if there had ever been arsenious acid in that stomach it had departed; and in the second there is no oxygen in the chloride of magnesium. A new era indeed!

The circumstances under which this evidence is produced challenges a careful inspection of it. A trial had taken place, the views of the prosecution known, experiments made, the body without our knowledge dug up, and a part offered to the state. My colleague Mr. Forrest, proposed to Dr. Mixer that they, himself and Hamilton, might prepare the matter for test, and then we would send in our chemist, to take part in the tests. This was peremptorily declined, and Mr. Forrest was told that their labors and the results were to be the exclusive private property of the defence.

Nothing but the high character of these gentlemen, can relieve this transaction from imputations of the uncharitable and suspicious. What then is the value of this proof prepared with such labor and pains taking? I declare to you gentlemen, that in the light of the authorities I have read there can be no conclusive proof, that Drs. Hamilton and Mixer found a solitary reliable indication of strychnia in any of those unlucky dogs. If they did, then did Prof. Cassels find strychnia in the stomach of Mrs. Cole; for the color test in his hands gave that response; and it

was by that test alone, that they found their own strychnia in their own dogs.

Knowing exactly the value of this result, and the just estimate of this test, Dr. Cassels says to you that the reaction by this process alone is wholly unreliable. Why gentleman in analyzing this horse medicine, the fallacy of this color test was shown in a moment. Dr. Cassels dissolved strychnia in laudanum and could not find it by the color, until he had separated them. Here was found an agent that broke the charm of this mock process in a moment. Yet whatever value you may place upon this evidence by these gentlemen, it does not tend to prove that Mrs. Cole did not die of strychnia.

Arriving at this point, we have a death by poison.

With reasonable certainty we must believe she took a nearly fatal dose of arsenic on the first of September. If she took arsenic on the 8th, the quantity could not exceed a half grain.—She died within twenty-one hours after. In life she exhibited no arsenical symptoms, but did exhibit pure strychnia symptoms alone. The body is inflexibly rigid at death, and remains so.—On post mortem examination and chemical analysis, no indications of the presence of arsenic was found in the stomach, or intestines. Slight indications of it alone in the liver, and muscles of the thigh. The state of perservation in which the remains are found at different periods after death, give no satisfactory indications, if any can be drawn from such a source, of the presence or absence of that poison. Can this death be reasonably attributed to that agent?

If so, and that dose was taken only twenty-one hours before death, and no vomiting had occurred, especially if a portion of it was taken in powder, how can it be possible that none of it was found in the stomach? or if all was taken up by absorption, still might we not look for evidences of its recent presence by inflammation?

Still further; when removed by absorption from the stomach, where then may we expect to find the principal deposit of it?

"It is a fact of great interest to the medical jurist, that in whatever way arsenic may have penetrated into the body, it appears from the researches of Flendin, to fix itself especially in the liver; since about nine-tenths of the absorbed arsenic are found in this organ, the other tenth being unequally diffused through the other organs." Taylor on poi. 29 do. 294. On this theory, when you remember that Dr. Cassels says, that what was found in the liver was no more than he would expect from medicinal doses; and that in his opinion the death cannot be attributed to that, an opinion concurred in by our medical witnesses generally, we must look further for the guilty agent of death. We shall

therefore lay arsenic out of the case as entitled to little further consideration.

Once again and I trust for the last time I call your attention to strychnia. We found the symptoms to be due wholly and exclusively to that poison. On chemical analysis that was not found in the body, which in the present state of science on that subject is not conclusive that it was not there. Yet how must this fact effect our conclusions.

Does this poison disappear? undergo a change? become decomposed, and thus elude chemical research?

Strychnia as before stated is a compound poison, and all its component parts enter largely into the human body, and no reason can be given why when this agent is absorbed, and carried by the circulation through the entire system, it or parts of it, or one part of it, may not unite with some other agent, or part of some other agent, and thus destroy its identity.

That opium disappears we have already seen.

Dr. Cassels also gives a familiar instance of the disappearance of alcohol through the breath, which of course cannot begin to go until absorbed, carried into the circulation, and brought to the lungs when it escapes in part, and from certain other specific effects which he named to you is in part decomposed.

Liebig's theory is that the alkaloids including strychnia,—“undergo change of conversion and that their poisonous action in the body is really due to the changes thus produced.” Animal chemistry, p. 182. This idea is adopted by both Taylor & Christian.

However that may be, that strychnia passes suddenly, and often entirely from the body poisoned by it, is proven by such a variety of independent and conclusive facts, that no doubt can exist of it.

Dr. Macadam gives an instance of strychnia passing out with the urin, in nine minutes from the time it was taken, and before any symptoms had appeared. Taylor, poi. by stry. 124.

Thus it had been absorbed, gone the round of the circulation, been rejected, and was passing out by the kidneys in the period of nine minutes.

The same gentleman poisoned a horse with thirty-two grains, not a small dose—and after its death he fed a terrier dog on the flesh for two weeks. The dog eat two pounds of muscle per day, and throughout exhibited not a symptom of strychnia.

Mr. Thompson gives the result of an experiment. He poisoned a dog with ten grains, which died in eight minutes. From the entire carcass he obtained but a half grain, showing a loss of nine and a half grains. Taylor on strych. 148.

Dr. Penny, could find none in the brain and spinal marrow of a dog poisoned with it. Do. 120.

Mr. Horsley poisoned three cats with strychnia, and could find none in either. Do. do.

In this work p. 118. Prof. Taylor gives us a table of seven experiments on animals. Six of which died in from thirteen to twenty-three minutes. In four only of which was strychnia detected in the stomach. And it must always be remembered that the poison found in the stomach, is unabsorbed and hence did not aid in producing death.

The blood and tissues of six of these dogs were also tested and not by the color test alone, and not a sign of strychnia was obtained from any part of any of them.

In the body of Cook, for the murder of whom Palmer was executed, none was found. Castaign was executed in France for poisoning Ballet with Morphia, and the most learned in France declared none could be found in the body.

Mina was executed in Pennsylvania, for the murder of Chapman with arsenic; and while testing for it, the apparatus broke, a garlic odor escaped, the only proof except symptoms of the poison. In these cases no doubt of the poisoning, or of the particular kind of poison can exist.

I now gentleman beg leave to read to you from that celebrated Palmer case, the evidence of Drs. Taylor & Christison, covering several points under discussion.

LONDON LANCET, July No. 1856.—Page 93. *Dr. Alfred Swaine Taylor.* “I am a fellow of the college of Physicians, Lecturer on Medical Jurisprudence at Grey’s Hospital, and author of the well-known Treatise on Poisons, and on Medical Jurisprudence. I have made the poison called strychnia the subject of my attention. I have performed a variety of experiments with strychnia upon animal life, upon rabbits, in ten or twelve instances, have never witnessed its effects upon the human subject—upon animals its symptoms are, on the whole, very uniform. It is first absorbed into the blood, then circulated through the body, and especially acts on the spinal cord from which proceed the nerves acting on the voluntary muscles.

(He then describes the general symptoms.) “I have experimented upon the intestines of animals, killed by strychnia, in order to re-produce the strychnia. The process consists in putting the stomach, and its contents, in alcohol, with a small quantity of acid which dissolves the strychnia and produces the sulphate of strychnia in the stomach. The liquid is then filtered, gently evaporated, and an alkali added—carbonate of potash—which mixed with a small quantity of sulphuric acid precipitates the strychnia. Tests are then applied to the strychnia, or supposed strychnia when thus extracted. Strychnia has a peculiarly strong bitter taste, it is not soluble in water, but it is in acids and in alcohol. The coloring tests are applied to the *dry residue* after evaporation. Change of

color is produced by a mixture of sulphuric acid and bichromate of potash. It produces a blue color, changing to violet and purple, and passing to red ; *but coloring tests are very fallacious, with this exception—When we have strychnine separated in its crystalized state we can recognize the crystals by their form and their chemical properties, and above all, by the production of tetanic symptoms and death when administered through a wound in the skin of animals.*

Page 94. There are a variety of mixtures which produce similar colors. One of them also has a bitter taste like strychnia. Vegetable poisons are more difficult of detection by chemical process than mineral poisons ; the test far more fallacious. I have endeavored to discover the presence of strychnine in animals. I have poisoned in four cases, assisted by Dr. Rees. I have applied the process which I first described *I have then applied the tests of coloring and of taste.* In one case *I discovered some by the color test.* In the second case, *there was a bitter taste, but no other indication of strychnia—in the other two cases there were no indications at all of strychnia.* In the case where it was discovered by a colour test, two grains had been administered—in the second case, where a bitter taste was found, one grain. In one of the cases where we failed to find it, one grain and in the other, half a grain, had been given.

