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THE TRIAL
OF
ADELAIDE BARTLETT
FOR
Murder.

Ballantyne Press
BALLANTYNE, HANSON AND CO., EDINBURGH
CHANDOS STREET, LONDON

THE TRIAL
OF
ADELAIDE BARTLETT
FOR

Murder

HELD AT THE CENTRAL CRIMINAL COURT

FROM MONDAY, APRIL 12, TO SATURDAY, APRIL 17, 1886.

COMPLETE AND REVISED REPORT

EDITED BY

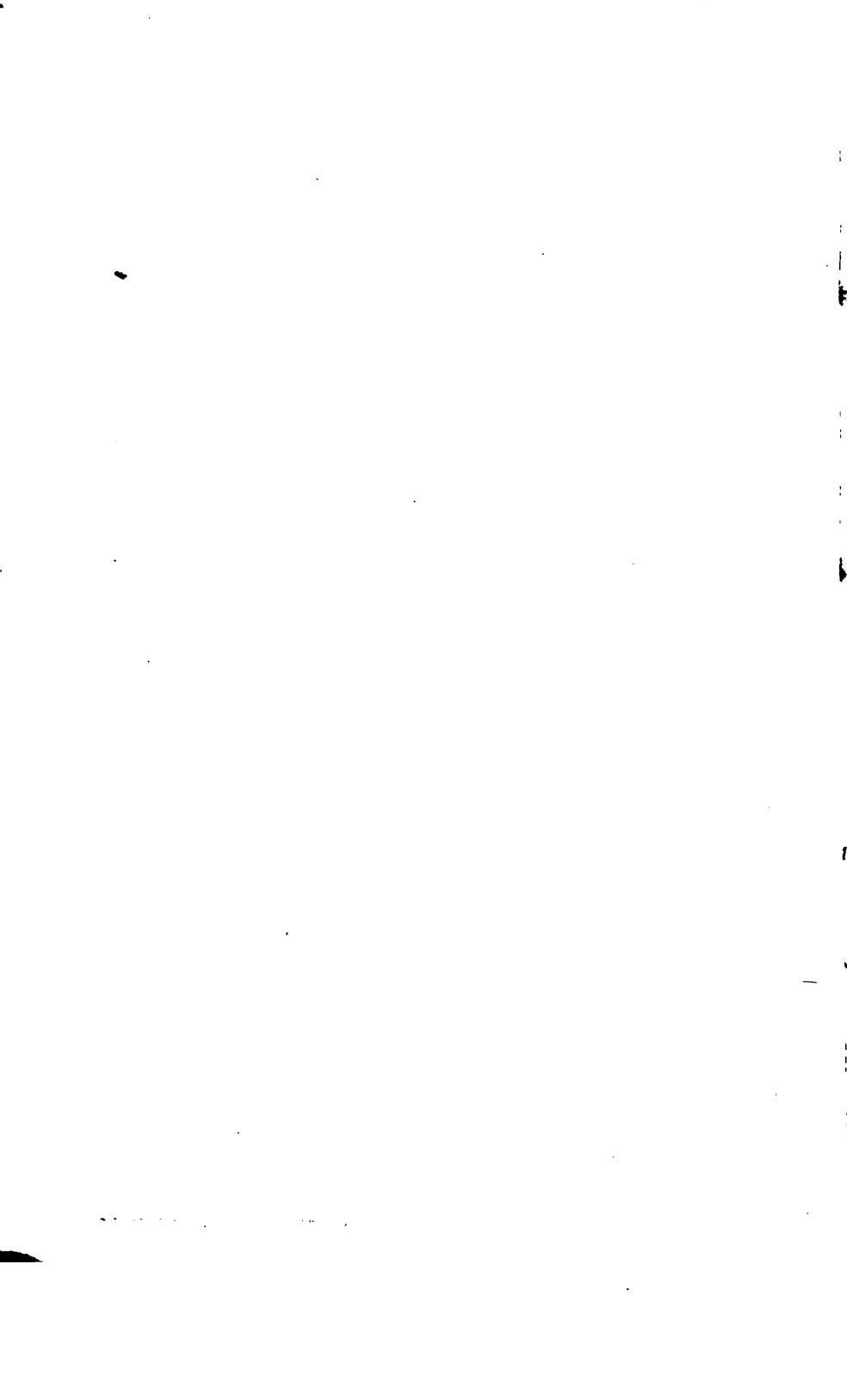
EDWARD BEAL, B.A. CANTAB.

Of the Middle Temple, Barrister-at-Law.

With a Preface by

EDWARD CLARKE, Q.C., M.P.

LONDON:
STEVENS AND HAYNES,
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1886.



TO
THE HONOURABLE SIR ALFRED WILLS, KNIGHT,
ONE OF HER MAJESTY'S JUDGES
OF THE
QUEEN'S BENCH DIVISION OF THE HIGH COURT OF JUSTICE,
THIS VOLUME
IS,
BY HIS KIND PERMISSION,
MOST RESPECTFULLY
Dedicated.



P R E F A C E.

THE case, of which a complete and corrected report will be found in this volume, attracted so much public attention, and had in it so many elements of enduring interest, that I think it desirable that it should be recorded in a permanent and convenient form. The very large correspondence which came to me during the progress of the case from members of the medical profession, showed that the questions which had to be discussed were felt to be of great importance in the study of Medical Jurisprudence, and I have never known a case, or at all events not more than one, which had in itself so strong a dramatic interest. The strange relations between the prisoner and the husband with whose murder she was charged, the yet more strange relations between her and the man who in the first instance was included in the accusation, together with the exceptional circumstances of his acquittal and his immediate appearance in the witness-box, fully explain the great public interest which existed during the trial, and which culminated in the very remarkable scene which followed its conclusion. It was at my request that my friend Mr. Edward Beal—from whom as well as from Mr. Mead I received during the case the most diligent and admirable assistance—has undertaken the duty, which he was specially qualified to perform, of preparing this volume for the press, and I am greatly obliged to him for the care which he has given to his task. Mr. Justice Wills has been good enough to revise the report of his summing-up, and Sir Charles Russell has kindly performed the same service in respect of his

opening speech and reply. Mr. Sidney Plowman, of St. Thomas's Hospital, has supervised the medical references in the report, and thereby added to the obligation under which all concerned in the defence already stood for his assistance during the case. I trust that the volume may be found useful to all students of the administration of the law.

EDWARD CLARKE.

5 ESSEX COURT, TEMPLE :

July 1886.

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REGINA v. BARTLETT AND DYSON.



MONDAY, APRIL 12, TO SATURDAY, APRIL 17, 1886.

Before the Hon. Mr. Justice Wills, at the Central Criminal Court.

Counsel for the Prosecution : THE ATTORNEY-GENERAL (SIR CHARLES RUSSELL, Q.C., M.P.), MR. POLAND, MR. R. S. WRIGHT, AND MR. MOLONEY.

Counsel for the Defence of Mrs. Bartlett : MR. EDWARD CLARKE, Q.C., M.P.; MR. MEAD, AND MR. EDWARD BEAL.

Counsel for the Defence of Rev. G. Dyson : MR. LOCKWOOD, Q.C., M.P.; AND MR. CHARLES MATHEWS.

Solicitor for the Prosecution : SOLICITOR TO THE TREASURY.

Solicitor for Mrs. Bartlett : MR. E. N. WOOD.

Solicitors for Rev. G. Dyson : MESSRS. LEWIS & LEWIS.

TRIAL OF ADELAIDE BARTLETT.

FIRST DAY'S PROCEEDINGS.

MONDAY, APRIL 12, 1886.

Mr. *Lockwood*.—My Lord, before the Court proceeds to arraign the prisoners, I appear before your Lordship with my learned friend Mr. Charles Matthews on behalf of the prisoner Dyson, and with reference to the course that is to be pursued in this court, I do not propose to go at any length into the reason for making the application that I am about to make to your Lordship, because that would be obviously an inconvenient course. Therefore, I do not think it necessary to do it, because I am sure your Lordship is fully familiar from the depositions with the main facts of this case. Those main facts are also very familiar both to my learned friend and myself, and, having regard to those facts contained in those depositions, I make this application on behalf of my client, that the prisoners be tried separately.

Mr. JUSTICE WILLS.—I quite understand and anticipate your reasons, Mr. Lockwood; they are patent to anybody who has read such depositions as these.

Mr. *Clarke*.—My Lord, the application that my learned friend has made on behalf of his client I know is made upon his own responsibility; but it is one that I most sincerely concur in, for reasons which your Lordship may anticipate.

The *Attorney-General*.—It is unnecessary, my Lord, to consider the application that has been made, because of the course which, after the anxious and careful consideration my learned friends and myself have given to this matter, we have resolved to take. We have come to the conclusion that there is no case to be submitted to the Jury upon which we could properly ask them to convict George Dyson, and after his arraignment we propose to offer no evidence against him.

Mr. JUSTICE WILLS.—All I have to say upon this subject is that it is in the competence of the Crown to take such course as they think fit to take, and no one can doubt that it is taken under a due sense of responsibility. With regard to matters, I think the more proper course, for every reason, is that I should express no opinion about it one way or the other; any expression of mine shall be reserved until the case has been investigated against the other prisoner.

A *Juror*.—I beg to inform your Lordship, as to Mr. Dyson, that I am a personal friend of his.

Mr. JUSTICE WILLS.—Well, that is no disqualification.

The *Attorney-General*.—If the Crown expresses no opinion upon the question, I may say that Mr. Dyson may certainly be called as a witness.

There can be no desire that any personal friend of his should be on the Jury. I will therefore, on behalf of the Crown, ask the gentleman to stand by.

[The Juror retired, and another gentleman was substituted in his place.]

The prisoners pleaded NOT GUILTY.

The Jury were then sworn, and both prisoners were given in charge on the indictment, and also on the Coroner's inquisition.

The *Attorney-General*.—My Lord, I offer no evidence on the part of the Crown against Mr. Dyson; and in taking that course we follow the course that was taken by the late Lord Chief Baron Pollock, and offer no evidence against him.

Mr. JUSTICE WILLS.—Gentlemen, the Attorney-General, who appears for the Crown in this case, having thoroughly considered the matter, and having the best means of knowledge of anybody, and acting under a grave sense of responsibility, has decided that the proper course to be followed in this case is to offer no evidence on the part of the Crown against Mr. Dyson. Therefore your duty is to say at once that he is Not Guilty.

The *Foreman*.—NOT GUILTY, my Lord.

Mr. *Lockwood*.—I do not know whether your Lordship will take upon yourself formally to discharge him.

Mr. JUSTICE WILLS.—Yes; he is entitled to his discharge; the Grand Jury are not sitting.

The *Attorney-General*.—My Lord, and gentlemen of the Jury,—It now becomes my duty to lay before you, as clearly as I can, the facts of this case in support of the very serious charge upon which the prisoner at the bar is arraigned. Before I enter upon these facts, I owe a word of explanation as to the course which has just been taken in reference to Mr. Dyson. There would have been great inconvenience in trying these prisoners together. As my learned friend Mr. Lockwood, however, has applied they should be tried separately, that removes any inconvenience, which possibly might result in injustice; but that is a question which need not at this moment be decided. There would be a still greater inconvenience, and even greater peril of injustice, if they had been tried together, because if they were tried together the statements which have been made by Mr. Dyson would have been admissible in evidence on the part of the prosecution as evidence against him, but which statements, except in so far as they were proved to have been made in the hearing and presence of the prisoner, would not have been any evidence whatever against her. You cannot fail to see that, although it would not be evidence against her, her case might be prejudiced by statements so proved to have been made by the other prisoner, and it would have been obviously unjust to her that she should have been in any way affected by statements made by him, some of which were not made on oath, and as to none of which could her learned Counsel have an opportunity before you of cross-examining the man who made them. But beyond this consideration, gentlemen, as I am sure you will believe, we, representing the interests of the Crown and the interests of the public, having carefully examined for ourselves whether there was a case which it would be proper to lay before you, and upon which it would have been proper for you to have been asked to give a decision, felt certain upon the best consideration that we could give to the case—in view not only of the evidence given at the previous inquiry, but as the result of later and of more extended inquiry and examination—we came to the conclusion that, after we had exhausted the evidence at our command, the learned Judge who presides

here would in all probability ask me to say, would certainly have felt called upon to ask the counsel for the prosecution whether in fact there was a case proper to be considered by the Jury against Mr. Dyson, and we should have felt called upon to say, as we now say, that although there are circumstances of some suspicion in the case against Mr. Dyson, yet that upon the whole there is no rule by which we should have been justified in asking it to be considered by you in the box upon the question of his guilt.

Now, gentlemen of the Jury, the prisoner at the bar, Adelaide Bartlett, is charged with the murder of her husband, that murder having taken place—if it were a murder—either on the night of December 31, or early on the morning of January 1 in the present year. The deceased was a man named Thomas Edwin Bartlett. He was at the time of his death forty years of age. He had married the prisoner at the bar on April 9, 1875, at the parish church of Croydon. She is now some thirty or thirty-one years of age, having been born in the month of December 1855. Her maiden name—for she was a Frenchwoman—was Adelaide Blanche de la Tremoille. She was born at Orleans in the year and month I have stated. She appears to have met her husband for the first time in the beginning of 1875, while she was staying or lodging with one Charles Bartlett, a brother of the deceased. Thomas Edwin Bartlett started in business some thirteen years ago, in partnership with a Mr. Baxter, in the neighbourhood of Herne Hill and Dulwich. Their business, being that of grocers, apparently thrived and grew—until, at the time of his death, the deceased was owner, or part owner, and interested in altogether some six shops or places of business, which are about Brixton, Dulwich, and that neighbourhood. After the marriage, which occurred, as I have told you, in the month of April 1875, this lady was sent to school—or went to school, perhaps I ought more correctly to say—at Stoke Newington, and during the vacation she cohabited with her husband. At a later period she went to a convent school in Belgium, where she remained for some eighteen months, and in the intervals of the vacation she was in the habit of rejoining her husband. In 1877 she came to live with her husband, and at that time they took up their residence at one of the shops of the deceased—namely, a shop in Station Road, Herne Hill—and they continued to live there from the year 1877 till 1883. In the Christmas of 1881 the prisoner gave birth to a stillborn child, and on that occasion the pain of labour seems to have been exceptionally great; and she seems to have formed the resolution, or at all events to have expressed a resolution, that she would have no more children.

In 1882 the deceased and his wife, the prisoner at the bar, moved to a place in Lordship Lane, also one of the deceased's shops. In 1883 they removed to The Cottage at Merton Abbey, not far from Wimbledon, and there they remained until the month of September 1885.

Early in 1885 the deceased and the prisoner at the bar first made the acquaintance of George Dyson, who a few moments ago stood in that dock. He is a man, I think, of some twenty-seven or thirty years of age. He is a Wesleyan, and I believe is a Wesleyan minister. He had graduated at Trinity College, Dublin, and he was the son of a Wesleyan minister at Poole, who, I believe, is well known and respected; and, finally, Mr. George Dyson was placed in charge of some Wesleyan chapel, and the congregation belonging to it, in the neighbourhood of Putney. He seems very early to have become acquainted with the deceased and with the prisoner at the bar. Their acquaintance, I think, began by the prisoner and her husband attending at his place of worship. He seems to have

been in the habit of visiting and dining and being on close terms of social intimacy with the deceased and with the prisoner at the bar; and there is no doubt that, so far as the evidence enables one to judge, his acquaintance and his friendship seem to have been greatly valued, if I may judge by some letters which are put before me, by the deceased himself.

I have given, gentlemen, the narration in the order in which you may probably find it most convenient—namely, in the order of time. In the month of September 1885, the deceased made his will—on the 3rd of September; and by that will, which was witnessed by two of his own clerks in one of his places of business, he left all he possessed to the prisoner at the bar, and by that will he made Mr. Dyson and a solicitor, Mr. Wood, the executors.

Gentlemen, whether that was the first will that the deceased made may be doubted. There seems to be some suggestion, in the statement of a witness who will be called before you, that he had made a previous will, unquestionably benefiting his wife, but supposed to contain, according to her statement of it, some restriction upon the benefits which she was to receive under it—in this sense, that if she married again those benefits should cease, or should be lessened.

There is no doubt, as regards the will of September 1885, both Mr. Dyson and the prisoner knew the contents of that will.

Now, gentlemen, the next date is October 1885. About that date the deceased and his wife moved to Claverton Street—No. 85, I think—where they had lodgings on the first or drawing-room floor, consisting of the drawing-room, which faced the street, and of a bedroom opening from and behind the drawing-room; and they continued to live there from the month of October 1885 until the date of his death, on the night of December 31, or the morning of January 1 in this year.

Mr. Dyson's intimacy was continued with the deceased and his wife down to the time of the husband's death; and, as I have mentioned, the will by which his wife, the prisoner at the bar, was benefited—in fact, the sole person benefited—had been made. And it is right to state that so far as the evidence which we have to offer to you on the part of the Crown, and of course we shall put before you all the evidence we have, whether it makes for or against the prisoner at the bar, does not point to the existence of any quarrel between the husband and wife. There is no evidence that points to any existing ill-will between the husband and wife. They seemed to have lived, so far as ordinary observers could see and judge, upon fairly good terms.

In the month of December 1885, while they were continuing to live at Claverton Street, the deceased, for I believe the first time in his life, became seriously ill. That illness began on December 10. There was something which excited curiosity and some surprise on the part of the medical man who attended him in some of the symptoms which his condition disclosed. The state of his gums particularly suggested to the medical man who was called in, and who will be called before you, that his illness was certainly due to mercury having been in some fashion or other taken by him, or administered to him; but although he then suffered, and undoubtedly severely suffered, it was simply in the form of nervous depression, sleeplessness, and so forth; and Dr. Leach will tell you that from the illness he had on that day he had entirely recovered. He was also apparently troubled with his teeth, which seem to have been in a very bad state, and which required the assistance of a dentist on several occasions.

On December 19—the ordinary medical attendant, being the gentleman whose name I have mentioned, Dr. Leach—a Dr. Dudley was

also called in. I will not stop to explain why Dr. Dudley was called in. Dr. Leach attributes to the deceased a suggestion certainly of some very extraordinary kind—namely, that the deceased himself thought it was advisable that a second doctor should be called in lest the friends of the deceased should suspect, if anything happened to him, that Mrs. Bartlett, his wife, was poisoning him—a very extraordinary suggestion certainly; but that is a suggestion, and is a statement that he had already made, which Dr. Leach attributes to the deceased man.

I ought, perhaps, in this connection, to say that, although there is no evidence of any feeling of ill-will existing between the husband and the wife, she did not seem to have got on very cordially with his relations, and notably with the father of her husband. She seems to have kept him at arm's length, and during the illness to which I am now adverting, in the month of December, she wrote a letter, which will be read, and which, while disclaiming any intention of being otherwise than desiring to be on friendly relations with her husband's father, she in effect stated to him.—I do not stop to read it at this moment, it will be put in in the course of the case—she in effect stated to him that he must consider himself, in the matter of visits, simply like any other ordinary visitor; in other words, that he could not come and go as he liked, but as he was told he might come. The relation, therefore, between them seems to have been a little strained.

Now, gentlemen, by that 19th of December the symptoms that had excited the curiosity and surprise of Dr. Leach had passed away, and the deceased was upon a fair way of recovery. By December 24 he was practically convalescent, and it was arranged that he should upon an early day, for change of air, go to some seaside place, and I think Torquay was mentioned, and by that time—by the 24th or 26th of December—Dr. Leach will tell you that he was practically well, although he was still suffering from weakness, and so forth, from the illness from which he was recovering. On December 28 he went out for a drive, and came back, showing in the food which he was able to take, and the appetite which he displayed for it, every sign of returning to his ordinary health.

Now, gentlemen, that brings us to December 28. On December 27 one important thing took place. It was this, that on that 27th of December the prisoner at the bar applied to Mr. Dyson to procure for her a considerable quantity of chloroform; and he did procure it for her in the way and under the circumstances which I will detail to you. That she had the chloroform will not depend upon Dyson's statement only; for, indeed, it will be made clear that she had the chloroform apart wholly from Dyson's statement. She gave to him a reason that she had used it before with effect for her husband; that he was suffering from what she called an internal ailment, an affliction of long standing; that this internal affliction or ailment had upon previous occasions given him paroxysms. She expressed apparently some belief that he might die suddenly in one of those paroxysms. She said that upon previous occasions she had obtained the chloroform, which she alleged she had used, through the instrumentality of one Annie Walker. She said that Annie Walker was not then within her knowledge as to her residence and so forth. Indeed, she suggested that she had gone to America, and she said that, on one of those occasions on which her husband had suffered from this internal ailment or affliction, a Dr. Nichols, of Fopstone Road, Earl's Court, had said to her that her husband, Mr. Bartlett, would die soon.

Now, gentlemen, according to the evidence which will be laid before you, there was apparently no ground for suggesting that he was suffering

from any internal ailment or affliction. I think she used on one occasion the word "growth." It is not true that she had through the instrumentality of Annie Walker on previous occasions obtained chloroform and applied it for external purposes; and it is not true that Dr. Nichols, of Fopstone Road, Earl's Court, had ever been called in in relation to this matter, or expressed any opinion as to the possible sudden death or dying soon which was attributed to him.

Gentlemen, I think you will—I will say you may—when you have heard the whole of this case, and especially when you hear some extraordinary statements made by the prisoner herself to Dr. Leach, come to the conclusion that she had somehow or other obtained considerable influence over Mr. Dyson. He meekly yielded to her request, and he proceeded to obtain for her the chloroform which she demanded. But it is proper to say at once that he did that by making application to three persons, to all of whom he would appear to have been known, and one of whom had his shop or place of business within, I think, fifty paces of the Wesleyan chapel of which Mr. Dyson was the minister. He does certainly at one place—I am not sure whether it was that of the person who supplied the drug—make a statement. My friend Mr. Clarke reminds me that I ought, perhaps, not to dwell upon what took place then. It is enough to say that he got the chloroform at those places—first at the shop of a man called Humble, which was, I think, within a very short distance of the chapel. Another vendor was Mr. Penrose, at Wimbledon; and another a Mr. Mellin, also at Wimbledon. Portions, I think, of the chloroform so obtained were methylated, but it was all put into one bottle, and I think the entire quantity altogether—certainly a large, and I believe an unusual, quantity—was about, or exceeded, four ounces.

On December 29 the chloroform was given to the prisoner at the bar. On December 30 the deceased was so well that Dr. Leach, who was in attendance, declared that it was unnecessary for him to keep up his medical visits; and on December 30 and December 31 the deceased appeared to have regained almost his usual health and usual spirits. And on December 31, according to the statement which Dr. Leach attributes to Mrs. Bartlett, the prisoner at the bar was on particularly affectionate terms with her husband; in fact, she is stated to have declared that she wished they were unmarried in order that she might have the happiness of marrying him again. On that 31st of December the deceased takes his dinner with a healthy appetite. He takes his supper, and, indeed, makes arrangements for his breakfast the next morning, and directs what was to be prepared for his breakfast. I ought perhaps to have said that, living in lodgings, they had no regular servant. The persons in the house appear to have attended to them. My friend reminds me that on that 31st of December he had in fact been to see the dentist. On that night of December 31, about half-past ten o'clock, Mrs. Bartlett told the servant that she need not come again; and, according to the landlady, Mrs. Doggett, who will be called before you, Mr. Bartlett, in the course of conversation that day, appears to have made an inquiry as to whether she (Mrs. Doggett) had ever taken chloroform, or knew anything about the effects of chloroform. Mr. and Mrs. Doggett sat up to see the New Year in, and did not go to bed until after the midnight hour had passed. At four o'clock the next morning, January 1, the house was aroused by Mrs. Bartlett, and it was discovered that her husband was dead in bed.

Gentlemen, I think I had better at this stage—although the account was not given until a considerably later period—tell you what the explanation was which this lady gave of the occurrence of the night of

December 31 and the morning of January 1. It appears that on this night—and that had been the course pursued during his recent illness—the deceased slept on the bed, not in the bedroom, but in the drawing-room, in a place near the window of that room, and that the prisoner at the bar rested on a couch which was in the same room. Her statement was, that when her husband went to bed she sat down at the foot of the bed; that her hand was resting upon his feet; that she dozed off in her chair; that she awaked with a sensation of cramp in her hand or her arm, and she was then horrified to find that her husband's feet were dead cold; that she tried to pour some brandy down his throat, and she found he was dead; that she then aroused the household, and I think the first person who came into the room was Mr. Doggett, the landlord. He was, as you may well suppose, shocked at the occurrence. He will tell you his observations that he made at the time of the condition of the room; and, notably, he will tell you that he observed no bottle on the mantel-shelf. He noticed a smell, which suggested to his mind chloric ether; and he noticed that the fire in the room was well made up, as if it had been well attended to.

So far, gentlemen, as to the events of that morning. Dr. Leach was promptly sent for. He finds, so far as external examination could enable him to judge, nothing to account for death. He saw no bottle of chloroform, but he does see a small bottle with a very insignificant portion—a little more than two drops—of chlorodyne in it, which he says was either on the mantel-piece or somewhere else. Mr. Doggett, the landlord, is registrar of births and deaths, and he promptly and, as I have no doubt you will believe, most properly declined to register the death until there was a post-mortem examination. You will find that so perplexed was Dr. Leach as to the cause of death that he asked the prisoner at the bar, and pressed her as to whether it was possible that the deceased could have got hold of any poison, and she said that she could not suppose he could have got hold of any poison; that he had no poison, and could not have got it, or had it, without her knowledge.

On January 2 the post-mortem examination took place, and at that examination the persons who took part in it (the medical men) were five—Drs. Green, Murray, Dudley, Cheyne, and Leach. I ought to say that one of the doctors—Dr. Green—who has been examined before the Magistrate, and whose evidence had been taken down in the presence of the prisoner with great minuteness and detail before the Magistrate, and in the presence of the prisoner, and in the presence of her Counsel, who had then the opportunity of cross-examining—I regret to say that Dr. Green is so seriously ill as to render it impossible that he should attend in person here at this court. Of course before his deposition can be read; before his examination-in-chief and his cross-examination can be read, it will be necessary to satisfy my Lord that the facts are as I have stated—namely, that Dr. Green is in such a condition as to render it impossible, from ill-health, that he should be able to attend at this court. One other of the doctors, Dr. Cheyne, is now, as I understand, in Berlin; but you will have before you the fully taken and carefully taken cross-examination of Dr. Green, and the *vivâ voce* evidence given before you in this court of Dr. Murray, Dr. Dudley, and also the evidence of Dr. Leach, whose part, I think, on this occasion it was noting down the symptoms which were observed in the course of the post-mortem examination.

Gentlemen, the first thing that attracted their attention was the overpowering smell of chloroform in the stomach, described by some of them—I think by Dr. Green—as almost as strong as a freshly opened bottle

of chloroform; showing that the chloroform had somehow or other got into the stomach of the deceased at a comparatively recent time.

Their examination was next directed—indeed, it was all along directed—to see whether or not there was in the condition of the deceased, in the condition of his heart, or lungs, or liver, or any vital organ, anything in any way to account for, or to suggest the cause of, death; and they came to the conclusion that there was nothing in the most remote degree to account for the death in the condition of the heart, the lungs, the liver, in fact, anything in the physical condition of the man; and I think in this inquiry, probably, when you have heard the evidence, you will have little difficulty in coming to this conclusion, that the deceased's death was caused by the chloroform, the evidence of the existence of which was disclosed at the post-mortem examination, and that the serious and real question in this case will be, How came the chloroform there?

Gentlemen, several interviews occurred between Mr. Dyson and the prisoner and other persons, notably including Mrs. Matthews and Dr. Leach, to which I do not desire at this stage to refer in any detail. They contained some very curious statements, but so curious that I prefer that in the main, and certainly in detail, with one exception, I shall prefer that you should hear them from the witnesses as they are called before you. That one exception is the statement which the prisoner at the bar made as to the chloroform itself, as to the point of whether she had in any way, and how, used it as to the purpose for which she alleged to Dr. Leach that she had obtained it. That I cannot except, but must trouble you with now.

Now, gentlemen, the first statement she made to Dr. Leach, or the first conversation in reference to the chloroform, was on January 6. He appears to have had on that day a long interview with her. He appears, indeed, to have gone the length of reading over to her the post-mortem notes which he had taken, and she asked—if Dr. Leach is to be relied upon—on that occasion, “Can he have died from chloroform?” and Dr. Leach, on that occasion, appears to have suggested chlorodyne as the cause of death, and not chloroform. She had a conversation on the same day, or about the same time, with Mrs. and with Mr. Matthews.

Gentlemen, on January 7 the Coroner's Jury met, and adjourned from January 7 to February 4; for you will observe that, although there was this post-mortem examination on the 2nd, to which I have adverted, there had not been at this time, nor up to this time, any examination in the nature of an analytical one of the stomach, or the contents of the stomach.

Between January 7, when the Coroner's Jury first met, and January 26, the prisoner at the bar had several interviews with several people; and on January 11 the contents of the stomach of the deceased were taken to the analyst, Dr. Stevenson, who again discovers, and will tell you then discovers, or notices, a smell of chloroform, and ascertained the fact of the marked presence of chloroform in the stomach. At that date also was brought to him a bottle, and I ought to notice the fact without dwelling upon it with significance, if it has any significance, at this moment. I also introduce the fact that, in the examination in Claverton Street, some French letters were discovered in the clothes at Claverton Street—in the clothes, you will understand, of the deceased, the husband. Meanwhile, gentlemen, on January 26 the prisoner again sees Dr. Leach, and it is on that occasion that she makes the statement that I told you I must trouble you with in some little detail—a statement of a very extraordinary kind, following upon the announcement of the fact that chloroform had been discovered in the stomach, and that that was pointed

to as a probable—nay, the almost certain—cause of death. The police had been meanwhile making inquiries, and had probably begun to get upon the track of those who supplied the chloroform in question.

On January 26 the prisoner at the bar was told by Dr. Leach that chloroform was assigned as the cause of death; that it was lucky for her it was not prussic acid, or secret poison, as she might be suspected if it had been poison of that nature. She answered that she wished it were anything else than chloroform; and then, after some further conversation, she made a statement, the substance of which I am about to tell you, but which resulted practically as to one point in an admission that she had had in her possession—I will tell you her motive and object, as she then explained them—that she had in her possession chloroform upon the occasion in question; and, indeed, a similar statement, so far as that point is concerned, she made with perhaps more circumstantiality to Mrs. Matthews, to the effect that she had after this tragedy on the morning of January 6 emptied the contents and thrown the bottle itself away. But her story was this. She said that her relations with her husband had not been pleasant relations; that there had been no sexual intercourse between them for a considerable period of time; that he had himself, in conversation, spoken to her as if contemplating his own death, and in that case making her over to Dyson; that when after his illness, to which I have adverted, he was returning to health, that with returning health he seemed to have manifested some desire to renew sexual intercourse with her; that she did not desire this; that she desired to prevent it; and that she considered that she had been made over in the future to Dyson, and she did not desire to allow her husband to have any intercourse with her; but that, when he was manifesting, with returning health, a desire to renew that intercourse, she desired to have the chloroform for the purpose of waving it before his face, lulling him into a kind of stupor, and so prevent him giving effect to his sexual passion. That is the story she tells.

