

The trial of John Donnellan, esq. (late master of the ceremonies at the Pantheon of Oxford-Street) at the assizes holden at Warwick on Tuesday the 27th of March, 1781, before Francis Buller, esq., one of the judges of the Court of King's Bench, for the wilful murder of Sir Theodosius Boughton, bart / Taken in shorthand by a barrister at law attending the Midland Circuit.

Contributors

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T H E

T R I A L

O F

John Donnellan, Esq.

(Late MASTER of the CEREMONIES at the
PANTHEON in Oxford-Street)

A T T H E

ASSIZES holden at WARWICK,

On Tuesday the 27th of March, 1781,

B E F O R E

FRANCIS BULLER, Esq.

One of the JUDGES of the COURT of KING's BENCH,

F O R T H E

WILFUL MURDER

O F

Sir Theodosius Boughton, Bart.

Taken in Short-Hand by a BARRISTER at LAW, attending
the MIDLAND CIRCUIT.

L O N D O N :

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J. A. R. T.

John D. ...

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T H E
T R I A L
O F
JOHN DONNELLAN, Esq.
F O R T H E
W I L F U L M U R D E R
O F
Sir T. E. A. Boughton, Bart.

The following are the GRAND JURY.

The Hon. W. WILLIAM HEWITT, Foreman.

Theo. Biddulph, Esq.
Gower Townshend, Esq.
Th. W. Knightly, Esq.
Matthew Wise, Esq.
Miller Sadler, Esq.
Christ. Wren, Esq.
Bertie Greathead, Esq.
John Grieve, Esq.
Thomas Webb, Esq.
Tim. Goodwin, Esq.

C. P. Packwood, Esq.
John Halifax, Esq.
R. A. Johnson, Esq.
Joseph Carles, Esq.
John Mallory, Esq.
Jof. Boulton, Esq.
Edward Pallas, Esq.
John Hobbins, jun. Esq.
P. S. Littleton, Esq.

JOHN WEBB, Esq. Sheriff.

The following is the JUDGE'S CHARGE to the
JURY.

Gentlemen of the Grand Jury,

I AM extremely pleased at your meeting me so early this session, as by your attendance, I hope I shall be able to get through the business of the county in the course of the week: I am the more satisfied at this circumstance, as I perceive your calendar extremely loaded indeed, and that it contains a longer and heavier list of crimes, than I have found charged in the calendars of seven counties.

Amongst these, I find some in particular, which require no inconsiderable attention; and the first of consequence which I find in the list, is such as may depend on circumstances only. It is a crime of so peculiar a nature, that it is generally committed with the greatest secrecy, and over which the offender always makes use of every art and cunning to throw a veil.—It is your duty, Gentlemen, to throw off this veil and sift the business to the bottom.—You are not to expect visible proofs in a work of darkness; you are to collect the truth from circumstances, and little collateral facts, which taken singly, afford no proof, yet put together, so tally with, and confirm each other, that they are as strong and convincing evidence, as any facts that appear in the broad face of day.

In this case, Gentlemen, you will have two objects to consider: First, whether the deceased did die of poison? Secondly, whether the person suspected, did assist in administering that poison? With respect to the first of these considerations you will no doubt hear the sentiments of those who are skilled in the nature and effects of poison, which is of various sorts, and most subtle in its operation. From the information of such persons, you will be able to form an opinion upon the effect which *different* poisons have on *different* persons, and also the effects the *same* poisons

poisons have on persons of different habits, and constitutions. But in this enquiry, Gentlemen, the opinions of such persons are not to *controul*; they are only to *assist* your determination; and if you should find that they disagree, you will then find it necessary to enquire, whether any, and what means were used to secrete any circumstances that might lead to more certain evidence. It will also be proper for you to consider the state of health in which the deceased had been previous to, and at the time of this unfortunate affair: Whether he was well or indisposed, and if indisposed, *what* medicines were prescribed for him, and *by whom*. If you find he did get his death by poison, the next case is to consider, who gave him that poison. Where poison is knowingly given, and death ensues, it is *wilful murder*, and if he was *present* when poison was given by another, he is not an *accessary*, but a *principal*.

There are two ways, by which the law considers a person as present in such cases; there is an *actual* and a *constructive* presence. To be actually *present*, is to be in the room with, and within sight of the person, when the poison is administered. To be *constructively* present, is to be in the house, knowing and assenting to what is done. There are cases, in which a man may be an hundred miles off, and give poison to another to administer to a third, there the person who unfortunately administers the poison, if ignorant of the intention, *is not guilty*, but the person who gave it for that purpose, though at so great a distance, is guilty of murder.

I will here mention one case, in which a person gave poison to another to administer to a third, but the person to whom he gave it for that purpose, knowing as well as he did, that it was poison, then it was determined that the person who so gave it, was not a *principal*, but an *accessary before the fact*.

I must observe to you, that if an *innocent* medicine is changed for a *noxious* one by substitution, he who changes

changes it is guilty of murder if the person dies. If the indictment should state that the deceased died by any particular poison, and it should appear upon enquiry, that he died of another sort of poison, I am to inform you, that the difference is immaterial with respect to the law, it being held sufficient, in such case, that the deceased was poisoned. It is proper to remark to you, that the crime of murder, by means of poison, has ever been considered as the most odious of all crimes, as it is a species of murder of a kind that implies a peculiar premeditation, and in former times was held of so horrid a nature, that the persons found guilty of it were boiled to death in water or in lead, though at present the crime and punishment stand undistinguished.

But whilst I am thus describing the odious and horrid nature of this species of murder, it is necessary to caution you against applying your detestation of the crime itself to the person accused of it. It is not your place to enquire into the immediate guilt or innocence. It is for you merely to enquire whether there is sufficient ground of suspicion to put him on his trial, and call on him to prove his innocence.

There are two other cases of murder to come also before you, on which it may be necessary for me to say a few words; the one is where death is caused without a direct act, or by indirect means, in which there is malice implied; as by starving, for instance; or when a prisoner dies by duress of a goaler, in such cases it is *murder*. Also, when a child is exposed to the inclemency of the weather, and of consequence dies; or if a pauper, by the vexatious removal of parish officers, dies of cold, being removed when in an improper state, the law decides that there is malice implied, and the crime is *murder*. So, in the second case two men go out together, without any design to commit murder, though with an intent to commit some other felonious act, and one of them in that pursuit should kill a man, they are both principals

in *murder*; for the previous design of committing felony, carries with it the implied malice which in law constitutes that crime.

Two other cases will also come under your cognizance with respect to a burglary and a burglarious entry. The one is for breaking open a house in the night, and stealing goods; this is common burglary. The other is for breaking open a house in the night, without stealing any thing out of it; this also is burglary, and the difference to be made between them is merely in the *form* of the indictment, which will state the burglarious act to have been committed, with intent to commit felony. In this case you will consider the intention, and by that you will form your decision.

I have thought it necessary, Gentlemen, to throw out these few hints for your information upon those cases that appeared to me to require some observation; and I shall be happy if you find them useful in directing your proceedings in the arduous duty to which you are called by your country.

F R I D A Y, *March 30th.*

At seven o'Clock in the morning, the Judge came into court, but it was near an hour before the jury could be sworn, owing to an amazing number being challenged by the prisoner, and the court being so crowded that it was impossible for them to come forward,

The prisoner being placed at the bar, the indictment was read over to him.

I N D I C T M E N T.