Question 1st. How do you account for the absence of any indication of strychnia in cases when you know it was administered ?

Ans. It is absorbed into the blood and is no longer in the stomach. It is in a great part changed in the blood

Question 2nd. How do you account for its presence when administered in large doses ? There is a retention of some in excess of what is required for the destruction of life.

Question 3rd. Suppose a minimum dose which will destroy life has been given, could you find any ? No : It is taken up by absorption and is no longer discoverable in the stomach. The smallest quantity by which I have destroyed life in an animal is *half a grain.* *There is no process with which I am acquainted by which it can be discovered in the tissues. As far as I know, a small quantity cannot be discovered.* I believe it undergoes some partial change in the blood which increases the difficulty of discovering it. I never heard of its being separated from the tissues in a crystalized state. *The crystals are peculiar in form, but there are other organic crystalized substances like them, so that a chemist will not rely on the form only.*

Page 96. "It has been stated that if strychnia caused death it could always be found, *which I deny.*"

Page 98. Ques. "Are not the colour tests of strychnia so uncertain and fallacious that they cannot be depended upon ? Yes, unless you first get the *strychnia in a visible and tangible form.*"

Page. 99. Proff. Christison. I am a fellow of Royal College of Physicians, and Proff. of materia medica to the University of Edinburgh. I am also the author of a work on the subject of poisons ; I

have directed a *good deal* of attention to strychnia. In my opinion it acts by absorption into the blood and through that upon the nervous system. When death is the consequence of the administration of strychnia, if the quantity is small, I should *not expect to find any trace in the body after death.* *If there was, an excess of quantity more than was required to cause death by absorption I should expect to find that excess in the stomach.* *The colour tests for the detection of the presence of strychnia are uncertain.* *In one instance I tried one of the colour tests in the case of a man who was poisoned by strychnia but I failed to discover the presence of poison in the stomach.* * *
I have tried its effects on pigs, cats, rabbits and one wild boar * *
I have frequently opened the bodies of animals thus killed and have never been able to trace any effect of the poison upon the stomach, or intestines, or upon the spinal cord or brain that I could satisfactorily attribute to the poison.

CROSS EXAMINATION. *"I have no doubt that colour tests are not to be relied on."*

To all this something more is to be added as to the value of symptoms, chemical tests, moral proofs, &c.

In the early part of our labors we found that under the English and American rule the discovery and production of the poison was not necessary; nor are we obliged to establish the particular kind used, and I now read to you a few observations upon the value of symptoms, to establish the general proposition of poison as well as to point out the particular kind used.

"Let it be remembered if the physician as a pathologist, or physiologist, may be deceived by symptoms, the chemist may be equally deceived by his tests. He may and often has pronounced poison to be present when it was not; and he has overlooked it when it was present. What is produced as poison from a dead body, may not be poison at all. The varied results of chemical tests and processes may mislead, and often have misled the most experienced men." Tay. on poi. by strychn. 4.

Again on page 50, speaking of poisoning by strychnia. *"The symptoms must be made known.* The tetanic complications which it ordinarily produces in the body when taken in poisonous doses must be clearly established, *and a judgment must be based on these symptoms."* "Chemistry may detect a poison, but without the aid of Pathology and Physiology, it fails to show that it was the cause of death,"—do. do. Again, speaking of the death of Cook on page 17, after saying that it was caused by strychnia.

"This conclusion was not in my mind in any degree weakened by the non-detection of strychnia in the body, because with respect to this and some other poisons, my opinion was then and is now that *we may more safely trust to Pathology and Physiology, than to the crude speculations of chemistry.*"

Having now gentlemen, grouped about us and analyzed the va-

rious items of medical proofs, and ascertained the just and proper estimate to be placed upon them, and the ultimate bearings the different portions must have on the main question ; let us pause for a moment on this eminence to ascertain as we best may, what result we must arrive at on the momentous issue involved in this branch of our case.

We have here a dose of poison administered at 9 o'clock on the evening of the 8th, and death ensues from poison twenty-one hours after. We find that the patient completely recovered from the poison symptoms, and there was a total absence of all well defined symptoms, from 3 a. m. and from all possible symptoms, from 9, a. m. till half past 4 p. m. We find that no such total intermission of all symptoms, produced by any poison could have taken place, and then a return of them and death, from that first dose. And hence we must find that the dose of the evening of the 8th did not cause the death.

We find that at half past four a teaspoonful of epsom salts was administered—that in half an hour a new attack of more violent symptoms than any before, suddenly came on, followed by death within an hour after that time, and as this death was caused by poison, we must find that it was taken with the salts, or at about that time.

As to the kind of poison.

It is claimed to have been arsenic. We know it was not, because first, the quantity taken—half a grain—could not produce death. Second, the patient exhibited no symptoms of arsenic. Third, the actual symptoms could not have been produced by arsenic. Fourth, no arsenic was found in the stomach. Fifth, no sign of the recent presence of arsenic was found in the stomach. Sixth, nine-tenths of the arsenic taken was in the liver, and the quantity found there precludes the idea of death by arsenic, taken twenty-one hours before. Seventh, the arsenic found in the body is to be attributed to arsenic taken the week before death. And eighth, the permanent rigidity of the body shows that death could not have been produced by arsenic.

We find further, that the symptoms in this case were few, distinct, and marked, consisting of a repetition of universal tetanic spasms, ending in pure permanent tetanus, and thus producing death. We also find that strychnia, or its equivalents, is the only agent known that ever did or can produce these few, distinct, and marked symptoms, consisting of universal tetanic spasms—producing pure tetanus, and thus death. We find the body left at death, in the form that only strychnia leaves it.

We find nothing in the fact that strychnia was not discovered in the body, to lead us to reject that agent as the cause of death. Because the tests are fallacious ; because strychnia undergoes decomposition in the human system. Because in animals known to

be poisoned by it, it was not found. Because in the opinions of the most learned, where death was produced by a minimum dose, it could not be found.

And finally, in a case of strychnia poisoning, we find that we can safely rely on the symptoms to determine the cause of death.

And the more abundantly must we rely on this, because under the wide heavens there is no other known agent that can account for these symptoms, and this death.

Now tell me, Gentlemen of the Jury,—I ask—I demand it,—where on the face of this whole luminous field, radiant with proof,—where hovers or lurks the shadow of a doubt—that Adelia Cole died by strychnia?

Where, in what corner, or crevice, or fissure, hides a fact, a probability, or possibility, from which such shadow could be projected? Dr. Cassels and our medical witnesses say there can be no doubt. The first gentleman who addressed you for the defence, tauntingly called on me to show a case in which a conviction had taken place, where neither the poison was found in the body of the deceased, or traced into the hands of the accused. Why, gentlemen, all cases of general poisoning are of that character. But I will refer him particularly to the case of Donellan, for the murder of Sir Theodosius Boughton, well known to the readers of James' novels under the name of "Laurel Water."

He was charged with causing death by prussic acid, and the Crown only showed him to have been possessed of a small still, with which he might have made it. The body was not even examined. Yet nobody now doubts the rightfulness of the conviction.

There is the case of Alcone, a servant girl in Scotland, convicted of poisoning a family, the name of the poison was unknown, but supposed to be a vegetable poison. And after conviction she confessed to having used monks-hood.—Wills' Circumstantial Evidence, 180.

Under the head of general poisoning, Christison gives us several pages of these cases.

And here I gladly take my leave of the medical part of this case, and turn my attention to the moral evidences remaining undiscussed; and if a doubt yet remains of the guilt of the defendant, incredulity and infidelity shall perish under the accumulated weight of that proof. For a long time we have lost sight of the defendant in person, and apologizing for my seeming neglect, we will resume the narrative of his personal adventures, and pursue the ungrateful subject until we leave him and his case in your hands.

We left the defendant in the sick room of his wife, at the entrance of his uncle's neighbors; and we are fortunate in having almost every moment of the time spent by him there, under the eyes of observing and most intelligent witnesses. That neighbor-

hood is a happy one that has for its elderly people Horace Cole, his wife, and the elder Mrs. Goodsell. Thrice happy should any neighborhood be, whose gentle fires of Christian love and ministration are kept burning by the hands of three such women as Mrs. Briggs, the younger Mrs. Goodsell, and Mrs. Wilson, in the first glow of mature womanhood and in the full strength of all womanly instincts and sympathies.

"Oh they became suspicious at once, and fancied things in the conduct of the defendant, not apparent to the eyes of charitable candor," say the gentlemen.

How came they so suddenly suspicious? what aroused the jealous watchfulness of the kind uncle and good aunt, against the loved and trusted nephew?