Gentlemen, she did not appear before the Coroner at the Coroner's inquiry. She was there, but she did not tender herself to give evidence or any explanation; but I would not, of course, have you at all to understand from that fact that any inference is, or ought to be, drawn against her. I only wish that you should understand exactly how the matter was.

Mr. Dyson did come before the Coroner's Jury, and did make a lengthened statement. If he were on his trial with the prisoner at the bar that statement, of course, could be read before you, and would be evidence in the case against him. As it is, that statement, so far as it has any bearing on the serious question you will hereafter have to determine, will be made by him in the witness-box on his oath, face to face with the prisoner, before you and my Lord, and under conditions that will insure, by the cross-examination of my learned friend, every test which my friend's experience and ingenuity can suggest as to its truth. It is not my duty to say anything here, or in this connection, in relief of Mr. Dyson so far as concerns the question of indiscretion and of culpability. When you have heard the witness you will be able to judge whether indiscretion and culpability of that meaning and kind can be or not properly attributed to him.

Now, gentlemen, in the result the Coroner's Jury found a verdict of Wilful Murder. Since that, it has, of course, been the duty of those who represent the Crown, desiring to see nothing done but justice, to inquire into the facts and circumstances of the case, with the result that they have felt bound to take the course that they have announced as necessary to take at the beginning of this trial.

Gentlemen, I now come to the question which you probably will find is the real question in this case. For the reasons which I have already given, you will probably have no difficulty in coming to the conclusion that the deceased died from the effects of chloroform, which chloroform found its way somehow or other to his stomach. How did it get there? So far as I know, there are only three ways in which it could have got there. The first of those ways is that the deceased himself should have intentionally taken it with the view of destroying his life. I submit, when you have heard the facts, that you will find nothing in the circumstances of the case to support, or even to lend an air of plausibility to, that suggestion. He was in returning health, in improved spirits, and, as I have told you, he had gone to his bed on that night having made arrangements as to what he should desire for breakfast next morning.

As to the second possible suggestion—that he took it accidentally—that is to say, that he had no intention of taking the thing to injure himself, but that he took it accidentally.

Gentlemen, you will be told by those—your own common experience may perhaps enable you to judge that—but you will be told by those who know the qualities of this particular thing—the chloroform—that it is in the highest degree improbable that a man, if he accidentally poured out into a glass or tumbler this liquid, would not at once perceive the mistake he had made even before it was raised to his lips, but that the moment it touched he must become—he could not fail to become (provided always that it reaches his lips when he was in the act of consciousness)—he could not have failed to notice that it was something which he ought not to take. But, further, gentlemen, it will be shown to you by evidence (as to the reliability of it you must judge) that if it was taken with the intention of committing suicide or if taken accidentally, then the effect of the thing itself taken by the throat into the stomach, the pain it causes is so acute that no amount of self-control which any one could suppose to exist could restrain the paroxysms that would follow of pain, followed by contortion and by outcry and by exclamation, which could not have failed to attract attention. That the great probability is that if taken accidentally—and probably, not to put it higher than that—if taken intentionally, the person who administered it to himself could not restrain the strong expression by voice and by moan of the pain and agony which the administration of it had caused.

Gentlemen, there remains in the opinions of the medical men only one other mode. You will say, of course, that if it was administered by any third person the physical effect would be the same; that there would be the same outcry, the same acute pain, and so forth; and you would be quite right, provided that the administration into the stomach was not preceded by some external application of chloroform which might lull into a stupor or a semi-stupor; and in that condition it might be possible—and in that condition of things alone, as the medical men think, probable—that it could not be conveyed to the stomach without it being followed by circumstances and occurrences which must have attracted attention.

Gentlemen, I need not warn you—I think I need not warn you—of two things. First, to dismiss from your minds anything that you have heard of this case before you came into court, and I ask you to apply your minds—as I am sure you are anxious to do—to the candid consideration, the thorough consideration, of the evidence to be presented to you here. The next thing that I would ask you to do is to bear in mind that it is for the Crown to make out the case of guilt; that suspicion will not do; that probability of itself will not do; that you ought not to find the prisoner guilty unless the result of the evidence against her, dispassion-

ately weighed, dispassionately considered, brings home to your minds the conviction of guilt beyond any reasonable doubt which would influence your minds in any of the ordinary affairs of life.

Gentlemen, I think I have now discharged my task so far as it is to be discharged at this stage of the inquiry, and I would ask you now to bring to the consideration of the evidence which my learned friends will assist me in placing before you, a fair and careful attention.

Mr. *Poland*.—My Lord, it would be a great convenience if you would allow me to prove the illness of Dr. Green, as the medical man who is to prove it is anxious to get away.

Mr. JUSTICE WILLS.—Certainly.

WILLIAM HENRY BROADBENT sworn.—Examined by Mr. *Poland*.

Q. Are you a physician, and is your address 34 Seymour Street, Portman Square?—A. It is.

Q. Do you know Thomas Henry Green, physician, of Charing Cross Hospital?—A. Yes.

Q. What is his address, where does he live?—A. 74 Wimpole Street.

Q. On the 7th of this month was he taken seriously ill?—A. He was taken seriously ill on the 6th; I saw him first on the 7th.

Q. Have you been attending him ever since?—A. I have.

Q. When did you see him last?—A. Yesterday.

Q. Was he confined to his room?—A. He was confined to his bed.

Q. Would it be possible for him to attend any day this week in court for the purpose of giving evidence?—A. Quite impossible.

Q. He is not fit to travel or come into court?—A. Quite unfit for either.

Q. And in all probability would he be unfit for nearly a month—I think you have said so?—A. I should put that as the least.

Q. You know his signature; just look at the signature to that deposition (*handing it to the witness*); is that his writing, his signature?—A. I believe it to be so.

Mr. *Poland*.—That, my Lord, is the original deposition before the Magistrate; we do not propose to read it now; we have given Mr. Clarke notice that we proposed to adopt this course.

Mr. *Clarke*.—My learned friend the Attorney-General told me that this question would arise. I see no reason for asking any question about it.

EDWIN BARTLETT sworn.—Examined by Mr. *Poland*.

The *Attorney-General*.—My learned friend desires, and I shall propose, that all witnesses be out of court except the doctors; they need not go.

Mr. JUSTICE WILLS.—Yes, let that be so. (*The witnesses then withdrew.*)

Mr. *Poland*.—Was your son, Thomas Edwin Bartlett, the deceased?—A. Yes, sir.

Q. You are a carpenter and builder, living at 44 Chancellor Road, Herne Hill?—A. Yes.

Q. Was your son forty years of age on October 8 last?—A. Yes.

Q. Was he a grocer and provision dealer?—A. Yes.

Q. And did he carry on business in partnership with Mr. Baxter?—A. Yes.

Q. And at the time of his death had he and his partner six shops altogether?—A. Yes.

Q. One in Barnsby Road, Herne Hill?—A. Yes, sir.

Q. One "The Exchange," at Lordship Lane?—A. Yes.

Q. That is Dulwich?—A. Yes.

Q. And then there was a Mart; what was the name of that?—A. The Group Mart.

Q. In Lordship Lane, and at 33 Milkwood Road, Loughborough Junction?—A. Yes.

Q. And the corner of Chaucer Road?—A. Yes.

Q. The West Hill Park Supply Stores?—A. Yes.

MR. JUSTICE WILLS.—That is five, not six.

Mr. Poland.—And the other one was at 17A Herne Hill?—A. Yes, there were two shops at Herne Hill.

Q. As far as you could judge, was he in a prosperous way of business?—A. He was.

Q. Was the prisoner his wife?—A. Yes, sir.

Mr. Poland.—This is the marriage certificate: "Married on the 6th of April 1875, at the parish church of Croydon." He is described as Thomas Edwin Bartlett, and she as Adelaide de la Tremoille. That is the first name in the marriage certificate?—A. Yes.

Q. Your son was a bachelor?—A. When he married.

Q. And she is described in the certificate as nineteen, a spinster. She was about that age?—A. Yes.

Q. Did you first know her when she was living with one of your sons at Hampton Wick? When did you first know her?—A. I first knew her just before she was married; she came to my house with my son.

Q. Did you know where she had been living then?—A. I knew she had been living at Richmond.

Q. Afterwards did you know that she had been living at one of your sons' ?—A. Yes, for a short time.

Q. Staying with Charles? Was that at Hampton Wick?—A. At Kingston.

Q. And is that how your son Thomas Edwin, the deceased, first became acquainted with her?—A. He first became acquainted with her there.

Q. When she was first introduced to you, what name did you know her by—her Christian name? what was she called?—A. She was called Blanche.

Q. You were not, I think, present at the wedding?—A. I was not.

Q. But afterwards did you know that she went to a school, Miss Dodd's, at Stoke Newington?—A. Yes, sir.

Q. Went to the school, and resided there at the school?—A. Yes.

Q. And in the holidays did she live in furnished apartments with your son, her husband?—A. Yes.

Q. Afterwards, I believe, you know that she went abroad to a convent in Belgium?—A. To a convent school.

Q. And your son used to go from time to time to see her?—A. Yes.

Q. Did she about the middle of 1877 return and reside with her husband at 2 Station Road, Herne Hill?—A. Yes.

Q. At that time that was one of your son's shops?—A. Yes.

Q. And on the death of your wife did you go to live with them there?—A. I did.

Q. And did you reside there with them—for about how many years?—A. Five or six years. He offered me a home for life on the death of my wife.

Q. All that time did they live there together as man and wife?—A. They did.

Q. Occupying the same room and the same bed?—A. Yes.

Q. Do you remember the birth of a child?—A. Yes.

Q. The prisoner had a child; about what date was that?—A. I really don't know; I think about two years after they were married—about two years after she came to reside, I should say.

Q. Cannot you fix the date nearer than that?—A. I really cannot.

Q. Was it a stillborn child or a child that died after birth?—A. A stillborn child, I understood.

Q. Do you remember who attended her at that time?—A. Yes.

Q. Who was it?—A. Annie Walker.

Q. A witness who is here to-day?—A. Yes, and Mrs. Purse; she came down once.

Q. There was no doctor, I think?—A. A Dr. Woodward was called in at last; he resided in Dulwich Road, my son told me.

Q. Do you know yourself anything of the circumstances of the birth—whether she suffered much?—A. I believe she did.

Q. Afterwards she got over it, and continued to live in the ordinary way with your son?—A. Yes.

Q. Now, afterwards, did they change their residence and go to live at the Exchange, Lordship Lane?—A. Yes.

Q. Were they there about twelve months?—A. Yes, about twelve months.

Q. And did they live in the same way there?—A. I believe so; I visited them once or twice.

Q. When they went to Lordship Lane did you cease to reside with them?—A. There was no room in that house for me.

Q. So you went to live somewhere else?—A. Yes.

Q. But you visited them there?

Mr. JUSTICE WILLS.—Could you fix the date?

Mr. Poland.—Could you fix the date when it was that they went to Lordship Lane; could you tell, by reference back, from there where did they go?—A. From Lordship Lane?

Q. Yes.—A. They went to The Cottage, Merton Abbey.

Q. Where is that?—A. By Merton, two miles from Wimbledon.

Q. How long were they there?—A. About a year and nine months, I think.

Q. Did you visit them there?—A. I did, frequently.

Q. And were they living together in the ordinary way as man and wife?—A. Yes, in the ordinary way.

Q. About when did they leave there?—A. The 1st of last September.

Q. Did they go then for a short time to Dover?—A. Yes, they went down to Dover for a month, my son taking a season ticket.

Q. About when did they return from Dover?—A. The last day of September.

Q. Did they then go for a few days to an hotel in the Strand?—A. I believe so; my son told me they were staying at an hotel.

Q. Afterwards did they go to live at 85 Claverton Street, in October?—A. Yes.

Q. What district is Claverton Street in?—A. St. George's, I believe.

Q. Did they live there as man and wife in the usual way?—A. I believe so; for all that I know.

Q. Had they up to that period lived together as man and wife on affectionate terms?—A. Yes, I believe so; I know nothing to the contrary.

Q. And also, as far as you know, on the usual terms of man and wife?—A. Yes.

Q. What had been your son's health during all this period?—A. He had always enjoyed very strong health.

Q. Was he regularly attending to his business, a hard-working man of business?—A. A very hard-working man.

Q. Did he ever during that period, to your knowledge, have any doctor?—A. He had a doctor once, some years ago—thirteen years ago.

Q. How many years ago?—A. About thirteen years ago he had a slight bilious attack and Dr. Barraclough was called in.

Q. Was he laid up at all?—A. Oh no.

Q. Do you know whether your son had insured his life?—A. I believe so; indeed, I am sure so.

Q. We shall call some one from the Insurance Office; you did not know the particulars?—A. No; I know what the policy was worth.

Q. Do you know the date of that?—A. 1881, I believe, was the date of the policy.

Q. We shall prove the date; November 1880 it was. Besides that bilious attack, was there anything else that he suffered from at all?—A. He once rather overworked himself, and he went a voyage on the sea.

Q. Overworked himself in what way?—A. In his business, and he did a little carpenter's work.

Q. You are a builder?—A. Yes.

Q. And you say he did some carpenter's work?—A. Yes, he laid a floor in the house.

Q. How long was he away then?—A. Some week or fortnight.

Q. You used to visit at 85 Claverton Street sometimes?—A. Yes, I went there; I went there once and I was invited there once.

Q. Up to the time of their going to Claverton Street did you know anything of the Rev. Mr. Dyson?—A. I did not.

Q. Never seen him?—A. I never had.

Q. Was it in December you first heard of your son's illness?—A. I did.

Q. December last?—A. Yes.

Q. About when was that?—A. Somewhere in the beginning of December I heard of it.

Q. Did you go and see him?—A. I did.

Q. When did you first go to see him?—A. About the first day after he was taken ill, he complained to me of mercurial poison in his mouth, and then after that I went to see him.

Q. You say he complained of mercurial poisoning in the mouth?—A. Yes, he had a bad mouth.

Q. Do you remember at all his saying anything about it when the prisoner was with him?—A. Oh yes, he spoke of it in her presence.

Q. Just say what was said in her presence about that.

Mr. Clarke.—Does he say this was the first occasion?

Mr. Poland.—Was this on the first occasion of your finding him ill?—A. Yes.

Q. Do you remember anything that was said when his wife was present about this mercurial poisoning? What was it?—A. He said the doctor said he was suffering under mercurial poisoning.

Q. Was he then in the front drawing-room?—A. Yes.

Q. The bedroom was a back room?—A. The bedroom was the back room.

Q. Was he in bed at this time?—A. He was lying on a sort of chair bed.

Q. What is described as one of those iron couches?—A. Yes.

Q. Was he in his night-things or partially undressed?—A. Partially undressed.

Q. How did he appear to be?—A. He appeared to me as if he was labouring under a narcotic.

Mr. JUSTICE WILLS.—A what?—A. A narcotic; he appeared dazed rather. He did not appear so sharp and fresh as he used to be.

Mr. Poland.—How many times did you call to see him during his illness?—A. I called to see him perhaps six to seven times.

Q. How many times did you see him?—A. Three times.

Q. Could you give the date of your second visit?—A. I really cannot. The second visit after the first I called at the house on the Saturday; I was then refused to see him.

Q. Before I come to that, I ask you the date of the second visit when you did see him.—A. On the Saturday, I believe.

Q. How soon was it after the first visit?—A. I think the first visit was on the Wednesday.

Mr. JUSTICE WILLS.—You mean the Wednesday previous?—A. The Wednesday of his first illness, my Lord.

Mr. Poland.—I should like to get the date of the third visit; was the third visit on Monday, the 28th?—A. No.

Q. When was the third time you saw him?—A. The third time I saw him was when I was invited; the letter is in the court.

Q. And at some time besides the three occasions you saw him, you say you had called at the house for the purpose of seeing them?—A. I have.

Q. Did you see the prisoner, Mrs. Bartlett?—A. Yes, I saw her once; I saw her twice.

Q. Just remember when these occasions were.—A. I cannot remember the dates; I did not put it down.

Q. What passed between you when you spoke about your son?—A. It would be eight or nine days, I believe, after the first visit.

Q. Where did you see her?—A. I saw her.

Q. Well, where?—In the house, in the downstairs room; the back room.

Q. The back room?—A. In the smoking-room.

Q. What passed between you about your son?—A. She said he was too ill to see me.

Q. Anything else that was said?—A. Only speaking about the poisoning, about mercurial poisoning; and then there was something said about verdigris poisoning.

Q. Do you remember what that was?—A. No; only I understood her that the doctor had said there were symptoms of verdigris poisoning.

Q. Did she tell you who the doctor was that was attending him?—A. No, it was a doctor up the street. I asked particularly who the doctor was, but I was not told.

Q. Did she during this illness write to you from time to time informing you how he was?—A. Yes.

Q. We have some difficulty in fixing some of the dates of the letters. Just take these letters (*handing them to the witness*). Are those the prisoner's writing? Look at that one; never mind about waiting to read it. Just look at the signature. Is that her writing?—A. Yes.

Q. And the envelope?—A. Yes; these are what I received.

(*The letter was here read.*)

Dated from "85 Claverton Street." "DEAR FATHER,—The doctor was very angry that I had permitted Edwin to see visitors last night, as it caused his head to be so bad; and he says no one is to be admitted unless he gives permission. Edwin is slightly better this morning. I will write to you every day and let you see and know how Edwin is. I can see myself how necessary it is that he should be kept calm. With love.—Yours, ADELAIDE." Addressed to "Mr. Bartlett, 1 Saint David's Mews, Oxford Street." Postmark, "December 12, 1885."

Q. Now just look at that letter (*handing another to the witness*); is that the prisoner's writing?—A. Yes.

(*This was read as follows:—*)

Without date. "DEAR MR. BARTLETT,—Edwin is up; he seems to have stood his tooth-drawing very well. Please do not trouble to come all this distance; it is not right to have visitors in a sick-room, and I don't feel it right to leave Edwin so long alone while I was downstairs talking to you. When he wishes to see you I will write and let you know.—Yours, ADELAIDE."

Q. Now this one (No. 3)?—A. Yes.

The *Clerk of the Court*.—"DEAR FATHER,—I fancy Edwin is slightly better this morning; the dysentery has left him and he is certainly stronger. The doctor said last night there was a slight improvement in him.—Yours sincerely, ADELAIDE."

Q. Then this one (No. 4)?—A. Yes.

Q. Is that her writing?—A. Yes.

The *Clerk of the Court*.—"DEAR MR. BARTLETT,—Edwin is slightly better, and is sleeping tolerably well.—Yours, ADELAIDE." There is no date to that.

Q. Now this one (No. 5)? You need not wait to read it; that is her writing, is it?—A. Yes.

Q. And the envelope?—A. Yes.

The *Clerk of the Court*.—From the same. "DEAR FATHER,—Edwin seems slightly better, and has passed a restful night. I am expecting another doctor, so you must excuse this note.—Yours sincerely, ADELAIDE." This is dated "December 21, 1885."

Q. Then this one, Mr. Bartlett (No. 6)?—A. Yes.

"DEAR MR. BARTLETT,—Edwin is not so well, he has passed a bad night.—Yours, ADELAIDE BARTLETT. A merry Christmas." This was undated.

Mr. *Clarke*.—I think it would be very desirable if your Lordship would note the dates of the week at this time. The 21st is the last postmark given, and that is Monday.

Mr. *Justice Wills*.—And the 1st would be Saturday?

Mr. *Clarke*.—Yes, my Lord.

Mr. *Poland*.—Now just look at this, Mr. Bartlett (No. 7); is that her handwriting?—A. Yes.

Mr. *Clarke*.—Just attend to this while it is read.

"85 Claverton Street, Sunday Night. DEAR MR. BARTLETT,—Edwin will be very pleased to see you on Monday evening from six to eight. He is still very weak, and cannot bear visitors for long at a time.—Yours, ADELAIDE." Postmark, "December 24, 1885."

Q. Do you remember, after that letter, going on the Monday?—A. Yes, I did.

Mr. *Justice Wills*.—That postmark can hardly belong to it, because Sunday night was the 27th.

The *Witness*.—The envelope may not belong to that.

Mr. *Poland*.—Do you remember which Sunday night it was?—A. I really do not.

The *Clerk of the Court*.—The letters seem to have got into the wrong envelopes.

Mr. *Clarke*.—I think the letter that was written on the 27th must have been put into the wrong envelope.

Mr. *Poland*.—No, because there is another one dated "Sunday Night." Just look at this (No. 8); is that her writing?—A. Yes.

"Sunday Night. DEAR MR. BARTLETT,—I hear that you are a little dis-

turbed because Edwin has been too ill to see you. I wish, if possible, to be friends with you, but you must place yourself on the same footing as other persons—that is to say, you are welcome here when I invite you, and at no other time. You seem to forget that I have not been in bed for thirteen days, and consequently am too tired to speak to visitors. I am sorry to speak so plainly, but I wish you to understand that I have neither forgotten nor forgiven the past. Edwin will be pleased to see you on Monday evening any time after six.”

The Clerk of the Court.—The postmark to that looks like the 28th.

Mr. Poland.—Now, after that letter, did you go on the Monday?—*A.* I did, sir.

Q. Was that on the Monday before your son's death?—*A.* Yes, sir.

Q. That, I think, would be Monday, the 28th. What time did you go there?—*A.* At half-past six.

Q. In the evening?—*A.* In the evening.

Q. Did you see the prisoner there?—*A.* I did.

Q. And was your son in the front drawing-room?—*A.* Yes.

Q. Where was he?—*A.* He was in the front drawing-room lying on the couch when I first saw him.

Q. On the same little bed, do you mean?—*A.* Yes, on the same little iron bed.

Q. Was he in his night-dress, or partially dressed?—*A.* He was in a dressing-gown.

Q. How long were you with him?—*A.* Two hours and a half.

Q. Did you have any conversation with the prisoner about him as to what state he was in?—*A.* She said he was better, and he said he was better.

Q. Just remember a little more of the conversation.—*A.* He said he hoped soon to be in business again and enjoy the evenings we had had before. I used to go and see him every evening always.

Q. Had you been in the habit of seeing him at his place of business?—*A.* At his place of business.

Q. In the evening?—*A.* Every evening, with very few exceptions. I always called there, because I came down to the station and then I called in before I went home.

Q. And how did he appear to be?—*A.* He seemed better, and a deal stronger.

Q. Did he remain on the bed all the while you were there?—*A.* No, he got up and walked about the room.

Q. What was said as to his illness? Did the prisoner say anything about his illness?—*A.* I think something was said about his having worms.

Q. Who said that?—*A.* He did, and she did too.

Q. What did he say about worms?—*A.* He said they were crawling all up him, and Mrs. Bartlett said, “We call them snakes.” I believe that was the time that conversation took place.

Q. What did you say to that?—*A.* I said it was strange, and my son said, “A good job that she has doctored the dogs to clear away the worms, because she knew I had worms.”

Q. Referring to his wife?—*A.* Yes.

Q. What more—was anything said about the medicine he had been taking?—*A.* No. There was something said about taking croton oil at one time, but whether that was the time the conversation took place I won't say.

Q. Was anything said about the doctor? Do you remember anything more that was said?—*A.* At one visit I remember their saying they had called in a physician, because I had wanted to send them a physician from London.

Q. To whom had you spoken about that?—A. To my son, and to Mrs. Bartlett as well—no, to Mrs. Bartlett, not my son.

Q. What did you say to her about it?—A. I spoke to her about it.

Q. When?—A. Some time previous.

Q. What had you said about it?—A. I said we had better have a physician, as Edwin did not get any better. I said, "I will send you one down from London," and she said, "No; we cannot afford it."

Q. Was anything more said about that?—A. I said, "Nonsense, Adelaide; not afford it indeed!" "Well," she said, "we cannot." I said, "You had better." "No," she said, "we cannot afford it, and he is going on very well."

Q. Did you say anything more to her on that subject?—A. Not then; and then on that Monday she told me that he had had a physician.

Q. Did she say who he was?—A. She did not.

Q. Was anything said about your son's teeth?—A. She said he had had some teeth drawn.

Q. Did he speak of that himself?—A. Yes, he spoke of it.

Q. What did he say about it?—A. He only said he had had some stumps out; that was all I recollect that he said.

Q. About what time was it when you left the house that Monday night?—A. Something about half-past eight; or it might be nearer nine.

Q. Besides what he said, what was his manner as to his spirits?—A. Oh, much better; he seemed better.

Q. Was anything said by any one as to his going out of town?—A. Yes. He spoke then about going down to Poole or Bournemouth, or somewhere down in Dorsetshire. I think he spoke about going on the following Tuesday.

Q. And then you went away, and that was the last time you saw him alive, I think?—A. That was the last time I saw him alive.

Q. You said "Good-night" to him, I suppose, and "Good-night" to his wife?—A. Oh yes; just the same as I always had.

Q. How did you part from the prisoner?—A. On the best of terms. I kissed her and shook hands with her and wished her good-night as I had always done.

Q. There is one allusion in this letter, I do not know what it means exactly. "I am sorry to speak so plainly, but I have not forgotten or forgiven the past."—A. Is it necessary for me to say that there had been an unpleasantness—some six years ago my youngest son had to go to America?

Q.—That is sufficient. I think it related to an old matter. I think you next received a telegram informing you of your son's death?—A. Yes.

Q. That is the telegram, is it? (*Handing it to the witness.*)—A. Yes, I knew he was dying before I received that.

"To Mr. Bartlett,—Edwin is dead, come at once.—BARTLETT."

The Clerk of the Court.—The postmark to that is "January 1, 1886," "Handed in at 9.36 in the morning."

Mr. Poland.—What time did you receive that?—A. I took it out of my letter-box after Mr. Baxter had called on me to say that he was dead.

Q. Mr. Baxter was his partner?—A. Yes; he came up to London because he thought I should not be down there.

Q. Did you go down to 85 Claverton Street?—A. I did.

Q. What time did you get there?—A. I think it was something like half-past twelve, but I cannot say, for I was dreadfully out up at the time.

- Q. Did you see the prisoner there?—A. I did.
- Q. Where did you see her?—A. In the drawing-room.
- Q. Was your son lying dead there?—A. Yes.
- Q. When you first went in, what did she say to you?—A. I hardly remember what she said; she said Edwin was dead.
- Q. Was any one else in the room at that time?—A. Mr. Baxter was in the room, and he and I went up together.
- Q. Did you see anything of Mrs. Matthews?—A. I do not think I did at that time.
- Q. Now what passed between you and the prisoner about your son's death when you first saw her?—A. I saw him lying on the couch, and I went and kissed him and smelt his mouth. I thought he might have been poisoned with prussic acid, and I smelt to find it, and I did not detect any smell of the kind. I then turned to the mantel-piece. I believe Dr. Leach was there as well. I said, "We must have a post-mortem examination; this cannot pass."
- Q. Did you smell anything when you kissed him?—A. I did not.
- Q. Nothing at all of any kind?—A. Nothing that I could detect at all. I did not kiss his mouth; I kissed his forehead.
- Q. Had you been admitted into the room at once when you went there?—A. I believe I was. I believe I went upstairs at once.
- Q. What other person did you see on that occasion?—A. I do not think I saw anybody but Dr. Leach.
- Q. You saw him there?—A. Yes, he was in the room.
- Q. Was he in the room when you got there, or did he come in afterwards?—A. I fancy he came in afterwards; I think so, for I was dreadfully cut up seeing my son lying dead in a manner so unexpected.
- Q. Was anything said while the prisoner was in the room by Dr. Leach about the certificate?—A. Yes.
- Q. What was said?—A. Dr. Leach mentioned Dr. Green and another doctor, and Dr. Dudley and himself.
- Q. For what purpose?—A. For the post-mortem. Dr. Leach said there must be one, and I said there must be one.
- Q. What did Dr. Leach say?—A. He said, "Yes, for I cannot give a certificate without."
- Q. Did you suggest any doctor?—A. I said, "I must have another; I want another."
- Q. Was that Dr. Green, of Charing Cross Hospital?—A. I understood so.
- Q. And Dr. Murray?—A. Yes.
- Q. And Dr. Leach and Dr. Dudley?—A. Yes.
- Q. And you suggested?—A. I suggested another.
- Q. What was the name of the gentleman you suggested?—A. I did not suggest any name. I said, "I want another," and Dr. Leach said, "I will get you one," and I said, "No, I will get you one, not one that was in the case or the neighbourhood." I afterwards went down with Dr. Leach.
- Q. You afterwards went and selected Dr. Cheyne?—A. Yes.
- Q. Was he a gentleman in the neighbourhood?—A. No; in Mandeville Place.
- Q. Was he suggested to attend the post-mortem on your behalf?—A. On my behalf.
- Q. On that day, the first, did anything further pass between you and the prisoner about your son that you remember?—A. Only about that. I went up in the evening and he was put in the coffin, and I said to her, "You won't have him put in the coffin." She said, "Dr. Leach has to see

to that; it has nothing to do with me or you." When I saw him in the coffin, I said that the undertaker had no business to put him in the coffin; the post-mortem would have to be held first.

Q. Did anything further pass about your son's death?—A. No, she was saying what a generous man he was, but nothing more about the death.

Q. What did she say more about it? How came she to say that?—A. She said what a kind-hearted man he was. She was speaking about how he died; she said, "He died with my arm round his foot; he always liked to have my hand on his foot," and she showed me how she sat at the foot of the bed when he died.

Q. Just describe how it was.—A. She said she was sitting with her arm round his foot, and she supposed that she had been asleep, for she was awake with a cramp in her arm, and she then went and called Mr. Doggett. That was all; she did not say but very little about it.

Q. You say she described how she was sitting?—A. Yes, she described how she was sitting.

Q. I do not know whether you have seen this (*referring to a model produced*). Was this iron bedstead near the window? Take that as the front of the house, and that the window; was the little iron bedstead next to the window?—A. That is the right position.

Q. Was the iron bedstead referred to in that position near the window?—A. Yes; not quite so close to the wall as that.

Q. But near the window in that position?—A. Yes.

Mr. JUSTICE WILLS.—Which wall do you mean? There are two walls—do you mean the side wall?—A. The wall at the head of the bed.

Q. That side wall of the house at the head of the bed?—A. Yes, my Lord.

Mr. Poland.—And you say she described where she was sitting—with her arm round his foot, in that way there?—A. Yes.

Q. Does that describe where she was sitting?—A. Yes; that would be the position I understood.

Q. When she described that, do you remember anything further that she said about your son's death?—A. No, I do not.

Q. Well, now, on the following day, the 2nd, was the post-mortem?—A. Yes.

Q. Were you there a little after two?—A. No, sir.

Q. What time was it?—A. I went there a little after two, but I waited outside on the pavement till I saw Dr. Green coming out.

Q. Then Dr. Green came out of the house?—A. Yes.

Q. Then did you go into the house?—A. Yes, I did.

Q. And did you see the prisoner?—A. I did.

Q. What was said by her, or in her presence, about the post-mortem?—A. Very little.

Q. Where did you see her?—A. I saw her in the back smoking-room.

Q. Was that on the ground floor?—A. Yes.

Q. What was said in her presence—take your mind to that, the post-mortem had just been over?—A. Yes. She was speaking there to Mrs. Matthews, I believe; there was very little conversation with me.