JOHN DONNELLAN, Esq; stood charged with the wilful murder of Sir *Theodosius Edward Alfley Boughton*, Baronet, on the 30th of August 1780, by devising and intending to poison, kill, and murder; feloniously,

feloniously, wilfully, and with malice aforethought, the said Sir *Theodosius*, by having put, or caused to be put, placed and left in the lodging room of the said Sir *Theodosius*, at his mother's seat at Lawford-Hall, in the Parish of Neubourn-on-Avon, a certain draught containing two drams of Arsenic, which he did mix, mingle, and infuse into water, and afterwards put into a small phial, of the value of one penny, in order that the said Sir *Theodosius* might mistake the said draught for an innocent medicine which had been sent him for a salutary purpose, and thereby take, drink, and swallow down into his body the same; and the said Sir *Theodosius* not knowing that the said arsenic had been so mixed, mingled, and infused, did take, drink and swallow down into his body, the said draught so placed and left, instead of the medicine which had been before prescribed, by which means he became sick and distempered in his body, and did die on the 30th of August, 1780.

There were two other counts, one at common law, and the other on the statute, he was likewise indicted on the Coroner's Inquest,

Counsellor Digby opened the prosecution, by informing the court, that the prisoner, *John Donnellan*, Esq; stood charged with the wilful murder of Sir *Theodosius Edward Alsley Boughton*, Baronet, on the 30th of August, 1780; to which he had pleaded Not Guilty, and had put himself on his trial by God and his Country.

Counsellor Howarth then addressed the Jury as follows:

Gentlemen of the Jury,

THE Prisoner at the bar stands charged with the wilful murder of Sir *Theodosius Edward Alsley Boughton*, Baronet; his case is of so black a dye, that it excites the indignation of all honest minds, and the nature of the present enquiry calls on you for your sober and

and dispassionate investigation of it. The murderer is not pointed out here; by any bloody marks, as is frequently the case in crimes of the like nature, for the dark business he has been concerned in, can only be traced by circumstances; but it is my duty to point out to you what these circumstances are, and you will, under the direction of a learned and upright Judge, who will not suffer any improper evidence to come before you, find that the unfortunate young man deceased, Sir *Theodosius Edward Alsley Boughton*, was a young man of an antient and respectable family, and who, had he attained the age of 21 years, would have been possessed of a considerable estate, but on his decease, if before the age of 21, the said estate would in a great measure go to the sister of Sir *Theodosius*, the wife of the prisoner. I will prove to you that the prisoner, for a considerable time before the death of Sir *Theodosius*, was frequently heard to say, that Sir *Theodosius* was of a bad state of health, that he would not live long, that his life was not worth a year's purchase, and by these means seemed to be preparing the family for the dreadful event that was shortly to ensue. Sir *Theodosius*, a few days previous to his death, Gentlemen, intended a journey into Northamptonshire to Mr. Fonnereau, he had for a small space of time before, been troubled with a slight venereal complaint, and was attended by Mr. *Powell*, an Apothecary, who, on the 29th of August last, made up an innocent prescription for him, and sent it over to Lawford-Hall, by one of Sir *Theodosius*'s servants who went for it on purpose. The draught so prepared was to be taken the next day, which the prisoner well knew.— On the servant's bringing home the draught he gave it to Sir *Theodosius*, who placed it on a shelf in his own room, and then went out with the servants a fishing. At this time, Gentlemen, the deceased was in perfect health and spirits, except the slight complaint I before mentioned. Lady *Boughton* and Mrs. *Donnellan* were at this time, walking in the garden, where the prisoner joined them,

saying he had been seeing Sir *Theodosius* fish, and had advised him to leave off as he would catch cold. Now the whole of this conversation was a falsehood, for he had not been seeing Sir *Theodosius* fish, nor had he spoke to him, by which I must leave you to judge whether the prisoner had not some interested views to answer, by telling Lady *Boughton* the lying, artful tale he did.—About three o’Clock that same evening, Sir *Theodosius* came home from fishing, eat his supper heartily and went to bed in perfect health. On the next morning about 6 o’Clock, he was waked by his servant, and leapt out of bed to give him something from his pocket; about 7 o’Clock Lady *Boughton* got up, and on going into her son’s room, she requested to know if he had taken his physic, he replied no, and requested her to give it him, which she did. Gentlemen, it will be shewn you in evidence, why this medicine which used to be locked up, was now left out open in Sir *Theodosius*’s room. Sir *Theodosius* had once forgot to take his physic, upon which the prisoner said, you should not lock up your physic, you should place it on your shelf in your own bed room, then you cannot forget it. The draught which his mother gave him, he had not half swallowed, before he complained of its being so nauseous to the taste, that he could not keep it down, upon which Lady *Boughton* smelt to the bottle and said she thought it had the scent of bitter almonds. The deceased desired her to give him some cheese to put the taste out of his mouth, which she did and he spit it out again, he then rinsed his mouth with some water, and spit that out likewise; he laid himself down, but had not been in that posture three minutes before he appeared much affected—Lady *Boughton* thought it was owing to his being set against the medicine by the nauseous taste—she left him seemingly rather composed, but on her return in about ten minutes, she found the young man struggling in the agonies of death, his eyes fixed, his teeth clenched,

and

and foaming at the mouth; in these agonies he continued until his death, which was in less than half an hour, as will be proved by her Ladyship whenever she is called.—If you should find, Gentlemen, in the course of your enquiry that this young man was poisoned, it will be quite immaterial what that poison was that occasioned his death; a young man just turned of 20 years, of a good constitution, no disorder that could endanger life, being in perfect health in the morning, and complaining of a draught the moment he took it, with the symptoms that followed after, will, I trust, make it appear quite plain that he was poisoned.

The indictment states arsenic to be the cause, but I believe it will be found to be *laurel water*, and it will likewise be plainly proved, that the draft given by lady Boughton to her son was not the draft composed and sent by Dr. Powell. There is a circumstance Gentlemen, and a very important one to, respecting this laurel water. I shall prove that the prisoner had for some time previous to the death of Sir Theodosius, used a *Still* which he kept in his room, but a short time after Sir Theodosius's death this said still was filled with wet lime, for laurel water is of that strong nature that nothing but lime would take away the smell, and to be more certain of the smell being thoroughly evaporated he caused the said still to be put into an oven: now the vague excuses made by the prisoner for his conduct about the still, will, as far as circumstantial evidence can be allowed plainly prove his guilt, for what did he say on the delivery of this still to the servants to clean. Why, I have been using, this lime to kill fleas in my bed room, Could it be supposed a gentleman would say or do this? No, certainly.

Lady Boughton on her return into her sons, room, after she had left him, as she thought a little composed, was surprized to find him struggling with death, and sent for Dr. Powell and the prisoner. The prisoner arrived first, and pray let me draw your attention to

what passed in the room of the deceased on the prisoner's coming. Lady Boughton said to him, What draft has Dr. Powell sent? I have given my son that which I am confident, from its operation would have killed a dog. The prisoner replied Damn him why did he send it, where is the bottle? upon which Lady Boughton gave it him, and he directly poured some water into it, rinsed it, and emptied it into the wash, hand basin. Lady Boughton said, for God-sake what are you about? upon which he took another bottle and rinsed that for fear he had been mistaken, as there were two bottles on the shelf.