What infused suspicion into the breasts of these amiable and cultivated strangers; against that same nephew of their old, loved, and trusted friend? No whisper of his infamous life had reached them, and they had scarcely heard his name, yet they all at once became alarmed. The truth is there was a great and nameless crime being enacted in their very presence, and the very atmosphere it irradiated stole into their souls, filling them with a vague and nameless dread, which they dared not entertain, and could not repress, and which they did not in that presence whisper to each other. Yet by a word dropped on this stand we know how they started when they afterwards found their sensations were the same.

After hastily and peremptorily declaring that his wife had taken the horse medicine, and that it was a deadly poison, the defendant became mute. Old Mrs. Goodsell, the nurse of the neighborhood, manifesting a dangerous curiosity, was ordered to take the child from the room; and on her return with it later, although it was entirely quiet, she was again ordered away with it; and save those orders, and a word or two afterwards for those two or three hours of terror and agony, this defendant was as mute as a Memnon!

There he sat on the side of the bed, holding his wife's hands across the chest, with face averted and eyes on the floor; neither moved by her cries of anguish, or the terrors of the trembling throng around him. Not a word of enquiry of those about him as to what they thought of her condition; not a word of hope, or fear, or anxiety. Not a soothing whisper of courage or cheer to the tortured, fainting soul of his wife; not a caress, not the slightest attention, not even a recognition of her presence, but sullen and silent, he with his darkened soul nerved to the ordeal, sat awaiting the fearful issue.

Once while bolstered up, she sought to recline her pain-wearied form on his person, and clasped her bare white arms around his

and

"Take them down," was his sudden command. "Oh Hiram! I am so tired," said the pleading, exhausted wife. "Take them

right down," was the repeated order of Mr. Sherman's loving husband. And that worthless neck, half redeemed those white arms and which had so often been given to the caress of wantons, and around which their festering embraces had clung and sated, could not for a moment be lent to stay that fainting form.

Oh! he feared that while there, the death struggle would nerve those frail limbs and that they would suffocatingly drag him into the grave to which he was sending her! Poor, guilty wretch!

It would seem that his frozen indifference smote the all-loving heart of the poor girl; as she turned despairingly away. "Oh, Hiram, you don't love or care for me." To that no reply. Says Dr. Shepherd, "that remark of hers did not excite my surprise. I had heard similar remarks so often from her sex in distress, to husbands."

Alas, gentlemen, it is too true. All giving—surrounding us with love as with an atmosphere, raining kindness, tenderness, affection and caresses on us, like flowers from the urn of spring; it is only when smitten down, that the wife finds what a poor bankrupt she is, giving—giving ever, without return or gratitude.

At a little past 12 o'clock, when the crisis was reached, the defendant arose from the bed, called his sister to take his place, and left the room. As he was going, the plaintive voice of his wife reached him—"Don't leave me, Hiram." "I must," and without another word or turning to her, departed.

He went below and threw himself onto Adelia's bed, where he remained for the next three hours. He was seen no more in that sick room except momentarily that night. Apparently asleep what dreamed he? what thought he? who shall penetrate that darkened spirit. He had failed at the Falls with arsenic, he had just failed here, what projects brooded he over now?

At four he was again about, and asked Dr. Shepherd below, and for the first time, "what he thought of his wife." The Dr. told him she would recover without doubt, and soon after when the Dr. proposed to go home, he said he would carry him, and mentioned something about business at the Falls. On the way home Dr. Shepherd pointed out the road he would take to the Falls, but instead of turning back when he left the Dr. at his house, he drove on towards Solon.

When he left his uncle's he did not make his purpose known to his wife, sought no interview with her, explained no necessity for an absence, made known no necessity for leaving to anybody. But hiding his purpose, whatever it was, he went away, and from the moment he left Dr. Shepherd, until eleven in the forenoon of that day, no mortal has told us where he was, for what purpose he went, whom he saw, or what passed between them. He was somewhere, and saw somebody, for some purpose; if that was an honest one, he

can produce the person he met and explain it. He feels the force of this, and in this as in every other instance, he supplies proof by his own assertion. He says he went to Cleveland to perfect that anxiously sought ticket arrangement—as if no other time was so fitting! Did he say to his uncle, or aunt, or wife, or Dr. Shepherd that he was going to Cleveland for any purpose? Not a word. Does he prove by anybody in Cleveland or elsewhere that he was there? No.

He has what his counsel call proof, on this point. First, the statement of Royal Taylor, that he was to meet him at Cleveland, and that he (Taylor) was not there himself. And second, the statement of Mr. Rhodes, superintendent of the Mahoning R. R., to the effect, that he (Rhodes) was also absent on that day.

How this evidence proves that Cole was at Cleveland, is not apparent. And as he went with a horse and buggy, and there are about sixty thousand people there, it would seem that he could hardly have found them all absent, and some one would have seen him.

At about eleven of that forenoon, he overtook Walker Eggleston on the way from Solon to the Falls; so that if he went to Cleveland he returned by Solon, which was much out of the way from Cleveland to the Falls.

Giving Walker a hurried order, he went on—left his horse at the stable—went to Eggleston's where he boarded, and replaced the blood root medicine, as we say, and then told of his wife's illness—took another horse and went on to his uncle's, and to his then nearly recovered wife.

On his return he enquired of his sister if his wife had been taking coffee, and reminded her of what nobody before knew, that the Dr. had left orders that she should continue to take it, and proceeded to her room. After dinner—a little past twelve—he visited her room again, and on his return he said, "She liked her aunt's coffee so well—she wanted another cup;" and by Adelia's directions he filled a cup, went to the pantry to season it, and took it to her room.

At about one, Mrs. Wilson came, and soon after Adelia accompanied her to her sister's room, gave her an introduction and left them. Mrs. Wilson says, when she went in Cole was lying on the carpet in an adjoining room, that after she had been there for some time he came in, turned out part of the coffee from the cup and gave it to his wife and went out; that while in the room he said not a word. That some time after as she was about to leave, Mrs. Cole asked her for some more coffee, and that she turned it all out, and that as she took the last of it, she made a wry face saying "how strong that is." That when Mrs. W. left, she saw Cole again on the carpet as before. About thirty minutes after, Mrs. Cole remarked to her aunt that she feared a return of her spasms, but she

and Adelia concur that she had none, and Adelia says she had no signs of any, and was apparently doing well.

At about four, as the aunt says, she went into the room, where it seems Hiram still was, and he asked her if she did not think his wife had better take a dose of salts. She said she could not advise; that on mentioning it to his wife she objected, that Adelia went over to ask old Mrs. Goodsill's advice, and she would give no opinion. That the aunt hunted up some salts she had, which were much effloresced, and the wife said she would take no more medicine, not knowing what it was, and if Hiram wanted her to take salts he must get her some. That he took his horse and went rapidly to the Center—a half mile—and on his return, she saw him stirring a small quantity that looked white in a tumbler, into which he poured coffee, and gave the dose to his wife. This was about half past four, that in about thirty minutes came the cry, and then followed what I have already related. Thus with no reason whatever, while his wife was recovering, and suffering no relapse, and in the absence of suggestion from anybody, the defendant proposed to give salts, and when nobody would advise it, prepared a dose which so far as the salts were concerned, he must have known would produce no effect, and gave them himself.

For what purpose was that dose given? What purpose could it have been given for but one?

And then when the new attack came, and a physician was to be sent for, he wanted to send to the Falls. That was further off and he did not like Dr. Shepherd's practice probably. Shepherd was sent for by the uncle and arrived too late.

I am obliged to take you once more to that fatal chamber and recall the conduct of the defendant there.

When those in hearing of that cry of distress reached the room from whence it came, the defendant was there—silent, sullen and gloomily as before; sitting on the bed with his back to his wife, and grasping her hands, with his face and eyes towards the floor. This time no word of explanation, none of surprise, none of hope, none of fear, none of expectation, none of anxiety, none of soothing, none of enquiry, not a word to wife, sister, uncle, aunt, neighbor acquaintance, or stranger.

He made no movement save one, when the attendants were about to raise her for the purpose of placing pillows under her shoulders, he suddenly seized her by one arm, "and jerked her up"—says young Mrs. Goodsill. "I thought it would break her;" said Mrs. Briggs. The action was that of irrepressible impatient anger, as if he had exclaimed—"Powers of darkness! will she never die!!"