Q. What did you hear said in her presence?—A. I did not hear anything; I do not recollect any conversation.

Q. Of course you heard the result of the post-mortem?—A. Not then. We went upstairs and heard the result.

Q. Was the prisoner with you?—A. Yes; and we were summoned upstairs afterwards.

Q. Did you go into the same room?—A. Into the front room.

- Q. Who were present?—A. Dr. Dudley and Dr. Leach.
- Q. Was the prisoner there?—A. The prisoner was there.
- Q. Any one else that you remember?—A. I think Mr. Baxter went up with me.
- Q. What was said then?—A. It was said by one of the doctors that they found no cause of death in him.
- Q. Was anything further said?—A. Dr. Dudley put his hand on my shoulder and said, "He has no business lying there, a strong man like that." I do not know that I gave that in my evidence before.
- Q. Was the prisoner in the room at that time?—A. She was.
- Q. Only say what took place when she was present. Was anything further said about the inquest?—A. I do not remember.
- Q. At that time was the prisoner dressed to go out or not?—A. She had not her hat on.
- Q. Did you see a bag on the table?—A. The bag was standing on the table.
- Q. Her dressing-bag?—A. Yes, her dressing-bag.
- Q. Afterwards did you leave the house before her?—A. No, after her.
- Q. She went away, did she?—A. I wished her good-bye when she was told to go out of the house, and kissed her.
- Q. Who told her to go out of the house?—A. Some of the doctors said she could not remain there.
- Q. She said good-bye to you?—A. I said good-bye and kissed her.
- Q. Then she went away, taking her bag with her?—A. No, not taking her bag with her; it was left on the table. She took her cloak only.
- Q. At that time did you see Mr. Wood, the solicitor?—A. Mr. Wood was in the room.
- Q. Did you know Mr. Wood before?—A. Yes, before.
- Q. And her husband knew him before, of course?—A. Yes, years before.
- Q. Who took charge of the room before you left?—A. I was mentioned. They said I had better take charge of the room, and I said, "No; Mr. Wood, he is a solicitor, he will be the best man to take charge of it."
- Q. So you left in that way, did you?—A. I left in that way.
- Q. Leaving Mr. Wood. Had the doctors left before you left?—A. No; I think I left one or two in the room. I think Dr. Leach was left in the room.
- Mr. Poland.—Just let Mr. Waterton come in for a minute to produce a document. The name of this witness is William Montgomery Waterton, a clerk in the Probate Registry of Somerset House. Do you produce what purports to be a will made by Thomas Edwin Bartlett?
- Mr. Waterton.—Yes.
- Mr. Poland (to Mr. Bartlett).—Look at that document (*handing it to the witness*). Is that your son's writing?—A. I cannot swear to it.
- Q. Look at the signature?—A. The signature is something like his.
- Q. To the best of your belief is that his signature; have you any real doubt?—A. It is so very different to what I have seen him write.
- Q. To the best of your belief is that his signature?—A. I cannot swear it is.
- Q. To the best of your belief is that his signature? Just look at it; there is the body of it and the signature as well.—A. The signature is very strange for his signature.
- Q. To the best of your belief is that his signature?—A. It is not, to the best of my belief.

Q. You have never seen it before?—A. Yes; I have seen it before.

Q. Where?—A. At Somerset House.

Q. Are the two persons who witnessed the signature—just let me see it. Now, just look at the two signatures: H. Eustace and A. Brook?—A. I do not know their handwriting.

Q. I did not ask you that, Mr. Bartlett. You know those are two persons in your son's employment?—A. Yes, sir.

Q. Two persons of the name of H. Eustace and A. Brook?—A. Yes.

Q. At what place of business are they employed?—A. At Herne Hill. First and second hands there.

Q. And it is written on paper and a stamp?—A. Yes.

Mr. Poland.—I want to show it to my Lord for a minute. It is on printed paper, half of a letter, and it has on it the address "The Cottage, Phipps Bridge, Merton Abbey, S.W."

Mr. JUSTICE WILLS.—I suppose there will be no difficulty in proving this?

Mr. Poland.—Oh, no, my Lord; I shall call the witnesses.

Q. You have got some of your son's ordinary writing—his ordinary signature?—A. Yes.

Q. Just look. Is that one of his ordinary signatures (*handing a letter to the witness*)?—A. Yes, that is his ordinary signature.

Q. And is that some of his ordinary writing?—A. That is his ordinary writing.

Mr. JUSTICE WILLS.—The body of the will?—A. No, my Lord; the body of the letter.

Q. Now, just look at this—the will. What is your belief about the body of it?—A. It do not look his writing to me. I cannot swear it.

Mr. Poland.—Before reading the will, my Lord, I should like to call the two witnesses.

(*The Court adjourned for a short time.*)

HERBERT EUSTACE sworn.—Examined by Mr. Poland.

Q. Are you in the employment—were you in the employment of the firm of Baxter & Bartlett, of Herne Hill?—A. Yes.

Q. And do you know Arthur Brook, also employed in the same business?—A. Yes.

Q. Do you remember—just look at this document (*handing a document to the witness*). Do you remember one afternoon Mr. Bartlett, the deceased, calling you into his office?—A. Yes.

Q. Where was that?—A. At Herne Hill.

Q. At one of the places of business?—A. Yes.

Q. When was it?—A. I cannot say the exact date; it was about the beginning of September.

Q. Was it in the afternoon?—A. Yes.

Q. Were you and Brook called in together?—A. Yes.

Q. And what happened? Did you sign that? Just look at that signature. Is that your signature?—A. Yes.

Q. When you signed that, did you know what it was?—A. No, sir.

Q. Did you see Mr. Bartlett sign?—A. Yes.

Q. Well, what did he say; how came it about?—A. He said, "I want you to witness my signature;" and he called me into the office, and Mr. Brook and I signed it.

Q. Who signed first?—A. I signed first.

Q. Did you see the signature? Did you see Mr. Bartlett sign?—A. Yes; I saw him sign.

Q. Where did he sign it?—A. In the corner of the paper.

Q. Were you all three together?—A. Yes.

Q. Then, when he signed it, did you witness it?—A. Yes.

Q. And you signed that paper?—A. Yes.

Q. What part of the paper did you see? Did you know what it was?
—A. No.

Q. You did not know what it was?—A. No.

Q. You were not told, and you did not see what it was?—A. No.

Q. Just say what state it was in when you signed it. Could you see what it was?—A. No.

Q. Just describe how that was. Take it, and describe how it was.—
A. It was folded up.

Q. Describe exactly how it was. (*The witness folded the document.*)
Folded like that, was it?—A. Yes.

Q. Then, where it is, there you saw him sign it?—A. Yes.

Q. And you witnessed it?—A. Yes.

Q. Only you three were present?—A. Yes.

Q. You say early in September; do you know whether at that time your master was staying at Dover, and used to come up day by day?—
A. Yes; he was staying at Dover at the time.

Q. That assists you in fixing the date.

Mr. JUSTICE WILLS.—Then did Brook sign it?—A. Yes.

Q. You both signed it in one another's presence and in his presence?—
A. Yes.

Q. And he signed it in the presence of both of you?—A. Yes.

Cross-examined by Mr. E. Clarke.

Q. At this time he was staying at Dover?—A. Yes.

Q. And came up in the ordinary way to the business of the day?—
A. Yes.

ARTHUR BROOK sworn.—Examined by Mr. Poland.

Q. You were in the service of Baxter & Bartlett, Herne Hill?—
A. Yes.

Q. Just look at that paper, and look at your signature (*handing the will to the witness*).—A. Yes.

Q. Is that your signature?—A. Yes, that is my signature.

Q. Do you remember signing that?—A. Yes.

Q. Did you see Mr. Bartlett sign it first?—A. Mr. Bartlett signed it first.

Q. And you witnessed it?—A. Yes, I witnessed it.

Q. In your place?—A. Yes.

Q. When you signed it, did you know what it was?—A. No, sir.

Q. Could you read what it was when you signed?—A. No; the writing was turned away from me.

Q. What?—A. The writing was turned so that we could not see.

Q. But you saw Mr. Bartlett sign that, and then you witnessed it?—
A. Yes.

Q. The other part was folded, so that you could not see it?—A. No; it was turned away.

Q. You did not know what it was, and could not see what it was?
—A. No.

Mr. Poland.—I propose to have that read, my Lord.

The Clerk of the Court.—“Herne Hill, S.E., September 3, 1885. I, Edwin Bartlett, will and bequeath all my property and everything I am possessed of to my wife Adelaide for her sole use, and appoint George

Dyson, B.A., Wesleyan minister, and Edward Wood, Esq., of 66 Gresham Street, to be my executors. (Signed) EDWIN BARTLETT. Witnesses to my signature, HERBERT EUSTACE and ARTHUR BROOK."

Mr. JUSTICE WILLS.—I suppose, Mr. Clarke, it is not necessary to keep the witness from the Probate Court with the register.

Mr. Clarke.—I think not, my Lord. There is no doubt now that it was his signature.

Mr. JUSTICE WILLS.—The Jury can see it, and then it can go back from whence it came.

Mr. Clarke.—The Jury can look at the document; it has been put in.

Mr. JUSTICE WILLS.—If I look at the document I cannot say that the handwriting of the body of it is even like that of the signature. It is unlike it because it seems to have been written inclined backwards instead of forwards.

(The document was handed to the Jury.)

A Juror.—If we wish to have it back again, my Lord, I suppose we can have it.

Mr. JUSTICE WILLS.—Oh yes; but it is no use keeping the gentleman here four or five days, or whatever it may be, to take care of it.

A Juror.—I hope we shall not be kept so long as that.

The Foreman.—Will you ask, my Lord, whether Mr. Bartlett wrote in that way?

Mr. JUSTICE WILLS.—(To the witness) Did you ever see him write in that sort of upright writing?—A. I have seen him often write in several different hands. You could never depend on his writing to be the same a second time.

Mr. Clarke.—I think that witness had better remain a little time to-day.

Mr. JUSTICE WILLS.—Then let that witness from the Probate Office remain a little time to-day.

(The Court adjourned for a short time.)

Mr. BARTLETT recalled.—Cross-examined by Mr. E. Clarke.

Q. Mr. Bartlett, I believe you were not present at your son's marriage with the defendant?—A. I was not.

Q. Did you disapprove of that marriage?—A. No, I did not; I was not asked.

Q. I beg your pardon?—A. I was not asked.

Q. Not asked to the marriage, or not asked whether you approved?—A. I was not asked whether I thought she was suitable or not.

Q. As a matter of fact, did you disapprove of the marriage?—A. Well, no, not particularly disapproved of it. I certainly did not much approve of it, but I did not disapprove of it. I said nothing to my son about it.

Q. Were you asked to the marriage?—A. I was not. I was busy.

Q. Were you asked to the marriage?—A. I was not, because they knew I was busy.

Q. At the time of the marriage and afterwards, where did your son reside?—A. At Herne Hill, after the prisoner came back from Belgium.

Q. Will you observe that is not the question I ask you? At the time of the marriage, I ask you, where did your son reside?—A. At Herne Hill.

Q. At the time of the marriage?—A. Yes.

Q. After the marriage, did she go to a school in London?—A. She did.

Q. For how long?—A. Something nearly a twelvemonth, I believe.

Q. And did you say that during the holidays she would come to live with your son?—A. She did, ultimately.

Q. When you say ultimately, will you tell me at what interval after the marriage itself you are able to say that she first came to live with your son?—A. Something between two and three years.

Q. We have got the date of the marriage as being in 1875. What year was it you went to live with your son yourself?—A. I really do not know. It was 1877 or 1878, I fancy. It was the year my wife died, but I am sure I cannot say to a year—it was 1877 or 1878.

Q. I can help you to fix the date, I think, by a question to which you can answer yes or no. Did you go to live with him before or after you wrote an apology?—A. Some time before that.

Q. Do you undertake to say that the defendant never lived with your son before the beginning of the year 1878?—A. I would not. I have not booked it down. I know the month I went was something like June, but which year I cannot say.

Q. It may have been June 1878?—A. Yes.

Mr. JUSTICE WILLS.—I thought your question was when she first went there?

Mr. Clarke.—Yes, my Lord.

Mr. JUSTICE WILLS.—He answered when he first went there.

Mr. Clarke.—My question was: Will you undertake to say that the defendant ever lived with your son before 1878?—A. What, at his house, sir? I will not. It was either in 1877 or 1878; I will not say which year.

Q. I think you have said that your son promised to give you a home for life?—A. Yes, he did. That was his words on the death of my wife. He said: "Where I have a home you shall have one."

Q. When did your wife die?—A. She died on the 28th of May—either 1877 or 1878. I am not prepared to say. One of those years. I think it was 1877.

Q. Do you say you cannot remember?—A. I do not remember the date of the year.

Q. You do not remember the year?—A. I do not. I have not refreshed my memory, or else I might have answered.

Q. Now, do you tell the Jury that you enjoyed the complete confidence of your son and his wife after that time?—A. We lived on most friendly terms together.

Q. Do you say you enjoyed the complete confidence of your son and his wife?—A. I believe so.

Q. In the year 1878, very soon after Mrs. Bartlett came to live with your son, did you have to write an apology for things you had said about her?—A. I did. I signed an apology, but I knew it to be false. I knew it to be the truth what I said at the time.

Q. What, sir?—A. When I signed it, it was to make peace with my son. He begged me to sign it, because it would make peace with him and his wife if I did.

Q. You say now you signed the apology, knowing it to be false, because it would make peace with your son?—A. Yes; and Mr. Wood knew it to be false when I signed it in his office.

Q. Was 38 Berkeley Square the place where you were carrying on business?—A. No, I do not work there. Why he should put 38 I do not know.

Q. You were working at 38 Berkeley Square in December 1878?—A. Yes.

Q. Let me read this to you—you remember it well:—"38 Berkeley

Square, W., December 31, 1878. Having made statements reflecting on the character of Mrs. Adelaide Bartlett, the wife of my son, Mr. Edwin Bartlett, junior, which statements I have discovered to be unfounded and untrue, I hereby withdraw all such statements, and express my regret for having made them. I also apologise to the said Mrs. Adelaide Bartlett and Mr. Edwin Bartlett, junior, and acknowledge that all such statements are altogether unfounded and untrue. I authorize Mr. Edwin Bartlett, junior, to make what use he pleases of this apology.—(Signed) EDWIN BARTLETT, Senr." Was that the apology you signed?—A. That was the apology I signed, knowing it to be false. I signed it to make peace with my son. That was all.

Q. Do you know your son did make use of that apology, and had it printed?—A. Yes, I do, at her suggestion.

Q. I should think so!—A. Yes; and Mr. Wood asked me to, because, my son being in America, he asked me whether I thought she had had letters from my son.

Q. Do you mean to say that the suggestion you had made against Mrs. Bartlett was also a suggestion against your son?—A. Against my son Fred. If witnesses are wanted to prove it, they can be had even now.

Q. How long were you living under the same roof with your son and his wife?—A. Somewhere about five or six years.

Q. Do you say your son promised to give you a home for the rest of his life?—A. He did.

Q. He did not keep that promise, did he?—A. Because they removed to Lordship Lane.

Q. They removed to Lordship Lane?—A. Yes; and there was not room for me there.

Q. Has he made you any allowance in lieu of giving you a home?—A. He was going to on the 1st of this year.

Q. Has he ever made you an allowance in lieu of giving you a home?—A. No, he has not; but I have had from him what money I wanted. He was the kindest of sons.

Q. You were asked a question about his having insured his life?—A. Yes.

Q. And you answered that in a way which makes me ask—did you know during his lifetime that he had insured his life?—A. I knew he had insured it during his lifetime.

Q. But did you know during his lifetime?—A. I did.

Q. How soon after insuring his life did you know it?—A. Well, I have heard the prisoner and him talk about it in my presence. I should think I had known it all two years, if not more.

Q. By hearing conversations between them?—A. Yes, and me of course—all together as we were.

Q. And you joined in those conversations?—A. Yes, certainly.

Q. When that will was put before you just now, you said to the best of your belief it was not your son's signature?—A. I said that I could not swear that it was.

Q. You said to the best of your belief it was not his signature?—A. To the best of my belief I had not seen him write in that hand before.

Q. You had examined it before at Somerset House?—A. Yes.

Q. With whom did you go to Somerset House to examine it?—A. Mr. Hooper, of Clifford's Inn.

Q. What is he?—A. A lawyer, I believe.

Q. A solicitor?—A. I believe he is.

Q. You have entered a caveat against that will, I believe?—A. I have.

Q. You told the Attorney-General your son was always very strong?
 —A. He was from a child.

Q. Never had any illness?—A. Never that I know of.

Q. Some years ago he had a considerable number of teeth sawn off at some time?—A. Yes, because he wanted a false set; and I was in the house at the time he had them done.

Q. Where was it they were done?—A. I believe they were done at Herne Hill, but I would not say; Mr. Bellin, a dentist, sawed them off for him.

Q. Mr. who?—A. Mr. Bellin, a dentist, of Brook Street.

Q. You do not know if they were sound teeth, and he had them off preferring artificial ones?—A. Mr. Bellin said they were all stuck together, and he could not put the others in.

Q. Had no doctor attended him up to that time?—A. To my knowledge I do not know they had; I am not sure.

Q. That was about the year 1878 or 1879, I believe?—A. I believe it was.

Q. Now about the year 1881 he broke down through overwork, did not he?—A. Just through laying a floor he exerted himself too much.

Q. He exerted himself, you say, through laying a floor, but it involved a nervous breakdown necessitating his going a sea voyage?—A. Yes, the doctors recommended a sea voyage, and he came back wholly restored.

Q. Having been away a week or a fortnight?—A. Yes, something like that.

Q. He went to Scotland?—A. Yes, went to Balmoral—went because he simply had a holiday, that was all.

Q. Who was attending him then?—A. I do not know. He went to a physician in London; I do not know who it was.

Q. You know he went to a physician?—A. He told me he went to a physician.

Q. You do not know to whom?—A. I do not.

Q. Can you tell me the date that Doctor Barraclough attended him?
 —A. Some twelve years ago he attended him, once for a bilious attack, somewhere between twelve and thirteen years ago. At least he did not attend him; he simply came and saw him once, and gave him a bottle of medicine.

Q. Did you know of your son's having any exceptional ideas on this subject of married life?—A. No; he used to chaff and joke about such things—that was all. I never knew him have any solid ideas about anything different to other people.

Q. What used he to say?—A. He said one ought to have two wives, one to take out and one to do the work.

Q. When used he to say that?—A. When I was living with him I heard him make the remark.

Q. Was that the first time you heard him make the remark?—A. Yes, I think so, as I heard a man say last night he should like to have forty wives just in the same way.

Q. Keep your mind on the subject we are inquiring into. It was when you were living with him you heard him make that remark?—A. Yes; other remarks as well.

Q. Other remarks of the same kind?—A. I do not know.

Q. With reference to the same subject?—A. I do not know; he may have done so.

Q. In conversation?—A. He may have.

Q. Did he?—A. Only once—only once I heard him make that remark

—whether that was at Herne Hill or somewhere else, I do not know. He used to joke about it.

Q. He used to chaff and joke, you said?—A. Yes; he was a very merry man.

Q. When you said “chaff and joke,” did you mean he only said it once?—A. He only once said it—them words.

Q. With regard to that subject, did he mention it more than once and before his wife?—A. He did before his wife, but only that once I call to mind.

Q. Then it caught your attention?—A. I just recollect.

Q. Did you think it was a very curious observation?—A. Certainly not, only a passing observation.

Q. And you attached no importance to it?—A. No, I did not write it down.

Q. And you have remembered it ever since?—A. Certainly; as I remember a remark the prisoner made just in the same passing manner I remember this.

Q. Did you know of your son having any book on that subject?—A. Never to my knowledge.

Q. Do you know the name of Dr. Nichols at all?—A. I never heard of it until I saw him in court.

Q. You never saw Dr. Nichols' book?—A. I never heard of him till I saw him in court, and never heard his name.

Q. I am asking about the book now; did you ever see a book of Dr. Nichols' ?—A. I did not.

Q. Now, was your son a believer in mesmerism?—A. Not to my knowledge.

Q. Did he never speak to you about mesmerism?—A. Never in his life.

Q. You never heard from him of his being mesmerized?—A. Never.

Q. Or his mesmerizing anybody else?—A. No, never; he was nothing but business—always in business.

Q. His aspect with you was always business—nothing but business?—A. Nothing but business; he was wrapped up in his business.

Q. Now, you visited him at Putney in 1875, did you?—A. He never lived at Putney.

Q. At Merton?—A. Yes. Constantly I visited him at Merton.

Q. Did you ever go to see him at Dover?—A. I went once or twice.

Q. Twice I suggest to you.—A. Once or twice, and spent a very happy day there.

Q. A happy day?—A. Oh, a very happy day.

Q. Did you on that occasion hear anything of Mr. Dyson?—A. I did not.

Q. You did not happen to hear, then, your son had offered Mr. Dyson a season ticket to go to Dover?—A. I never heard Mr. Dyson's name mentioned.

Q. Shall I take it you never heard anything of Mr. Dyson or saw him until after your son's death?—A. No, I would not say that. I think I heard of him during my son's illness.

Q. From whom?—A. Whether from my son or from whom I cannot say. I believe I only heard his name once, and only once, till after the death.

Q. How long was it before you heard from Mr. Baxter of your son's illness that you had seen him?—A. I saw him on Monday, I believe, and he complained of neuralgia in his mouth.

Q. Of neuralgia in his mouth? Now, Monday would be December 7. We know he went home ill from business on December 8—then on Monday you went to see him?—A. Not on the Monday.

Q. On the Wednesday, I mean.—A. Yes, on the Wednesday I went to see him.

Q. The Wednesday was the 9th, Thursday the 10th; then between the 9th and the 28th of December, that was nineteen days, you had been six or seven times to Claverton Street?—A. Something about that.

Q. Do you undertake to say these letters produced to-day are all the letters you received during that time?—A. I produced all the letters I received, I believe. I did not tear any up, and I had no reason to keep any back.

Q. You have produced all in your possession?—A. Yes, all in my possession.

Q. Do you say they are all you received during the illness?—A. They are all, I believe—they are all the letters—there might have been a postcard.

Q. You say to-day, the first day you saw him he appeared suffering from some narcotic?—A. He did.

Q. Did the impression that he was suffering from some narcotic continue during the whole of his illness?—A. He did not appear as bright as he had formerly been.

Q. At any period of his illness?—A. At any period he did not appear bright.

Q. On every occasion you saw him did he appear to be in what you call a cross state and not inclined for talking?—A. Not inclined for talking much. The last time I saw him he talked more than he did before, and he appeared stronger and better.

Mr. Clarke.—I think, my Lord, none of the letters themselves are dated, and we have only got them approximately—that of December 12, 1885—I do not think there is any date.

Mr. Justice WILLS.—None are dated, Mr. Clarke; no, some of the envelopes are clearly wrong; therefore we must put them together as well as we can.

Mr. Clarke.—Now, on the first day that you went to see him, what time would it be in the day?—A. It was in the evening, I believe, to the best of my recollection.

Q. Did he complain of his head on that day?—A. Not particularly; he appeared very averse to talking.

Q. Did he complain of his head on that day?—A. Rather, I believe.

Q. What did he say about it?—A. I really do not recollect all this time. I did not know it was coming to this, or I should have booked it down.

Q. Tell me what you recollect he said about his head.—A. Some more about having mercurial poisoning; that is what he said.

Q. What did he say about his head?—A. He said he had got a headache. He did not make any great comment about his head.

Q. You say he complained of mercurial poisoning—you say the first occasion you went to see him he mentioned that to you?—A. He did.

Q. You have said to-day, on another occasion Mrs. Bartlett also mentioned it to you?—A. She did, or it might be on that occasion she and Edwin both together mentioned it.

Q. You were examined before the Coroner first on the 7th of January, I think?—A. Yes.

Q. When all these matters were very fresh in your recollection?—A. They were then.

Q. Did you say this—I give your Lordship the reference C. 2; it is the Coroner's deposition at page 2—did you then produce one of these letters? You say you saw him on the 28th, which was the last time you saw him before his death?—A. I did.

Q. And did you say, "He said he was getting very much better, and he

thought that he would be at business again; he did not appear to be quite himself. I was there for two and a half hours; he then told me he had passed a quantity of worms. He told me he had been poisoned with mercury; the doctor had told him so. It was only in a slight degree, too slight to have been developed. I said to him, 'You could not get mercury in any way, could you?' He said that if it was lead poisoning he might have got it in opening tea-chests? Now, I ask you whether the first time poison by mercury or by lead was mentioned between you, was not it on that 28th of December, the last time you saw him?—A. No; it had been mentioned before, no doubt.

Q. Did you say before the Coroner that that was the time on which that conversation took place?—A. I may have done so.

Q. You saw him on Wednesday and you saw him again on Saturday, I think?—A. I went to see him on Saturday. I will not say I saw him on Saturday.

Q. You told my Lord this morning you saw him on Saturday.—A. I went to see him on Saturday; I will not say I saw him.

Q. You saw him on Saturday, I think you have told us?

MR. JUSTICE WILLS.—I do not think he said he saw him on Saturday, Mr. Clarke.

Mr. Clarke.—It must be a mistake then, my Lord. I took the words down.

MR. JUSTICE WILLS.—One or other of us is wrong there, because I certainly—

Mr. Clarke.—I thought he said, "I saw him on Saturday," and then he went on to give us an account of the conversation. My learned friend (*indicating Mr. Beal*) always takes it accurately. "I called to see him about six or seven times and saw him three times, first on Wednesday, second visit on Saturday," and the words I took down were "Saw him on Saturday."

The *Witness*.—I do not believe I saw him on Saturday. I went on the Saturday, but I do not think I saw him.

MR. JUSTICE WILLS.—On a Saturday—that is what I have got. "I called to see him six or seven times during his illness. I saw him three times; the second visit when I saw him was on a Saturday; the first on the Wednesday previous."

Mr. Clarke.—Yes, the first was the Wednesday previous. He says: "The second time I saw him was Saturday; the first was the Wednesday previous."

MR. JUSTICE WILLS.—Yes.

Mr. Clarke.—Is that correct, Mr. Bartlett?—A. I really could not go into the date of every day when I saw him. I did not put it down.

Q. I am aware of that. I want you to tell us when you saw him, giving us the conversations that happened at different interviews. The first occasion when you saw him was the Wednesday?—A. I think on Wednesday.

Q. Did Mrs. Bartlett then tell you they had called in a doctor?—A. I believe she did, and she told me the doctor up the street.

Q. Did you ask her his name?—A. I did not; she did not tell me, and I did not ask her his name; she seemed reluctant to say much about the doctor.

Q. What did you say about it—tell me what you asked her?—A. I did not ask her anything. I said, either then or some time after, I thought she had better have a physician from London.

Q. We will come to that presently. Now, on the Saturday, the second time you saw him, did you have a conversation with him?—A. Yes; very little at that time, very little indeed.

Q. Was he worse then?—A. He appeared worse.

Q. Did you suggest to him having another doctor?—A. I do not know whether I suggested it to him or to the prisoner, but they were both in the room at the time.

Q. So that he would hear the conversation about having the doctor?—A. Yes, he would hear, but he was very reluctant to speak apparently.

Q. Was he lying on the bed?—A. Yes; half lying down on the iron bedstead.

Q. With half-closed eyes?—A. Yes; he appeared to shut up his eyes and open them again.

Q. Dull and dazed?—A. Yes; he certainly appeared labouring under something.

Q. Now, when you first saw him, was that about the mercury or verdigris the only thing stated as being the matter with him?—A. The only thing that I recollect being mentioned by him.

Q. What?—A. That was the only thing that I recollect that was stated by him at that time.

Q. Are you positive about that?—A. No, I am not positive; in general conversation you do not remember every word.

Q. I ask you about the conversation when you went to see your son when he was ill. What was mentioned about his being ill—about being the matter with him?—A. That the doctor said there was a slight mercurial poisoning.

Q. When you came before the Coroner did you say, "About a month ago I heard from Mr. Baxter—his partner—that my son was ill, and went to see him, and I found him queer, but I could not make out what was the matter with him. He said he was suffering from dysentery"? Did you say that?—A. I did.

Q. Was it true?—A. He told me so, that he was suffering from dysentery.

Q. Why did you not tell us so to-day?—(The witness did not answer.)

Q. Why?—A. Eh?

Q. Why did you not tell us so to-day?—A. I do not know; I was not asked particularly. I do not come here to keep anything back. I come here to speak the truth and nothing else.

Q. Observe, Mr. Bartlett, I asked you just now whether, when you first saw him, anything was complained of except the poisoning with mercury or verdigris. You said distinctly, No. Now you tell me it is because you were not asked that you did not mention the dysentery. I ask you now who was it who told you anything about dysentery?—A. Either the prisoner or Edwin. They were talking about it in general conversation.

Q. In his presence?—A. Yes.

Q. Was that the matter that was mentioned as being wrong with him when you first saw him?—A. I do not know if dysentery was mentioned when I first saw him. I cannot say.

Q. Try and remember. I have reminded you how long ago you gave your evidence before the Coroner.—A. It is simply my memory, and I have had lots through my head since then.

Q. Let me read this letter to you which you received from Mrs. Bartlett, and ask you to tell me if you can at what date that came: "DEAR FATHER,—I fancy Edwin is slightly better this morning; the dysentery has left him, and he is certainly stronger. The doctor said last night there was a slight improvement." Do you remember how soon after you first saw him you had that letter?—A. Does it say "Dear Father"?

Q. Yes.—A. Yes, that is shortly after I saw him on the Wednesday if it is “Dear Father,” because it was “Dear Mr. Bartlett” afterwards.

Q. What?—A. The address dropped off to “Dear Mr. Bartlett” afterwards.

Q. Do you say that?—A. Yes.

Q. You tell the Jury the letters afterwards dropped off to “Dear Mr. Bartlett”?—A. Yes; there they are, you can see them.

Q. Here is a letter on December 21, according to the arrangement of the envelopes: “DEAR FATHER,—Edwin seems slightly better and has passed a restful night.” Here is the third letter: “DEAR FATHER,—The doctors are very angry that I permitted him——”—A. Yes, that was shortly after I had seen him. The letters have very likely got into the wrong envelopes. I did not keep them in the right envelopes. I did not think anything of them, that I should have had to produce them here, or I would have kept them in their right envelopes.

Q. This one about the dysentery having left him was shortly after you saw him the first time, was it?—A. It must have been soon after that.

Q. Now, the next time you saw him was on a Sunday, was it not? I am not speaking of the last visit; you saw him again on the Sunday?—A. I went to see him on Sunday, and was refused admission to him. I question whether I saw him on Sunday. I know I went on Sunday. I came up from Croydon to see him, and was refused admission to him.

Q. Will you undertake to say you did not see him?—A. I will not.

Q. Now, then, here is a later letter, in which Mrs. Bartlett says, “I am expecting another doctor, so you must excuse this note”?—A. Yes.

Q. Was that letter before or after you had suggested seeing a physician?—A. Well, I suppose after.

Q. Do you remember?—A. I do not.

Q. When you saw Mrs. Bartlett soon after that letter, did you ask if the doctor had been?—A. They told me he had been.

Q. Did you ask his name?—A. I did not, and I am not sure whether Mrs. Bartlett told me or not.

Q. It was Dr. Dudley, was it not?—A. Yes, Dr. Dudley. I would not undertake to say whether I was told.

Q. You would not undertake to say whether she told you the name or not?—A. No, I will not.

Q. You did not ask the name, you were refused?—A. No; I was refused generally. I thought I told you what doctors came and who they had.