Sarah Blundell, a maid servant since dead, and who, had she been living, could have given a very material evidence, was desired by the prisoner to take away the bottles from out of the room, upon which Lady Boughton remonstrated, as it was improper until Mr. Powell the Apothecary came, upon which the prisoner grew warm, and continued so until Dr. Powell came. But pray attend to what happened on Dr. Powell's coming. The prisoner never enquired of him what the medicine was that he sent, but on the contrary, took great pains to persuade him that the deceased had been out late a fishing, and had caught so violent a cold as to occasion his death; and Mr. Powell is suffered to go home without a word being said to him about the bottle, or about what it contained, that he might clear his character; and the manner in which the prisoner went about the house during the time Sir Theodosius lay in agony, is not to be accounted for; for to one he said the foolish fellow had caught his death by a cold, fishing; to another, that he died of the venereal disease; and to a third, that he had wetted his feet. Now; Gentlemen of the Jury, how could the prisoner know that the deceased had wetted his feet; he had not been fishing with him, nor was he near him, altho' he said so, which I shall plainly prove; and with respect to his feet being wet, Lady Boughton had prudence enough

to examine his stockings, and they were perfectly dry. Sir Theodosius, being dead, the prisoner thought it necessary that something should be said to Sir *William Wheeler* his guardian, upon which he wrote him the following letter :

“ Dear Sir,

“ I AM sorry to be the messenger of Sir Theodosius’s death to you, but he has been ill for some time past, and under Dr. Powell’s hands. *Lady Boughton* and my wife are inconsolable, and join with me, &c. &c.

“ JOHN DONNELLAN.”

This letter was meant to blind Sir William Wheeler, and it had the desired effect; it prevented him from coming over to Lawford-hall to see him, and the deceased was kept close from view until the time his coffin was soldered up.—But suspicions grew and spread themselves to Sir William Wheeler’s ears, upon which he writes a letter to the prisoner in express terms, that he had been informed of Sir Theodosius’s dying by poison, and desired that the body might be opened by Dr. Rattray, Dr. Wilmour, and Dr. Snow.—The prisoner dared not resist the requisition, and therefore sent back a note, of his, and the family’s approbation of Sir William’s request.—Sir William sent another letter to inform the prisoner that he could not come over himself to be present, but desired him to proceed.—On Monday Dr. Rattray and Mr. Wilmour met at Lawford-hall, and the prisoner took them into the parlour, and asked them if they had seen Sir *William Wheeler*? They replied, No.—The prisoner immediately says, I have received a letter from Sir *William* for you to attend, but he never shewed them the first letter and only a part of the second, which part did not mention the apprehension of poison, it only spoke in general terms, that the body was to be opened, the letter the prisoner shewed—could give no light to the subject, but instead of telling the Doctors the cause of suspicion, he endeavoured to blind them.

They

They asked him why the deceased was to be opened? — He replied, for the satisfaction of us all. — And they finding the body in a state of putrefaction, not knowing the reason why it was to be opened, and being apprehensive there was personal danger from the smell, were suffered to depart home by the prisoner, without one single question being asked with respect to their opinion. On the next morning Mr. *Bucknell*, a surgeon, came to Lawford-Hall, and finding that the two gentlemen, who had been there had declined opening the body, he offered at all hazards to open the body himself, for the satisfaction of the public: — But what was the prisoner's conduct here? why, the prisoner would not suffer him to open the body, under the pretence that Sir *William Wheeler* had not mentioned him, and that two of the Doctors that he had mentioned, had declined it. — After Dr. *Bucknell* had gone away, the prisoner wrote a second letter to Sir *William Wheeler*, as follows:

“ Dear Sir,

“ Give me leave to express what a heart felt satisfaction the receipt of your letter gave Lady *Boughton*, my wife and myself; I sent immediately for Dr. *Rattray*, and Mr. *Wilmour*, they came, and I gave them your letter to peruse, and to act as you directed, and I am happy to inform you they have fully satisfied us.”

Now did he give the letter which Sir *William Wheeler* sent him, to the Doctors? No. The one he shewed was the second letter, a mere complimentary one, excusing Sir *William's* personal appearance; besides, how could he write that the Gentlemen *had fully satisfied us?* — What was asked them? — Not a single question, and yet he had openly the daring audacity to write that they had “fully satisfied us.” This very affair, Gentlemen, speaks as strong as a thousand witnesses against him; and I shall wish you to hear from the gentlemen of the faculty, the state they found

found the body in when they did open it, which will be an additional proof of the prisoner's guilt.

The letter to Sir *William Wheeler*, Gentlemen, then goes on as follows:

“ Sir *Theodosius* had used to take mercurial ointment to dispel a large bubo, the same as he did at Eaton, but Sir *Theodosius* was obstinate as usual; however, I recommended him to Mr Powell, who I believe, did all that man could do, but he refused both my advice and Lady Boughton's, who with my wife, join with me, &c. &c.

“ JOHN DONELLAN.”

This letter had the desired effect: it blinded Sir *William Wheeler*, who thought, if they were satisfied, he was; but what was his surprize when in three or four days time he found the body had not been opened; what does Sir *William Wheeler* do? why is every honest man would have done. He writes again and desires that Mr. Snow might be sent for, Mr. Snow arrives at Lawford-hall, and is told by the prisoner that Dr. Rattray and Mr. Wilmour had declined to open the body, and he, like the two others, is sent away without opening the body; and when Bucknell arrives, he is told that Snow declined to open the body, and is likewise sent away on a frivolous pretence. After all this, he still concealed the body, and at the expiration of nine days had it privately buried, and then writes to Sir *William Wheeler* another letter as follows:

“ Dear Sir,

“ I refer you to Dr. Rattray and Mr. Wilmour, who were with the body. Mr. Bucknell called in, and said he heard we wished the body to be opened; I told him, had you sent for him, he should have been welcome. This, Sir, was on the eighth day, and had not the body been foldered up, he should have seen it. The burial Sir is fixed for to day at three o'clock unless you wish it postponed, if you do send word over.

“ JOHN DONNELLAN.”

Between three and four o'clock the body was buried without being opened, and on the country people appearing alarmed, the body was taken up and opened: the What appearance, were then, you'll hear of the faculty that attended. It will be enough for me to say, that the opening of the body confirmed them that were present that this unfortunate young man was poisoned. When Lady Boughton and Mrs. Donnellan were called before the coroner, and the circumstance of rinsing the bottle was mentioned, the prisoner was observed by one of the Jury to pull her by the sleeve to stop her. Now, Gentlemen, let me ask you what folly can account for such a transaction? No art can wipe it away: it shewed like the act of a guilty man. On the prisoner's return to Lawford-hall from the coroner's, he chided Lady Boughton for speaking of the bottle, telling her that she was not bound to mention any thing but what was asked her. If he was an innocent man, why, in the name of God, would he wish to conceal any thing; but he was at last almost forced, when he saw no probability of getting rid of the suspicion, to write a letter to the coroner on the jury's last day of their sitting, which was as follows:

To the Coroner and Gentlemen of the Jury.

“ Understanding from report that a meeting is to be
 “ held to day, I hold it as my duty to give you every
 “ information in my power, as does lady Boughton
 “ and Mrs. Donnellan. Whilst Sir Theodosius was
 “ here every preparation was used by him to kill
 “ rats, he frequently bought arsenic by the pound
 “ weight at a time, and laid it about to destroy rats,
 “ poison fish, &c. we used frequently to expostulate
 “ with him upon the impropriety of his conduct,
 “ and used to receive for answer, that the men knew
 “ where he laid it. We have not eat at table with
 “ him for many months, nor have we eat of any
 “ thing he has touched. He used to make up balls
 “ from a recipe in a book that he had, and the gar-
 “ dener

“ dener informs me, that he has found fish which
 “ Sir Theodosius used to slit and rub with poison,
 “ &c. &c.