Early in the last attack the poor woman said decidedly that she must die; and again repeatedly declared she could not live, and would soon go. To this not a word from the husband. Even then when the work must be accomplished, he could not mock her with a seeming parting word. No enquiry as to a last wish for

her babe, or mother. No inclination of the head in token that he heard her. "Oh my child! Oh! my mother!" fitfully moaned the dying girl. And darker and gloomier fell the scowling brows of the relentless murderer. "For God's sake tell him to speak to her,"—implored Mrs. Briggs, moved beyond endurance to the uncle. "Hold Della to me once more," gasped the sinking mother.—"She calls for her child,"—shrieked Mrs. Briggs. "She wants camphor,"—sullenly replied the husband—dashing to her death foaming lips the abhorred liquid. More cruel than the soldier, who thrust the myrrh dipt sponge to the lips of him on the cross—he would not have denied the dying mother a last look of her babe.—"Hiram! dear Hiram meet me in Heaven." Meet her in Heaven! Oh! It is almost a consolation to know, that his engagements will take him elsewhere. One shudder—and the once fair form so comely to look upon was a stark, hideous, goggle-eyed corpse!—done to death—I aver—by persistent, cruel, remorseless murder! Yet that patient, abused spirit, caught up as we love to think, by white winged messengers, whose star-sandaled feet, treading the impalpable air, bore her away from the earth, away from its infectious atmosphere, away beyond its night projecting shadow—beyond the stars-home! to the bosom of that God from whence she sprang.

When the long meditated—brooded over and remorselessly executed deed was finally and at last accomplished, and his wife was really, hopelessly dead, and in his heart he could hug and gloat on that assurance, and the image of his Augusta together; then comes in a piece of poor cheap clown acting, and over acting, that stamps the whole miserable tragedy, with another proof of its real character.

"Oh my God," cries the miserable wretch—"what shall I do." Sure enough! we know what he had done. We know what he next did do. He who had listened to the cries and moans of his wife without a single quiver of the lip. And felt her congeal into death under his hand without a shiver; now went deliberately into the phrenzy and madness of grief.

The hideous howling, cries and groans, with which he filled that house, we prove were heard a distance of thirty rods. And finally when he permitted himself to be led below by his weeping sister, set up his fearful lamentation out in the yard.

In all this wide wild vale of tears, amid the cracks and crannies of all shivered and broken hearts, was never heard mourning like that.

He groaned, and yelled, and roared, and howled. He threw himself on the earth, and kicked and smote it with his hands, and made most praiseworthy and persistent effort to feel bad.

There was one remarkable phenomenon in all this uttered woe—*not a tear moistened his eyes!*

Again the next morning, when he found Dr. Curtiss, Mr. Mix

and others at Eggleston's ; he for their benefit enacted this painfully dry grief over again.

This is no fancy painting, but absolute truth as sworn to, by half a score of witnesses, who all observed him closely, and who were all pained and shocked by his horrible buffoonery of woe. He might howl and groan and kick the earth, but he could no more force a tear from his eyes, than from a blacksmith's vice. Tears, the solace of great sorrow, and the language too of great joy—tears; that hypocrisy may sometimes invoke, were denied to him. The act was too hellish, the hypocrisy too measureless—the treason too great, and the everlasting God smote the fountain dry, that that profanity might be spared.

Can any mortal doubt that this was all a poor sham, a gaping piece of rent shred-work of assumed grief, that he could not feel ; thrown over the corpse of a murdered wife, to conceal his crime.

That it was not genuine is not denied even by Mr. Sherman.

But say the gentlemen, "he sent for a doctor when his wife was first taken." So did Palmer, after he had poisoned Cook, and for that matter he sent for two doctors.

He also asked, say they, "if the body could not be kept another day?" To be sure he did ; after the neighbors in his hearing had decided it could not be. And when pressed by his brother to send the body back to her mother he peremptorily refused, and gave no reason for it.

The next morning he visited the Falls and met the gentlemen at Eggleston's. And there was found the blood root, and there too, Curtiss and Mix undertook to get his attention to the death of his wife, and failed ; as did also Mrs. Eggleston. It was here too, he made the remark in reference to the child, the first, last and only remark, spoken or written, that he ever made of her, that,—“He did not know and did not much care what became of her !”

It was at that time that he *selected the fastest horse in the stable, and that not his own, and took it with him to Brainbridge* to be in readiness.

It was at that time that he changed vests, leaving in his room the one he had worn during the preceding thirty-six hours, from one pocket of which was taken this small and carefully done up paper of arsenic !

For what purpose it was there, even he fails to state. He has not effrontery to pretend that this was for a horse. What was it for ? He had failed with arsenic once or twice, but if he should run short of poison it might do.

He returned to the funeral appointed by the uncle for that, the tenth of Sept. [Wednesday] at noon.

Messrs. Mix, Davis, and their associates followed him, determined to investigate the strangely suspicious matter that cropped out on the surface of these transactions for which, and for all their subsequent action in the premises, they deserve the highest encomium

from old fashioned people, interfering tho' they were with the private pleasures of this young gentleman, who according to his counsel, was the only meritorious individual in that region.

At Bainbridge they called on the defendant for the horse medicine, and what wouldn't my ingenious friends find in the promptness with which he gave it up!

Of course he gave it up. For what other purpose after his wife's death was it prepared, but to give up? His horses were now forever cured of the bots!

But when they came to speak to him of a post mortem examination of his wife, then it was his head went down, and he faltered. "He did not know of what use it could be," and hesitated. Finally—"if the people desired it, he would consent." The funeral service at the church was closed, and the clergyman had explained to the anxious throng that the deceased brought the blood root medicine with her from New York. Night was coming down. The corpse was left unburied, and Hiram returned home with the uncle. The fast horse was placed in the barn, and with his head moodily in his hand the defendant sat in deep tho't. How much was known? how much suspected? The earth was shaking under his feet. Would it open?

"Hiram," said the thoughtful and sad uncle, "they are going to try to prove that your wife took more poison, than she got the first time." "Are they?" he asked. The earth did open! Did he ask anything more? who they were, what they were going to prove? He knew that already. Starting up without another word he went to the barn and in a few minutes that fast horse appeared attached to that buggy in the street. In reply to the aunt, he said "he was going to take his brother Charles part way home and would be back in thirty minutes," and drove away. And uncle and aunt saw no more of him, till he was brought back by the officers of the law.

He fled. He fled as "the guilty flee when no man pursueth."

"It means nothing," say my distinguished friends: "He was alarmed. Innocent men flee when alarmed." But innocent men are not alarmed until charged with some crime, and no prosecution was threatened. A post mortem examination could not alarm an innocent man. The guilty are ever cowards, and suspect that button-in, and cloak over their hideous secret as they may, it can be seen.

"He was threatened with a prosecution," says his counsel. "He told Charles so, and said so in a letter. He was told that it was a penitentiary crime in Ohio, to keep poison unlabelled, and so he fled."

As in every other instance, whatever may make for the defendant rests alone on his unsupported word. Not a lisp of proof exists that any such thing was ever said to him. The witnesses by

whom that was sought to be proved swore they did not say so, one and all.

The plan was well laid, and had it been as well executed no suspicion would ever have existed. The world would have thought that Adelia Cole was accidentally poisoned. It was in part imposed upon. It did suppose that the fatal dose was arsenic and that she died of that taken on the 8th. And what the gentlemen complain of now is, that we and you and the rest of mankind will be no further imposed upon by this well adjusted scheme. For nearly one whole mortal day the defendant had nerved himself up, and held his whole heart, soul and brain, under his indomitable will. Dose after dose had been given, and he dared not absent himself while the decisive scenes were enacted. What might happen? what might be said? what might be discovered?

She died, but suspicion lurked in the hearts of the attendants, in the minds of men at the Falls. He already over acted, and confirmed it. He could not face it out, human endurance reached its limit. He could no longer control himself or his fate. The body was unbaried and must undergo scrutiny, what might it not disclose? His safety lay in flight alone, and he fled.

Stealing furtively through unfrequented byways, avoiding the Falls, he hurried in advance of all information to Cleveland. He must have parted with Charles as late as half past six, and he called at the saloon of Alonzo Miller on Seneca street, Cleveland, as early as nine.

Mr. Miller was an acquaintance, and in reply to him, Cole said his "family was well;" and he immediately solicited in an urgent manner a loan of \$30 or \$40, till the next morning; and on being refused, replied, "By G—d I must have it," and hurried out.

Thoroughly alarmed and fleeing from his crime and self, he mounted his buggy and directed himself out of the city. Cowering on his seat and shrinking from the gaze of passers by, he hurried on. Passing busy, anxious men—passing, flitting, light, tripping women and maidens, and troops of homeward wending children, whose pattering steps startled his coward ear, like the tramp of a pursuing squadron.

On and on through the interminable streets—on by the endless rows of sentinel lamps whose glaring eyes winked threateningly at him as he fled, until the houses came straggling, and the shadow of his horse growing huge and shapeless, melted from the light of the last lamp, into the solid darkness; and so the murderer went out into the great empty black night.