Q. It would have fixed itself on your mind if they had not?—A. Well, I do not know.

Q. Now, I noticed in these letters that Mrs. Bartlett says several times—she speaks of Edwin having passed a restful night; says he has passed a bad night; and in another letter speaks about his sleeping better, and so on. Did you know he suffered from sleeplessness?—A. He told me so.

Q. Did he tell you he was taking anything for that?—A. Oh yes; he told me they were injecting morphia into him for it.

Q. Can you remember about when it was that he told you that?—A. I do not.

Q. Now, you know that his teeth became very troublesome?—A. He told me they were troublesome.

Q. And painful?—A. He told me so.

Q. Here is another letter which contains another matter by which we shall be able to fix the date: “Edwin seems to have stood his teeth-

drawing very well." Were you aware that he had had a number of teeth drawn?—A. Yes, they told me had.

Q. A number of stumps?—A. Yes, they told me so.

Q. Did he tell you he had taken gas?—A. No, he did not.

Q. Did he complain of pain?—A. Yes.

Q. Was he subject to curious bursts—fits of low spirits?—A. Not before that time. He appeared in low spirits then, but previous to his illness he was not.

Q. But he appeared in low spirits?—A. He appeared in low spirits.

Q. Have you noticed him from time to time bursting out crying?—A. I have seen him then, and I was very much surprised.

Q. How many times do you think you saw him?—A. I saw him crying once.

Q. Only once; was that the last time you saw him, or earlier?—A. No, earlier; he was much better the last time I saw him—very much.

Q. Did he tell you how often he had had morphia injected?—A. No, he did not; but from his conversation I thought he had had it before he told me.

Q. What?—A. I thought he had had it injected once before the time he was speaking of then.

Q. You thought he had had it injected once?—A. Once before the time he told me. He said, "I have had morphia injected again."

Q. Yes, you gathered that the day on which he spoke to you was the day on which he had had it injected for the second time?—A. I cannot say the second, but he said, "I have had morphia injected again."

Q. Did he tell you that on two successive days he had had morphia injected, and that his condition was so bad that on the third day he had it injected twice in one day?—A. I do not recollect he told me so.

Q. You do not remember hearing that?—A. I do not remember his telling me.

Q. Did he tell you that he was taking sleeping draughts?—A. He did.

Q. He told you, you say, he felt worms crawling up him, thus (*showing him*)—was that the action he used?—A. Yes, and the prisoner said, "We call them snakes." He said, "They are crawling all up here;" that was the feeling.

Q. Did he tell you he had passed worms also?—A. No, he did not; the prisoner told me he had passed worms.

Q. In his presence?—A. Yes, but he did not contradict her.

Q. Did he ever tell you he thought he felt a worm crawling up his throat?—A. No, I do not remember.

Q. Are you sure?—A. I would not be sure. When worms were talked about, he might have said so, but I do not recollect; he said he had worms in his throat.

Q. He might have said, as far as you remember, that he had worms crawling up him, and that he had passed worms, and also that he felt a worm in his throat?—A. No, he never told me. The prisoner told me he had passed worms.

Q. But in his presence?—A. Yes, in his presence.

Q. Did you ever hear mention made by him or in his presence about his being likely to die?—A. Never—never mentioned—never the least idea of it.

Q. You say that?—A. I do; he was not a dying man.

Q. Did not he ever say to you he thought no man could be worse than he was and alive?—A. No, never.

Q. Nothing of the kind?—A. Nothing of the kind.

Q. Did any other members of the family, as far as you know, visit at that house?—A. Of my family?

Q. Of your family.—*A.* Not that I know of.

Mr. Justice WILLIAMS.—Were there other members?—*A.* Yes, my Lord.

Mr. Clarke.—You say on the last occasion you saw him, the 28th, he mentioned about worms crawling up him?—*A.* Not that day; I do not think it was on the last day.

Q. You told us to-day it was.—*A.* It might have been; I do not think it was the last day, because he was—

Q. Take plenty of time; try and recollect. Do yourself justice. Try and recollect accurately. You have described to-day the interview on December 28, which was from half-past six or six in the evening till perhaps nearly nine?—*A.* Yes.

Q. You have told us he said worms were crawling all up him—you have told us you think he mentioned croton oil, that he had had a physician, and spoke about his teeth?—*A.* Yes, but I did not mean it for that day, he might have some other day—that would pass in conversation during the time I had been with him.

Q. To the best of your recollection and belief was it not on the 28th of December that was said?—*A.* It might have been; I think it was said before.

Q. You have said it was. Do you believe it was?—*A.* Yes.

Q. How came he to mention croton oil?—*A.* I do not know; I cannot tell you that; he certainly mentioned it, and I believe he said Dr. Leach was giving him croton oil for the worms.

Q. For the worms?—*A.* Yes, that is what he said; Dr. Leach was giving him croton oil for the worms.

Q. Did he tell you Dr. Leach had been trying all he could to rouse his bowels to action, and that the croton oil was given for that purpose?—*A.* No, he did not.

Q. Did he tell you that on the previous Saturday Dr. Leach had not only given him two purgative draughts, but he also gave him two globules of croton oil, and, that failing, he applied galvanism to the abdomen?—*A.* No, he never told us about galvanism; he only said about croton oil.

Q. Did he tell you about the galvanism at all?—*A.* No, he did not.

Q. He did not tell you, then, that previous Saturday, all those remedies had been tried and had all failed, and that Dr. Leach had given it up in despair?—*A.* He did not tell me so.

Q. There is one thing you may be able to fix about the time at which it was said—you have told us to-day you wanted to send a physician and said to Mrs. Bartlett, "You had better have a physician as Edwin does not get better"?—*A.* I did.

Q. Does that reason, you say you gave, help you to say how long after you saw him ill?—*A.* That was on my second visit, to the best of my belief.

Q. Which would be on Saturday?—*A.* I do not know. I would not fix the Saturday; it was on my second visit; I was only allowed three times to see him. That was on the second visit.

Q. Now, you had a telegram informing you of the death, but you did not take that out of your letter post-box until late in the day. What time was it you actually received the telegram yourself?—*A.* I actually received it myself about half-past twelve, after Mr. Baxter had called on me. I was at 38 Berkeley Square then, not at my shop.

Q. You did not go to your place where the telegram was delivered till later?—*A.* Yes, that is how it came to be later.

Q. Was it not about half-past four in the afternoon that you got to Claverton Street?—*A.* Before that; we took a hansom cab and went down directly. It must have been between twelve and one, I think.

Q. Did not you say before the Coroner, "It was about four o'clock in the afternoon Mr. Baxter and I went home together; we went to 85 Claverton Street about four P.M.?"—A. Yes; I must say I made a mistake about the two o'clock between Saturday and Friday in the dreadful sorrow of my son's death. It was on Saturday we went at four o'clock, not on Friday.

Q. Friday was the 1st of January?—A. Yes.

Q. You went with Mr. Baxter?—A. Yes.

Q. You went in at once?—A. Yes.

Q. You went up with him?—A. Yes, that is again a mistake I have made between those two days. I must ask the indulgence of the Court for that.

Q. I only want to get the facts. You went in with Mr. Baxter and went up with him?—A. Yes.

Q. Have you told us all that passed on that day?—A. All that I happen to recollect, I believe.

Q. Did Mrs. Bartlett say anything of a kindly fashion to you on that day?—A. Yes, she told me on the Saturday when I was going upstairs after the post-mortem examination.

Q. I am asking you about the Friday now?—A. I do not think she said anything on the Friday.

Q. Mr. Baxter was not there on the Saturday, was he?—A. No, he was not.

Q. Now, is this the case: "She placed her arm round my neck, and she said, 'My dear father, do not fret; it shall make no odds to you. I will see you never want. It shall be just the same as if Edwin were alive.' That was just at the bottom of the stairs; in fact, on the stairs. Mr. Baxter was following us up?"—A. There I made the mistake. It was Saturday that took place, not on Friday.

Q. Then Mr. Baxter was not there?—A. No; there is where I am in error which was on the Saturday when they called us up to see the post-mortem.

Q. I am referring you now to the evidence given by you on the 19th of February.—A. I know, and I corrected my mistake as soon as possible at the Treasury.

Q. You were examined both before the Coroner's Jury and then before the Magistrate in February?—A. Yes.

Q. Did you say when you described that conversation and said that "That was just at the bottom of the stairs; in fact, on the stairs. Mr. Baxter was following us up?"—A. Yes, that was my error. Mr. Baxter was not.

Q. He was not following you up?—A. No.

Q. No, he was not there at all?—A. No; I made that mistake between Friday and Saturday.

Q. Whether it was Friday or Saturday, why have you not told us that to-day?—A. I was not examined on it; I was not asked.

Q. It was said?—A. I was not asked.

Q. Was it said by Mrs. Bartlett to you?—A. It was not; it was on the Saturday it was said, not on the Friday.

Q. Very well, then; we have got that fact quite clear. Now, Mr. Bartlett, when you went on Friday you went upstairs to the drawing-room, and there you saw Mrs. Bartlett?—A. Yes.

Q. And then on the following day, the Saturday, you waited outside?—A. I did.

Q. Until the post-mortem examination was over?—A. Yes, I did.

Q. Then you went in?—A. Yes.

Q. And then you saw Mrs. Bartlett in the smoking-room, did you?—

A. Yes, in the smoking-room. We waited there something like twenty minutes, I should think, before I went upstairs.

Q. You say "when we were summoned upstairs," who summoned you upstairs?*—A.* One of the gentlemen.

Q. One of the doctors?*—A.* Yes, one of the doctors told us we could go upstairs, and I, Mrs. Bartlett, and Mr. Dyson went up together. Mr. Dyson followed behind us, I believe, to the best of my recollection.

Q. You have a clear recollection that the doctors were upstairs and that one of the doctors summoned you upstairs?*—A.* I believe so.

Q. Is that to the best of your recollection?*—A.* Yes, to the best of my recollection.

Q. "Some one came," you said, "and summoned us upstairs," that summons being addressed to Mrs. Bartlett and to all those who were waiting?*—A.* Yes.

Q. You went up directly you were summoned upstairs, and you saw that there was Mrs. Bartlett's bag there, did you?*—A.* I did.

Q. In which room?*—A.* In the front room, on the table.

Q. Did you say before that it was on the dressing-table?*—A.* I do not recollect. I said it was on the dressing-table—there was no dressing-table in the front room.

Q. Just try and remember. You do not remember about the dressing-table? There was no dressing-table in the front room?*—A.* No. I do not remember a dressing-table being mentioned.

Mr. Justice Wills.—Which deposition are you referring to?

Mr. Clarke.—It is too small a point to trace this, my Lord.

Mr. Justice Wills.—Before the Magistrate it seems to be "on the table in the front drawing-room"—page 9 of my copy.

Mr. Clarke.—It is in the print, my Lord. I am referring to the print.

Q. Did some one say Mrs. Bartlett must not take the bag away?*—A.* They did.

Q. Who said that?*—A.* I do not know; one of the doctors.

Q. Cannot you remember?*—A.* I cannot—whether it was Dr. Dudley I would not undertake to say. And then they said she must not have her cloak. I said, "Yes, Adelaide may take her cloak; there is nothing in it, no pockets in it." She said, "I do not want my cloak." I said, "Yes, you can have it; I will be answerable for it."

Q. You would be answerable for it?*—A.* Yes.

Q. Did you feel in the pockets?*—A.* No; I knew there were none.

Q. Before the Coroner did not you say, "I will be answerable for the cloak," and I gave it to her after feeling in the pockets?*—A.* No, not in the pockets; there were no pockets. "After feeling for the pockets," I might have said.

Q. For the pockets?*—A.* Yes.

Q. Who told Mrs. Bartlett to go out of the house?*—A.* I cannot say.

Q. She was inclined to take nothing—she did not want the cloak even?*—A.* Yes.

Q. You said you would be answerable for it?*—A.* Yes.

Q. She said she would not take it?*—A.* Yes.

Q. She had the cloak?*—A.* Yes.

Q. And nothing else?*—A.* Yes.

Q. And left the house?*—A.* Yes.

Q. When you went in the first time on the 1st January you went to smell the mouth for prussic acid?*—A.* I did.

Q. Did you suspect poison?*—A.* I did.

Q. Have you told the Jury now substantially all you can remember of

the conversations that took place during the illness?—A. Yes, I have, I believe.

Q. Substantially all?—A. I believe I have.

Q. Is there anything else that you have not told us that took place in conversations in Mr. Bartlett's presence, in your son's presence, which suggested to you the idea of poison?—A. No, nothing.

Re-examined by Mr. Poland.

Q. My learned friend reminded you that the prisoner said to you, "My dear father, do not fret; it will make no odds to you. I will see you never want. It shall be just the same as if Edwin were alive." When do you say that was said?—A. On the Saturday evening, going up the stairs, when going out of the drawing-room, and we were just at the foot of the stairs.

Q. Was that on your visit on Saturday, or when your son was ill?—A. No; on the day of the post-mortem examination.

Q. It was on the Saturday after the death?—A. Yes; and after the post-mortem examination.

Q. Now, my friend Mr. Clarke has referred to your having to sign this apology on December 31, 1878. What had the apology reference to which you signed?—A. It was something very bad.

Q. Having made something reflecting upon the character of Mrs. Bartlett?—A. May I state it?

Q. I think you must state what it was you had to apologize for. What charge had you made?—A. Well, Adelaide ran away and was away for some week or more, and Edwin and me thought she had gone along—we almost knew she had gone with Fred Bartlett, the brother, and we were after her.

Mr. Clarke.—Is Fred in England?—A. He appeared in Claverton Street.

Q. Is he here now?—A. He was at Claverton Street three days after his brother's death, according to Mr. Doggett.

Q. Does that witness pretend to have seen Fred Bartlett there?—A. No, the elder Doggett; and he announced himself as the brother of the deceased man.

Mr. JUSTICE WILLS.—You are speaking of something Doggett told you?—A. Yes.

Mr. Poland.—How long was she away?—A. Something less than a week on this occasion. She had been away on other occasions.

Q. On this occasion?—A. About a week.

Q. How long was that before this apology?—A. It must have been some months before that.

Q. Then did she return?—A. Yes.

Q. What was the date of that?—A. December 31, 1878. Then Fred ran away to America in the June.

Q. All I ask you is, do you mean the June previous to your signing this apology?—A. Yes; the June previous to my signing that apology.

Q. Then how long before he went away was it that Adelaide was away with him?—A. Only a day or two, because Fred flew directly it was found out.

Q. Your son Fred went to America you know?—A. I have scores of letters from him.

Q. So you know he went to America?—A. Yes.

Q. How long was he away?—A. He has not been back, only I heard he turned up on the 5th. I sent him something to come home, and his

brother was going to give him a manager's place in one of the establishments.

Q. Have you seen him since his return?—A. I have not.

Q. But you sent him money to return?—A. I sent him £60 one year in order to come home.

Q. When was that?—A. The year he went away—the following year.

Q. Did you send him money recently to come back.—A. No, not recently.

Q. This apology, you say you signed it in the office of Mr. Wood, the solicitor?—A. Yes, I did.

Q. Is that the gentleman in court?—A. Yes.

Q. Sitting in front of my learned friend?—A. Yes.

Q. That is the gentleman; a solicitor. Whose solicitor was he?—A. He was then my son's solicitor. I recommended him to my son some years ago.

Q. Then it was this apology was drawn up and you signed it?—A. Yes. Edwin begged of me to sign it to make peace.

Q. Now, you have told my learned friend that your son spoke about having two wives, one to take out and one to do the work. You say the prisoner made some remark?—A. Yes.

Q. What was that—on that subject?—A. No, not on that subject. I was speaking of passing remarks made in conversation.

Q. What was that remark?

Mr. Clarke.—I do not know, of course, if the remark was made in the same conversation, but it may be a remark like that of the gentleman last night who said something about forty wives.

Mr. JUSTICE WILLS.—I understood it was something in answer to this one.

The Witness.—No, it was a passing remark just in the same light-handed way.

Mr. JUSTICE WILLS.—I thought all he meant was to challenge him to recollect this, and he said, "I can recollect something else that passed at the same conversation."—A. Yes, at the same time, a remark passed between her and me.

Mr. Poland.—Can you remember the date when your son went to Scotland? He went by sea and came back by sea?—A. Yes.

Q. You cannot remember the date?—A. That was the sea voyage to Scotland. Yes, he went all the way by sea and came back by sea.

Q. Can you give me the date of that?—A. Something like four years ago—over four years ago.

Q. Was your son a temperate man?—A. Very indeed.

Q. And my friend has spoken to you about the morphia having been injected; we are told what that was for?—A. No. I do not know, only I take it to produce sleep.

Q. Who had injected it?—A. Dr. Leach, I understood, injected it.

EDWARDS BAXTER sworn.—Examined by Mr. Moloney.

Q. You live at 34 Deronda Road, Herne Hill?—A. Yes.

Q. You were a partner with the deceased Bartlett?—A. Yes.

Q. For thirteen years, I think?—A. Thirteen years.

Q. You have known him for over twenty years?—A. Yes.

Q. Did you ever know him to be laid up ill before his last illness?—A. No, with the exception of one occasion, when he went away for the benefit of his health.

Q. What do you say?—A. When on a former occasion he went away

for about a fortnight for the benefit of his health, when he went in for hard work—carpentering—which was rather out of his way.

Q. On that former occasion of which you spoke, did he have to keep his bed at all?—A. No.

Q. Were you at the marriage?—A. No.

Q. Do you recollect Mrs. Bartlett coming to live with him at Station Road?—A. Yes.

Q. How long did they live at Station Road—about how long?—A. About five years.

Q. And at the Exchange how long did they live?—A. About twelve months.

Q. Now, had you frequent opportunities of seeing them when they were living over the shop?—A. Yes.

Q. And seeing the terms on which they lived?—A. Yes.

Q. Did they live there as man and wife so far as you could see?—A. So far as I knew.

Q. Now, I don't want you to go into details, but you had six shops at the time of Mr. Bartlett's death?—A. Yes.

Q. Was your business about the time of his death a prosperous business?—A. Yes, sir.

Q. Was it a business made by yourself and your partner?—A. Yes, sir.

Q. Made by you?—A. Yes; the one at Station Road had been in existence about three years when I went there.

Q. But all the other shops were opened by you and your partner?—A. Yes, sir.

Q. Now, do you recollect his going home ill in December from business?—A. Yes.

Q. Do you recollect what date it was?—A. The 8th of December.

Q. The 8th of December he left his business?—A. Yes, the last time he was there.

Q. Did you receive a letter from him on the 10th?—A. Yes.

Q. Will you look at that letter, please (*handing a letter to the witness*)?—A. That is the one.

Q. My friend wishes to see it. Can you say what was the cause of his going away, so far as you could see?—A. I could not see.

Q. Was it overwork?—A. No, sir.

Q. That is the letter?

The Clerk of the Court.—This is addressed "85 Claverton Street, December 9, 1885. DEAR EDWARD,—I regret to tell you I have little hopes of being with you to-morrow" (*&c., reading the letter down to*), "so as I can mix the teas. Please let—"

Mr. Clarke.—There is nothing more in the letter, only about the names of people in the shops.

Mr. Poland.—The last page.

The Clerk of the Court.—"If you wish to see me, come here, and we can arrange about Friday.—EDWIN."

Mr. Moloney.—Did you call to see him at Claverton Street that week, or on the Sunday following?—A. On the Sunday following; I am not certain during that week.

Q. You called the Sunday following. What was his condition when you saw him on the Sunday?—A. He appeared very ill indeed.

Q. Did he say what was the matter with him?—A. No, sir; scarcely able to speak.

Q. Had he been in the habit of mixing teas?—A. Yes.

Q. And you yourself, are you in the habit of mixing teas?—A. No, my partner always did it.

- Q. Your partner always did it?—A. Yes, with assistance.
- Q. And the tasting of it?—A. I and he did the tasting together.
- Q. You and he did the tasting?—A. Yes.
- Q. Have you ever found any ill consequences from the tasting of the tea?—A. Not at all, sir.
- Q. Were you in the habit of tasting tea as much as he?—A. Perhaps not to the extent.
- Q. Do you recollect calling on Sunday, the 20th? You called, you say, on the first Sunday after you got the letter?—A. Yes.
- Q. Then did you call the following Sunday?—A. The following Sunday.
- Q. What was his condition then—was he better or worse?—A. He was better.
- Mr. JUSTICE WILLS.—Is that the 20th or 27th you are speaking of now?
- Mr. *Moloney*.—The 20th, my Lord.
- Q. You saw him on the 20th?—A. Yes, my Lord.
- Mr. *Moloney*.—Did he say what was the matter with him then—I mean in Mrs. Bartlett's presence?—A. He said he felt ill, and hoped he would very soon be better; that he was gradually improving.
- Q. Was there any conversation between him and you in the presence of Mrs. Bartlett as to the extent and cause of the illness which he was suffering from?—A. Mrs. Bartlett was present.
- Q. Was anything said as to what he was suffering from?—A. Really, I forget, I am sure; I could not say now.
- Q. Now, you saw him, you say, on the 20th. Did you see him again before his death?—A. On the 27th.
- Q. On the 27th?—A. On the following Sunday.
- Q. What was his condition, then, on the 27th?—A. Very much better.
- Q. Did you see him between the 27th and his death?—A. On the following Wednesday evening.
- Q. What was his condition on the Wednesday before his death?—A. He seemed quite cheerful—very much better—getting on very nicely then.
- Q. How long did you stay on the Wednesday night?—A. About two hours.
- Q. Was Mrs. Bartlett there during the time?—A. Yes.
- Q. Was anything said about Mr. Bartlett going to the seaside?—A. Yes.
- Q. Tell us what it was.—A. Hoping that the change of air would prove beneficial, and he would be able in the course of a week or two to resume business.
- Q. Did he say where he was going to?—A. Bournemouth or Torquay were the two places named.
- Q. Was anything said about the business—how it was getting on?—A. I told him we were getting on very nicely.
- Q. Was anything said about his coming back to business?—A. Nothing further than that he hoped to be back again in the course of a short time.
- Q. You did not see him again till after his death?—A. No, sir.
- Q. You had a telegram?—A. Yes.
- Q. Will you look at that note, please? Is that dated?—A. Only my dating.
- Q. You have put a date on it?—A. Yes.
- Q. That is in the handwriting of Mrs. Bartlett?—A. Yes.
- Q. The date you have put on is the date you received it—or when it was written?—A. The date I received it.

Q. You have put on the date you received it?—A. Yes.

Q. What was that?—A. The 30th of December.

Q. Did it come by post?—A. By post.

The Clerk of the Court.—"DEAR SIR,—With the other things, will you please send a bottle of brandy called *Lord's Extra*, a bottle of Colonel Skinner's mango chutnee, a bottle of walnuts, and a nice fruit cake? I know these things are not fit for Edwin to eat, but he fancies them. You can see Edwin on Wednesday. A very happy New Year."

Mr. *Moloney*.—Did you bring the things referred to in that letter to Claverton Street?—A. Yes.

Q. On what day did you bring the things there mentioned?—A. On the Wednesday night.

Q. On the Wednesday, the 30th? Did you see Mr. Dyson on any of the occasions you visited Claverton Street?—A. No.

Q. Now, on New Year's Day you received a telegram?—A. Yes.

Q. Have you got it?—A. I have not.

Q. Did you go to Claverton Street?—A. I did.

Q. Did you subsequently see Mr. Bartlett, senior?—A. On that same morning, the 1st of January.

Mr. JUSTICE WILLS.—What time did you get your telegram?—A. About a quarter past nine.

Q. That was at—?—A. Station Road, Herne Hill.

Q. And where did you go first?—A. To Claverton Street.

Q. Did you see anybody there?—A. Mrs. Bartlett.

Mr. *Moloney*.—Did you go up to the drawing-room the first time you went to Claverton Street that morning?—A. I did.

Q. Who was in the room?—A. Mrs. Bartlett.

Mr. JUSTICE WILLS.—In the drawing-room?—A. Yes, in the drawing-room.

Mr. *Moloney*.—Did she say anything to you?—A. Yes.

Q. What did she say?—A. That I am unable to state; the sudden decease was so much that really—

Mr. JUSTICE WILLS.—You mean you have forgotten it?—A. Yes, my Lord.

Q. You have no distinct recollection?—A. No distinct recollection at all.

Mr. *Moloney*.—Did you see the father soon after?—A. I fetched the father.

Q. And you and he went upstairs?—A. Yes.

Mr. JUSTICE WILLS.—What time did you see the father?—A. I should think about half-past eleven.

Q. Did you go at once with him to Claverton Street?—A. I went from Claverton Street to Berkeley Square for Mr. Bartlett, senior.

Q. And then did you go back with him at once?—A. I went back with him at once.

Cross-examined by Mr. *E. Clarke*.

Q. Had Mr. Bartlett been working very hard indeed while staying at Dover?—A. Not particularly so.

Q. What time did he get to Herne Hill in the morning?—A. The time varied; sometimes as early as six o'clock.

Q. What, from Dover?—A. Yes.

Q. He would come up from Dover so early as to get to Herne Hill at six?—A. Yes, by the boat express.

Q. Did he often do that?—A. Sometimes.

Q. Do you mean several times a week?—A. Two or three times a week, perhaps.

Q. On other days what time would he get there?—A. Come by a little later train; I think between ten and eleven there is one.

Q. Did he leave business very late?—A. Sometimes he would—are you alluding to the time he was staying at Dover?

Q. Yes.—A. Sometimes he would leave at four o'clock, and sometimes, again, by the eight o'clock train.

Q. Now, he had some dogs he was proud of, hadn't he, at Herne Hill?—A. He had some dogs.

Q. And on December 8, I think, he washed those dogs, or one of them—it was going to a show next day?—A. Previous to the 8th.

Q. Previous to the 8th, was it?—A. Yes.

Q. It was before the day he went home, then?—A. Oh yes, sir.

Q. How long before, do you know?—A. I think they were washed on the 4th.

Q. They were washed on the 4th?—A. On Friday—the previous Friday.

Q. Did you connect that with his illness at all—that he got a chill or anything of that kind?—A. No.

Q. You did not know any cause for his illness?—A. Not at all.

Q. On the 8th he complained of feeling ill and went away?—A. Yes.

Q. Did Mrs. Bartlett write to you constantly during his illness?—A. Nearly every morning I had a short note.

Q. Did you keep those notes?—A. I did not, sir.

Q. Just notes to tell you how he was getting on?—A. Just "Not quite so well," or something of that sort.

Q. Just a report of how he was going on?—A. Yes.

Q. I don't know whether you saw him before Sunday, the 13th?—A. I don't think so; I cannot call to mind.

Q. Had Mrs. Bartlett asked you to call on the 13th? Did she say in a letter he would be glad to see you on that Sunday?—A. I don't think so. I might have said, perhaps, when I had written, I would call on Sunday afternoon.

Q. There was no special reason for your going that day?—A. Oh no.

Q. Then on the 13th, I think you said, you found him very ill indeed?—A. Yes.

Q. Was he much depressed and low?—A. He appeared so, for he was scarcely able to speak.

Q. And do you know that the doctor visited him three times that day?—A. I do not.

Q. I suppose at the time, perhaps at the time you went, he had only been twice, but have not you been told he was coming more than once a day?—A. I believe they told me he had been more than once.

Q. Did he complain of sleeplessness?—A. Yes.

Q. You understood, did you not, thoroughly from Mrs. Bartlett that he was sleepless and restless?—A. Yes.

Q. And on the next Sunday when you saw him—on December 20—did you hear the doctor was giving him sleeping draughts?—A. I believe they told me to that effect.

Q. Now, on the 27th—the following Sunday—you saw him again, did you, Mr. Baxter?—A. Yes.

Q. Was he in a very bad state then?—A. No, sir, very much better.

Q. Was it on that day he told you something about worms?—A. Was it the 20th or the 27th?

Q. The 27th.—A. Yes, I believe it was on that date he alluded to them.

Q. Did he tell you that he had passed worms, and that he could feel them wriggling up in his throat?—A. Yes.

- Q. Had you known anything of mesmerism?—A. Not at all.
 Q. His ideas about mesmerism?—A. Not at all.
 Q. Nor had you, I suppose, known anything about his exceptional ideas of marriage?—A. No, not at all.
 Q. He had never made a confidant of you in that way at all, I suppose?—A. No, not at all.
 Q. What was about his income from the business, Mr. Baxter, do you think? Can you tell me what he used to draw?—A. About £300 a year.
 Q. Do you know anything about whether he had any property at all?—A. No; I am not aware he had any.
 Q. Apart from the business, which was not all capital, but his share of the profits of the business in which he worked?—A. Quite so.

FREDERICK HORACE DOGGETT sworn.—Examined by
 Mr. Poland.

- Q. Do you live at 85 Claverton Street?—A. Yes.
 Q. With your wife? Does your wife live with you there?—A. Yes.
 Q. Are you the registrar of births and deaths for that district?—A. I am.
 Q. Is your name up at 85 Claverton Street, and your description?—A. No.
 Q. That is your private address?—A. Yes.
 Q. In the early part of October last had you to let there the drawing-room floor?—A. I had.
 Q. Two rooms communicating with folding-doors?—A. Yes.
 Q. The front the sitting-room and the back the bedroom?—A. Yes.
 Q. Did the deceased, Mr. Bartlett, and Mrs. Bartlett take those apartments?—A. Yes.
 Q. And continue to occupy them down to his death?—A. Yes.
 Q. They lived there as man and wife?—A. As far as I knew.
 Q. During the time they were living there did you know a Mr. Dyson?—A. I saw him on two or three occasions.
 Q. He used to come there; you knew he was a friend of theirs?—A. Yes.
 Q. Now, on the morning of January 1 of the present year were you called up by Mrs. Bartlett?—A. Yes.
 Q. About what time was that?—A. About four.
 Q. About four in the morning?—A. As near as possible.
 Q. Of course you had known Mr. Bartlett had been ill for some time?—A. Yes.
 Q. When had you seen him?—A. I never saw Mr. Bartlett during his lifetime, not to speak to.
 Q. About four. Which was your room—upstairs?—A. The second-floor front room.
 Q. Is your room upstairs?—A. The second-floor front room.
 Q. What attracted your attention? Did somebody knock at the door?—A. Yes, I heard a knock at the door.
 Q. Did you find that Mrs. Bartlett was at the door?—A. Yes.
 Q. Did you open the door?—A. Yes.
 Q. What did she say?—A. She asked me to come down.
 Q. As if she was speaking to you now?—A. She said, "Come down; I think Mr. Bartlett is dead."
 Q. Had you ever spoken to her before?—A. Never.
 Q. Did you at once get up?—A. Yes.

Q. Did you say anything to her?—A. I put on my dressing-gown and went down to her room.

Q. Did she wait for you, or had she gone down?—A. She went down.

Q. You went down how many minutes afterwards?—A. It was ten minutes past four by the clock on the drawing-room mantel-piece.

Q. Within how many minutes was that after you first heard it?—A. Five or six.

Q. What room did you go into?—A. The front drawing-room.

Q. Was Mrs. Bartlett there?—A. Yes.

Q. Did she say anything?—A. She asked me if I thought Mr. Bartlett was dead.

Q. Did you see where he was lying?—A. I did.

Q. Where?—A. On the bed in the room, in the corner of the room next to the fireplace.

Q. In the drawing-room?—A. Yes.

Q. Did you at once go up to him?—A. I did.

Q. How was he lying—in what position?—A. He was lying on his back with his left hand on his breast.

Q. What did you do?—A. Put my hand on his breast.

Q. Under the clothes or over?—A. His night-shirt was pulled back and his breast was bare. I put my hand on him and found him perfectly cold.