Now, independent of this, you will hear that the facts stated in the letter are not true, and that the prisoner was committed on the coroner's warrant; since which time he has had conversations in gaol with a man named Derbyshire, to whom he has often said he thought Sir Theodosius was poisoned. Derbyshire made answer, who do you think poisoned him; the prisoner answered, it must be among themselves.—On being asked who he could mean by themselves, he replied, the family and apothecary. Upon Derbyshire's saying, I cannot suppose he murdered himself. No, replied the prisoner, I don't think he did: why, the apothecary would not poison him, for he would lose a patient, the servants would lose a good master, and it was unnatural to think that his mother would do it. Since his confinement he has written a letter to his wife, which, as it was not sealed I shall, in the course of my evidence, produce a copy of.

I have mentioned these facts, gentlemen, which I will prove to you, and the nature of the case calls aloud for justice, and that you will inflict that punishment on the prisoner that the heinousness of his crime deserves.

Mr. POWELL, apothecary, sworn.

Q. What profession are you of?

A. An apothecary.

Q. Where do you live?

A. At Rugby, about three miles from Lawford-hall.

Q. Had you, previous to his death, been employed in the family?

A. About two months.

Q. In what state of health was he?

A. He had a venereal complaint.

Q. To what degree?

A. A fresh complaint; not very high.

Q. Did you give him any medicines?

A. Yes, some physic; I ceased to give him physic for three weeks, and then began again.

Q. How came you to give him some again?

A. Because he had a swelling on his groin.

Q. What physic did you give him?

A. Four doses; two of manna and salts, and two of rhubarb and jalap.

Q. When was it that you gave him the last?

A. On Tuesday, the 29th of August; I sent him some before, on the Sunday.

Q. By whom did you send them?

A. By Samuel Fross.

Q. How long before the last dose was sent had you seen him?

A. The same day.

Q. How was he?

A. In great spirits and good health.

Q. How was he on Sunday?

A. The same.

Q. Did you ask him how the medicines agreed with him?

A. He said it made him rather sick.

Q. Have you a draught of the same sort in your pocket?

A. Yes. *[Produced two phials.]*

Q. What does it contain?

A. Rhubarb and jalap, nutmeg water, and spirits of lavender.

Q. What does that other bottle contain?

A. The same quantity of rhubarb and jalap, but no simple water, it is composed of laurel water.

Q. Was you sent for to Lawford-Hall after Sir Theodosius's decease?

A. Yes; on the Wednesday morning.

Q. What message did the servant bring you?

A. He said, Sir Theodosius was very ill, and he was sent by lady Boughton to fetch me.

Q. At

Q. At what time did you get there?

A. About nine o'clock.

Q. Did you go into Sir Theodosius's room?

A. Yes; Mr. Donnellan went in with me, and some maid servants.

Q. Was lady Boughton there?

A. No.

Q. In what situation did you see Sir Theodosius?

A. Nothing particular; there was no distortion; he had been dead near an hour.

Q. Did Mr. Donnellan ask you any question?

A. No; none.

Q. How long did you stay?

A. Ten minutes.

Q. Did you say any thing to him?

A. Yes; I asked him how he died; he replied, in convulsions.

Q. Did you see the bottles you had sent, or were they in the room?

A. No.

Q. Do you remember any other conversation with Mr. Donnellan?

A. Yes, he generally endeavoured to make me believe Sir Theodosius had caught cold, which had occasioned his death.

Q. Are you acquainted with Mr. Donnellan's hand writing?

A. Yes; I have seen him write.

[*Letters shewn and admitted.*]

Q. What was the composition of the draught you sent Sir Theodosius, by Samuel Fross?

A. Fifteen grains of rheubarb, and fifteen grains of jalap, of spirits of lavender 20 drops, two drams of nutmeg water, two drams of simple syrup and one and a half ounce of simple water.

Q. What was the effect of the first draught?

A. It agreed with him perfectly well, but the second made him sick.

Cross-Examination.

Q. Did it not occur to you to ask what time the convulsions came on?

A. Yes; lady Broughton said he was convulsed almost as soon as he had taken the draught.

Lady Boughton sworn.

Q. How old was Sir T. Boughton?

A. He was twenty years on the 3d of August last.

Q. How much would he have been entitled to had he lived to come of age?

A. Two thousand pounds per year.

Q. How long had Sir Theodosius made part of the family at Lawford Hall?

A. About Michaelmas, 1778, he came from Mr. Jones's to live at home.

Q. Have you had any conversation with the prisoner about your son?

A. Yes; he has several times spoke to me about Sir Theodosius's health.

Q. What were his expressions?

A. I told him I would move when Theodosius came of age; he said, no, do not move from Lawford, something may happen before the time he comes of age, he is of a bad state of health.

Q. Did you hear how long Sir Theodosius intended to stay in Northamptonshire?

A. No.

Q. Do you not recollect Mr. Powell sending the bottle of physick?

A. Yes.

Q. Do you know where Sir Theodosius used to put his physick?

A. Yes; he used to lock it up in a room; but having once forgot to take it, Mr. Donellan advised him to keep it out open on the shelf, in his own room.

Q. Did you see Sir Theodosius on the Tuesday?

A. Yes; he went a fishing in the evening.

Q. Were

Q. Were there any of the men servants left in the house ?

A. Yes ; Samuel Frofs.

Q. How long was you and Mrs. Donnellan in the garden ?

A. About an hour.

Q. Did Mr. Donnellan join you in your walk ?

A. Yes ; he came and said he had been to see them fish, and had endeavoured to persuade Sir T. to desist for fear of cold.

Q. What time did Sir Theodosius come home ?

A. About nine o'clock he came home, eat some supper, and went to bed, and asked my permission to have my servant to go and get him some fishing tackle. About seven in the morning he desired me to give him his physic. I asked him where the bottle was, he told me, there it is on the shelf, get me a bit of cheese to take the taste out of my mouth ; he desired me to read the label ; I did ; It was "*A purging draught for Sir T. Boughton*". Talking to him I forgot to shake the bottle ; he said, pour it in again ; I did so, and shook and gave it him, it smelt like bitter aloes ; he said it was very nauseous and very noxious.

Coun. Pray smell that bottle whether it is like the medicine you gave him ?

A. Yes ; it is very much like the smell.

Q. What was your observation ?

A. I first gave him the cheese ; he said he did not think he should be able to keep it down : I gave him some water and he rinsed his mouth and spit it out ; in about two minutes or two and a half he seemed to rattle in the throat and struggled to keep it down ; he was in that state about ten minutes, and then seemed more composed, upon which I left him and returned in five minutes, when, to my astonishment, I found him with his eyes staring up, his teeth clenched, and froth running out of his mouth. I sent for Mr. Powell and Mr. Donnellan ; the prisoner

soner came up into the bed-chamber, and said, what do you want? I have given my son what I thought was physic, that would if given to a dog kill him; he said where is the bottle? I shewed it to him; he said is this it? He took some water, rinsed the bottle and poured it into the wash hand basin.

Q. Did you upon that make any observation?

A. Yes, I said, what are you about? upon which he snatched up the other bottle and rinsed that, and then he said he did it to taste it.

Q. Did he taste the first bottle?

A. No.

Q. Did any servants come up?

A. Sarah Blundell and — Palmer.

Mr. Donnellan desired Sarah Blundell to carry down the physic, bottles and basin, but I stopt her; he then told her to take the clothes away and clean the room, and upon my back being turned, he put the bottles into Sarah Blundell's hand again, who took them away.