Three miles from Chardon on the Burton road, stands the residence of Col. Spencer, the very appearance of which extends an invitation and a promise to the weary and hungry. Thus attracted, at about noon of Friday the eleventh, a travel wearied and hungry wayfairer, youthful yet with a nameless, wild and haggard air, over which was worn a dash of recklessness, paused with an over-

driven horse in a buggy, and intimated—all he need do—his wants to the gentlemanly proprietor, then standing in front of his house, who at once invited him to share his hospitality. While removing the wearied animal from the buggy,—“How far is it to the next town,” asked the stranger. “What town,” replied the host. “I do not know, I have lost my map, and do not know the range of your townships;” said the traveler. “Munson is the first township West,” Col. Spencer replied. “Which way is west?” “That way,” pointing with his hand, “towards Cleveland.” “Cleveland!” exclaimed the amazed stranger, standing as if petrified—“is that the way to Cleveland!!” “It is,” was answered—a moment’s pause. “How far is it to Cleveland,” “about twenty-eight miles.” “Which way and how far to Chagrin Falls?” was enquired. “About nineteen miles.” Also the distance and direction to Garrettsville.

After learning the direction to Mesopotamia, and being told that the highway in which they then stood led south through the west part of Burton, and expressing his intention of traveling in that direction, he accompanied his entertainer into the house, and informed him that he was a jewelry peddler from Cincinnati. He called for and studied a map of the Western Reserve, and of the United States. His geographical studies seemed “a pursuit of knowledge under difficulties,” as he repeatedly declared that his city of Cincinnati was not on the map of Ohio; and was evidently looking for its location in the region of the Maumee.

After dinner he challenged his host to trade horses. Offered his buggy to a Mr. West, in exchange for a sulky. Was very desirous to exchange hats with any of Col. Spencer’s laborers.

He was without baggage of any kind, his carriage only containing two or three ears of green corn, and his whole manner and appearance excited the strongest suspicions of Mr. Spencer, and those who saw him. Utterly bewildered tho’ the sun glared down from the noon of a cloudless sky—he had no more notion of north, south, east or west, than a high union-saving politician.

That wearied and confused straggler was the fugitive Hiram Cole, who fled so precipitately from Bainbridge the night before, and who now at noon, after his ceaseless exertions of eighteen hours, paused exhausted and lost within fourteen or fifteen miles of the place of starting!!

Poor suddenly demented wretch! As if doomed to wander in the mazes of an interminable circle; and tending in the direction to complete the fatal round

“He was most undoubtedly crazy,” say his counsel, “his words and actions for a day or two at this time show that.”

Where wandered he, and how passed he that dreary night?—His own memory of it must be but a chaos of broken and fearful recollections; and neither he or his counsel venture a word of that wild drive.

We know that whithersoever he urged that over-taxed beast,

and whether he fled or paused, he went not alone. That whether he boldly plunged along a thorough fare, or slunk cowering and shivering through unfrequented byways,—that whether listening to catch off the night breeze the sound of pursuing footsteps, or recklessly thundering on—that the twin furies of memory and conscience, fled with him, jibeing and flouting him as they flew.—That if they did not completely dethrone reason, they sat by her on it, and terrified her with fearful shapes and mocking cries, till utter distraction alone guided the movements of the wretched fugitive. How awfully long “that too short night!” and in what a strange and unlooked for horizon finally burned up the coming day! And how reproachfully all inanimate things pointed at him, as their sharp fingers came piercing through the thin veil of vanishing night. And so the murderer came up out of that night into day—lost! bewildered and lost! His soul was lost before, and now heart, brain and sense, were all absorbed. His great crime had struck God from the heavens, and when the sun strode up the sky, it jeeringly declared to him, that the points of the compass were annihilated.

When the defendant left Col. Spencers, he pursued his intended road a fourth of a mile, then turning sharply to the left, he urged his worn down horse only about nine miles, and at mid afternoon—at a quiet house on an unfrequented road, he was obliged to put up. After caring for his animal—with a book in his hand he took a seat in the front yard, where with his eye on the road by which he came, he sat till nightfall; like a hunted wolf grimly watching his back track.

At three o'clock the next morning, he stole away from his entertainers, and pursued his flight.

His first letter to Augusta Wheeler, bears date of that day, Sept. 12th, from some unascertained point in Pennsylvania, and we next hear of him at Pittsburgh.

As early as the 14th of Sept., Cole made the acquaintance of Mr. Cory Brown of Pittsburgh. He was then known by the suggestive name of H. A. Wheeler—Hiram Augusta Wheeler, Esq., a jewelry merchant, last from Marietta, Ohio. Had driven his horse the spring before, from North Hampton, Mass., where he resided; and where his wife and family then were dangerously ill, to whom he must return, and to accomplish this pious mission he would sell his horse and carriage at a great sacrifice. The ensuiug day this sale was effected, the property sold for \$70, not a third of its value. The bill of that sale has been shown you signed H. A. Wheeler.

Cole seems to have been ill at ease at Pittsburgh, for we find him up and wandering through the night of the 14th.

Sept. 16, he writes again to Augusta, from Laport, Michigan, and soon after without date from Kalamazoo, at which time he wished to be known by the name of H. C. Hayden, and seems more apprehensive than ever.

On the 26, of Sept. he writes his fourth letter, from Hartford, Wis., still passing by the same name and now seemingly desperate.

At about this time he was arrested by Mr. Pomeroy of Horicon Wis., and conveyed to Chicago.

While there and under the eyes of his captors, heavily ironed, in broad day, this man of weak intellect, instantaneously planned and executed the boldest and most adroit escape ever performed.

Stealing out of the city with his manacles on, he got on the same train of cars, and rode away from that city, in company with a detective sent to recapture him,—eluded his suspicions and passed from under his eye at the first station,—procured the removal of his irons, and after incredible toil and suffering, made his way across Illinois to St. Louis ; where his superior address procured for him a desirable place with a good salary ; and still under the name of H. C. Hayden.

Here the maddened and desperate lover, yet cool and wary schemer addressed two more letters to the now far off and passionately longed for Augusta, dated New Orleans Oct. 12, and were to be mailed at that city, but answers were to be sent to St. Louis, to the care of C. K. Regle, signing himself to those, H. Clark.

But this long flight was ended. This net work of disguises and assumed names, this whole “refuge of lies” was at a touch forever dissolved.

For near a month a sleepless human eye had been on him, and an unwearying and never discouraged human footstep was certainly on his track ; and though sometimes at fault, and once or twice disappointed by the blunderings of others, Cole was at last in the clutch of John W. Williams, and secure of Justice ; unless indeed Justice and all sense of right—the eternal instincts that mark the broad distinctions between crime and innocence, are banished from the American Jury Box.

Among the shrewd and sagacious men who instituted an investigation of the doings of the defendant, Mr. Williams from experience and capacity would take the lead, and to him by common consent was assigned the difficult task of pursuing and capturing the fugitive. In the discharge of this duty he traversed seven States and the Canadas gathering up and pursuing the clue with sleepless vigilance.

Rightly judging that the motive to this crime was the person of Miss Wheeler, Mr. W. at once visited Hamilton, her place of residence, and by arrangement there made, he received the letters of Cole to his mistress, ere they could reach her hand, and was thus for a time kept advised of his movements.

He had followed him around to Horicon, and reached that point just after Pomeroy had departed with him for Chicago, and on his arrival at that city Cole had just escaped. Balked but not discouraged, with infinite pains he gathered up the lost clue, and astonished the now pious and exemplary Mr. Hayden, by recognizing

him as Hiram Cole, the escaped murderer ; and he finally convinced him of his identity, through the aid of Cole's likeness which he bore with him.

From the person of Cole was then taken the two letters above referred to as dated from New Orleans, which of course had not been mailed.

On learning that Williams could compel his return to Ohio by the necessary legal steps, Cole became exceedingly anxious to return. Indeed by his account he was all the time trying to get back, and seemed glad of so good an opportunity to accomplish that long desired purpose.

On the way back Mr. Williams took an early opportunity to recommend to Cole the prudence of silence, and was only anxious to secure his safe return.

You remember the significant incident in the cars, when Mr. W. attempted to examine a paper taken from Cole's person—and necessarily in his presence—that he snatched it away and succeeded in destroying it hopelessly, so that its contents were never known to us.

On this journey, too, he exhibited to Williams that famous book-formed locket, containing the likeness of Augusta. The same he showed young Eggleston at the Falls, before his wife's death. And the same that these gentlemen have the hardihood to now say contained the likeness of the murdered wife, and call upon us for its production ; although they well know that the officers of the state unwisely left it in Cole's possession until near the first trial, when on their search it could not be found.

That frail image of the frailer original, was the constant companion of the defendant, worn ever on his breast until prudence or his counsel required him to hide it away.

Thus we see, gentlemen of the jury, the defendant fled. He fled under circumstances that preclude the idea of an innocent yet timid man, fleeing from causeless clamor, and threatened prosecution.