Q. Where did you put your hand?—A. Over the region of the heart.

Q. You say he was cold?—A. Cold.

Q. Did you say anything to Mrs. Bartlett?—A. She asked me if I thought he was dead.

Q. What did you say?—A. I said, "Yes, he must have been dead some two or three hours."

Q. You said that?—A. Yes.

Q. How long?—A. Some two or three hours.

Q. Did you say anything further—when you felt him, did you say anything?—A. I said, "He is perfectly cold."

Q. What did she say then?—A. She then told me—

Q. As if she were speaking now?—A. "I had fallen off to sleep with my hand round his foot, and I awoke with a pain in my hand," or "arm," I do not know which.

Q. Well?—A. "And found him lying on his face."

Q. Well?—A. "I put him in the position in which you saw him, and tried to pour brandy down his throat."

Q. Well?—A. She said, "Nearly half a pint."

Q. Yes?—A. At that time I think Dr. Leach came.

Q. Did she say anything about the brandy—whether he swallowed any of it, or whether any of it went down?—A. No, I do not recollect that she did.

Q. What more?—A. I think Dr. Leach came in after that.

Q. Did you say anything to that?—A. No, I did not.

Q. Then you say your wife came in?—A. No, my wife came in before Dr. Leach.

Q. Did you notice the eyes of Mr. Bartlett?—A. I did.

Q. What state were they in?—A. Closed.

Q. Did you say anything to Mrs. Bartlett about that?—A. Yes; I asked her whether she had done it—closed his eyes.

Q. What did she say?—A. She said, "Yes," and had put him in the position in which he then was.

Q. That she had?—A. Yes.

Q. How was his jaw?—A. His jaw was dropping.

Q. After your wife came in was Dr. Leach sent for?—A. Dr. Leach had been sent for before.

Q. Who had gone for him?—A. The servant.

Q. Had you noticed any smell in the room when you first went in?—A. Yes; there was a strong smell when I went into the room.

Q. What was the smell?—A. It struck me as being chloric ether.

Q. Did you smell anything else?—A. No.

Q. Did you look round the room?—A. I did.

Q. What did you see? Just describe, as near as you can, what you saw in the room.—A. There was a tray, with some tumblers, and a glass jug containing water.

Q. Where was that tray?—A. On the table.

Q. What else?—A. I fancy—I am not quite certain, but I think there was a bottle in the tray, containing some white powder.

Q. Did you see a wine-glass?—A. Yes, I did.

Q. Where was that?—A. On the mantel-board.

Q. Did that contain anything?—A. It did.

Q. What?—A. Three parts of a wine-glass.

Mr. JUSTICE WILLS.—Three-quarters?—A. Three-quarters.

Mr. Poland.—Three-quarters of a wine-glassful? Did you smell it?—A. I did.

Q. What did it smell like?—A. Evidently brandy, with some other drug in it; it smelt like ether or paregoric.

Q. Did you put it back where you found it?—A. I did.

Q. You know the position of the little bedstead on which he was lying. (*Referring to the model*) This is the bedstead and this is the mantel-piece. Did you see on what part of the mantel-piece it was?—A. On that corner nearest to me.

Q. On the corner nearest to the bed?—A. Yes.

Q. Was there a table in the room?—A. Yes.

Q. Was that all you noticed, Mr. Doggett?—A. Yes; that is all I noticed that I can call to mind.

Q. Was the only bottle you noticed the one on the tray with the white powder?—A. That was the only bottle.

Q. Did you look round the room for the purpose of seeing what there was?—A. I did, with Dr. Leach when he came.

Q. When he came, you looked round the room with him as well?—A. I did.

Q. And are you able to say, on looking round the room in that way, whether there was any other bottle on the mantel-piece, or table, or any other part of the room?—A. None that I saw.

Q. After Dr. Leach came in, did he speak to the prisoner, and did you afterwards leave the room?—A. I did.

Q. Did Mrs. Bartlett remain or not?—A. I suggested that she should leave the room, but she remained with Dr. Leach. They had some conversation in a corner of the room.

Q. Before you left had his jaw been tied up?—A. Yes. I assisted Dr. Leach to tie it.

Q. Did you put the legs straight?—A. Yes.

Q. In what state were they?—A. Nearly cold; the left leg was slightly drawn up.

Q. Did Dr. Leach say anything in the presence of Mrs. Bartlett as to the cause of death?—A. He examined his body while I was present, and said that he could see nothing to account for death.

Q. How was Mrs. Bartlett dressed? Did you notice, at first, how she was dressed?—A. No. I did not pay particular attention.

Q. When you went into the room?—A. She had the skirt of an under-dress on, and I think a loose sort of jacket.

Q. Did you notice the fire in the grate?—A. I did.

Q. What sort of fire was it when you first went into the room?—A. A large one.

Q. Do you know what sort of fire it was—in what state it was?—A. Yes. It had evidently been tended within a short time of my going into the room.

Q. After assisting Dr. Leach, you went downstairs, did you?—A. I did.

Q. And a short time afterwards Dr. Leach came down, I believe?—A. Yes.

Q. How soon afterwards?—A. About a quarter of an hour.

Q. And afterwards you went back to your room—you and your wife?—A. I had some conversation with Dr. Leach.

Q. Mrs. Bartlett was not present then?—A. No.

Q. And you and your wife went to bed?—A. Yes.

Q. Where did you leave Mrs. Bartlett?—A. In the back room where the bed was.

Q. On the following morning, did you see Mrs. Bartlett write out some telegrams?—A. I did.

Q. What time was that in the morning?—A. About a quarter to nine.

Q. There is a matter which I passed over. I ought to have asked you—before you left the room that night, did you see any Condy's fluid?—A. Yes.

Q. Where was that?—A. I rather think it was on the tray.

Q. Was it poured out?—A. Yes.

Q. In a tumbler?—A. Yes.

Q. How much of it?—A. More than half a tumbler.

Mr. JUSTICE WILLS.—When did you notice that?—A. The same night.

Mr. Poland.—Had you noticed it before you went to bed that morning?—A. Yes.

Mr. JUSTICE WILLS.—When you went down into the room?—A. Yes.

Mr. Poland.—Did you see any other bottle?—A. No.

Q. Was there anything in a tumbler—something inverted?—A. Next morning, or rather later the same morning.

Q. When was that?—A. Before I went up to Mrs. Bartlett—before the telegrams.

Q. After you had been to bed and got up again?—A. Yes. The tray had been brought down by the servant.

Q. What was it?—A. A small bottle inverted in the tumbler of Condy's fluid.

Q. A phial?—A. Yes, an ounce bottle.

Q. Any label on it?—A. No, a plain bottle.

Q. Did you hand the tumbler in which the bottle was inverted to the Coroner's officer?—A. I did.

Q. Was that Ralph?—A. Ralph.

Q. Then the telegrams were written and sent off, one to the father and one to the partner?—A. Yes, and one to some lady at Dulwich.

Q. The bottle, you say, was handed to Ralph?—A. Yes, and the contents of the tumbler; it was put in the bottle by myself and Ralph, and I sealed it with my seal.

Q. And the Coroner's officer took charge of it, did he?—A. Yes.

Q. Was it a little bottle like that (*showing a bottle to the witness*)?—A. Yes, about the same size.

Mr. JUSTICE WILLS.—A two-ounce bottle?

Mr. Poland.—Yes, my Lord; I believe we shall trace it that that is the bottle.

Q. Afterwards you heard of the post-mortem?—A. Yes.

A Juror.—My Lord, the witness states that the deceased's eyes were closed; was there anything on them?—A. No.

Q. Was he a heavy man, a big man?—A. A short man, but rather stout.

Mr. Poland.—You know the bed where the man was lying, near the mantel-piece—it was near the mantel-piece; have you been on the bed and tried it yourself?—A. Yes.

Q. If you are lying on your back on the bed, can you reach the mantel-piece?—A. I can just reach it.

Q. Anybody leaning on the bed could easily reach the mantel-piece?—A. Undoubtedly.

Q. Or sitting up even?—A. It would be rather more difficult sitting up. I can just reach it sitting up.

Cross-examined by Mr. Clarke.

Q. The head of the bedstead was near the mantel-piece; was the foot of the bed towards the middle of the room?—A. It was lengthways.

Q. But not actually level with the front wall of the room?—A. Yes.

Q. Was not it turned round a little?—A. No, it was horizontal, or rather longitudinal, with the front wall of the room.

Q. My learned friend asked you more than once whether Mr. and Mrs. Bartlett lived there as man and wife; you knew that they were man and wife when the rooms were let, did you not?—A. I presumed so.

Q. But as far as their manner of living with you, you had not seen them?—A. I had only seen Mr. Bartlett one night to speak to.

Q. Not been into their rooms?—A. No.

Q. You have mentioned something about the fire to which I wish to direct your attention. You were examined before the Coroner on the 4th of February?—A. Yes, I was.

Q. I believe, on the 4th of February you did not mention this matter of the fire at all?—A. I was recalled.

Q. When you were examined on the 4th of February at some length you did not mention the fire at all?—A. I could not say from memory whether I did or not.

Q. I suggest to you that you did not say a syllable about the fire?—A. As to date I do not know.

Q. The first time you were examined you did not say a syllable about the fire, did you?—A. That I cannot recollect.

Q. Don't you recollect on the 4th of February, after your wife had been examined, you were recalled and the express question was put to you about the fire—you were asked about the fire and about nothing else?—A. Yes.

Mr. Clarke.—The depositions will fix the date, my Lord.

Mr. JUSTICE WILLS.—Yes.

Mr. Clarke.—And when you went into the room, did you smell a smell which you say was something like chloric ether?—A. Yes.

Q. That was the smell you traced to the glass on the mantel-piece?—A. No.

Q. You saw a glass on the mantel-piece six inches from the corner, did you not?—A. I did not say six inches from the corner; it was close to the end of the mantel-piece; I don't think I said six inches.

Q. When you saw that glass, you say it was three-quarters—you have said two-thirds—full of the liquid which you took to be brandy?—A. Yes.

Q. And when you smelt it you smelt the same smell which you smelt on coming into the room?—A. Hardly.

Q. You say, "a wine-glass, containing some coloured liquid which I took to be brandy, about two-thirds full. I took it up and smelt it; it smelt very like the odour which pervaded the room—chloric ether"?—A. I think I said it smelt like paregoric.

Mr. JUSTICE WILLS.—You said paregoric before the Coroner.

Mr. Clarke.—You said chloric ether before the Magistrate, but you said when you went to that glass and smelt it, it smelt very like the odour which pervaded the room?—A. Yes.

Q. You took it up and smelt it and replaced it on the mantel-piece, did you?—A. Yes.

Q. Did it remain there till Dr. Leach came?—A. Yes.

Q. It stood there while you were all looking about the room?—A. Yes.

Q. And it was brought down by your servant on the tray in the same condition in the morning? Was the liquid still in it?—A. Yes.

Q. You saw the tray when it had come down, and you took the inverted bottle and the glass of liquid and handed them over to Ralph, the Coroner's representative?—A. No, not exactly; when the tray was brought down I saw it by accident in the morning; I saw the bottle sticking out of the liquid, and I took it out with my fingers and locked it up in a cupboard, and I afterwards gave it to Ralph.

Q. You thought it would be right that the bottle should be taken care of?—A. I did.

Q. It did not occur to you to do the same with regard to the wine-glass?—A. No.

Q. When Dr. Leach came, you looked about the room; did you see any bottle on the mantel-piece at all?—A. No.

Q. May there not have been a bottle on the mantel-piece without your having seen it?—A. I don't think so.

Q. This is not a very long mantel-piece, is it?—A. It is rather a long mantel-piece.

Q. We will get the exact dimensions.—A. There is a mantel-board on the mantel-piece which makes it longer.

Q. There is a looking-glass, is there not, with a little sort of shelf at the end?—A. Not that I am aware of.

Q. Is there not a little sort of a shelf by the looking-glass on which bottles might be put? You had not been in the room before?—A. Yes, I have.

Q. Not while Mr. Bartlett was there?—A. No.

Q. Perhaps the looking-glass being stood on a mantel-board would constitute a shelf, and come a little farther out from the looking-glass?—A. Certainly.

Q. There is a clock in the middle of the mantel-board, I believe?—A. Yes.

Q. Was there a photograph there did you notice?—A. I think there was; I would not swear that.

Q. There were two photographs in frames on the mantel-piece, I believe?—A. There were photographs.

Q. There were two small vases, one on each side of the clock, which stood in the middle?—A. Yes.

Q. And at each end of the mantel-board was there a tolerably large vase, say seven inches wide and fifteen inches high—a pair of large vases?—A. I don't know the exact size; they are large vases.

Q. In your examination before the Coroner, Mr. Doggett, did you not

say, "The doctor and myself examined the glass and also the bottles in the room" P—A. The bottle, the only bottle I saw, was the one on the tray which contained some white powder.

Q. I have it copied "bottles"—possibly it may be a mistake in copying. I have it, "The doctor and myself then examined the glasses and also all the bottles in the room, and there was no bottle on the mantel-piece."—A. There was the bottle of Condy's fluid; that is the only bottle I examined with the doctor—it was on the floor—it was a wine-bottle, three parts full of Condy's fluid.

Q. Then, although this was taken down, it is not what you said: "Also all the bottles in the room" P—A. There was one on the tray, and one of Condy's fluid.

Q. One on the tray and one on the floor—two bottles?—A. Yes; that is all I saw.

Mr. JUSTICE WILLS.—You say, one of Condy's fluid on the floor?—

A. Yes, my Lord.

Mr. *Clarke*.—You were telling us what Mrs. Bartlett said to you; you used the word "pain;" did she say she felt cramp in the hand?—

A. "Cramp." I think that was so.

Q. Did Mrs. Bartlett tell you her husband had breathed heavily in the evening?—A. Yes.

CAROLINE DOGGETT sworn.—Examined by Mr. *Wright*.

Q. Are you the wife of the last witness, Mr. Doggett?—A. Yes.

Q. And live at 85 Claverton Street, I believe?—A. Yes.

Q. Do you remember Mr. and Mrs. Bartlett coming to lodge there?—A. Yes.

Q. When was that?—A. The 3rd of October.

Q. Do you remember Mr. Dyson coming there?—A. Yes.

Q. How soon after the 3rd of October do you remember his coming first?—A. Within the first week.

Q. Did he come often?—A. Not at first; the arrangement with Mr. Bartlett was, that he was to come to dinner once a week.

Q. Who arranged that?—A. Mr. Bartlett, when he took the rooms.

Q. Mr. Bartlett arranged it with you, did he?—A. He said a gentleman would dine once a week—Mr. Dyson.

Q. Did he mention the name?—A. No; but Mrs. Bartlett said it was only a clergyman.

Q. About how often in a week did he come?—A. Twice or three times a week, and sometimes more.

Q. What time in the day?—A. At all times.

Q. You mean sometimes he came quite early in the morning?—A. Yes.

Q. How early?—A. He has come as early as half-past nine.

Q. How long used he to stay?—A. He has stayed all day.

Q. Did Mr. Bartlett go out in the morning?—A. Yes.

Q. What o'clock?—A. From eight to half-past.

Q. And what time did Mr. Bartlett come home of an evening?—

A. They dined between five and six.

Mr. JUSTICE WILLS.—You mean he returned to dinner?—A. Yes.

Mr. *Wright*.—When Mr. Dyson came early in the morning, did he stay till Mr. Bartlett came back?—A. Sometimes.

Q. Did he have lunch with Mrs. Bartlett?—A. Yes.

Q. Did Mr. Dyson and Mrs. Bartlett go out together?—A. Sometimes.

Q. How was Mr. Dyson dressed when you saw him in the house?—

A. Twice I saw him in a lounge coat.

Q. What was it made of?—A. I don't know the material; it was a blue coat—a serge coat.

Q. Did he bring it with him, or where did he get it?—A. It was kept in the house.

Q. Kept for his use?—A. I believe so.

Q. Were any other clothes kept for him in the house?—A. A pair of slippers.

Q. Do you remember Mr. Bartlett becoming ill about the beginning of December?—A. Yes.

Q. Can you fix the date?—A. No.

Q. Dr. Leach was not called in just at first, was he?—A. I think he was not well two or three mornings before he called him in.

Q. He became ill two or three days before Dr. Leach was called in?—A. Yes.

Q. Did Mr. Bartlett keep his room from the first?—A. Yes.

Mr. Clarke.—What do you mean by the first?—A. From the first of Dr. Leach's coming, I believe he did.

Mr. Wright. Used Mr. Dyson to go up to his room?—A. Sometimes.

Q. Usually?—A. Not always. When he called he would see Mrs. Bartlett downstairs.

Q. Carry your mind to the last day of December—the day he died. What is the first thing you remember? In the morning do you remember Mr. Bartlett going out?—A. Not in the morning.

Q. Do you remember him going out in the day?—A. As he died at night he went out in the evening part.

Q. Before that he had dined at home?—A. Yes.

Q. At what o'clock?—A. About three or half-past three.

Q. Do you remember what he had for dinner?—A. Yes, he had jugged hare for dinner.

Q. And after that did he have tea?—A. Yes, about nine o'clock.

Q. Was that before you had a conversation with him or after?—A. The tea was taken up after I saw him.

Q. After he had been out in the evening?—A. Yes.

Q. Do you know what he had been out for?—A. To have his tooth out.

Q. And when he came back you saw him, and went into his room and sat down?—A. Yes.

Q. How was he then?—A. I have seen him very much worse.

Q. Did he tell you how he was?—A. He said he thought the worst was over and he would get better.

Q. Mrs. Bartlett was there at the time, was she not?—A. Yes.

Q. Was supper going on at that time?—A. No; it was not taken up then.

Q. Did Mr. Bartlett tell you that Dr. Leach had given him any orders?—A. To go to the seaside for a change.

Q. Torquay, I think he said?—A. Yes.

Q. Then Mrs. Bartlett said something?—A. She thought that the journey would be too long.

Q. After that, do you remember Mrs. Bartlett asking you anything?—A. Yes.

Q. What was that?—A. Had I ever taken chloroform.

Q. Was that said in a way that Mr. Bartlett could hear it?—A. Yes; he heard the whole conversation.

Q. When she asked you if you had ever taken chloroform, what did you say?—A. I said that I had, years ago.

Q. And then she asked you something about it?—A. Was it a nice or a pleasant feeling.

Mr. JUSTICE WILLS.—What did you say to that when she said, “Is it nice or pleasant?”—A. I said I did not think I knew much about it.

Q. And you were going on to say something?—A. Mrs. Bartlett said that Mr. Bartlett was in the habit of taking some sleeping drops; ten was a strong dose, but she should not, or did not, hesitate in giving him twelve.

Mr. Wright.—Did she tell you what the drops were?—A. Yes, but I don’t remember the name.

Mr. JUSTICE WILLS.—What else—anything else?—A. No; I don’t think so.

Mr. Wright.—Then, I think, Mr. Bartlett thanked you for his dinner, and said he had enjoyed it?—A. Yes.

Q. And Mr. Bartlett said something about his appetite?—A. Yes; he said he had eaten all that was sent up, and he had so enjoyed it that he would eat three a day.

Q. Three dinners?—A. Yes.

Q. Did he tell you anything about next morning?—A. Yes; he said the mornings were getting lighter, and he should get up an hour earlier.

Mr. JUSTICE WILLS.—The next day?—A. Yes.

Mr. Wright.—I don’t think you told us what Mr. Bartlett had for supper?—A. It was a tea-supper; he had oysters and bread-and-butter and cake.

Q. Did he have one lot of oysters or more?—A. Half a dozen oysters.

Q. Had he some chutney also?—A. I don’t know.

Q. After the conversation you have told us about, you went out of the room, I believe?—A. Yes.

Q. And you were called early next morning?—A. Yes.

Q. What time?—A. About four o’clock.

Q. And you went into his room?—A. Yes.

Q. And saw him lying dead?—A. Yes.

Q. Did you look round the room?—A. No; I asked Mrs. Bartlett if she had given him these drops, and she said, “I have given him nothing.”

Q. When she said that, was her husband in the room?—A. He was dead.

Q. Your husband?—A. Yes; but he was looking round the room and I was by the side of the bed.

Q. Did you notice the fire at all?—A. Yes.

Q. How was it?—A. A very good fire.

Q. Do you remember having a conversation with Mrs. Bartlett at any time about a will?—A. The same morning.

Q. You mean on the 31st of December?—A. Yes.

Mr. Clarke.—Before or after his death?—A. After his death.

Mr. JUSTICE WILLS.—Then it was the 1st of January.

Mr. Wright.—Do you remember what she said?—A. Yes. I went up to ask her if she would come down in the dining-room to have a little breakfast, as she had not rung for it, and then she said how strange it was that Mr. Bartlett had not long made his will.

Q. Anything else?—A. I said, “Are you thinking about money?” She said, “It is necessary,” as her money was in the business which she had before she was married, and it was before the Married Woman’s Property Act.

Q. Was there anything said at that time?—A. No; Mrs. Matthews came in at that time and I went downstairs.

Cross-examined by Mr. Clarke,

Q. You had kindly gone up to see if you could get her to take some breakfast?—A. Yes.

Q. Her own breakfast had gone up and had not been touched?—A. No; she had not rung for any breakfast.

Q. And then she mentioned that about the will?—A. Yes.

Q. All her means of livelihood had come from the business?—A. I understood her that the money she had before she was married was in the business.

Q. It had gone into the business?—A. Yes.

Q. You thought that her thought was she was dependent upon the business and the business man was dead?—A. Unless there was a will she could not have his money, because it was under the Married Woman's Property Act.

Q. Did she come down and have breakfast with you?—A. No; Mrs. Matthews came in, and I left her in the front drawing-room.

Q. Has it ever been your sad lot to watch in a sick-room at night?—A. Yes, I have.

Q. Do you know very well that that night the fire was made up for the night and packed?—A. Yes; but the bed was so near the fire it would have been too hot for Mr. Bartlett; and the gas was alight.

Q. You know perfectly well that at night, with a view not to disturb anybody, the fire is packed for the night?—A. Yes.

Q. And if after several hours you touch it and break it, it becomes a strong fire?—A. Yes.

Q. The fire you saw was a strong fire, was it not?—A. It had been attended to; it had not burnt hollow at all.

Q. So that either fresh coal had not lately been put on, or a well-packed fire had been disturbed by the poker?—A. Yes; but there was a bright light; the coals were quite lighted.

Q. That would be the result of stirring with the poker; a well-made fire, was it not?—A. I should think so.

Q. With regard to that conversation. Mrs. Bartlett was reading, was not she, while you and her husband were talking?—A. Yes, she was reading a book.

Q. You know he had been out that day to have his tooth operated upon?—A. Yes; he told me about the tooth, and said it was a sound one.

Q. Did he tell you that he had taken gas?—A. No.

Q. Was nothing said about gas?—A. Not by Mr. Bartlett; not to me.

Q. By anybody?—A. I never heard it.

Q. Pray be careful. Mr. Bartlett had been out that day; do you know now as a fact that he had taken nitrous oxide gas.—A. From Dr. Leach.

Q. Mr. Bartlett talked to you about the tooth?—A. Yes; but not that he had taken anything.

Q. He talked to you about the tooth that had been taken out an hour or two before?—A. About two hours before.

Q. What did he say about the tooth?—A. He said it was a sound tooth.

Q. Did he say anything about the pain in having it pulled out?—A. That is what he said; the worst was over, and he thought he was getting better.

Q. Did he say anything about the pain in having it taken out?—A. Not that night, but the other operation he had. He had seven

taken out one day, and he said they had frozen his gums, and he did not feel very much pain, and two days before that he had had thirteen out.

Q. Was it on that evening on which the conversation took place that he told you about the thirteen and the seven?—A. Each time.

Q. On each occasion?—A. Yes.

Q. When he had the seven taken out he told you that they had frozen his gums?—A. Yes.

Q. Did he say it was by ether spray?—A. No; that was all he said.

Q. Did not he tell you how they had frozen his gums?—A. No.

Q. Did not you ask how they had frozen his gums?—A. No; he began saying that it was very wonderful, after going through the operation, he could eat some of Mrs. Bartlett's hot buttered toast—he smelt it, and he asked for some.

Q. On which occasion was that?—A. When he had had the seven out.

Q. And on that occasion he told you that they had frozen his gums, and that it was wonderful he could eat the buttered toast, did he?—A. Yes.

Q. Did he say that the result of freezing his gums was that he did not feel pain?—A. Yes.

Q. On another day he had no less than thirteen stumps taken out, had not he?—A. That was the first operation—the thirteen.

Q. On that occasion did he tell you about their freezing his gums?—A. No; I did not see him then.

Q. Do you mean that they froze his gums twice?—A. He said that that was what they did on both occasions; he had had his gums frozen, and therefore did not feel much pain.

Mr. JUSTICE WILLS.—He had his gums frozen on each of these two occasions?—A. Yes.

Mr. Clarke.—Try and recollect; on this evening, the last evening before his death, when he spoke to you about having one taken out, did you ask him if he had had his gums frozen again?—A. No.

Q. Did he say anything about it?—A. No; he began telling me that Dr. Leach had said he ought to go away for a change.

Q. Did he tell you anything about having the tooth out, and that instead of having his gums frozen he had had nitrous oxide.—A. No.

Q. You do not remember all the conversation, do you?—A. It was very late; the boy brought the medicine, and I had to leave the room.

Q. You do not remember the name of the medicine?—A. No.

Q. But the name was mentioned?—A. Yes, by Mrs. Bartlett.

Q. Was it spoken of as a placebo—ten drops of a placebo?—A. Ten drops is considered a strong dose.

Q. You say you cannot remember the word; was it a placebo?—A. I don't know what name she said.

Q. Did she say that Dr. Leach had given a prescription for ten drops to be given if the pain was urgent, or if sleep was required, or anything of that kind?—A. No.

SECOND DAY'S PROCEEDINGS.

TUESDAY, APRIL 13, 1886.

ALICE FULCHER sworn.—Examined by Mr. Poland.

Q. Are you servant to Mr. and Mrs. Doggett, of 85 Claverton Street?
—A. Yes.

Q. Do you remember Mr. and Mrs. Bartlett coming to live there?
A. Yes, sir.

Q. Some time in October?
—A. Yes, sir.

Q. Did you wait upon them?
—A. Yes.

Q. After they came there did you see Mr. Dyson?
—A. Yes.

Q. When did he first come?
—A. The first week.

Q. How often used he to come?
—A. Once or twice a week, and about a fortnight or three weeks before Mr. Bartlett's illness, three or four times.

Q. And how early?
—A. I have known him to be there as early as nine or half-past, sometimes later.

Q. At that time had Mr. Bartlett gone to business?
—A. Yes.

Q. What time used he to go to business?
—A. About eight or half-past, sometimes.

Q. And what time did he usually come in?
—A. Between five and six in the evening.

Q. Did he go out again?
—A. Sometimes.

Q. And has Mr. Dyson been there during the daytime when Mr. Bartlett has been there?
—A. He has stayed sometimes and dined with Mr. Bartlett.

Q. Then sometimes he has stayed till dinner-time?
—A. Yes.

Q. And has dined with Mr. and Mrs. Bartlett?
—A. Yes.

Q. What do you say was the usual time for dinner?
—A. Between five and six o'clock.

Q. Do you know that Mr. Dyson had an old coat that he used to put on?
—A. Yes.

Q. That was kept in the room, was it?
—A. Yes.

Q. Which room was it kept in?
—A. In the back drawing-room.

Q. And slippers?
—A. Yes.

Q. Have you sometimes, while Mr. Dyson and Mrs. Bartlett have been in the room together, gone into the room?
—A. Yes, sir.

Q. Have you noticed anything about the room when you have gone in?
—A. Yes, sir; I have seen the curtains pinned together.

Q. Pulled together and then pinned?
—A. Yes.

Q. The window curtains?
—A. Yes.

Q. What part; how were they pinned together?
—A. Pulled together and then pinned.

Q. Have you seen when Mrs. Bartlett and Mr. Dyson have been there anything to attract your attention when you went in?
—A. I have seen them sitting on the sofa together.

Q. Yes, and—
—A. And I have seen them sitting on the floor together.

Q. In what position on the floor?
—A. I have seen Mrs. Bartlett sitting on the floor with her head on Mr. Dyson's knee.

Q. Where was Mr. Dyson sitting?
—A. Mr. Dyson was sitting on a low chair.

Q. Can you recollect at all when that was?
—A. No, sir; I do not know.

Q. How long before Mr. Bartlett's death?—A. I do not know; I could not say.

Q. On that occasion what did you go into the room for?—A. I do not know what I did go into the room for.

Q. You went in in the ordinary way as a servant? You did not find the door locked at all?—A. No.

Q. You never found the door locked?—A. No.

Q. When you went in and saw Mrs. Bartlett with her head resting on Mr. Dyson's knee, did they do anything at all when you went in?—A. No, sir.

Q. Or say anything?—A. No, sir.

Q. Did they get up or move at all?—A. No, they still sat as they were.

Q. And that was the only occasion that you noticed anything of that kind when you went into the room—was that the only occasion?—A. I think it was, sir.

Q. How long did Mr. Dyson usually stay when he came?—A. Sometimes he would stay and have lunch with Mrs. Bartlett, and leave before Mr. Bartlett came home.

Q. What time was the luncheon?—A. Between twelve and one.

Q. You say there was nothing else that you noticed?—A. I do not think so, sir.

Q. Now, on the day of Mr. Bartlett's death did you take up the dinner?—A. Yes, sir.

Q. Had you seen him from time to time during his illness?—A. Yes, sir.

Q. On that day did you know that he had been out?—A. He did go out.

Q. What time did you take the dinner up on that day?—A. At half-past two or three—I am not sure which.

Q. We have heard it was jugged here—was that right?—A. Yes, sir.

Q. And Mr. Bartlett had his dinner, and afterwards, later, did he have tea?—A. Yes, sir.

Q. Did he have any oysters during that day?—A. Yes.

Q. When did he have those?—A. At twelve o'clock.

Q. That was for luncheon, then?—A. Yes, sir.

Q. Do you know whether he had supper?—A. Yes, sir—oysters, and bread-and-butter, and tea and cake.

Q. How many oysters for supper?—A. Half a dozen.

Q. While Mrs. Bartlett was with him and you were in the room, did you hear him say anything about himself during the day?—A. No, sir.

Q. How did his appetite appear to be?—A. Pretty good.

Q. Were any orders given to you for breakfast next day?—A. Yes.

Q. With the supper or dinner was there chutnee?—A. The plates had been used for chutnee.

Q. By Mr. and Mrs. Bartlett?—A. Yes, both.

Q. Was that for dinner, or what?—A. For supper.

Q. Was anything said about the orders for breakfast?—A. Yes.

Q. Who gave you the orders for breakfast?—A. Mr. Bartlett. He asked me to get him a large haddock.

Q. When was that?—A. When I cleared away the things.

Mr. JUSTICE WILLS.—Do you mean after tea or after supper?—A. There was tea and supper both together.

Q. Then it was after the last meal?—A. Yes, my Lord.

Mr. Poland.—When you were clearing the things away?—A. Yes.