Q. Was Sir Theodosius then dead?

A. He was nearly dead; one of the servants was wiping off the froth, and his stomach heaved. Some time after Mr. Donnellan and my daughter were together in the parlour. Mr. Donnellan said to his wife, your mother has been pleased to take notice of my washing the bottles; and I should not have known what to say if I had not put my finger in to taste, upon which I turned to the window, and he again repeated it, and rang the bell, and desired that Will, the coachman, might come up; he said, Will, do you remember my going out this morning through the iron gate about seven o'clock? I have not been on the other side of the house this morning; you remember I came and asked for my horse. The man replied yes. Then says he, you are my evidence.

Q. Do you remember seeing a letter from Sir William Wheeler?

A. Yes.

Q. Did

Q. Did you state any objections to the answer to it ?

A. Yes, but did not explain them to him.

Q. Was Mr. Donnellan present at the examination before the Coroner ?

A. Yes.

Q. Did you mention there the circumstance of washing the bottle ?

A. Yes, and on my return home he said you have no occasion to say any thing about the bottle, you are to speak only what is asked you. When the stockings were taken from the bed side, he said here take them away, the feet are wet, and he has caught his death of cold.

Q. Did you and family eat out of the same dish as he did generally ?

A. Yes, but Mr. Donnellan desired me not to drink out of the same cup, as Sir Theodosius was afflicted with venereal complaints, and it would be better not to eat the bread he touched.

Cross-Examination.

Q. Did you not go upon a visit to Captain Donnellan and his wife at Bath ?

A. Yes.

Q. How long before the death of your son did Captain Donnellan mention to you that he was in an ill state of health ?

A. About a month, or so.

Q. Had you not apprized Captain Donnellan and his wife before, that your son was in a bad state of health, and that his fine complexion was gone ?

A. Yes, In November 1778.

Q. Do you recollect a quarrel between Sir Theodosius and a gentleman at Bath ?

A. Yes.

Q. Did he not quarrel at Rugby once ?

A. Yes.

Q. Did you not pray of Captain Donnellan to go and prevent it ?

A. Yes.

Q. Did

Q. Did he not go and prevent any mischief?

Yes.

Q. Had he not another quarrel at Daventry, and did not Mr. Donnellan save him?

A. I believe he did.

Q. What time did your Ladyship rise on the 30th of August?

A. About seven o'clock.

Q. Was Mr. Donnellan gone to bed before Sir Theodosius returned?

A. I believe he was.

Q. Was not Sir Theodosius and the prisoner to have rode out the next morning?

A. Yes.

Q. Then when you went out of his room to the prisoner, and he asked you if Sir Theodosius was ready, how came it you did not mention his being convulsed?

A. Because I thought it would go off.

Q. Did you before the Coroner mention about Mr. Donnellan saying, if I had not dipped my finger into the bottle I should not have known what to say?

A. Yes, I think I did.

Q. Pray what was the analogy of the conversation between Mr. Donnellan and his wife, that he instantly rung for the coachman?

A. I don't know.

Q. Was the circumstance of the prisoner's giving Sarah Blundell the bottle a second time, mentioned to the Coroner?

A. I don't recollect.

Q. Has not your son sent for a pound of arsenic at a time?

A. Yes, he has to poison fish and rats.

Q. Have you ever heard your son mention any thing of Captain Donnellan's behaviour to him?

A. They did not agree together.

From the Judge. Q. When Captain Donnellan mentioned

mentioned to his wife, did he seem to speak in an angry tone of voice?

A. I don't know.

CATHERINE AMOS, Sworn.

Q. Was you at Lawford-Hall when Sir Theodosius Boughton died?

A. Yes, I lived there as cook, and was called up stairs by Sarah Blundel, to wipe the froth from his mouth; he did not stir hand or foot, but his stomach heaved very much; he goggled very much in his throat. I then went down stairs, and in about half an hour, I saw Captain Donnellan, who said to me, it was very silly that Sir Theodosius had staid out so late a fishing, as he had been taking physic before that time.

Q. Did you see Mr. Donnellan the day the body was opened?

A. Yes, and he said there was nothing the matter, only a blood vessel was broke.

Question from the Judge, Did Sir Theodosius speak any thing after he had taken the bottle?

A. Nothing:—he lay down.

Q. Did you receive any thing from Captain Donnellan soon after Sir Theodosius's death?

A. Yes, a still to dry in an oven, which I did.

Rev. Mr. NEWSON, Sworn.

Q. Did you see Captain Donnellan at Lawford-Hall?

A. Yes, a few days previous to the death of Sir Theodosius, when he told me that Sir Theodosius had taken so much mercury, his blood was a mass of mercury and corruption, and had at that time a large swelling in his groin, which they were endeavouring to bring to a head; that they were fearful of its getting into his head, as he had frequent swellings in his throat, his breath was offensive, and his intellects were so much impaired that he scarce knew how to live with him. Upon which I replied, then his life is not worth two years purchase. He answered, no? not one.

D

I then

I then asked what advice he had, he said Mr. Powell; and he had his medicines mixed up from a prescription of Mr. Carr, at Northampton.

Q. Had you any reason to think from appearance that Sir Theodosius was not in health?

A. No, he looked very well, and was in great spirits.

Q. Do you know upon what terms Captain Donnellan and Sir Theodosius lived?

A. No, I do not.

Mr. William CARR, Surgeon, at Northampton.

Q. Did you attend Sir Theodosius?

A. Yes, but he was not disordered, he only a small wart on the glands of the penis. I gave him only a prescription for a lotion, but never prescribed for a medicine inwardly.

Dr. RATTRAY, Surgeon, Coventry.

On the 4th of September I received a note not signed, desiring I would come, and bring Mr. Wilmour with me to open the body of Sir Theodosius.

Q. Did you go?

A. Yes.

Q. Who did you see?

A. Captain Donnellan, who directly said to me, have you seen Sir William Wheeler. I replied no, but I expect him here; the coffin was ordered to be unfolded while we received some refreshment.

Q. Did you see any letter of Sir William Wheeler at that time?

A. Yes, he shewed me one, and only read one sentence from it, and Captain Donnellan said, gentlemen, you will excuse me, upon which we went up, and Mr. Wilmour said the body was too bad to open, upon which we agreed to go away without opening the body, as Captain Donnellan said the body was only meant to be opened for the satisfaction of the family.

Q. Did Captain Donnellan mention any thing of poison?

A. No.

Q. When

Q. When did you go to Lady Boughton's again?

A. On the 9th of September I received a letter, and went, where I found Mr. Snow and Mr. Wilmour in the Church-yard.

Q. How did the body then appear?

The body appeared swoln, the face extremely black, the tongue protruding beyond the teeth, and turned up towards the nose; the blackness diminishing as it went towards the breast; the body was spotted in several parts. We next proceeded to open the body, and the fat appeared to be in a dissolving state, the cavity of the lower belly, and the smaller arch of the stomach appeared inflamed. In opening the chest, the heart appeared to be in a natural state; the lungs appeared red and spotted, and on the back part the blood was settled of a deep red or purple colour. The diaphragm the blood was settled in the like manner. The kidneys appeared black and tender, as did the liver.

Q. What was your opinion of the body, when you thus saw it?

A. I do firmly believe that the draft mentioned by Lady Boughton, by the symptoms that followed, was the occasion of his death.