He fled in advance of prosecution, and before any charge was made. He fled on a lying pretext—not only was it no crime in Ohio to keep poison unlabelled, but nobody ever told him it was.

He fled in the night, secretly, and by unfrequented routes. Although the Falls lay in his direct road to Cleveland, and there were all his means, clothes, &c., he skulked around it.

He fled from fear, a fear induced solely by his crime and an apprehension of its discovery, and the farther he fled the more fearful he became. In the paroxysms of his terror, he became crazed, bewildered and lost.

He paused, changed his name, and fled again ; and again changed his name and renewed his flight. He was arrested ; escaped and fled. He entrenched himself around and covered himself over with aliases and lies.

An innocent man would, when the first paroxysm of fear had subsided, have reached a period of reflection, and capability of right reasoning. But the more the defendant reflected, the more imminent seemed his danger; and reason could suggest no sanctuary but further flight, and increased falsehood.

If in the multiplied indications of crime, since the fleeing of Cain, that of flight may be securely rested upon as producing proof of guilt, that evidence is conclusively furnished by this exodus of Cole.

I come now, gentlemen of the jury, to the consideration of the last source of inculpatory proof, in this strangely varied case—the letters of the defendant to his mistress; written subsequent to his wife's death, and which furnish the amplest evidence of motive, the first and most important element of circumstantial proof; and they also furnish damaging and damning allusions, references and admissions.

I declare to you, gentlemen, that these five letters in connection with the conduct of the defendant, and aside from every word of medical proof, furnish such irrefragable evidence of his complete guilt, that a blind determination to acquit him at all hazards, must stand paralysed in this presence.

You recollect that the prisoner's wife died the 9th, that on the evening of the 10th her body, stripped of its robes, lay exposed to the mocking eyes of rough unlicensed men in the open air. You must also remember his wonderful grief on the evening of the 9th, and morning of the 10th.

On the 12th he writes this letter—

“My always dear Augusta:

I have only time at present to say a few words, as I have only stopped to feed my horse and rest a short time. I am on my way to look for a place to locate once more, as you say you do not want to live near my friends, and I am sure I do not.

*(A. is dead. She died on the 6th inst. They have started very hard stories about her husband, which can be proved to be false. I am going away somewhere, where we can get away from those that are acquainted with our past lives, and then I will send for you, and then we will be married, and live our past happy days over again; and far many more with them.

I hope you are well and happy, I have not felt so happy some time as at present. The anticipation of a speedy meeting with my Augusta makes me happy, and more so when I think that you are so soon to be my wife.

I shall write you again in a few days. In the meantime please write to H. C. Hayden, Pittsburgh, Pa. and I will wait there for it.

Yours in haste,

BUBBY.

[excuse haste.]

Mrs. Augusta C.”

There gentlemen, what think you now of this wretch's love for his wife? What think you of the genuineness of his grief? Above

all and more than all, what think you of his rushing from his wife's bed of death, to his paramour's bed of lust? Of his thus flying from that wife's naked body, left to fester under the night dews, and for aught he cared—torn by carrion vultures—that he might rush to the embrace of the heaving, panting, palpitating form of his paramour.

Should you find a murdered man in the street, and within ten rods of him, another man making off with his money and watch, you would think him the murderer, would you not?

Should one man, occasion the death of another by doubtful means, and within two days after, you find him wooing his wife, and demanding marriage with her, under a previous promise, you would think he killed the husband for that purpose, would you not?

When you find this man under a promise of marriage to this mistress, occasioning the death of the surplus wife by means, he calls accidental; and within two days, you find him claiming that mistress in marriage, what think you now—did he contrive that accident or not?

Look at this letter more critically.

See how coolly he announces his mission. He is looking up a place to locate. What is that to her—has he not a wife living as far as she knows? But it is a place to locate with her; and this before he announces the death of his wife, and precisely as if she would understand the rest from that, and this was the most natural way of informing her of it. That it was a business matter in which she was interested.

And mark the strangely abbreviated way in which—half in parenthesis—he barely, and by implication, announces the death of his wife. And that as if she was looking, too, for it, and would understand it all. (“A. is dead.”) Who is A.? He has a brother Augustus, and a sister and daughter Adelia.

Did she know who this A. meant? If so, how could it but be premeditated? And mark the smothered care with which he would whisper it across a blank, unlistening waste—“A. is dead.” “Come, oh some bat-winged imp of darkness and murder, and bear a message to my love! Steal on silent pinions amid deepest twilight, under the eaves of darkest forests, whose little leafy hands clap not in the breath of a sleeping zephyr, whisper not to the tattling breezes; but search out where waits and watches in darkness my expecting Augusta, and distil into her ear, like a drop of dew from the deadly night shade—‘A. is dead.’”

“They had started hard stories about her husband,” had they? what stories, and who told them, except such as were whispered by his guilty conscience? And why did he not stay and disprove them? Why say she died the 6th; had he forgotten? And he is going away—going deliberately and leisurely—not fleeing—was not threatened with prosecution for keeping poison unlabelled—

had not thought of that then. But the central and great idea was they would now be at once married. Married ! how did he know she would marry him, unless indeed all was understood. Filled with this he was happy—never so happy.

The groans of his wife had ceased, and her murdered image had for a moment vanished. His exultant heart walked on tiptoe, and his guilty soul in its affrontery looked the noonday sun level in the face—and all—all was due to that blessed—blessed accident, that had so providentially interposed its beneficent office !

What of the little orphan, standing alone in the darkness of coming night, by the abandoned corpse of its mother ? Not a word or thought ! And in the ecstasy of his exultant proclamation, he adds the name of his wretched guilty paramour, as “Mrs. Augusta C.” As if the solemn voice of God and religion had already sanctified this contact of lust and murder.

I am frank to confess that notwithstanding the conclusive character of this letter standing alone ; I am inclined to the opinion, that while Miss Wheeler must have been aware that Mrs. Cole was in some way to be got rid of, that she probably was not aware that she was to be murdered.

There are so many reasons why Cole even would desire she should think him guiltless of that greatest crime, and so little to be gained by her knowing of it, as she was too remote to aid him in its execution, that I am disposed to look for a solution of some parts of this letter on another hypothesis. For this view I am indebted, as for many other valuable suggestions, to my youngest colleague [Mr. Hall] to whom the state owes so much.

It will be found that this theory in not the slightest degree relieves this defendant. Nor does the fact that these letters contain no direct confession of his guilt, tend either to prove his innocence, or her non-complicity, for we know of numerous instances where joint perpetrators of great crimes, ever after in each other's presence, enact the poor sham of seeming innocence.

I think from the succeeding letter it is apparent at all events that Cole, when he poisoned his wife the first time at Egglestons, had written to Augusta that she was dangerously ill, and that she would probably die ; so that she might be prepared for that event. Having resolved on that, he would communicate the fact of illness even if she knew no more.

And if cognizant of his designs he would inform her that he was at work in their accomplishment.

For purposes of his own he probably dated that event as occurring some days earlier than it did.

If ignorant of everything else thus knowing she was dangerously ill she would be prepared to hear of her death, and an announcement as made in the above letter, would convey all Cole would wish her to know ; and he might state that she died the sixth, to carry

the appearance of less indecent haste. And he might have anticipated the possibility that his letters might meet other eyes.

However this may be, if it is believed that Cole announced the first illness of his wife, and in such a way that his correspondant might look for death, it stamps that, and the rest of this whole transaction with the last mark that there is room to fix upon it.

From the next letter dated Laport Mich. Sept. 16th, I must beg to read the most important passages. After saying he is in Michigan, and shall go to Kalamazoo and see a Mrs. Gamble, and await there an answer, he feels called upon to return to the subject of his wife's death, and furnish some particulars, thus,—“I told you in my last that A. was dead. She died on the 6th ult., the circumstances of her death are these: She was much better, and wanted to go up to my brothers to stay a few days, accordingly I carried her up. She was taking medicine at that time, and instead of taking her medicine as she supposed, she took my horse medicine, which was poison, it being in a bottle much like hers. She did not discover the mistake until it was too late. She then told what she had done, and said that she blamed no one. But the folks here said that it was a state prison offence to have such medicine about without being labelled, in the state of Ohio; so you see that I had to leave very suddenly, and now Dearest one as soon as I get into business again which will not be many days, I want you to come to me and we will be married,” &c.

Again—“Not let any one know where you are going for the world. but get away as you did before.”

Knowing the purpose for which his wife was made way with, Cole would suspect that others would know it too, and hence he dared not go to Hamilton when he fled, for he could anticipate that that would be the first point visited by the ministers of the law.

There too for the same reason, would early travel rumors to his prejudice, and hence this statement for Augusta's use.