Q. Did he say anything about the time?—A. Yes; he said he should get up an hour earlier at the thoughts of having it.

Q. Did he sit up at the table and take his meals?—A. Yes.

Q. Did you see him in the room?—A. Yes.

Q. What was he doing in the room?—A. He was walking round the room when he gave me the order, when I was clearing away the tea-things.

Q. How late were you in the room?—A. The last time was twenty-five minutes to eleven when I last went up.

Q. Did you take coals in?—A. Yes.

Q. Had Mrs. Bartlett spoken to you about it?—A. Yes.

Q. What did she say about it?—A. She asked me to take the coals up for the night, and she put her finger up and told me not to go into the room again.

Q. Had she said anything to you about some beef-tea?—A. Yes. She told me to take a basin up for the beef-tea, and to put it outside on the table.

Q. Outside? Where?—A. On the stair landing.

Q. That would be outside the door on the first floor?—A. Yes.

Mr. JUSTICE WILLS.—She told you what about this beef-tea?—A. She told me to take a basin up for the beef-tea, and not to go into the room again.

Q. You said something about putting it outside. What was that?—A. Yes, on the table.

Q. She would put the basin out, do you mean?—A. No, sir; me.

Q. Oh, you were to put the basin outside?

Mr. Poland.—Was there a table on the landing outside?—A. Yes.

Q. And the basin you put, was it empty?—A. Yes, sir.

Q. And where was the beef-tea?—A. I think Mrs. Bartlett had Liebig's.

Q. She had Liebig's Essence in the room, had she?—A. Yes.

Q. As a rule, used you, while Mr. Bartlett was ill, to take in the basin the last thing?—A. Yes, sir; always.

Q. What time did you go to bed that night?—A. Something past twelve.

Q. Did you sleep at that time in the house?—A. Yes.

Q. Then were you awaked about four in the morning?—A. Yes.

Q. Who called you?—A. Mrs. Bartlett did.

Q. She came to your room?—A. Yes.

Q. Did you get up?—A. Yes.

Q. What did she tell you?—A. She asked me to go for Dr. Leach.

Q. Did she come into the room?—A. No, sir.

Q. You got up, I suppose, and lighted a light?—A. Yes.

Q. Just repeat what she said to you.—A. She said, "Alice, I want you to go for Dr. Leach. I think Mr. Bartlett is dead."

Q. Was that all she said that you remember?—A. Yes, I think it was.

Q. Did you say anything?—A. I said, "Don't say that."

Q. What did she reply—anything?—A. No, sir.

Q. Did you notice how she was dressed at that time?—A. Yes; she had a light dress on.

Q. Do you mean light in colour?—A. Yes.

Q. And otherwise could you see how she was dressed?—A. I noticed the light dress.

Q. When you left her overnight, was she wearing that dress or not?—A. No, sir.

Q. Well, then, you got up, did you, and went down?—A. Yes.

- Q. Did you at once leave the house and go for Dr. Leach?—A. Yes.
- Q. How far away does he live—about how many minutes' walk?—A. I do not know how many minutes'; it was not very far.
- Q. Would it be five or ten minutes, or what?—A. Yes,
- Q. You roused him?—A. Yes.
- Q. And told him what was the matter and brought him back, did you?—A. Yes.
- Q. Did Mrs. Doggett open the door to you?—A. Yes.
- Q. Had you seen either Mr. or Mrs. Doggett before you left the house?—A. No one.
- Q. Had you seen any one but Mrs. Bartlett before you left to fetch Dr. Leach?—A. No, sir; no one.
- Q. Can you fix a time at all?—A. It was about four.
- Q. And from the time that you were called, and brought Dr. Leach to the house, how long a time had elapsed—how many minutes had elapsed?—A. Well, I had to stand knocking for Dr. Leach for some time—I could not say how long I was gone.
- Q. How long do you think it was from the time Mrs. Bartlett came and told you to fetch Dr. Leach, that Mr. Bartlett was dead, to the time that Dr. Leach came back with you to the house?—A. I do not know how long; I did not notice the time when he came back.
- Q. Cannot you give any notion of it? You had to dress, to go and knock at the door, Dr. Leach had to get up, and go back to the house—cannot you say how long it was?—A. No, sir; I do not know how long it was; I could not swear.
- Q. Well, Dr. Leach came, and he went into the room upstairs?—A. Yes.
- Q. When did you go into the room?—A. About half-past five or six in the morning.
- Q. Did you go into the drawing-room, the front room?—A. Yes.
- Q. Did you notice any of the things in the room?—A. I saw a lot of things.
- Q. Where were they?—A. On the table, some of them.
- Q. On the table in the room?—A. Yes.
- Q. Was the tray there?—A. Yes.
- Q. Did you remove them at that time?—A. No.
- Q. Did you afterwards?—A. Yes.
- Q. About what time did you remove the tray?—A. About half-past eight or nine.
- Q. Was that a tray that was on the table in the drawing-room?—A. Yes.
- Q. What had it on it?—A. It had several glasses on it.
- Q. Where did you take them?—A. I took them downstairs.
- Q. Where to?—A. Into the ante-room, the smoking-room.
- Q. Did you leave them there, or did somebody take charge of them?—A. I left them there.
- Q. Did you afterwards wash any of them?—A. Yes.
- Q. Which?—A. All of them except one.
- Q. What do you mean by all? What sort of glasses were they?—A. Some were tumblers, and some wine-glasses.
- Q. When you washed them did you notice anything about them?—A. One wine-glass had something in it, which I thought was brandy.
- Q. How much?—A. About half full, I think.
- Q. Did you say you thought it was brandy?—A. Yes.
- Q. What from—the smell and colour?—A. Yes, sir.
- Q. What did you do with it?—A. Washed it away.

- Q. What was the one you did not wash?—A. That was given to the Coroner's officer.
- Q. What was it?—A. It was a tumbler with a bottle turned down.
- Q. Containing some liquid?—A. Yes.
- Q. And the bottle turned into it?—A. Yes.
- Q. That is, the mouth of the bottle downwards?—A. Yes.
- Q. In the tumbler?—A. Yes.
- Q. And the Coroner's officer, Ralph, took charge of that?—A. Yes.
- Q. The same morning, of course, you saw Mrs. Bartlett. Did she give you any letters to post?—A. Yes, sir.
- Q. Do you know to whom they were addressed?—A. One was to Mr. Dyson, and one to Mr. Wood.
- Q. You posted those?—A. Yes.
- Q. What time was that?—A. In the morning, I think.
- Q. Can you say about the time?—A. No. I am not sure whether it was in the morning.
- Q. Had you taken any telegram?—A. No.
- Q. After this, the next day did you see Mr. Dyson?—A. No, sir.
- Q. This was on the Friday, the 1st. When did you see Mr. Dyson after that?—A. I saw Mr. Dyson on the Saturday morning.
- Q. Well, that was the next day, Saturday, the 2nd. Did he come to the house?—A. Yes.
- Q. At what time?—A. In the morning.
- Q. Was Mrs. Bartlett still there?—A. Yes.
- Q. Did he go up into the room?—A. Yes.
- Q. Did you show him up, or did he go up?—A. I do not know.
- Q. However, he went up into the room where Mrs. Bartlett was?—A. Yes.
- Q. Mrs. Bartlett, we have heard, had slept in the house?—A. Yes, in those rooms.
- Q. I suppose you heard nothing that passed between Mr. Dyson and Mrs. Bartlett on the Saturday?—A. No.
- Q. Then after that Mrs. Bartlett left the house?—A. Yes.
- Q. What day was that—do you remember?—A. It was the Saturday, while Mr. and Mrs. Doggett were out.
- Q. When next did you see her?—A. I saw her on the next Wednesday.
- Q. That was January 6. Was Mrs. Matthews there then?—A. Mrs. Matthews came with her.
- Q. Came for some of her things?—A. Yes.

Cross-examined by Mr. *Clarke*.

- Q. Can you remember when it was that you say you saw the curtains pinned together?—A. No, sir.
- Q. How long before Mr. Bartlett's death?—A. I could not say.
- Q. You cannot say at all?—A. No, sir.
- Q. Not whether it was a week or a month or three months?—A. No, sir, I could not.
- Q. These were long white curtains, were they not, that came down to the ground?—A. Yes.
- Q. And generally hung close together?—A. Yes.
- Q. From top to bottom?—A. Yes.
- Q. That was their usual condition, was it?—A. Yes.
- Q. Then they would hang close and cover the window whether they were pinned or not?—A. Yes, sir.
- Q. Can you tell me how long it was that Mr. Bartlett was sleeping on

the iron bedstead in the front room?—A. From the beginning of his illness.

Q. From the very first time that Dr. Leach came to attend him, I suppose?—A. Yes.

Q. And after that time did you know that Mrs. Bartlett was sleeping on the sofa or chair in the front room where he was?—A. Yes, sir.

Q. She did not use the bed in the back room?—A. No.

Q. But used to be in the front room, and, as you know or believe, attend to him, made beef-tea for him, and so on?—A. Yes.

Q. And he slept on a little low iron bedstead?—A. Yes.

Q. Was that bed near the fireplace?—A. Yes.

Q. And was there often a stool or chair at the bottom of the bedstead?—A. No, sir; the piano was mostly there at the foot of the bed.

Q. The piano was at the other window when you went in at the door? I do not know whether my friend has an accurate plan that has been taken of this room.

Mr. Poland.—Yes, I will lend you mine.

Mr. Clarke.—I have one. (*Plan was produced.*) The front room, the drawing-room, had two windows. When you went into it from the staircase there was a window opposite you?—A. Yes.

Q. And then the fireplace was to your right?—A. Yes.

Q. The room stretched away to the right?—A. Yes.

Q. The bed was by the fireplace?—A. Yes.

Q. And the piano was in the corner of the room on the left-hand side as you went in?—A. Mrs. Bartlett moved it against the foot of the bed along the side.

Q. When do you say it was moved?—A. I do not know when it was moved, but it was moved.

Q. Just remember; there was a bookcase between the windows?—A. Yes, and Mrs. Bartlett moved that, too, to the other side of the room.

Q. Just look at this plan carefully so as to make sure that you understand it.

Mr. JUSTICE WILLS.—It is not a witness of this sort that would understand the plan.

Mr. Clarke.—Do not answer until you see where the window is.

Mr. JUSTICE WILLS.—Do you understand the plan?—A. No, my Lord.

Mr. Clarke.—Very well, never mind; do not bother yourself with the plan. There were folding-doors between the two rooms, I think?—A. Yes.

Q. And the sofa that I have mentioned was a heavy sofa, I think, against the folding-doors?—A. Yes.

Q. So that it kept them closed?—A. Yes.

Q. And Mrs. Bartlett, going from one room to the other, would have gone out on to the staircase?—A. Yes.

Q. Do you know about the washing-basin in the back room, whether it was often used quite late at night by Mrs. Bartlett?—A. Yes.

Q. I do not know whether you drew the inference—perhaps you would—that before settling herself for the night she would go into the back room and wash?—A. Sometimes.

Q. She would sometimes, would she?—A. Yes.

Q. You knew that the basin was used?—A. Yes.

Q. Whether it was or was not used on the night of the death, I think you do not remember?—A. No, sir, I do not.

Q. Now, just one word with regard to this matter, about finding Mr. Dyson sitting on a chair and Mrs. Bartlett with her head on his knee. When you went into the room on that occasion you had been summoned

to the room by Mrs. Bartlett?—A. I do not know what I went up for—whether I went up to take letters or not.

Q. You were examined with regard to this two months ago nearly at the police-court?—A. Yes.

Q. Did you say this: "I believe it was in the afternoon when I saw Mrs. Bartlett's head on Mr. Dyson's knee. I could not say the time; I would have been rung for at the time for dinner. I believe I do not recollect that I was rung for, whatever was the cause. I had been sent for by Mrs. Bartlett?" Did you say that?—A. Yes. Well; I could not say whether I had been rung for or not now.

Mr. JUSTICE WILLS.—But, of course, you were more likely to be right when giving your evidence at the police-court, because that was a very short time after the thing occurred?—A. Yes.

Q. Seeing what you said then, you have no doubt that you were rung for?—A. Yes; I believe that is right.

Mr. Clarke.—Were there books on the table?—A. Yes.

Q. Was Mr. Dyson sitting near the table?—A. He was sitting in front of the fire—that is, near the table.

Q. You usually took, I think, a supply of coals for the night late in the evening?—A. Yes.

Q. And on this evening Mrs. Bartlett told you to bring up the coals and to bring the empty basin?—A. Yes.

Q. Just try and recall this. Did she tell you at one and the same time about bringing the coals and about bringing the basin?—A. Yes.

Q. Can you remember how long it was before you took the coals up?—A. Well, I think I went for Mr. Bartlett's breakfast before I took the coals up.

Q. You think you went up for Mr. Bartlett's breakfast?—A. Yes.

Q. But you did not take the coals and the basin up together?—A. Yes, sir, I did.

Q. Did you?—A. Yes, sir.

Q. Are you sure—just try and remember; when you took the coals up you went into the room?—A. Yes; and I think I left the basin outside until Mrs. Bartlett told me, and then I took it in.

Q. Do try and remember. I do not think you quite mean that. You think you left the basin outside until Mrs. Bartlett told you?—A. No. I took the coals up, and then Mrs. Bartlett told me to take the basin and not to take it into the room.

Q. That is what I was trying to remind you of. Mrs. Bartlett told you about the coals and the basin at the same time. Is it not a fact that you took up the coals without the basin?—A. Yes; and I went for the basin.

Q. Having been told to bring up the coals and the basin, you brought them up and took the coals into the room?—A. Yes.

Q. But you had not brought the basin?—A. No.

Q. At that time Mr. Bartlett had not gone to bed?—A. When I took the coals up Mr. Bartlett was in bed.

Q. Then it was when you were told about the coals and the basin that he was walking about, was it?—A. When I was clearing away the tea I said Mr. Bartlett was walking about.

Q. Then you took the coals and you went into the room while he was in bed?—A. Yes.

Q. And not having brought the basin in with you, Mrs. Bartlett told you that you might put it on the table and not come in again?—A. Yes.

Q. And you would pass the basin in the ordinary course of things as you went up to your bedroom?—A. Yes.

Q. You did put the basin on the table?—A. Yes.

Q. And you found it there untouched the next morning?—A. Yes.

Q. Do you remember when it was you put the basin there? Was it when you went up to bed?—A. Before.

Q. You did not go up to bed for some time afterwards, I think?—A. No.

Q. Did Mrs. Bartlett usually go out in the daytime at some time or other for a walk?—A. Yes.

Mr. JUSTICE WILLS.—Generally?—A. Yes, my Lord.

Q. Most days?—A. Yes.

Mr. Clarke.—And she had been out with her husband that day to the dentist's, had she not?—A. I do not know.

Q. Well, in the evening when you were there they were having supper, and she had a walking-dress on, had she not?—A. Yes.

Q. A dress that she usually went out for a walk in?—A. Yes.

Q. And when she came to call you at four o'clock in the morning she had a light and looser dress on?—A. Yes, sir.

Q. Was it a sort of loose jacket?—A. It was the dress she used to go out for a walk in sometimes.

Q. Are you sure of that?—A. Yes.

Q. Be careful; you have said she went out with a walking-dress in the evening?—A. Yes.

Q. And you said she had a looser dress in the morning?—A. Yes; but she had been out for a walk in that dress.

Q. How long before?—A. Several times.

Q. How long before?—A. Not the same night.

Q. Was that a looser dress?—A. It was the same as any other dress, only a different colour.

Q. You have been asked about the length of time that elapsed before you brought back Dr. Leach. I suppose you jumped up as quickly as you could?—A. Yes.

Q. And went as quickly as you could for him?—A. Yes.

Q. And brought him back as quickly as you could get him?—A. Yes.

Q. I do not know whether you went to bed again after that or not?—A. No; I did not.

Q. Then you took the glasses down and Mr. Doggett saw them before anything was done with them, did not he?—A. Yes.

Q. Did you help pack Mrs. Bartlett's boxes when she went away?—A. Yes, sir.

Q. You did not see any medicine-chest or anything of that kind, did you?—A. No, sir.

ANN BOULTER sworn.—Examined by Mr. *Moloney*,

Q. Where do you live?—A. No. 1 Great Peter Street, Westminster.

Q. Do you recollect going to Claverton Street?—A. Yes.

Q. What are you?—A. A charwoman.

Q. Are you sometimes employed by an undertaker?—A. Yes, sir.

Q. Did you go to 85 Claverton Street on New Year's Day?—A. Yes.

Q. Between seven and eight in the morning?—A. Yes.

Q. Did you see the dead body?—A. Yes.

Q. And did you wash it and lay it out?—A. Yes.

Q. Did Mrs. Bartlett help you?—A. Yes, sir.

Q. Did you notice the legs?—A. Yes; they were tied.

Q. Did you say anything to Mrs. Bartlett?—A. I asked her if he had had a fit.

Q. What did she say?—A. She asked why I asked.

Q. What did you say?—A. I thought he might have struggled, as his legs were tied.

Mr. *Moloney*.—The legs were tied by the doctor, my Lord, in the morning. Nothing turns upon that.

Q. What did she say?—A. She said, "No, poor dear, he suffered very much with his head; also his teeth for some time."

Q. Did she say anything to you about his will?—A. She remarked that it was curious, or funny, that he should make his will a day or two previous to his death.

Q. Did you say anything?—A. I remarked how odd that it was so, and asked if it was in her favour.

Q. Did she say anything?—A. She said, "Yes."

Cross-examined by Mr. *Clarke*.

Q. Is that all she said to you about his illness?—A. Yes.

Q. That his head had been bad and that he had suffered very much with his teeth?—A. Yes.

Q. Did you notice the teeth at all?—A. No, I did not; his mouth was closed.

Q. The body was covered up when you went in, I suppose? Did you call her attention to the fact of his legs being tied together?—A. I did.

Q. Was there more conversation than you have told us?—A. No, sir, I think not.

Q. Are you quite sure she said two or three days, and not two or three months?—A. No; that was all she said to me.

Q. Are you quite sure she said two or three days?—A. "A day or two previous to his death."

Q. Are you quite sure it was not a month?—A. I am slightly deaf, sir.

Mr. *Justice Willis*.—What the gentleman asks you is, are you sure she said two or three days, and not two or three months?—A. Oh no. "A day or two previous to his death" is what she said.

Mr. *Clarke*.—Do you know that while you were there a letter came for Mr. Bartlett?—A. Yes.

Q. Did Mrs. Bartlett open it?—A. Yes, sir.

Q. Did she say where it had come from?—A. I understood her it was from his brother—the deceased's brother.

Q. Where from?—A. I do not know where from.

Q. She did not say?—A. No.

Q. Did she say, "Oh, how cruel!" or "This is cruel"?—A. Yes, sir.

Q. And did you ask her what she meant?—A. I asked her what was cruel.

Q. And did she say?—A. It was a letter from his brother.

Q. That a letter had just come from his brother wishing him a happy New Year?—A. Yes, sir.

Q. And she said how cruel it was?—A. Yes; that was what made me notice her. I thought it was strange to make that remark.

Q. That the letter should arrive while he was lying dead?—A. Yes, while I was washing the body.

Re-examined by Mr. *Moloney*.

Q. She did not say from which brother?—A. No, she did not—from his brother, I understood her to say.

WILLIAM CLAPTON sworn.—Examined by Mr. *Poland*.

Q. Are you a Fellow of the Royal College of Surgeons?—A. Yes.

Q. Of 27 Queen Street, City?—A. That is my address.

Q. Are you the medical officer to the British Equitable Insurance Company?—A. I am one of the officers.

Q. In the month of November 1880 did you examine Thomas Edwin Bartlett for the purpose of insuring his life?—A. I did.

Q. Just look. Here are your papers—memoranda made at the time (*handing them to the witness*). Is there a reference to Mr. Wood, [a solicitor, just at the beginning?]

Mr. Clarke.—I do not know how anything of this is evidence, except this gentleman's observations at the time. I know nothing of these papers. How can they be used as evidence?

Mr. Poland.—I am not going into it at all.

Q. Did you examine him with a view to the insurance.—A. I did.

Q. And was the insurance effected?—A. It was.

Q. We have given notice to produce the policy. (*Mr. Clarke handed in the policy.*) It was a policy for £400?—A. It was.

Q. And on the usual premium?—A. Exactly so—a first-class life.

Q. Did you examine him in the ordinary way?—A. Yes.

Q. To ascertain whether his was a good life to take?—A. I did, sir.

Q. At that time did you find that, as far as you could judge, he was a sound man, suffering from no illness?—A. No ailment whatever. I passed him as a first-class life.

Q. The policy describes him as a grocer, of Herne Hill, and the exact date of it is the 3rd of December 1880, and you examined him?—A. On the 15th of November.

Cross-examined by Mr. Clarke.

Q. On the 15th of November 1880?—A. Just so.

Rev. GEORGE DYSON sworn.—Examined by Mr. Poland.

Q. Are you a Wesleyan minister?—A. Yes.

Q. At the beginning of this year were you living at 12 Parkfield, Putney?—A. 18 Parkfield.

Q. How long had you been living there?—A. Since the beginning of September.

Q. Did you know Mr. and Mrs. Bartlett?—A. Yes.

Q. When did you first make their acquaintance—about how long ago?—A. About twelve months last January or February.

Q. Where were they then living?—A. At The Cottage, Merton Abbey.

Q. At that time were you in charge of a small chapel?—A. I was.

Q. Where was that chapel?—A. At Merton, in the High Street.

Q. Did they attend the services?—A. They did.

Q. After seeing them in your chapel, did you call upon them?—A. Yes, I called upon them.

Q. That was how you made their acquaintance?—A. Yes.

Q. Attending the chapel there, seeing them there, and you passing as a minister, you called upon them as members of your congregation?—A. I did.

Q. Did they continue to attend?—A. Yes, until they left the neighbourhood.

Q. After your first visit, what was the interval before you saw them again to call upon them?—A. I called again in the following June.

Q. Did you take tea with them on that occasion?—A. Yes.

Q. Where was that?—A. At Merton Abbey, The Cottage.

Q. They were still there. Then afterwards did you call again upon them?—A. Yes; I called frequently after that.

Q. Was there any reason for that—had anything been said when you took tea with them on that occasion about calling again?—A. That same evening Mr. Bartlett requested me to call oftener than I had done previously.

Q. Did you shortly afterwards call again?—A. I believe I called on the following Wednesday.

Q. Did you spend the evening with them?—A. Yes.

Q. When was it they left The Cottage at Merton Abbey, do you remember?—A. About the end of August or the beginning of September.

Q. At that time had you been to Dublin to take your degree?—A. Yes; in June, I believe.

Q. How long were you away?—A. About a week.

Q. You took your degree?—A. I took my degree; yes.

Q. Where?—A. At Trinity College, Dublin.

Q. The "B.A.," the ordinary degree?—A. Yes; Bachelor of Arts.

Q. Upon your return was anything said about your visits to Mr. Bartlett?—A. Mr. Bartlett told me that he would like Mrs. Bartlett to take up her studies again, and requested me to take the supervision of them.

Q. And used you from time to time to call upon her and give her lessons?—A. I did.

Q. Upon what subjects?—A. In Latin and history, and we took up geography and mathematics.

Q. Besides calling on Mrs. Bartlett in that way, did she upon any occasion call upon you?—A. Yes.

Q. When was that?—A. She called on me at Wimbledon; or I should say that I took her to my house: she did not call on me, or rather I took her to my apartments with her husband's knowledge.

Q. And did you come on very intimate terms with both Mr. and Mrs. Bartlett?—A. I was.

Q. Do you remember their going to Dover?—A. Yes.

Q. When was that?—A. At the commencement of September.

Q. Was that after they had left Merton?—A. They went from Merton Abbey to Dover.

Q. And were they away there for a month?—A. About a month.

Q. Had Mr. or Mrs. Bartlett said anything to you about going down to see them at Dover?—A. Mr. Bartlett requested me to go down and see them.

Q. Did you pay your own fare down?—A. Mr. Bartlett paid my fare; he took me with him.

Q. Did you go more than once?—A. I went down twice.

Q. And on each occasion did he pay the fare?—A. I believe on the second occasion I paid myself.

Q. Of course you knew him as a man of business, well to do in business?—A. Yes.

Q. And all the time that you had known them, and at Dover, had they always lived together as man and wife?—A. As far as I could judge.

Q. While you were at Dover did you write to Mr. Bartlett and Mr. Bartlett to you?—A. We exchanged letters; he wrote to me, and I think I replied to his letter.

Mr. Clarke.—Are you going to put in those letters, Mr. Poland?

Mr. Poland.—Oh yes, both of them; my learned friend wishes them put in, my Lord. Is this the letter written to you, and is that your answer (*handing a letter to the witness*)? Just look at this; they are in the exhibits, one of them at least; is that your letter?—A. This is my letter to Mr. Bartlett.

Q. Whose was the first letter?—A. Bartlett's letter to me.

Q. (Handing another letter to the witness) And is that your reply?—A. Yes.

(The letters were read as follows :—)

"14 St. James Street, Dover, Monday. DEAR GEORGE,—Permit me to say I feel great pleasure in thus addressing you for the first time. To me it is a privilege to think that I am allowed to feel towards you as a brother, and I hope our friendship may ripen as time goes on, without anything to mar its future brightness. Would that I could find words to express my thankfulness to you for the very loving letter you sent Adelaide to-day. It would have done anybody good to see her overflowing with joy as she read it whilst walking along the street, and afterwards as she read it to me. I felt my heart going out to you. I long to tell you how proud I feel at the thought I should soon be able to clasp the hand of the man who from his heart could pen such noble thoughts. Who can help loving you? I felt that I must say two words, 'Thank you,' and my desire to do so is my excuse for troubling you with this. Looking towards the future with joyfulness, I am yours affectionately, EDWIN."

"18 Parkfields, Putney, September 23, 1885. MY DEAR EDWIN,—Thank you very much for the brotherly letter you sent me yesterday. I am sure I respond from my heart to your wish that our friendship may ripen with the lapse of time, and I do so with confidence, for I feel that our friendship is founded on a firm abiding basis—trust and esteem. I have from a boy been ever longing for the confidence and trust of others. I have never been so perfectly happy as when in possession of this. It is in this respect, among many others, that you have shown yourself a true friend. You have thanked me, and now I thank you, yet I ought to confess that I read your warm and generous letter with a kind of half fear—a fear lest you should ever be disappointed in me and find me a far more prosy, matter-of-fact creature than you expect. Thank you, moreover, for the telegram; it was very considerate to send it. I am looking forward with much pleasure to next week. Thus far I have been able to stave off any work, and trust to be able to keep it clear. Dear old Dover, it will ever possess a pleasant memory for me in my mind and a warm place in my heart.—With very kind regards, believe me yours affectionately, GEORGE."

Q. They were at Dover about a month, and afterwards you know they went to 85 Claverton Street?—A. Yes.

Q. Were you then living at 18 Parkfields, Putney?—A. Yes.

Q. You went to live there early in September?—A. Early in September, the early days.

Q. Had you a season ticket on the railway from Putney to Waterloo?—A. I had.

Q. Did any one give you that?—A. Mr. Bartlett gave it me.

Q. And where was your chapel at this time?—A. At Putney.

Q. That was a fresh one?—A. Yes; I moved.

Q. You had moved from the small chapel of which you had had first charge?—A. Yes, to a large one at Putney.

Q. And were you the minister of that chapel?—A. I was.

Q. And on the notice-board in front of the chapel was your name put up?—A. Yes.

Q. As the minister?—A. As the minister.

Q. Did Mr. and Mrs. Bartlett come over to that chapel or not?—A. Not to that one, I think.

Q. Used you from time to time to visit at Claverton Street?—A. Yes.

Q. Upon your first visit there, do you remember some conversation that you had with Mrs. Bartlett about her husband? Just apply your mind and state fully everything you remember she said.—*A.* I remarked, I remember, how her husband seemed to throw us together, and asked how it was. I thought it remarkable, and she told me that his life was not likely to be a long one, and that he knew it, and she repeated what he had told me himself.

Q. Say what it was, please.—*A.* Say what it was?

Q. What she said to you, I mean.—*A.* She said that his friends were not kind to her—that they did not understand her, being a foreigner; that he had confidence in me, and affection for me—I am giving you the words as near as I can recollect—and that he wished me to be a guardian to her. He knew I should be a friend to her when he was gone.

Q. I want you to state, if you can remember, more in detail what she said about her husband's state.

Mr. Clarke.—What he has given us is repeating what he has heard from Mr. Bartlett.

Mr. Poland.—I want all she said. You had heard it before from Mr. Bartlett, you say? Just repeat all you can remember—what she said about Mr. Bartlett's illness, and what was the matter with him.—*A.* I don't know whether it was then or later, I asked her what was shortening his life, and she told me that he had an internal complaint.

Q. Yes, go on, please. Did she say how long?—*A.* That he had had this for some years.

Q. Did she say how many?—*A.* I think five or six years. And that she herself had been his nurse and had doctored him, and this was by his express wish. She said that he was very sensitive about this affliction.

Q. Yes, go on, please.—*A.* And on that account he had had no regular doctor to attend him.

Q. Yes, go on, please.—*A.* That is what I remember.

Q. Had she said anything that had occurred while he had had this internal complaint, when she had been attending him?—*A.* I beg pardon?

Q. Did she say anything that had happened, while she was attending him, while he had this internal complaint?—*A.* I don't remember her saying anything then.

Q. Anything about the chloroform?—*A.* Not then; not at that time.

Q. Well, anything more that you remember that she said then?—*A.* I recollect nothing more then.

Q. Afterwards, what more did she say, when you have been to Claverton Street, about her husband?—*A.* Later she told me that the disease caused him very great pain, and to soothe him she had been accustomed to use chloroform.

Q. What more did she say—whether she had sought any other advice?—*A.* Yes, she told me.

Q. Do try and think of everything, please.—*A.* I am endeavouring to think of everything.

Q. I am sure of that. But what did she say, please?—*A.* She told me that she went for advice to Dr. Nichols.

Mr. Clarke.—That she went for advice to, or sent for the advice of?—*A.* She went for advice to Dr. Nichols.

Mr. Poland.—Did she say where he lived?—*A.* In Fopstone Road, Kensington, or Earl's Court.

Q. Well, what did she say when she went to him for advice? What did she say about that?—*A.* I cannot recollect what she said—simply, that she gave me to understand that he gave her advice.

Q. Was Annie Walker's name mentioned at all?—*A.* It was mentioned later.

Q. Was there anything more, on that occasion, that you remember?—
A. I am confused as to what occasion you refer to.

Q. It is difficult, I know; never mind the particular days.—A. She did mention a certain Annie Walker to me.

Q. State all you remember that she told you on your visits to Claverton Street, fixing the dates of it as well as you can. What about Annie Walker?—A. That Annie Walker used to come to see him.

Q. Did she say this?—A. Yes; that Annie Walker came to see him occasionally, and brought him what medicine he needed.

Mr. JUSTICE WILLS.—Did she say who and what Annie Walker was?—
A. A lady nurse.

Mr. Poland.—But how she came to know her?—A. That she had nursed her husband in one of the earlier attacks which he had had.

Q. Do you remember whether she said how she first became acquainted with Annie Walker?—A. I do not remember her telling me that.

Q. Was there anything more about Annie Walker that you remember?—
A. She told me on one occasion that Annie Walker had brought her chloroform.