Q. Smell to that bottle, A. The liquid is laurel water.

Q. Would the medicine prescribed by Mr. Powell produce any such symptoms?

A. No, it is perfectly innocent.

Q. Have you made any experiments of laurel water?

A. Yes, in company with Mr. Wilmour. I did upon a middle sized dog, who dropt down dead in half an hour.

The next was to an aged mare at repeated intervals, about one pint and half, who instantly precipitated to the ground, where she lay and kicked, her eyes rolled, she gulphed, and in about fifteen minutes she expired. We then gave a cat about a spoonful of laurel water, and she died in a few minutes.

This week I gave about a pint to an aged mare, but the first horn full she dropped to the ground—she

endeavoured to raise herself up on her hinder parts—we gave her another horn, and she dropt—died greatly convulsed in twenty eight minutes—after she was dead the body heaved—All the bodies I have seen opened have a violent distention of the nerves full of blood.

Q. Do you know of any medicine that smells like laurel water?

A. No.

Q. Does it smell like bitter aloes?

A. Yes.

Q. Was the quantity of liquid in a phial of laurel water sufficient to kill a human body?

A. Yes.

Q. Then do you think Sir T. was poisoned?

A. Yes, as far as one may be allowed to form appearances after death.

Cross Examination.

Q. Then you say that after a body was so long dead, it was impossible to tell?

A. No, by no means, the analogy between the horses and the body were much alike.

Q. Was you not deterred from opening the body by a nauseous smell?

A. Yes, as we did not hear of any purpose it was to answer.

Q. Did you not undertake to acquaint Sir Wm. Wheeler with the same?

A. No, but as I went away Mr. Donnellan said, shall you see Sir W. Wheeler? — I replied, not that I know of—On the 6th of September I saw Sir W. Wheeler at the Black Dog—On the 9th of September I saw the body again.

Q. Does not five or six days in the heat of summer cause putrefaction to grow very fast?

A. Yes, but the body was in that point far better than I thought for.

Q. Did you and Mr. Wilmour agree in respect to your opinion of the body?

A. Yes,

A. Yes, in general, but I was rather a novice before the Coroner, not being used to a thing of the kind.

Q. Have you been much used to anatomical dissections?

A. Yes, as much as persons in general are that are not entirely bred to anatomy.

Q. Did you well observe the stomach after dissection?

A. Yes, there appeared about one spoonful and half of slimy matter, but not gritty that I perceived.

Q. What are the signs of inflammation?

A. A red appearance: we took out the stomach, and the liquor that issued out was of such a stench, that we did not pursue it.

Q. Was you not at the time of the Coroner's Inquest of opinion, that the body was poisoned by arsenic?

A. Yes.

Q. Then you think you were mistaken then?

A. Yes.

Q. Then why may not you be mistaken also now?

A. Because from what Lady Boughton said, laurel water seems much more the case.

Q. Might not the bursting of a blood vessel occasioned, by being made sick, bring on convulsions?

A. Yes.

Q. Do not persons who die of an epilepsy or apoplexy have the same symptoms?

A. No, I by no means think the symptoms alike, which Sir Theodosius is said to have had.

Q. Is it not customary when people are near dying that they froth at the mouth?

A. No.

Q. Is it not common when any medicine is given against the will to animals, that they froth at the mouth?

A. Yes, but where poison is given it always drives the blood as far as it can from the center of the body.

Q. Did

Q. Did you smell the liquor that came out of the body?

A. No other than what I was obliged to do, and which I then attributed to the volatile salt of the body, but I felt an acrimony on the tongue, and in all the operations I have made with laurel water, even by smelling to any open bottle, I have had the same acrimonious taste.

Mr. R. *WILMOUR*, Surgeon.

Q. When you went to Lawford-hall to examine the body, what part did you see?

A. Only the face.

Q. Was there any mention made by the prisoner or any other person about the suspicion of poison?

A. No.

Q. If there had, should you have been satisfied in going away as you did?

A. No, I certainly should have had the body opened.

From the Judge. Q. You have heard what Dr. Rattray has said respecting the experiments made on dogs and horses, in company with you; do you agree with him?

A. Yes.

Q. Do you think laurel water contained in a phial of the size of that the deceased took, sufficient to destroy human life?

A. Yes, I am confident it would any man in court, in half an hour; Epilepsy is of two kinds, *primary* and *systematic*. By the *primary* I mean that a man may in the midst of life, as Julius Cæsar did in the fullest health, drop down in convulsions, froth at the mouth, and afterwards either live or die.—By the *systematic*, I mean, where any symptom appears, as I have seen by experience, where from a small symptom at first, an epilepsy has been brought on, and the effect has been mortal.

Q. Do you know of what disorder Sir Theodosius died?

A. I

A. I have heard the evidence of Lady Boughton, and am confident that the death of Sir Theodosius was occasioned by taking the poisonous draught administered to him by Lady Boughton.

Dr. A S H, of Birmingham.

Gave his opinion that agreeable to the evidence he had heard of the symptoms of Sir Theodosius's death, that he died of a poison, and on opening the body there was that kind of smell which is generally to be found on the opening of animals, that are poisoned by vegetable poison, not mineral.

Dr. P A R S O N S, Professor of Anatomy at Oxford.

Gave it as his opinion, that from the nature of the constitution of Sir Theodosius, he was confident he died by taking the draught contained in the bottle given him by Lady Boughton, and the smell of laurel water was extremely similar to that of bitter aloes. The draught given him as prescribed by Mr. Powell, containing Jallap and Rheubarb, would by no means occasion any such symptoms, as Sir Theodosius had. Jallap disagreed with some, and caused a heaving at the stomach, but nothing dangerous, he thought the symptoms of Sir Theodosius were more like Apoplexy than Epilepsy.

Cross Examination.

Q. Did you never hear of a person dying suddenly in the prime of life.

A. Yes, there a variety of causes which will bring on an Epilepsy.--Laurel Water is of so dangerous a nature, that I have known death brought on by taking only two drachms.

SAMUEL BUCKNELL, Surgeon.

I went to Lawford-hall on my own accord, and saw Mr. Donnellan who I informed that hearing of Dr. Rattray and Mr. Wilmour having been there, and declined opening the body, I was willing to undertake it, and open the stomach for the satisfaction of the family, if he pleased.—Captain Donnellan replied,
that

that it would not be either fair or right to let any person meddle with the body after two men so eminent as Mr. Rattray and Mr. Wilmour had declined it—therefore I went away without opening the body.—On the 9th of September I went again and saw Captain Donnellan, and asked him if he had seen Sir William Wheeler? he said no, but he had received a letter from Sir William Wheeler, and he expected some gentlemen of the faculty, but he waited for Sir William Wheeler's further orders.

I went away, and returned in about an hour, and asked if Mr. Snow had been there? Captain Donnellan said yes, he has been here, and is gone; he has given the necessary directions, and I am very sorry you have given yourself so much unnecessary trouble; upon which I went away.

WILLIAM FROSS, *coachman to Lady Boughton.*

On the day of Sir Theodosius's death Captain Donnellan and my Lady was to have gone to the Wells to drink the waters.—He felt the girths, and said, they are fast, I believe Will.—He said Lady Boughton was not ready, upon which I then led my Lady's horse into the stable—where my Lady sent to me, and said, Will, go to Dr. Powell, and fetch him, for Sir Theodosius is very ill. I replied, my Lady there is no horse left but yours, that, says she, will not go fast enough.—I replied, the Captain is just gone out.—She said, go fetch him; I did—and some time after he called me into the parlour, and said, Will, which gate did I go out at this morning?—I replied, the iron gate, your honour. Upon which the Captain turned round to his wife, and said, there, you hear what Will says, —he will be a good evidence for me.