The “hard stories” referred to in the first letter, took the harmless shape of keeping poison unlabelled,—the first time I aver that was ever heard of. There was no necessity for its invention before, and not a lisp of credit can be attached to a word uttered by Cole.

In this letter Cole seems to resume the history of his wife's illness,—“she was much better,”—precisely as if Augusta was already acquainted with her sickness,—not only better—but *much* better, as if she had been very ill.

For some purpose he desires his mistress should suppose his wife died at his brothers, and leaves her to infer that she did, and that it took place the 6th. That may have been part of the programme.

There can now be no doubt but Miss Wheeler was made aware of that first illness of Mrs. Cole, which is one of the most significant single facts in the whole case, as I have already shown.

It also appears that the defendant is still thoroughly alarmed for his safety.

Pursuant to his intimation the defendant went to Kalamazoo, had a pleasant time with Mrs. Gamble, and wrote on the same sheet with her enclosing money for Augusta's expenses to Kalamazoo, urged her speedy arrival with the old promise of a more speedy marriage.

Augusta never received the letter, and never came, and soon we find the guilty and now despairing lover again in flight.

Then follows the sad desperate letter from Hartford, Wis., Sept. 26th.

This commences by saying that while he was awaiting his mistress's arrival at the depot at Kalamazoo, he "saw a man from Hamilton," who told him he was accused of murder substantially, and hence he fled again. In his first he fled for hard stories, in his second for keeping unlabelled poison, and now he flees from the charge of murder, now first made. Do you believe he met any such man? Not a word of it. It is like every instance, without one solitary exception, that whatever is urged for him rests on his own unsupported word.

It must have been an acquaintance, and hence he knew his name; and yet he never uttered it to a mortal. He was from Hamilton—then why not name or describe him to Augusta? Conscious that he must be charged with murder from the fact that he had committed it alone, he says he is so charged, for there is not one whisper of proof, that such a charge from any other source could have reached him. And when this charge is now first brought to his notice, if it is not for the reason of his guilt, he has thus far fled, why does he not now return and face it. It is but a contrivance for his old flight and for the old cause.

He says if found "the circumstances are hard against him," and certainly none knows that better than himself.

After reproaching her as being in part the cause of his miserable condition, he exclaims—"Dear one, if I cannot have you with me, of what use is there for me to live longer? what have I to live for?" Sure enough! what can the earth hold for him! He has doomed his body to death here, and his soul hereafter, his great crime has rendered the world a too narrow prison house, and all for the paltry possession of a stale paramour, who now flouts him. Among all the achievements of man was ever such labor for such reward?

How plaintively he appeals to her "will you come to me and cheer the few remaining days I have to live?"—and still over and over proffers the promised marriage.

This letter closes with this significant declaration—"Remember that you and you only can save my life. If you come to me, all right, if not I shall come to you regardless of consequences."

Thus he solemnly tries his own case and decides adversely. His life is directly periled, and can be rescued only by avoiding arrest, that to secure possession of her person he will hazard the

certainty of arrest, and the certainty of conviction and death that must follow. And yet; gentlemen, you are relied upon to reverse this decision by the defendant of his own case.

It would seem that Cole began now to suspect that his letters may have fallen into wrong hands, as he never received an intimation that they reached his mistress, nor had he received any word or line from her since his wife's death, and he would not believe she was untrue. His apprehensions were doubtless quickened by his arrest in Wisconsin, and escape at Chicago; and hence in the one letter the court permits us to read, taken from his person at St. Louis, properly directed and stamped, ready to be mailed at New Orleans, we find it bearing date at that city, as of Oct. 12th, and directed to the care of Mr. Gamble, at Kalamazoo, where he supposed Augusta had come to meet him, so that if intercepted, it would mislead as to his whereabouts.

This is a resume of the case, and begins by declaring that she had not received any of his letters, and again reiterates in more explicit terms, that she is the cause of his misfortunes. It contains little that is new or important, save this remarkable passage—“*Dear A. gladly would I take you by the hand and lead you to the altar and there make you my wife, if you will consent to this. You have promised to do this.*”

Thus we have over his own hand what we before now must be true, his explicit declaration that she had promised to marry him, and we know that it must have been made in the lifetime of his wife, for we now know that Augusta Wheeler had neither seen him nor had he received any communication from her since that arrest.

I submit, gentlemen, that this review of these letters fully demonstrates my statement which prefaced it. They fully and completely establish the motive with which the defendant acted from the beginning.

They establish that a contract of marriage was entered into between these parties, while Mrs. Cole was in full youthful vigor, and promising long life.

They establish with other proof that that contract was entered into before she left Garrettsville.

They establish the fact that Augusta Wheeler was advised of the dangerous illness of Mrs. Cole at Eggleston's. and was led to expect her death.

They the more fully establish the fact, that the defendant fled because of having committed the crime of murder.

They also establish with the other proof the not unimportant fact that the defendant was a cool, shrewd, artful, crafty villain.

And finally, and more than all and beyond all, they establish that the whole persistent cruel scheme, was planned and executed for the exclusive purpose of securing the undisturbed possession of his mistress, as they advise her of the accomplishment of that

scheme, furnish the means and appoint the place of meeting, and demand a speedy performance of her part of the contract.

Said I not truly then when I declared to you, that these letters with the other moral evidence in this case alone, formed the completest and most irrefragable chain of conclusive circumstances, that ever bound a wretched culprit to irretrievable conviction.

Here these protracted labors may well close. I have in a way discussed every item of fact and proof that bears on the case, and it is now solemnly to be given into your hands, and for its final result you must and shall be responsible.

The state must fully make out its case. That duty to its fullest extent, and to the highest requisition of all authority known among men, the state has performed, and if your verdict shall hurl this scabbed and leprous defendant back into the insulted faces of a shuddering and horrified world, it shall be and is without cause, excuse, or pretext.

It is the old tale of lawless passion, seeking its unhallowed gratification over the murdered form of unoffending helplessness; that has been repeated with fearful variations since the race began. And never more often, or with more sickening details than in these evil days. Almost every day our souls are appalled with the narrative of some new horror, and we hardly recover, ere a more frightful tale of lust and wife—or husband murder, sends us staggering under its sickening wight; until we have almost lost confidence in the integrity of the human soul, and it only requires two or three more acquittals—as shocking as the crimes they sanctify; to destroy the primal bond of society itself, and arm every man for that personal security, thus doubly outraged.

It is enough that our laws leave our females wholly unprotected, that they wall them out in fact, on exposed places and invite the pursuit of infidel scoffers at womanly purity. But if the time ever comes, that the jury box of their countrymen is no protection, the days of healthy sentiment will be restored through violence it may be, and the lecherous murderer and his accomplice the juror, shall share alike in odium and infamy!

Pardon or not as you can the warmth of these remarks. I do not demand a victim, but I do require that this case and your responsibility shall be fairly met, and that no weakness or squeamishness shall furnish a cover for escape. I love—I honor—I revere the noble courage and love of justice, that arms the juror against popular clamor—the mob's blind, brute appetite for blood! But I will not tolerate that growing criminal sentimentality, that after the judgment is convinced, weakly surrenders public justice, and personal security, through mere inability to utter in proper form the convictions of that judgment.

I recall an outline of this case, and then with thanks for your patient attention I take my leave of it, and of you.

We charge the defendant with having poisoned his wife; and to prove it, to that high degree of certainty on which you would act, in your own most grave concerns, we are not obliged to show that poison was found in the body, nor are we held even to prove the kind used.

You will remember the character of the connection between the defendant and Augusta Wheeler—that she was his mistress, and as such lived with him—that that connection was temporarily suspended, about July first. That he retained her clothes, her likeness and corresponded with her, and that she was soon to return to him.

That in this relation to his mistress he procured his wife to be brought on the stage, and hence one must give place to the other. That he was under promise of marriage to the mistress, and hence the wife must yield. That when he left the Falls to meet his wife at Cleveland, he left the paramour's clothes hanging in the only room provided for his wife. Said he might go to Canada before his return, missed his wife at Cleveland, and failed "to make it right with her" there; and on his return spoke of her residence at the Falls as temporary. That about the middle of August, the defendant received a letter from his mistress, asking his advice and consent to marry another—that about that time his wife was known to have a two ounce vial of bloodroot medicine, that about the same time, he had a two ounce vial of laudanum and arsenic—a counterpart in general appearance of the wife's medicine. That he was never known to administer a drop of it—that he had no occasion to use it, and that it was never before heard of for such use. That he did not keep it at the stable nor about his person, that he did keep it in a stand drawer, exposed to his little girl, and that in that stand drawer, was also kept a large package of unlabelled arsenic.

To avoid an accident from the husband's carelessness, the wife removed the horse medicine to a box containing her own, thus placing the carefully prepared means together.