Q. Yes?—A. I remember nothing more.

Q. Did you speak to her at any time yourself about Dr. Nichols?—
A. Oh yes, frequently.

Q. What did you say to her?—A. I was interested in him. I cannot remember what I said.

Q. But the substance of it. Did you know whether any doctor was attending him?

Mr. Clarke.—You were interested in what, do you say? Do you mean that you were interested in Mr. Bartlett?

Mr. JUSTICE WILLS.—Dr. Nichols, I think he said.—A. I thought you asked me if I had ever asked any questions about Dr. Nichols, and I said, "Yes, I was interested in him."

Q. Did you know him?—A. No, but I was interested to know something about him.

Mr. Poland.—Did you know him?—A. Not at all.

Q. Did you know that there was such a person?—A. No.

Q. Try and say, if you can, what you said to her about Dr. Nichols.—
A. I positively could not do that.

Q. At this time was not the doctor, as far as you know, attending at the house on Mr. Bartlett?—A. No, not that I know of.

Q. Do you remember anything further that was said by Mrs. Bartlett about Mr. Bartlett's illness?—A. She said it was an internal complaint.

Q. Do you remember anything more that she said about that?—A. I remember nothing more.

Q. Was anything said about his death, as to how long he might live?—
A. Oh yes.

Q. What was that?—A. That Dr. Nichols had said that he might die within twelve months.

Q. That he might die within twelve months—is that so?—A. I did not catch what you said, sir.

Q. Was there anything more with regard to that?—A. I remember nothing more at this time.

Q. Well, anything more, at any of the times that you were at Claverton Street, about when he might die?—A. No, I remember nothing more.

Mr. JUSTICE WILLS.—I do not quite understand what you mean by dying within twelve months; dying within twelve months from what time?—A. From the time Mrs. Bartlett was speaking.

Q. From the time Dr. Nichols saw him, do you mean?—A. From the time she was then speaking to him.

Q. Twelve months from the then time?—A. Yes, from that particular period.

Q. Did she say when Dr. Nichols had seen him last?—A. No, she did not.

Mr. Poland.—Anything more, do you remember?—A. I remember nothing more.

Q. Up till the time when this conversation at Claverton Street took place about Mr. Bartlett—up to that time what had been his general state of health?—A. He seemed to me in good health as far as I could judge, except that he was very weary in the evening when he returned from business.

Q. What time did he return from business, do you know?—A. Various times.

Q. How late sometimes?—A. Sometimes ten o'clock.

Q. At night?—A. At night, but other times he would return to dinner about five. With regard to his health, he appeared to me to have a very severe pain in his side; I have often seen him place his hand there convulsively.

Q. Do you remember which side?—A. The left side.

Q. Just point where?—A. He would put his hand like that (*quickly*) and press it hard.

Q. Did he say anything to you as to what was the matter with him?—A. Yes. He told me that he had suffered from dyspepsia severely.

Q. Anything more?—A. And he mentioned a severe illness.

Q. When?—A. That was some years previously, and he said that on that occasion his wife sat up for a fortnight with him and nursed him very faithfully.

Q. Did he say what it was he suffered from then?—A. As far as I recollect, it was dyspepsia or dysentery.

Q. During your visits to Claverton Street did you continue to give instruction to Mrs. Bartlett?—A. Yes.

Q. How often a week used you to go?—A. Two or three times.

Q. Any particular hours?—A. Generally about three in the afternoon. On one occasion only I went at half-past nine.

Q. In the morning?—A. Yes.

Q. And how long were you there that day—you went at half-past nine?—A. I was not there very much that day. Mr. and Mrs. Bartlett and myself left about half-past ten to go to the St. Bernard Dog Show.

Q. All three of you, did you say?—A. All three of us.

Q. Usually in the afternoon when you went, how long did you stay there?—A. It would depend upon what engagement I had at my own church.

Q. Generally about how long do you say?—A. I should leave, perhaps, at half-past four if I had any evening engagement; otherwise I should remain the evening.

Q. You still continued on very intimate terms with both Mr. and Mrs. Bartlett, I understand?—A. I did.

Q. Did you know of Mr. Bartlett's illness—commencing about December 10, I think it was?—A. Yes.

Q. Did you go to the house while he was ill?—A. I did.

Q. Do you remember when you had last seen him before he was laid up with illness so as not to go out?—A. I recollect that time.

Q. About how many days before he was actually laid up had you seen him?—A. I think I saw him on the day he was laid up, or just about that time; I cannot be quite sure.

Q. And when before that?—A. Probably two or three days before.

Q. When you saw him a few days before he was laid up, had you noticed anything about him then as to his health?—A. He seemed very weary and very much depressed.

Q. During his illness, how many times do you think you saw him?—A. Several times.

Q. Was he in bed, or up, or where was he?—A. He was in bed the first time I saw him.

Q. In the drawing-room?—A. Yes; I think on the small bed.

Q. And was Mrs. Bartlett attending to him and nursing him?—A. She was nursing him.

Q. Did you know that you were the executor under his will?—A. I did.

Q. When had you first heard that?—A. About the middle of September, as far as I can fix the date.

Q. Who informed you of that?—A. Mr. Bartlett.

Q. During the illness and these visits, you have told us you saw Mr. and Mrs. Bartlett. During that time had you heard either from him or from Mrs. Bartlett anything further about what he was suffering from? Did you know that Dr. Leach was attending him?—A. Yes, I heard that Dr. Leach was attending him, and I heard that he was suffering from dysentery.

Q. Anything further?—A. I heard that he was suffering from worms. He told me so himself—indeed, I heard the whole course of the illness.

Q. How did he appear to get on?—A. He seemed to be troubled with sleeplessness as much as anything.

Q. Do you remember the Christmas week?—A. At Christmas week I went to my home at Poole.

Q. When did you return?—A. On the Saturday, the last day of that week—Boxing Day.

Q. On the 26th. Did you go to the house then?—A. Yes.

Q. Did you see Mr. Bartlett?—A. Yes.

Q. Was he up or in bed?—A. He was up.

Q. In what state did he appear to be then?—A. He seemed very prostrate, and he told me that he suffered from great sleeplessness, and he told me that he regretted that, because it kept Mrs. Bartlett from having any sleep. He said that he was glad I had returned, as he was afraid she was breaking down with nursing him, and he told me about worms.

Q. How long were you with him on that day?—A. I called about two o'clock and remained till about seven—I think seven or eight in the evening.

Q. From his conversation and manner, how did he appear to be, as to spirits?—A. He seemed very much depressed.

Q. Were you in the room all the time?—A. Yes, as far as I recollect. I must correct one thing. He seemed brighter on the Saturday. He was depressed on the Sunday when I saw him.

Q. Then the next day you saw him again?—A. Yes, I saw him on the Sunday.

Q. That was Sunday, the 27th; when was it that Mrs. Bartlett said anything to you about the chloroform?—A. On the Sunday night.

Q. Sunday night, the 27th?—A. The 27th.

Q. Where was Mr. Bartlett then?—A. Mr. Bartlett was in the room at Claverton Street.

Q. And where was this conversation with Mrs. Bartlett?—A. It occurred as Mrs. Bartlett and I were going to the post.

Q. You went out in the evening together, then; at what time?—A. About nine or half-past nine, I should think.

Q. To the post-office?—A. To the post-office.

Q. Just state fully, if you please, what she said on that subject.—
A. She told me she wanted some chloroform, and that Annie Walker had brought the chloroform to her before. She said that she wanted it to soothe her husband, to give him sleep, and asked me if I could get some for her. I told her I would, and I did.

Q. First of all, I want you to apply your mind to the conversation on that Sunday night. Was anything more said, that you remember, about it? Did she say how the chloroform was to be used?—*A.* She said she wanted it for external application.

Q. Try and think of everything, please.—*A.* I am endeavouring to do that, sir.

Q. Did she ask you why you were to get it? Did she say anything about why you were to get it?—*A.* She told me that Annie Walker had gone to America, and that she knew of no one else that could get it for her but me.

Q. Yes; anything more?—*A.* I do not recollect anything more.

Mr. Justice WILLS.—Did not it occur to you that there was a doctor in attendance?—*A.* Oh, yes; and I asked her to get it through the doctor.

Mr. Poland.—Yes?—*A.* She told me that he did not know that she was skilled in drugs and medicines, and, not knowing that, he would not entrust her with it.

Q. Yes; anything more? Was her medicine-chest mentioned at any time?—*A.* She had mentioned that to me earlier.

Q. Well, what about that?—*A.* She had mentioned that she had a medicine-chest.

Q. Was that on one of your visits to Claverton Street?—*A.* Yes.

Q. Was anything more said by her at any time about the medicine-chest?—*A.* Oh, she had mentioned the medicine-chest at other times, and, as far as I recollect, she did mention it then.

Q. What about it?—*A.* She spoke of the fact that she understood medicine.

Q. Now, just go on with the conversation about the chloroform—you agreed to get it for her?—*A.* I agreed to get it for her.

Mr. Justice WILLS.—Did she tell you in what way or what kind of external use was to be made of it?—*A.* She said to soothe him—to get him to sleep.

Q. That is not what we usually mean by external use. Did she give any explanation of what she meant by external use?—*A.* Yes; that she used it with a handkerchief.

Q. You mean by inhalation, then?—*A.* I suppose so; she said she sprinkled it on a handkerchief.

Mr. Poland.—How much were you to get?—*A.* A medicine draught bottle.

Q. What did she say about it?—*A.* She said that it was volatile, quickly used, and that she would require that amount.

Q. How much?—*A.* That amount.

Q. What amount?—*A.* She did not state the size of the bottle, but I understood her to mean the ordinary draught bottle.

Q. Anything further do you remember? Try and remember if anything else was said about the chloroform by her on this occasion. Do you remember or not?—*A.* I do not recollect it now.

Q. What?—*A.* I do not recollect anything further.

Q. Did you return with her to the house?—*A.* We returned to the house.

Q. At what time?—*A.* In about a quarter of an hour's time, I should think.

Q. Had she given you anything at all?—A. She gave me the money to buy the chloroform.

Q. How much?—A. I think she gave me a sovereign, but I cannot be sure about that—what the amount was.

Q. For what purpose?—A. To purchase it.

Q. Was anything said as to how much it would cost?—A. No.

Q. What time was it when you got back to the house?—A. It was somewhere between nine and ten; I could not say exactly.

Q. You saw Mr. Bartlett then?—A. I saw Mr. Bartlett.

Q. And what time did you leave that night?—A. I should think about half-past ten, as far as I remember.

Mr. JUSTICE WILLIS.—Did you say anything to him about this intended purchase of chloroform?—A. No; I said nothing to him about it.

Mr. Poland.—Where did you first endeavour to get the chloroform? Did you write at all to any one?—A. Yes.

Q. When?—A. I wrote to a medical student.

Q. When you left the house on Sunday night, December 27, you wrote, you say, to a medical student—when?—A. On the Sunday night?

Q. What is his name?—A. Styles.

Q. His Christian name?—A. Theodore; and I asked him if he would get me some.

Q. You must not say that; kindly attend to my question. You wrote to him?—A. I wrote to him.

Q. Where was his address?—A. He was at Poole at that time.

Q. You wrote to him at Poole?—A. At Poole.

Q. Is he in town now? What is his address in town?—A. No; he is not in town that I know of.

Q. What is his address—his full address, please?—A. I do not know his full address; he lives in Bristol.

Q. What is he—is he in practice, or a student?—A. A medical student.

Q. Do you know with whom he is staying?—A. He is at the medical college at Bristol.

Q. At a college at Bristol?—A. Yes.

Q. A medical college, is it?—A. A medical college.

Q. Did you keep a copy of your letter?—A. No; I never keep copies.

Q. Did you get an answer to that letter?—A. No.

Q. Did you afterwards telegraph to the person?—A. I did, on the Monday.

Q. You telegraphed to him at Bristol?—A. At Bristol.

Q. Where was he then—at Poole?—A. No; I think he was at Bristol—I think he had returned from Poole.

Q. He was a friend of yours, was he?—A. Yes.

Q. You did not, then, get the chloroform from him at all?—A. I got it at Putney.

Q. You did not get it through him? was my question.—A. I did not get it through him.

Q. Then on Monday, 28th, did you purchase the chloroform yourself? Kindly answer, please.—A. Yes; on the Monday.

Q. Where was the first shop you went to?—A. I went into an oil and colour shop first, mistaking it for a chemist's.

Q. You did not get it there?—A. No. Then I went to Mr. Humble's, next door.

Q. Mr. Humble, the chemist, of 190 Richmond Road, Putney?—A. That is it.

Q. About what time of the day?—A. It would be, I should think, between nine and ten.

Q. How far is that from where you live?—A. About four minutes' walk; four or five minutes' walk.

Q. Had you been at the shop before?—A. No.

Q. You had often passed the shop?—A. I have passed the shop, but never been into it.

Q. I mean you had often passed the shop?—A. I had to pass it every day.

Q. And was your chapel, of which you were the minister, about fifty yards away from the shop?—A. Yes.

Q. How much did you purchase there?—A. An ounce bottle full.

Q. Of what—chloroform?—A. Chloroform.

Q. But what sort of chloroform?

Mr. Clarke.—What did he ask for?

Mr. Poland.—What did you ask for?—A. I asked for chloroform.

Q. And you were served with the chloroform, and paid for it?—A. And paid for it.

Q. How much?—A. It was 1s. or 1s. 3d.; I am not sure of the price.

Mr. Clarke.—I make no objection, my Lord, with regard to the conversation, if my friend thinks it more convenient, and it would come in order of time.

Mr. Poland.—Of course, if you prefer it.

Mr. Clarke.—I think it would be better.

Mr. Poland.—I am much obliged to my friend,

Q. On this matter, you first were asked whether you wanted camphorated chloroform, I think?—A. Yes, I was asked that.

Q. And did you say, "No, pure chloroform"?—A. Yes.

Q. I think you were first of all shown a half-ounce bottle, and you wanted a larger quantity?—A. Yes.

Q. And you bought the ounce?—A. I bought the ounce.

Mr. Justice Wills.—Why did not you say at once, "I want a six-ounce bottle, a regular medicine bottle"?—A. I asked him for some chloroform; I did not mention any particular quantity.

Q. You said you understood you were asked to purchase a medicine bottle full. I do not understand why you did not ask straight out for a medicine bottle full.—A. I do not remember what was in my mind at the time; I did not mention the quantity to him.

Mr. Poland.—Did you say what you wanted it for?—A. I did not give the right reason. He asked me whether I wanted camphorated chloroform, and, as far as I remember, he touched his mouth so as to know whether it was for the teeth, and I did not answer that question, but I asked another.

Q. What was it you asked?—A. I said, "Is it good for taking out grease stains?"

Q. What did he say?—A. I think he told me it was.

Q. Then you bought it, and paid for it. Was the top in the usual way, with a leather top to it—a leather top over it?—A. Yes, there was.

Q. Tied over the stopper to keep it in?—A. Yes.

Q. How was it labelled?—A. "Chloroform."

Q. What other word?—A. "Poison." I am not sure; I think some bottles had "Poison" on, I cannot say which.

Q. You cannot say which; you think this may not have had the word "Poison" on it?—A. I cannot say.

Q. Then after that, I suppose, it had the chemist's label on?—A. Yes.

Q. The name and address, the usual label?—A. Yes.

Q. Where did you go next—which shop next?—A. Mr. Penrose's, at Wimbledon.

- Q. Is that the business of Cadman & Co., The Ridgeway, Wimbledon?
 —A. Yes.
- Q. Mr. Penrose is the manager?—A. Yes.
- Q. How far is that from Mr. Humble's shop?—A. I should think it is three miles between them.
- Q. Had you known Mr. Penrose before?—A. Yes; he was——
- Q. How long?—A. Twelve months, I should think.
- Q. You were going to say "he was——"?—A. He was not a regular hearer, but an occasional hearer at a chapel where I officiated.
- Q. So that you knew him well?—A. Oh yes, I knew him well.
- Q. What did you say to him about the purchase of chloroform—what for, for what purpose?—A. For taking out grease stains.
- Q. What more did you say?—A. I forget whether I asked for the quantity or not.
- Q. Did you tell him how you had got the grease stains?—A. On being down in the country, down at Poole.
- Q. Yes; then what did you—how much did he offer you first of all?—A. An ounce bottle, and then, when he made that up, I asked for another one.
- Q. And did you buy the two bottles of one ounce each?—A. Yes.
- Q. How much did you pay?—A. I don't remember the price.
- Q. And was that also labelled "Chloroform. Poison"?—A. Probably.
- Q. Of course the name and address on the usual label, the chemist's?—A. Yes.
- Q. Then where did you go?—A. To Mr. Mellin's, High Street.
- Q. Is he a chemist?—A. Yes, and he was personally known to me.
- Q. Is it 36 High Street, Wimbledon?—A. Yes.
- Q. How long had you known Mr. Mellin?—A. Some time, I think—oh, eighteen months. I had known the other chemist eighteen months; I said twelve.
- Q. Was Mr. Mellin a member of your congregation?—A. Yes.
- Q. And did you ask him for some chloroform?—A. Yes.
- Q. For what purpose?—A. I gave him the same reason.
- Q. And how much did you buy there?—A. Two ounces or an ounce and a half; I am not sure which.
- Q. And one bottle, or two?—A. One bottle.
- Q. Do you remember what you paid there to Mr. Mellin?—A. No, I do not remember the price.
- Q. One shilling or so—two shillings?—A. I do not remember; I cannot state.
- Q. There was a blue bottle—that bottle at Mr. Mellin's, was it a blue bottle?—A. Yes, it was a blue bottle.
- Q. Was it a bottle like that (*holding up a bottle*)?—A. Yes, that looks like the kind of bottle; it had some letters sunk into it.
- Q. On the glass?—A. Yes.
- Q. "Poison"—on the glass itself there are the words "Poison. Not to be taken"?—A. Yes, that is the kind of bottle.
- Q. Now, after you got those bottles in your possession, where did you take them to when you bought them? Was the last purchase about the middle of the day—about two?—A. About that time, I should think.
- Q. Where did you take them?—A. To Putney.
- Q. To your own house?—A. Yes, to my own house.
- Q. And what did you do with them?—A. I put the chloroform from them.
- Q. There were four bottles altogether?—A. Four bottles.
- Q. You poured all the chloroform from them?—A. Into one bottle.

Q. Where was the one bottle—what sort of a bottle was that?—A. It was a light, colourless bottle similar to that (*pointing to a bottle*).

Q. Similar to that?—A. Yes, that shape.

Q. A white bottle?—A. Yes.

Q. Square shape like that?—A. Yes, that is like it.

Mr. JUSTICE WILLS.—Has that a number on it?

Mr. Poland.—No, my Lord; it is only for the purpose of describing it. That is the description of it—about like that?—A. Yes, that is the kind of bottle.

Mr. Poland.—I merely show it as a similar bottle, my Lord.

Q. A medicine bottle?—A. Yes.

Q. It was a medicine bottle? And had you cleaned it out? Where did you get the medicine bottle from?—A. From my landlady.

Q. Did you clean it out, do you remember, or not?—A. I cannot remember; probably I should.

Q. Then you poured the contents of the four bottles into this bottle, and then what did you do?—A. I put one of the labels on it.

Q. "Chloroform"?—A. I put one of the labels on it.

Q. Did you take it off one of the other bottles?—A. Yes; I took it off the blue one, as far as I remember.

Q. Were all the chloroform bottles blue, or not?—A. No; the other three were white, colourless.

Q. The other three were white; Mr. Mellin's was blue. Then you took the label, you say, off the blue bottle?—A. Yes.

Q. Mr. Mellin's label, and put it on to the—?—A. On to the other bottle.

Q. What was on the label itself?—A. "Chloroform."

Q. Any other word?—A. "Chloroform. Poison," I think, because it was a long label. I cannot be sure whether "Poison" was on it; I think it was.

Q. You are not sure. You know the word "Chloroform" was on the bottle?—A. Yes.

Q. And you think the word "Poison"?—A. Yes, but I cannot be sure about it.

Q. You wetted the label, got it off the one bottle, and put it on the other?—A. Yes.

Q. And on that Monday what did you do with the four empty bottles? Were they at your lodgings?—A. Yes, they were at my lodgings.

Q. And then?—A. I took the bottle containing the chloroform.

Q. When?—A. To Claverton Street.

Q. When?—A. This should be on the—

Q. Monday or the Tuesday?—A. This would be on the Tuesday, next day.

Q. The following day, Tuesday, the 29th, you took the one bottle containing the chloroform to Claverton Street; is that right?—A. Yes.

Mr. JUSTICE WILLS.—Time, Mr. Poland.

Mr. Poland.—What was the time?—A. It would be in the afternoon, I should think, between two and three, as far as I remember.

Q. And whom did you see there?—A. I saw there was a visitor—a Mr. Hackett, I believe.

Q. Did you see Mrs. Bartlett?—A. Yes, she was there.

Q. When did you give her the bottle containing the chloroform?—A. Whilst we were out for a stroll on the Embankment.

Q. You went with her afterwards?—A. Yes.

Q. For a stroll?—A. Yes.

Q. And while on the Embankment?—A. On the Embankment I gave her this chloroform.

Q. Gave her the one bottle containing the chloroform?—A. Yes.

Q. What time in the day was that?—A. In the afternoon.

Q. About what time?—A. It would be about the middle of the afternoon.

Q. What did you say to her when you gave it to her?—A. I asked her if that would do, and she said it would.

Q. Yes; anything more?—A. And I think I told her some of it was methylated—either then or later. It must have been then, I should think.

Q. Had she told you what sort to get?—A. No; chloroform.

Q. Then you told her some of this in the bottle?—A. "Some of this is methylated," which I got at Mr. Penrose's.

Q. Some you got where?—A. I did not tell her this; I was interpolating that.

Q. That didn't?—A. I told her some of it was methylated.

Q. And that is so, is it? Did you know it was methylated?—A. Yes, I knew some of it was methylated.

Q. Some you had purchased?—A. Yes.

Q. What more passed when you gave her this bottle and asked her if it would do?—A. Yes, I remember nothing more.

Q. What about the money? You had had a sovereign?—A. Yes.

Q. Well?—A. I don't remember anything occurring about the money then.

Q. Did you give her the change at any time?—A. Yes.

Q. Do you remember when?—A. No, I don't remember when; but I did give her the change.

Q. Did you go back with her to the house in Claverton Street?—A. Yes.

Q. Did you see Mr. Bartlett?—A. Yes.

Q. How long were you with him on that Tuesday, the 29th?—A. I think until about six or seven; I cannot be sure.

Q. About that?—A. About that time, I think.

Q. Was he up and dressed?—A. Oh yes, he was up.

Q. And on that Tuesday—

Mr. JUSTICE WILLS.—You were asked if he was up and dressed. You said he was up; was he dressed?—A. Yes, and dressed.

Mr. Poland.—Undressed?—A. No; also dressed.

Q. Now, how did he appear to be on that Thursday?—A. He seemed very weak; he seemed brightened by the fact that he had gone out for a drive, and he was still troubled with his sleeplessness.

Q. When did you see him again?—A. On the 31st.

Q. Did you call on the Wednesday, or not?—A. Oh yes, I called on the Wednesday; I had forgotten that.

Q. Did you see him then?—A. Yes.

Q. And how did he appear to be then?—A. He was in bed.

Q. How did he appear to be?—A. About the same; I don't recollect any difference.

Q. And did you see Mrs. Bartlett on the Wednesday?—A. Yes.

Q. What passed between you? What was said?—A. I apologized to her.

Q. What for?—A. She was offended at something I had said.

Q. On the previous day?—A. Yes, on the previous day—Tuesday.

Mr. JUSTICE WILLS.—What was that?

Mr. Poland.—What was it—anything particular?—A. I had advised her to get a nurse to assist her, consequent upon her telling me that the friends were saying unkind things about her—that she was not giving him full nursing attention.

Mr. JUSTICE WILLS.—What friends?—A. That the friends.

Q. I suppose she mentioned somebody?—A. I don't know that she mentioned names.

Mr. Poland.—What did you say to her when she referred to that?—

A. I told her that it would be better in the eyes of the world if she were to have a nurse with her—meaning that that would stop them.

Q. What did she say to that?—A. She was offended at it.

Q. What did she say? How did she show she was offended?—A. She said that I suspected or did not trust her.

Q. What did you say to that?—A. I told her that I did thoroughly.

Q. Trust her?—A. Yes, that I did thoroughly trust her, and Mr. Bartlett overheard it.

Mr. Clarke.—I am afraid two conversations are being mixed.

Mr. Poland.—I think not.

Mr. Clarke.—The witness said he assured her he did not mistrust her, and Mr. Bartlett overheard it. That could not have been on Wednesday.

Mr. JUSTICE WILLS.—No; I have understood it—see whether I am right—that this took place on the Monday.

Mr. Poland.—The Tuesday, my Lord.

Mr. JUSTICE WILLS.—I understood he began to detail the conversation that took place on the Tuesday, and he began by saying he had apologized for something he had said which offended her; and then we went back, and I understood this to have taken place on the Monday.

Mr. Clarke.—I think he told us the apology was on Wednesday.

Mr. Poland.—Yes, with reference to what took place on Tuesday.

Mr. JUSTICE WILLS.—That was on Tuesday.

Mr. Clarke.—We had gone back to Tuesday, and he said Mr. Bartlett had overheard him. It is clear.

Mr. JUSTICE WILLS.—You think it was on the Wednesday. I have not understood that.

Mr. Clarke.—The conversation your Lordship has just heard is the conversation about the friends complaining, and her saying he did not trust her.

Mr. JUSTICE WILLS.—Yes.

Mr. Clarke.—Then his next answer was that Mr. Bartlett overheard it, and I did not understand he was present.

The Witness.—Allow me; this conversation was in the room after the return from the walk.

Mr. Clarke.—If we are to understand that Mr. Bartlett overheard the whole of the conversation, very well.

Mr. JUSTICE WILLS.—I understand it took place in the room, *sotto voce*, so that Mr. Bartlett overheard the whole of it.

The Witness.—He did not hear the whole of it; he heard that exclamation, and saw I was distressed with it.

Mr. JUSTICE WILLS.—Did he hear that she told you the friends were saying unkind things, and that you advised her to have a nurse? Did he hear the whole of that?—A. Oh, that I cannot say. He was walking about the room at the time; but I know he heard those words, "respect" or "trust."

Mr. JUSTICE WILLS.—Does that clear up your difficulty, Mr. Clarke, for the moment?

Mr. Clarke.—Not completely. Perhaps we had better leave it for a moment. There is one conversation on Wednesday, and another conversation had taken place on Tuesday, which on Wednesday was apologized for. The question is whether Mr. Bartlett heard both those.

Mr. Poland.—The conversation about getting a second person to nurse was, I understand, after you returned from the walk on the Embankment; you were in the room?—A. Yes.

Mr. JUSTICE WILLS.—Then Mr. Bartlett was walking about, and she said, "You don't trust me"?

Mr. Poland.—Yes.

Mr. JUSTICE WILLS.—Then what took place?—A. He said, "Oh yes, you may trust her. If you had twelve years' experience of her as I have, you would know you could trust her." And it was in consequence of that I returned on the Wednesday morning. I was troubled about it, and I think Mrs. Bartlett was not in the room. Mr. Bartlett was in bed alone when I was shown into the front room, and I told him I wished to see Mrs. Bartlett.

Mr. Poland.—Then you apologized to Mrs. Bartlett for what had taken place on the previous Tuesday?—A. Yes.

Mr. JUSTICE WILLS.—Did she come in? We have only got "I told Mr. Bartlett I wanted to speak to Mrs. Bartlett."—A. He requested the servant to show me downstairs.

Mr. Poland.—Did you see her downstairs?—A. Yes.

Q. What did you say to her then?—A. I repudiated the idea. I told her that I was distressed that she should think such a thing.

Q. Anything more?—A. No; I do not remember any more.

Q. What time was that in the morning do you say?—A. I should say it was ten or eleven in the morning.

Q. Did you leave then?—A. Then I left.

Q. Did you return to the house during the day?—A. No.

Q. What?—A. Not during that day.

Q. Did you go the next day?—A. Yes; the Thursday.

Q. The 31st?—A. Yes.

Q. What time?—A. In the afternoon; I should think about two or three.

Q. Did you see Mr. and Mrs. Bartlett?—A. Yes.

Q. How did he appear to be?—A. He seemed nervous, and he was in great pain from his teeth.

Q. Did he say anything about the doctor?—A. Yes; he said he was expecting the doctor, and he asked me to call and tell him to come.

Q. Did you?—A. And I did so.

Q. You went to Dr. Leach?—A. Yes.

Q. Did you see Dr. Leach—do you know whether he went?—A. I did not see the doctor. I think I saw the servant-maid and left a message.

Q. Then afterwards—how long were you away from the house—did you go back to the house?—A. I went back to the house directly.

Q. How soon afterwards?—A. I returned direct to the house.

Q. Did you see the doctor at the house?—A. I did not see him at his own house; I saw him at Claverton Street.

Q. Where were you when the doctor was at the house?—A. I was in the front room.

Q. You were in the room?—A. Yes, the front room.

Q. After he had left did Mrs. Bartlett speak to you about her husband?—A. Yes; she told me that the doctor said necrosis of the jaw—mortification of the jaw—had set in.

Q. What time did you leave?—A. I left about six or seven.

Mr. JUSTICE WILLS.—Did you see him again after that?—A. Who, sir?

Q. Mr. Bartlett. She told you that necrosis had set in?—A. Yes; I did.

Q. Where was it she told you necrosis had set in—in his room, or downstairs?—A. In his room—in the front room.

Q. Then he was by?—A. Yes, I think so. I cannot swear to that. I suppose he was.

Mr. Poland.—And what was the last time you saw him—what time did you leave about?—A. I left about half-past four to five.

Q. Was that the last time you saw —?—A. That was the last time I saw Mr. Bartlett.

Q. Where was he when you left him—was he in bed, or up, or —?—A. He was up, and getting ready to go to the dentist, if I remember rightly.

Q. Did you go to the house the following day, the Friday?—A. No.

Q. Did you receive during that day a letter from Mrs. Bartlett?—A. I did.

Q. Have you got that letter?—A. No, I have not.

Q. What became of it?—A. To the effect that—

Q. What has become of it? my question was.—A. I destroyed it.

Q. Was it written by Mrs. Bartlett?—A. Written by Mrs. Bartlett.

Q. As well as you can remember, what was stated in that letter?

Mr. JUSTICE WILLS.—When did you destroy it?

Mr. Poland.—When did you destroy it?—A. I should think shortly after I received it; within a few days; I cannot remember exactly now.

Q. Now, as near as you can remember, what was stated in that letter to you? How were you addressed—how did she address you?—A. I cannot remember—I think as Mr. Dyson—Mr. Dyson, I fancy. She said that it was her grief to tell me that Mr. Bartlett had died about, somewhere about two o'clock, as far as she could judge.

Q. Yes? State fully all you remember that was in the letter.—A. And it requested me to call and see her on the Saturday, about the middle of the morning.

Q. I do not know whether you understood my question—the letter was addressed to you, but how was it inside? How did she address you—“Dear Mr. Dyson,” or what?—A. I believe it was “Dear Mr. Dyson.”

Mr. JUSTICE WILLS.—Surely you can tell. You are not likely to forget a thing of that sort, I should have thought. How was she in the habit of addressing you in her letters?—A. She used my Christian name in some letters. I cannot swear to this particular one. Sometimes “Mr. Dyson,” sometimes my Christian name.