SAMUEL FROSS.

I went to Mr. Powell's for a medicine for Sir Theodosius, on Tuesday the 29th of August, 1780, and received it from Mr. Powell, which I brought home, between 5 and 6 o'clock, and gave to Sir Theodosius himself,

himself, who put it in his room.—We afterwards went to fishing, and Sir Theodosius sat on horseback to see us fish, the whole time, with his boots on. The next morning I went into his room, about six o'clock, to wake him, and get some straps to fix a net on a mare to go to Dunton a fishing, and Sir Theodosius jumped out of bed and fetched them, with a portmanteau, out of another room; and he then appeared in a good state of health.

Cross Examination.

Q. Who was present when you gave Sir Theodosius the medicine?

A. His sister.

Q. Did you see Mr. Donnellan that evening you was fishing?

A. Yes, he was walking in the garden.

Q. Was not Captain Donnellan in bed when Sir Theodosius came home at night?

A. I don't know, Sir Theodosius did not come home until it was dark.

MARY LYON.

I lived at Lady Boughton's until about a month before Sir Theodosius died. Captain Donnellan lived there all the while, and had a still which he used to distil roses in, but whether he used to distil any thing else I cannot say, the room where the still was was kept lockt.

FRANCIS AMOS, *gardener to Lady Boughton.*

I lived at Lawford-hall, and was out a fishing with Sir Theodosius the evening before he died.

Q. Was Captain Donnellan a fishing with you?

A. No.

Q. Did you hold any conversation with Captain Donnellan?

A. Yes, the evening of Sir Theodosius's death, Captain Donellan said, Gardener, now you shall live at your ease; you shall not be worked as you were in Sir Theodosius's time.—I have wanted to be master a long time, and now I am master, and will hold it.—

Captain Donnellan a few days after Sir Theodosius died, brought him a still to clean, which was full of wet lime, that the Captain said was to kill fleas.

Q. Have you ever gathered any thing out of the garden for the Captain to distil from ?

A. Yes, I have gathered him lavender

Q. Does your garden contain any laurel ?

A. Yes, a great deal, and bay-leaf too.

Q. Did Captain Donnellan say any thing to you on the morning of Sir Theodosius's decease ?

A. Yes, he desired me to get two pigeons for Sir Theodosius, who, he said, was very bad, and would die of that cursed disorder, the pox. I told him there were no pigeons fit ; and just as I was speaking to him, Lady Boughton came out, wringing her hands, saying, it was too late now, for Sir Theodosius was dead.

WILLIAM CROFTS, *one of the coroners inquest.*

I saw the prisoner at the time Lady Boughton was giving her evidence, pull her by the sleeve, when she mentioned the rining of the bottle in Sir Theodosius's room.

JOHN DERBYSHIRE, *a prisoner for debt in Warwick goal.*

I lived for above a month in the same room with the prisoner, and in a conversation I asked him, whether he thought the deceased was poisoned ? he replied, he had no doubt of it. I asked him, who could do it ? he answered, themselves. Who are themselves ? Why says he, his mother, himself, apothecary, and family. I replied, Sir Theodosius could not do it. No, said he, I don't think he would : the apothecary could not, for he would lose a patient : the footman could not, for he would lose a good master : and it was unnatural to think Lady Boughton would. He then talked of the covetousness of Lady Boughton ; said, she had received an anonymous letter the day after Sir Theodosius's death, charging her
with

with the death of her son; that she had desired him to conceal the letter from his wife, and had asked him to give up his claim to the personal estate.

Cross Examination.

Q. What are you?

A. I have been a reputable tradesman.

Q. Have you not failed twice?

A. Yes, I have been twice a bankrupt, but I fell fairly.

Q. Do you know Sir Alexander Leith and Mr. Pope?

A. I know Mr. Pope, but do not know, nor did I ever see, Sir Alexander Leith.

Sir WILLIAM WHEELER, Bart. *guardian to the deceased, sworn.*

Proved the letters that had been delivered into court, and the reason of his writing to Captain Donnellan was, on Friday the 1st of September, he heard of a suspicion of there being poison given. The next letter was the 4th of September, where he proposes to have the body opened, as Sir Theodosius was said to be killed by medicine or poison.

EDWARD ORME.

I received a letter from Mr. Roe, the goaler, directed to Mrs. Donnellan; it was not sealed, and I had curiosity enough to copy it; I took it to Rugby, and there gave it to a person to carry over to Lawford-hall.

Mr. ROE, *goaler.*

I delivered a letter to Orme, which I received from the servant who waits on Captain Donnellan.

Q. As the letter was not sealed, had you curiosity enough to open it?

A. Yes, I did, and read it.

The evidence on the part of the prosecution being closed, the letters which had been referred to were delivered into court, and his Lordship informed the prisoner, that then was the time for him to make his

defence; upon which the Prisoner delivered to the Clerk of the Arraignment, a written paper, which was read as follows :

P R I S O N E R S D E F E N C E .

My Lords and Gentlemen of the Jury.

Permit me at this unfortunate period of my life, to state to you, that many false and injurious reports have been industriously circulated concerning me, in the various town and country news papers, ever since I have been in confinement.—The reports have been equally injurious to my honor, and dangerous to my safety. I have most undeservedly laboured under a load of prejudice, such a load, as I believe, no man ever sustained, or at least was ever tried under.—I hope, however, that the integrity and justice of your Lordship, and the wisdom of you, Gentlemen of the Jury, will relieve me from any effect these wicked aspersions may have caused in the minds of men, and do me that strict justice which I have an indisputable right to. When I first married Mrs. Donnellan, I did it at the desire of her friends. I did it on the most liberal principles, and in the most generous manner, for I bound myself under such restrictions, that I could not receive even a life enjoyment in any estate of hers, either actual or in expectancy, without her consent.

What inducement then could I have to perpetrate so wicked, so cruel, and so horrid a deed, as I stand charged with, when no advantage could be derived to myself. We have lived together ever since my marriage in the most perfect harmony and friendship, and I trust that the manifold proofs of my friendship for the deceased, by having frequently interfered in quarrels, and kept him from differences that might endanger his person, will appear to you, Gentlemen, that my conduct was not like one that would wish to deprive another of his life.

Immediately

Immediately on the decease of Sir Theodosius, I wrote to his guardian, Sir W. Wheeler, to acquaint him of the melancholy event, and in pursuance to the answer I received, sent for the Doctors desired; they met, and the readiness I shewed for the body to be inspected, will, I am confident, sufficiently prove, that I was innocent of what I am charged.

I have to request, that you will not suffer the load of prejudice, that is gone forth, to act in the least degree against me, but that you will with candor and impartiality, do me strict justice, as you would expect it yourselves.

ANDREW MILLER, Post-master, keeps the Bear at Rugby.

In June 1778, there happened a quarrel between Sir Theodosius and Mr. Wildbore, and Mr. Donnellan was sent for, and I think he then prevented fighting, but it is so long ago, I do not perfectly remember the affair.

Mr. LOGGAN.

I was present at a quarrel between Sir Theodosius and Sir W. Millet, upon which Mr. Charters interfered, and a challenge ensued. Sir Theodosius sent for Mr. Donnellan, who came and prevented the quarrel coming to any dreadful issue.

Mr. HUNTER.