You remember that the uncle was told by the defendant that he procured the bloodroot at Cleveland, that he procured the clergyman to say that his wife brought it from N. Y. You recollect that the contents of these two vials mysteriously ebbed away together, and that too while there is no proof showing that a drop of the horse medicine was ever used. With these deadly appliances thus brot' together, the presence of either of which will account for a sudden death,—and recalling the fact, that the exposed wife who must give place to the mistress, did die within two weeks, of accidental poisoning as the defendant claims, you cannot be surprised at her sudden or fatal illness. Now recall that strangely, sudden and mysterious sickness, of the first of Sept. the unheard of symptoms—the strange conduct of the defendant—saying his wife like to have died—and yet giving no alarm. The

fact that we now know, that he communicated that illness to his mistress as a response to her letter,—and the further fact of the nearly simultaneous illness of every other member of that family—save the defendant—with the same symptoms.

Remember further, that on the evening of the 8th, when the defendant found that his wife had arranged to go with Mrs. Eggleston to the uncle's, that although he pretends to have an engagement at Cleveland, very early the next morning; and altho' he was then habitually and grossly unfaithful to her; and altho' he would take upon himself ten miles additional travel, and hazard the fulfillment of his next morning's engagement; he volunteered to carry his wife to Bainbridge, and for no apparent reason whatever. You will remember also his strange remark at tea—that his wife was going to get rid of taking her medicine. His strange conversation on his arrival at the uncle's, about his horse medicine—about his wife's medicine—and that he came up to see that she took it.

You must also remember that the wife could not make the mistake as claimed,—that she knew the quality of the horse medicine—that she had warned others of it—that although the general appearance of the two were alike, there was a striking difference, that the first casual glance would detect—that she took the medicine from the bureau, in a strong light—in the presence and under the eye of her husband and another witness, who must each have made the same mistake, repeated again when she took it from her satchel; and yet again, and more incredible still, when she finally prepared and swallowed it.

Especially in this connection will you remember, that when her husband was awakened as he says by her spasms, he leaped frightened to the floor—lit a candle, and while doing so, he saw the white gleam of the arsenic from the bottom of the vial.

That she *did not* make the mistake you know, for Alice Eggleston positively swears, that she saw her take *her* medicine from the bureau.

Thus when you recall the means and opportunity for Cole to have made the exchange, or to substitute a third bottle; or infuse something—anything into that mysterious sulphur, and also recollect his strange and otherwise causeless visit the next forenoon for a moment to his room at Eggleston's, and that the inmates heard the sound as of the closing of a drawer; and you must suppose in the absence of contra proof that he then replaced her bloodroot medicine. When you recall all these in connection, you must believe that if Adelia Cole took that horse medicine it was solely by the procurement of the defendant.

You also know that the deceased did not die of a dose of that horse medicine. 1st, because she did not take enough of it—because she entirely recovered from everything, but the incidental illness. And 2d, because she had not a single symptom due to

laudanum or arsenic; while two animals put to death with the same medicine, died of pure narcotism.

You will also remember that the symptoms in the time of their appearance, manifestations, course, and subsidence; can be attributed solely and exclusively to strychnia alone. That no other agent whatever is known that could have produced them—that strychnia is in common use and completely accessible, and that there is no fact showing any improbability that it was used.

You recall the singular and unaccountable conduct of the defendant during that illness; his sudden silence—his gloomy indifference—his cruel actions and words; and his final desertion without excuse or pretext. His strange and long absence unaccounted for. His enquiry on his return if his wife was taking coffee—as if that was to be a medium of further drugging—the preparing and giving a cup of coffee—the remark of the wife when she took the last, followed by her remark that she felt as if her spasms were returning—his absence from her room and silence while there; and more than all and above all; in the absence of the remotest occasion for it, and without suggestion from any source, he proposed to give her salts; and heedless of the refusal of the two matrons to advise in the matter; and despite the declared reluctance of his wife; he persisted—was at the trouble of going away to procure them; and finally administered a dose, that he knew could produce no usual effect of that drug.

Remember the sudden and terrible renewal of all the symptoms—that they could not be, and are not by a single witness for the defendant charged to the account of anything taken the night before. That they can be alone attributed to strychnia—that they existed in a pure and more marked form than on the night preceding—that death occurred as it can alone occur from strychnia—and that the body itself was a staring exclamation against every other supposable cause of death.

And again recall the monstrous conduct of the defendant thro' these concluding moments. He wanted to send to the Falls for a Doctor—turned his back to his wife and his eyes upon the floor—he could not endure her look; and dared not encounter another eye—nor dared he absent himself from that room. He made no response to her cries; and seemed not to hear her appeals.—He maltreated her dying form; he refused a last look of her babe to her dying eyes; and when she died he went into that hollow, frantic, devilish mockery of grief!—and carrying all the time in his jacket pocket an unexpended dose of arsenic!!

Call up the ministering spirits of charity—all gentle, humane influences of mercy—all the tenderest sympathies of our nature, and gather them about the head of this defendant to shield and protect him; and they become themselves his accusers, and swell with their voices the united acclaim with which justice, truth, religion, law and humanity, demand his condemnation.

Remember further, gentlemen, that the defendant refused to permit his wife's body to be sent to her mother—that he reluctantly consented to a post mortem examination—his silence when his uncle intimated that suspicion was abroad—the sudden haste in which he then fled. That he fled without preparation, in the night, by unfrequented routes—before a charge was made, and on a false pretext. Recall the utter and complete bewilderment of that first night's flight, due to fear and remorse alone—utterly and completely lost, in a section of country with which he was familiar—so lost that after eighteen hours' flight he was but fifteen miles from the starting point, and tending in that direction. That as he fled his fear increased—that he repeatedly changed his name, and finally admits if arrested he shall lose his life.

And finally remember the defendant's letters—the desperation with which they were sought to be kept from you—the utter inability of the defence to explain, excuse or palliate them—remember each and every item they prove and help prove. Remember when they were written, by whom they were written, and to whom, especially that they are the medium through which the defendant communicates the accomplishment of his scheme—that the wife is dead—the obstacle removed—no further clamor from meddling friends—reminds her of her promise of marriage, and demands its speedy fulfillment. And every line breathes the panting eagerness with which he rushes to her arms; and is only restrained from her actual presence by a still stronger and more selfish fear.

Now tell me, gentlemen, while reviewing this whole case, if these accumulated, uncontradicted and unexplained facts, bearing with this fatal and unmitigated certainty against this defendant; and which cannot be made to consist with any possible hypothesis but his guilt—do not in their sum total of proof amount to the full measure of the unimpeached, uncontradicted, yet unsupported evidence of one solitary witness, who should swear that he saw Cole mix poison and give it to his wife.

It is consistent with what we know of human fallibility, for such witness to be mistaken. It is consistent with what we know of human depravity, for him to be corrupt.

But these numerous and independent facts thickly studding the wide field of our labors, cannot be suborned to perjury; and as human ingenuity and ability have failed to make them tell but this one tale, they cannot be mistaken.

The utmost that has been urged for the defence is, that ponderous and weighty as the case bears upon the defendant, it is still inconclusive, and leaves room for a doubt.

In what consists that inconclusiveness, and where resides that doubt? If it exists, it has shape and form. It must be other than a moat floating in the hazy light of vague imagining. Point

it out—define it—tell us what and where it is. Where is the favored spot—and what the soil that nurses this hope bearing doubt? If the gentlemen have seen a hand beckoning to safety—they can at least indicate in what part of this murky heaven the sign appeared.

Alas, gentlemen! it is but a shadow—the shadow of a shadow—for nowhere in the case lurks a fact on which any light can beget a shadow.

Then, in laying on your judgments and consciences the burthen of this case, may I not solemnly require of you, as I now do, that the forfeited body of this defendant shall be left to the penalty of the law, which he has so maliciously, so wantonly, so deliberately and so cruelly broken.

And on your retirement, I earnestly implore, that each man of you shall first of all, turn a severe and scrutinizing eye within, upon the deepest and inmost recesses of his heart and soul, and exorcise from thence every unworthy, unholy, and unmanly thought, impression or prejudice, that there may lurk, and that this solemn issue may be approached, met and determined, as conscience, justice, and the law of the land require. And may that overshadowing presence of all Serene Wisdom rest fully upon you.

Your Honor, the case is submitted.

ERRATA.—In the last line at the bottom of page 7 for—"maintains"
—read maintain.

In the last line of the 3d paragraph, on page 16, for—"either which"—read either of which.

In the 2d line, of the 5th paragraph, on page 33, for—"absurb"
—read absurd.

On page 47, 2d line from the top, for—"redeemed those" read
—redeemed by those.