Q. Can any certain chirurgical reasons be given for the cause of Sir Theodosius's death, by the symptoms mentioned by Lady Boughton?

A. By the internal and external appearance of the dissection, nothing could be formed, except that of the putrefaction.

Q. If an apoplexy had come on, would not the symptoms been nearly the same?

A. Yes.

Q. Did you never know any young man die of an apoplexy?

A. Yes, but not very frequent. Young persons
more

more frequently die of an Epilepsy than of an Apoplexy:

Q. Did you ever know Laurel Water given to a human person?

A. No.

Q. Did you ever try poison on animals?

A. I have poisoned some thousands.

Q. Has poison the same effect on brutes as it has on the human species.

A. Opium and Arsenic will act alike, on the human frame and brute creation. It is a notion that brandy will kill a cat, I have tried it, and have killed many cats. Yet it is a mistaken maxim, for the reason is, that by being given contrary to the will of the animal, the violent struggling against it frequently occasions some of the liquor to reach the lungs, which is the cause of the death.

Q. Had you been present at the dissection, would you not have examined the intestines?

A. Had I been called on to give my opinion on a matter of the kind, I should have pursued my search to the intestines most certainly, as the bowels are the tract in which the poison must have worked, and had the head been opened it would have produced much greater satisfaction, as a large quantity of extravasated blood would have been found, had the body died of an epilepsy or apoplexy.

Q. Does it not frequently happen that where the father has died of an apoplexy, that the son has done the same?

A. In all cases *constitutional* diseases are liable to be hereditary, but no acquired disease can be communicated to a child.

Q. Having heard the description which the other gentlemen have given of the symptoms before death, and the appearances after, might not the same symptoms and appearances have been produced by other causes?

A. I have not the least doubt of it.

Cross Examination.

Q. Is it customary for persons that are not poisoned to froth at the mouth when dying?

A. The healthiest persons generally do froth when dying, and heaving is produced by the ceasing of the voluntary actions.

Q. Have you ever used laurel water to any animals?

A. I have given it to dogs by introducing it into the stomach and veins, and it has produced death, but not so suddenly as described by some of the witnesses.

Q. Do you conceive an apoplexy as a constitutional disorder?

A. Yes; as constitutional as any other.

Q. Would not laurel water have produced the same effects, as have been described by lady Boughton and the gentlemen of the faculty who have given their opinions?

A. I can conceive it might.

(From the judge) Q. Is it common for young men in health, and thin in person, as the late Sir Theodosius was, to die of an apoplexy?

A. Thin persons are not so liable to apoplexies as others, but health signifies nothing.

Q. Then, upon the whole, do you think that Sir Theodosius's death was caused by taking the draughts administered by lady Boughton?

A. I feel myself in a difficult situation. I do not mean to hesitate or keep back the truth; but it is a hard thing to say; it might be from that, or from many other causes; the healthiest persons are frequently taken off quite suddenly.

Here closed the evidence for the prisoner, upon which his Lordship began to sum up the whole of the evidence that had been given, which he did with great accuracy, candour and impartiality: as the evidence had been very long and a great part of it technical he desired the Council or Jury to set him right if he should

should by chance mistake any part of it. He reprobated the method of inserting in news-papers reports previous to a trial, as they undoubtedly were means of prejudicing people's minds, but he strictly charged the Jury not to pay any attention to the reports they had heard but adhere to the evidence that had been given.

His Lordship particularly adverted to the ringing of the bottles; the still being filled with lime the prisoner having mentioned that Sir Theodosius had got wet in the feet; the letters to Sir William Wheeler, &c. &c. and desired the Jury to find, if they could, answers to those facts. The indictment, he said, pointed out that arsenic had been used; that was perfectly immaterial whether it was arsenic, laurel water, or any other poison, if it appeared to them that the deceased had been poisoned it was sufficient, the next case for them to consider, was, whether the prisoner was the person who had poisoned him, and in cases of poison a strong chain of circumstantial evidence was as full proof as could possibly be expected.

The Jury went out of Court, and in about ten minutes time returned with a verdict, That he was **GUILTY**.

The clerk of the arraigns then asked the prisoner what he had to say why sentence of death should not be passed upon him, and on receiving no answer, his Lordship arose, put on his cap, and addressed him as follows:

JOHN DONNELLAN,

You now stand convicted on the clearest evidence that could be produced, of the crime of murder, which, of all crimes next to those against the state, the government, or the constitution, is the most atrocious. Of all murders, poisoning is the most horrible; and if there may be degrees allowed in that species of guilt, that of which you are now convicted surpasses all others of the kind that went before yours, as much as murder itself surpasses other crimes. The
place,

place, the manner, and the person on whom you committed this murder greatly enhance your guilt.— It was committed at a place where you had an opportunity of friendly intercourse with the deceased, and was little expected to commit an act of so horrid a nature. But your ambition has made you commit what every honest mind must shudder at. You have cut off the rising offspring of an ancient and respectable family. In the commission of this cruel act, avarice seems to have been your motive, and hypocrisy was your cloak. The greatness of his fortune has caused the greatness of your crime: you saw him likely to be in the possession shortly of an ample fortune, equal to support the ancient dignity of his family. You saw that his death would put you into the enjoyment of that fortune, and therefore wickedly determined to sacrifice the devoted youth who stood between you and your ambitious designs.

The blackness of your crime is the deeper still from the consideration that the unhappy youth stood in so near a relation to you, and that you took away his life under the treacherous mask of friendship, and a pretended care of his health. The instrument too, which you made choice of for this detested purpose, is an additional aggravation of your offence. It was not sufficient to sacrifice the life of the son, but you must pitch upon his unhappy mother for the innocent instrument of your foul purpose.

The act itself was not suddenly thought of. It was deliberated long, and the longer the deliberation was, the greater was your offence. It was accompanied with so many arts and so much previous caution that it seemed to defy detection, but from a fatality which ever attends actions of so black a die, and which I trust ever will attend all the secret designs of murder, circumstances have arisen that have brought to light the guilt which you used so much art to conceal.

For in most cases of murder Heaven generally

points out a door for conviction, which the murderer seems to think shut.

In your case there appears to be a peculiar interference of Heaven to bring the crime to light; for out of the very extraordinary pains which you took to conceal the offence, circumstances have arisen that are so singular in their nature, and so correspondent with each other that they have indubitably marked you as the perpetrator of this murder.

In a fact of so secret a kind, circumstantial evidence is the only evidence that can generally be expected; and in your case circumstances have appeared than which I will venture to say no stronger have ever been known. They have perfectly satisfied the Jury of your guilt; and I implicitly concur in opinion with them. In the detail of this evidence your letters to Sir William Wheeler are none of the weakest. They are full of the utmost deceit, and in them it appears, most clearly, that you have endeavoured to prevent that respectable gentleman from enquiring into the cause of the deceased's death, and your rinsing out the bottles, that nothing might be traced from them, appears to me as plain a proof of your guilt as possibility could produce. After you have been convicted on so clear an evidence, you cannot expect to meet with any thing but strict justice here, but you will shortly appear before an awful tribunal, where the secrets of all men's hearts are laid open, and however you might hope to elude the penetration of an earthly judge, that Almighty and all-knowing judge, at whose bar you are next to render account of this unhappy fact, is already acquainted with the inmost devices of your heart.—The education you have had must convince you of this truth, and that during the short time you have now to live, a deep contrition for your manifold sins is the only means you have left to make your peace hereafter.—May the Almighty in his utmost wisdom pardon you!