Mr. Poland.—Well, “Dear George”?—A. Yes.

Q. Now, you did call on the Saturday, as I understand?—A. I called on the Saturday—Saturday morning.

Q. Saturday, January 2?—A. Yes.

Q. What time?—A. About the middle of the morning—eleven or twelve it would be, I should think.

Q. Where did you see her?—A. In the front room upstairs.

Q. Had you answered the letter to say you were coming, or not?—A. No. I sent no answer.

Q. You went upstairs to the front room?—A. And saw Mrs. Bartlett there in the front room.

Q. Did you see Mr. Bartlett lying dead on the bed?—A. No.

Q. Where was he then?—A. He was in the back room.

Q. He had been moved into the back room?—A. He had been moved into the back room.

Q. Now, Mr. Dyson, state fully, please, what passed between you and Mrs. Bartlett on this Saturday morning about the death, and everything she said. What happened when you first went in?—A. She asked me whether I did not consider it was sudden. I said it was very sudden. She then described the night of his death.

Q. What she said, please, as if she were doing it to you; now, fully what she stated?—A. She was sitting.

Q. "I was sitting?"—A. "I was sitting by the bedside reading, and I had my hand or arm round Edwin's foot," and I think she said she dozed off to sleep and woke, and she went—must I give it you in the first person? Do you want it in the first person? I find it difficult.

Mr. JUSTICE WILLS.—Tell it in your own way.—A. She heard them wish each other a happy New Year downstairs, then she heard her husband breathing heavily.

Mr. Poland.—Yes?—A. And then she fell asleep, and when she woke through a feeling of pain in her arm she found Mr. Bartlett turned over, and she expected that the turning over had caused this cramp in the arm; that she gave him brandy, and then she roused the household. That was the account.

Q. Eh?—A. That was what she told me of the death.

Q. Anything said about the doctor?—A. About the doctor?

Q. Yes.—A. That he had ordered a post-mortem.

Q. Anything more?—A. And that it was to be held—she told me it was to be held that afternoon.

Q. Yes; anything more?—A. I asked her what he had died from.

Q. Was this before the post-mortem?—A. This was before the post-mortem. And she said the doctor told her that he thought some small bloodvessel must have broken near the heart, or on the heart—I cannot be sure which.

Q. Anything more?—A. I do not recollect anything more.

Q. How long did you stay with her on that occasion?—A. I remained to the post-mortem.

Q. What time was that held?—A. In the afternoon.

Q. Were you up stairs or down?—A. The post-mortem—

Q. Were you up stairs or down?—A. I was downstairs during the post-mortem.

Q. Where was Mrs. Bartlett?—A. She was downstairs also.

Q. Did anything further pass between you on the subject of her husband's death?—A. Not that I remember.

Mr. JUSTICE WILLS.—Was anybody else downstairs with you, or you and she alone?—A. Mr. Wood was there.

Mr. Poland.—The solicitor?—A. Yes.

Q. Your co-executor?—A. Yes.

Mr. JUSTICE WILLS.—What time did he come?—A. I think he came in the afternoon; I cannot be sure about the time.

Mr. Poland.—Can you remember whether that was before the post-mortem or afterwards?—A. Before the post-mortem.

Q. Now, after the post-mortem where did you go—upstairs?—A. We went upstairs to hear the result.

Q. Where was Mrs. Bartlett?—A. She went upstairs with us. Mr. Bartlett, senior, was there latterly—the latter part of the time of waiting.

Q. Did you go into the front room?—A. We all went up into the front room to hear the result.

Q. Who was there besides the doctors?—A. Besides the doctors, Mrs. Bartlett, Mr. Bartlett, senior, and myself and Mr. Wood.

Q. Who communicated the result?—A. Mr. Leach. Mr. Leach was there.

Q. Who spoke—what was said?—A. And he said that they had conducted a careful post-mortem examination, and failed to discover the cause of death.

Q. Anything further?—A. And that the rooms were to be sealed—locked and sealed, and handed over to the Coroner.

Q. After the post-mortem, was anything said—did Mr. Leach in the

presence of Mrs. Bartlett say anything else about the cause of death—anything that had happened at the post-mortem?—*A.* Not to my knowledge; I have given you his words as nearly as I can remember them.

Q. Did you hear the instructions given to seal the door?—*A.* Yes.

Q. Who gave them?—*A.* I heard a statement from Mr. Leach it was to be done; I did not hear any definite orders given.

Q. The solicitor was still there—Mr. Wood?—*A.* Yes, I believe so, if he had not left.

Q. Then afterwards did you go away with Mrs. Bartlett?—*A.* Yes; I went away with Mrs. Bartlett to Mrs. Matthews'.

Q. What time did you leave the house?—*A.* I am not certain what the time was.

Q. Cannot you tell about?—*A.* I should think about five or six o'clock; the post-mortem commenced somewhere about half-past two, I believe.

Q. Then you took Mrs. Bartlett?—*A.* It would not be so late as that; it would be four or five, I should think.

Q. Then did you take Mrs. Bartlett to Mr. and Mrs. Matthews'—is that 98 Friern Road, East Dulwich?—*A.* Yes.

Q. Did you know that before?—*A.* No.

Q. That they were friends of Mrs. Bartlett?—*A.* Yes.

Q. Mr. and Mrs. Bartlett? Now, as you were taking her to Mr. and Mrs. Matthews' you had some conversation with her?—*A.* Yes.

Q. What was that, please?—*A.* I asked her if she had used the chloroform.

Q. Try and think of everything, please, that was said on this subject.—*A.* She said, "I have not used it. I have not had occasion to use it. The bottle is there just as you gave it me."

Q. Yes, and then?—*A.* She said, "This is a very critical time with me." She told me to put away from my mind the fact that she had possessed this medicine-chest, and that I had given her the chloroform.

Q. Yes? Anything said about any questions when you spoke to her?—*A.* She told me I must not worry her about it.

Q. Then what more did you say to her?

Mr. Justice Wills.—It is not what more. It is all one way. What did you say to her when she said it was a critical time, and you must put away the fact that you helped her to have chloroform—what did you say?—*A.* I cannot remember what the answer was.

Mr. Poland.—Did you say anything about seeing the doctor?—*A.* Yes, I did.

Q. What was it?—*A.* I told her that I should see the doctor.

Q. When?—*A.* On the Monday; I told her that that evening.

Mr. Justice Wills.—This was on the way?—*A.* Yes, it would be on the way.

Mr. Poland.—Yes: "I told her I should see the doctor on the Monday" ?—*A.* And I should ask him about the post-mortem.

Q. Yes. State, please, fully what passed upon that subject.—*A.* I do not recall any more conversation.

Q. No more conversation on the way?—*A.* No.

Q. You were on the way?—*A.* Yes.

Q. When you got to Mr. and Mrs. Matthews', did you go into the house?—*A.* Yes; I went into the house and saw Mrs. Matthews.

Q. State, please, fully what conversation you had with Mrs. Bartlett in the house.—*A.* With Mrs. Bartlett?

Q. Yes.—*A.* On the Saturday night, you mean?

Q. On this same night certainly.—*A.* I do not think I had any in the house with Mrs. Bartlett. She introduced me to Mrs. Matthews as Mr.

Dyson, and then she told Mrs. Matthews of the post-mortem, and she told me to the effect that she had come to stay with her.

Q. Yes. In the house did anything further pass about the death, or about chloroform on that night?—A. No.

Q. You are sure of that, are you?—A. I do not recollect anything.

Q. When did you see her again?—A. On the Monday.

Q. Monday, the 4th?—A. Yes.

Q. Where did you see her?—A. At Mrs. Matthews'.

Q. What time?—A. It would be in the course of the morning.

Q. Yes. Was any one present when you saw her?—A. No; I saw her alone in the first instance.

Q. Had you that day seen Dr. Leach?—A. Yes.

Q. And did he show you, before you went to the house, some notes of the post-mortem?—A. He did.

Q. Did he give them to you to read?—A. He read them to me.

Q. Now, when you saw Mrs. Bartlett at the Matthews', what passed between you—what did you say? How recently you had seen Dr. Leach and had these notes read to you?—A. I went direct from Dr. Leach and asked her what she had done with the chloroform.

Q. She said—what did she say?—A. She was very angry with me for troubling her about that.

Q. What did she say?—A. She said, "Oh, damn the chloroform!"

Q. How did she behave—what did she say or do?—A. She was angry.

Q. What did she do?—A. She stamped her foot on the ground and she rose from her chair.

Q. Yes, and then?—A. Then Mrs. Matthews came in.

Q. Then what passed?—A. Then Mrs. Matthews retired again.

Q. Eh?—A. Mrs. Matthews left the room again, and I had a further conversation with Mrs. Bartlett.

Mr. JUSTICE WILLS.—Was nothing further said when Mrs. Matthews came in during the time she was in the room?—A. Mrs. Matthews asked her what she was troubled about.

Q. What did she say?—A. I do not remember her reply.

Q. Anything else?—A. Then Mrs. Matthews left the room, and I told Mrs. Bartlett.

Q. Eh?—A. Further, I told her about my having seen Dr. Leach, and—

Q. Tell us what you told her?—A. I told her I had been to see Dr. Leach, and that either chlorodyne or chloroform, some drops of it, had been found in the stomach of the deceased, Mr. Bartlett. Then she asked me to tell her which it was—either chlorodyne or chloroform, and I told her I was not quite sure—that I confused the two.

Mr. Poland.—Yes?—A. Then I spoke to her about her husband's sickness, of which she had told me.

Q. What did you say, as near as you can remember?—A. I really cannot at this distance of time remember—I cannot remember now. As long as I could remember, I gave it as well as I could, but at this distance of time I forget a great deal.

Q. As near as you can, please.—A. I asked Mrs. Bartlett again whether she had not told me, or rather I emphasized the fact to her that she had told me, her husband was suffering from this internal affliction, and probably then I spoke of the fact that nothing was said about this affliction in the post-mortem, and I asked her if she did not tell me that her husband's life would be a short one. I said, "You did tell me that Edwin was going to die shortly."

Mr. JUSTICE WILLS.—Well?—A. She said she did not.

Mr. Poland.—Yes; what did you say?—A. I said that I was a ruined man.

Q. Speak louder, please?—A. I said that I was a ruined man.

Q. What more, if anything?—A. Mrs. Matthews was in the room at that time. She had come in.

Q. What more?—A. She said I had better leave.

Q. Did you say anything more, do you remember, besides, about a ruined man?—A. No; I do not think I said anything but that.

Q. Yes; and then what more passed?—A. Then I left.

Q. Before you left was anything said about a piece of paper?—A. I do not remember it. I say I cannot remember everything being said.

Q. When Mrs.—?—A. Not on that occasion.

Q. When Mrs. Matthews was in the room—poetry—anything about poetry?—A. Yes, I did mention to her a piece of poetry.

Q. Please state what it was. What was said about it?

Mr. JUSTICE WILLS.—To her do you mean?—A. To Mrs. Bartlett. I asked her for a piece of poetry that I had given her.

Q. What did she say?—A. I am not prepared to swear it was on this occasion I asked her that. To my recollection, it was on the Wednesday.

Mr. Poland.—What did she say about it?—A. When I did mention about it, she said it was at Claverton Street.

Q. Was it some poetry you had written?—A. Some poetry I had written.

Q. Some verses?—A. Yes, some verses.

Q. About what?—A. About herself.

Q. And when had you given that to her, or sent it to her?—A. I had given it to her some few weeks previously.

Mr. JUSTICE WILLS.—In her husband's presence?—A. I cannot say when I gave it. He read it. I do not remember, my Lord, whether it was then or not.

Q. Now, did anything more pass between you on the Monday, the 4th?—A. Not that I recollect. Nothing more that I recollect passed on the Monday.

Mr. Poland.—Then when did you see her again?—A. I saw her the same night.

Q. Anything further—what passed between you on this same night?—

A. At Mrs. Matthews'?

Q. At Mrs. Matthews'.—A. That is the Monday night—Monday, the 4th, still?

Q. Yes, on the Monday night—what more took place between you then?—A. She spoke about the chloroform.

Q. What did she say?—(The witness did not answer.)

Q. What did she say?—A. Oh, I told her I was going to make a clean breast of the affair—that I should tell everything I knew about it. I cannot say if that was on that occasion, or whether it was earlier in the day that I said it, when she referred to that fact that I said I would do so.

Q. How did she refer to it? What did she say?—A. She did not wish me to do so. She did not wish me to mention the chloroform.

Q. What did she say, please?—A. I cannot tell you what she said—I cannot give you her words.

Q. The substance?—A. She told me not to say anything about the chloroform. That was the substance of it.

Q. What did you say to that?—A. I told her that—I repeated my intention.

Q. Yes; and then what did she say to that?—A. I do not remember.

Q. Did she say anything when you repeated your intention? What did you say when you repeated your intention? How did you repeat your intention—the substance of what you said?—A. The substance was this—that I was puzzled, I was very much perplexed and alarmed, and the best thing I could do in this matter was to tell what I knew of the matter, and of my having bought the chloroform.

Q. Do you remember what she said to that?—A. I do not.

Q. Did she make any answer?—A. I cannot remember.

Q. And what more passed between you?—A. I returned her a watch.

Q. What was that watch?—A. She told me her husband had left it to me. It was his wish that I should have that watch in memory of him when he was gone.

Q. When had she given it to you?—A. On the Saturday.

Q. Was that before or after the post-mortem?—A. That was before the post-mortem.

Q. When you returned it to her on this Monday, what did you say?—A. I said that I did not—I cannot give you the exact words—I would not swear—I can only swear to the substance—I am not prepared at this distance of time to swear to my particular words.

Q. The substance, please?—A. The substance was that I returned that watch. I should not keep it.

Q. Did anything more pass between you on that Monday?—A. Yes, I gave her—

Q. Yes?—A. Money for a cheque that I had changed for her. She had asked me to change a cheque.

Q. How much?—A. £5. I gave her £4.

Q. Whose cheque?—A. How do you mean, whose cheque?

Q. Who wrote the cheque, and whose was the signature?—A. I believe it was her husband's.

Q. When did you receive that from her?—A. Some two or three weeks before the death.

Q. What for?—A. It was for expenses which I had been put to when I was with them at Dover. She told me it was Mr. Bartlett's wish that I should not suffer any expenses owing to my connection with them.

Q. Do I understand it was a £5 cheque, and you gave her £4?—A. I gave her £4 back on that evening.

Q. Anything more that evening?—A. Nothing more that evening.

Q. Had you given her up to that time change for the sovereign to buy the chloroform?—A. I cannot remember when I gave her that.

Q. Now, at this time where were the four bottles which had contained the chloroform up to this time—on Monday evening where were they?—A. They were at my lodgings.

Q. Still at your lodgings?—A. Yes.

Q. The following day, Tuesday, did you see her again?—A. Not on the Tuesday.

Q. On the Wednesday?—A. On the Wednesday I did.

Mr. JUSTICE WILLS.—That was the 6th.

Mr. Poland.—I am going to put the question again to see there is no mistake. The post-mortem was on Saturday, January 2; you have been speaking of the conversation on Monday, the 4th?—A. Yes.

Q. The bottles—where were the bottles, do you say, on the evening of Monday, the 4th?—A. On the evening of Monday they were on Wandsworth Common.

Q. It was a mistake when you said it was on Monday they were at your lodgings?—A. I beg your pardon. I thought you were speaking of Saturday.

Q. What had you done with the bottles?—A. I had thrown them away on Wandsworth Common on the way to Tooting.

Q. All four of them?—A. Yes.

Q. When?—A. On the Sunday morning.

Q. As you were going where?—A. As I was going to Tooting.

Q. On your way to chapel?—A. Yes.

Q. Have you pointed out to one of the officers in the case where you threw them away?—A. I did.

Q. Did you throw them in one place or in different places?—A. I threw them away as I walked along the path. I had them in my pocket, and I threw them at the side out from the road on to the Common at my left hand.

Q. With the exception of the one from which you had taken the label, had the others the labels on as you got them from the chemists.—A. As far as I know, I took the label off the one; the others would have the labels on, I presume.

Q. Now, Tuesday—you had done nothing at all with them first—cleaned them at all—you threw them away just as you had emptied the stuff out of them?—A. Yes; threw them away just as they were after I had taken the stuff out.

Q. Now, on Tuesday, the 5th, did you go to see a solicitor?—A. Yes.

Q. Did he give you some letters for Mrs. Bartlett?—A. Yes.

Q. And did you take those letters to the house of Mrs. Matthews?—A. I left them at Mrs. Matthews'.

Q. What?—A. Yes; I took them to Mrs. Matthews'.

Q. And on the Tuesday did you see Mrs. Bartlett again, or not?—A. On the Wednesday.

Q. On the Tuesday?—A. I did not see Mrs. Bartlett on the Tuesday.

Q. But you left the letters for her?—A. No; on the Wednesday I took the letters to her.

Q. You got the letters from Mr. Wood on Tuesday, the 5th?—A. Yes.

Q. You took them on Wednesday, the 6th.—A. Yes.

Q. Were these unopened letters which had come by post, or were they a bundle of opened letters? Just describe them.—A. They were some sorted letters.

Q. Sorted letters?—A. Yes.

Q. How many, about?—A. Two or three dozen, I should think.

Q. These were—

Mr. JUSTICE WILLS.—I don't quite know what you mean by sorted letters.—A. Letters I had been sorting with Mr. Wood at his office.

Q. Letters that had been at Claverton Street, do you mean?—A. No; letters of Mrs. Bartlett's.

Q. Addressed to Mr. Wood, do you mean?—A. No; from various persons.

Q. And that had come from Claverton Street?—A. No; letters that had accumulated, and I assisted Mr. Wood in sorting them on the Tuesday.

Q. Letters of Mr. Bartlett from various people?—A. Yes, from various people.

Q. I thought you said from various people?—A. From various people.

Mr. Poland.—Opened letters—old letters?—A. Yes.

Q. Now, then, you gave her those letters and you saw Mrs. Bartlett on the Wednesday?—A. Yes.

Q. And gave her those letters?—A. Yes, I gave her the letters.

Q. Had you seen the will at that time?—A. Mr. Wood showed me the will; but whether then or later I don't know.

Q. The first time you saw it it was in Mr. Wood's possession?—A. Yes.

Q. Was that when you went to the office and saw the will?—A. I saw the will at the office; whether on the Tuesday or later I cannot say.

Q. Now, on Wednesday, when you gave those letters to Mrs. Bartlett at Mrs. Matthews', what passed between you? I want everything that happened—what was said, what time was it?—A. It was in the morning.

Q. What was it?—A. They were going down—they were going to Claverton Street, Mrs. Matthews and Mrs. Bartlett, and it was snowing heavily, so I fetched a cab for them, and went with them to Peckham Rye Station.

Q. What passed then—did anything pass between you and Mrs. Bartlett?—A. Not that I remember.

Q. When did you see her again?—A. I went to Claverton Street with them.

Q. Do you remember whether on the Wednesday any conversation took place between you and Mrs. Bartlett?—A. There was sure to have been some conversation.

Q. Anything about Mr. Bartlett's death and the chloroform?—A. Probably.

Q. Try and remember what it was, please.—A. I really cannot remember, sir; I have a general impression of the different conversations I had with her, and in some cases I can give you the words.

Q. On that day did you go anywhere with her?—A. Yes; we came down to Victoria by train.

Q. And where then?—A. I went to buy some cord for Mrs. Bartlett's boxes, arranging to meet them—Mrs. Bartlett and Mrs. Matthews—at Dr. Leach's.

Q. And did you?—A. No; I went to Dr. Leach's, but they had gone on to Claverton Street.

Q. Did you afterwards see Dr. Leach?—A. I saw him there; he was there.

Q. Was Mrs. Bartlett with you?—A. No; she and Mrs. Matthews had gone on to Claverton Street.

Q. You saw Dr. Leach?—A. I saw Dr. Leach.

Q. After seeing Dr. Leach, did you see Mrs. Bartlett?—A. Not at that time of the day.

Q. Later in the day did you?—A. Yes.

Q. What passed between you? What did you say to her?—A. I inquired for Mrs. Bartlett and Mrs. Matthews, and the doctor told me they had gone on to the house, and, as I was leaving, he gave me Mrs. Bartlett's keys and told me that the Coroner had done with the rooms, and requested me to take the keys to her.

Q. Did you do so?—A. Yes, I did.

Q. To Claverton Street?—A. To Claverton Street.

Q. Then you saw Mrs. Bartlett there? Was Mrs. Matthews there as well?—A. I did not see Mrs. Bartlett. I was not allowed to go in at Claverton Street. I was told, when the door was opened, that—

Q. Did you see her afterwards at Claverton Street?—A. Yes, afterwards I did.

Q. Where?—A. Outside the door at Claverton Street.

Q. Did you give her the keys?—A. Yes, I gave her the keys then.

Q. Did you go with her to Mr. Leach?—A. Yes, and Mrs. Matthews also.

Q. In the presence of Mrs. Bartlett what passed—what was said?—A. I handed her the keys and said that the doctor had sent them for her.

Q. Anything further?—A. No; we returned to Mr. Leach's house.

Q. Any further conversation there between you and Mrs. Bartlett?—
A. Nothing with Mrs. Bartlett.

Q. Did you see Mrs. Matthews?—*A.* Yes, I saw Mrs. Matthews in the ante-room.

Mr. JUSTICE WILLS.—In the ante-room at Dr. Leach's, or at 85 Claverton Street?—*A.* At Dr. Leach's.

Mr. Poland.—Did anything pass between you and Mrs. Bartlett?—
A. No, nothing between me and Mrs. Bartlett.

Q. On the following day—was the inquest fixed for the following day, January 7?—*A.* Yes.

Q. Did you attend?—*A.* I attended.

Q. Before the Coroner, Mr. Braxton Hicks?—*A.* I attended.

Q. Where was the inquest?—*A.* It was opposite the Royal Mews.

Q. Pimlico?—*A.* Pimlico—near the Buckingham Palace Road.

Q. Was Mrs. Bartlett also present?—*A.* Yes; both present.

Q. Were you represented on that occasion?—*A.* I was not.

Q. You were present at the inquest; you were in court and heard the witnesses examined on that day?—*A.* I heard the witnesses examined on that day.

Q. And then the inquest was adjourned to February 4?—*A.* Yes.

Q. Now, up to that time had you told anybody except Mrs. Bartlett that you had purchased this chloroform?—*A.* Yes.

Q. To whom had you mentioned it?

Mr. Clarke.—I object, my Lord.

Mr. Poland.—My friend objects. I submit, my Lord, whether that is to the credibility of the witness.

Mr. JUSTICE WILLS.—I think it is inadmissible at this stage. Something may occur to make it evidence, but at this stage we cannot go into it, I think.

Mr. Clarke.—Your Lordship sees, when one has to deal with a matter of this kind—

Mr. Poland.—One other matter with regard to that day. On that day, the day of the inquest, had you been to a confectioner's—Mrs. Stuard's?—*A.* After the inquest.

Q. On the day after the inquest; was that with Mrs. Bartlett?—
A. Yes; to have some dinner.

Mr. JUSTICE WILLS.—You mean on the day of the inquest, but after the inquest?—*A.* Yes.

Mr. Poland.—Were you in the shop or in a private room?—*A.* In a private room behind the shop; at least, it was a room that opened out directly from the shop.

Q. Is it a private room, or a room to which the ordinary customers can go?—*A.* A private room.

Q. How long were you there together?—*A.* I should think an hour.

Q. Did any further conversation take place there between you with reference to this matter?—*A.* Yes; we talked entirely on that, or almost on that.

Mr. JUSTICE WILLS.—On the inquest, do you mean?—*A.* On the whole question.

Mr. Poland.—Then I will go into that, my Lord, afterwards.

(The Court adjourned for a short time.)

Mr. Poland.—Mr. Dyson, now state, please, what passed between you and Mrs. Bartlett at the confectioner's shop when you were in the room together, on the day of the inquest?—*A.* We discussed the recent events

which had happened—the post-mortem, and my having bought the chloroform, and so forth.

Q. Tell us the substance.—A. I cannot give it you exactly.

Q. Not the exact words, but what you remember.—A. She told me I was distressing myself unnecessarily, and I gave her to understand that I thought I had reasons to be alarmed; and I remember one thing she said—that if I did not incriminate myself she would not incriminate me. And I told her I was aware of my perilous position, but I was not afraid to stand to the truth as it affected me, and I should persist in my intention in making a full and complete statement.

Q. Yes?—A. I have given you now the main substance of our conversation on that occasion.

Q. The inquest had been adjourned from the 7th of January to the 4th of February, had it not?—A. Yes.

Q. Were you aware that the contents of the stomach had been sent to be analyzed?—A. Yes.

Q. You knew that?—A. Yes.

Q. On the next day, the 8th, did you see her, or not till the 9th?—A. On the Saturday next—the 9th that would be.

Q. Saturday, the 9th?—A. Yes.

Q. Where did you see her then?—A. I met her accidentally at Mr. Matthews' house of business, and returned with both of them to Mr. Matthews' house.

Q. And what passed between you and Mrs. Bartlett—what was done on that day?—A. She understood that I did not intend to see her.

Q. What passed between you?—A. We discussed the subject again.

Q. What was the substance of it?—A. The substance of it was this, that I was anxious to know what really had become of the chloroform. I told her that I was puzzled.

Q. Yes; what did she say to that?—A. She was indignant at me, and she asked me why I did not charge her outright with having given it to him.

Q. Yes; what more passed then?—A. I do not remember any more.

Q. Was anything more said about the chloroform?—A. Not that I recollect.

Q. Did she tell you at any time anything about the chloroform—what had become of it?—A. Yes.

Mr. JUSTICE WILLS.—When she said, "Why do you not charge me outright with having given it to him?" what did you say?—A. I cannot tell you, my Lord, every word, but it was in effect that I was not prepared to do such a thing as that; and I believe it was on that occasion that she told me she had poured the chloroform away and thrown away the bottle.

Q. Did she say when and where she had done that?—A. Out of the carriage window as she was coming from London.

Q. On what day?—A. Wednesday, January 6, 1886.

Mr. JUSTICE WILLS.—Do you mean that that took place on the Wednesday, or that she had thrown it away on Wednesday?—A. Thrown it away on Wednesday.

Mr. Poland.—Then it was on the 6th, the Wednesday, that she threw the chloroform away?—A. Yes.

Q. In the train going where?—A. Returning from London to Peckham Rye.

Q. Is that the station near to the Matthews'?—A. Yes.

Q. Anything more that you remember on the 9th?—A. No; I remember nothing more.

Q. That was at Mr. Matthews' place of business?—A. I beg pardon; I did not say it took place at his place of business. It was after we arrived at the house.

Q. What was the day of the funeral?—A. Friday.

Q. Did you see Mr. Matthews on that day?—A. Yes.

Q. Do not say what it was at all; but on that day had you made some communication to Mr. Matthews?—A. Not on that day.

Q. What day was it?—A. Wednesday, the 6th.

Q. As early as that?—A. Yes.

Q. After the 9th, did you see much more of Mrs. Bartlett?—A. I saw her no more; I did not see her after that.

Q. And on February 4 was the adjourned inquest held?—A. Yes.

Q. Did you attend it?—A. I did.

Q. Was Mrs. Bartlett there?—A. Yes.

Q. Were you then represented by any legal gentleman?—A. I was represented.

Q. Was Mrs. Bartlett also represented, do you know?—A. Yes; I presume she was.

Q. And then was there an adjournment from the 4th to the 11th of February?—A. Yes.

Q. And on that day, the 11th, were you called upon as a witness before the Coroner?—A. I suppose it would be on that day.

Q. We will take it to be the 11th?—A. Yes.

Q. On the 11th, when you were called, did the Coroner caution you?—A. I do not understand the term caution, but I presume he did.

Q. Were you called at your own request?—A. I was subpoenaed to attend as a witness.

Q. And you were called on and sworn as a witness, and you gave evidence, did you not?—A. Yes.

Q. And on that day, after you had been examined, was Mrs. Bartlett arrested?—A. I believe so.

Q. Were you examined again on the 15th, at the Coroner's inquest?—A. I was.

Q. And a third time were you examined?—A. I think there were one or two questions the third time—briefly the third time.

Mr. JUSTICE WILLS.—What day was that?

Mr. *Poland*.—The 18th that would be, my Lord.

Mr. *Poland*.—You were examined on the 11th and 15th, and was the day you were arrested the 18th? That was the adjourned inquest?—A. Yes.

Q. You were arrested?—A. Yes, on the 18th.

Q. On the charge of wilful murder; and you were afterwards taken before the Magistrate and committed for trial?—A. Yes.

Q. There is just one matter I want to ask you. You are twenty-seven years of age, are you not?—A. Twenty-eight now.

Q. You mentioned the terms of intimacy you were upon with Mrs. Bartlett; have you ever kissed her?—A. I did.

Q. In any one's presence?—A. Yes.

Q. Whose?—A. Her husband's.

Q. I believe by the rules of your body—the Wesleyan body, that is—the earliest period at which you can marry, after you enter the ministry, is two years?—A. There is a prohibition of from six to seven years.

Q. From the beginning of that year, how long would it be?—A. Well, I made a mistake of the effect that it was two years. I made a mistake, and I find it was one year—that is to say, I could have married next October or thereabouts.

Q. According to the rules of your body?—A. Yes. I was under the impression that it was a year longer.

A *Juryman*.—I wish to ask the witness whether Mrs. Bartlett visited him at his lodging in the month of June last year—where he was lodging?

Mr. JUSTICE WILLS.—You hear the question; in June last where were you lodging?—A. At 12 Thornton Road, Wimbledon.

Q. Were not you living in the High Street?—A. No. The three last weeks I was at Thornton Road.

Cross-examined by Mr. *Clarke*.

Q. The last day that you had any conversation with Mrs. Bartlett was Saturday, January 9, I understood you?—A. It was.

Q. On that day you spoke to her about the chloroform?—A. Yes.

Q. And she was indignant?—A. Very indignant.

Q. And she said, why did not you charge her outright with having given chloroform to her husband?—A. Words to that effect.

Q. It was from her lips you first heard that suggestion?—A. Yes.

Q. Had you made the suggestion before?—A. No, I had not; it was from her lips I first heard it.

Q. In an indignant tone?—A. Very indeed.

Q. And since that day you have never conversed with her?—A. Since that day, not up to my arrest.

Q. No?—A. No.

Q. You have just said, in answer to my friend, that you have kissed her, and kissed her in her husband's presence?—A. I have.

Q. Was there any secret between you, or any secret understanding between you, apart from her husband?—A. None.

Q. Mr. Dyson, you knew nothing of Mr. Bartlett and his wife until you had seen them at the chapel at which you ministered?—A. No. I understood the learned Counsel asked me the question with regard to a secret understanding, too, in reference to marriage, and I answered it in that regard.

Q. As to marriage, it was not a secret understanding?—A. It was not a secret understanding.

Q. There was no secret understanding with regard to marriage. Was there any impropriety of conduct between you and Mrs. Bartlett?—A. There was not; that is to say, I kissed her.

Q. That would be an impropriety—you do not defend that?—A. No.

Mr. JUSTICE WILLS.—You mean to say it was only in her husband's presence?—A. And out of his presence.

Mr. *Clarke*.—Whatever your relations were with regard to Mrs. Bartlett, they were relations that were known to her husband?—A. Oh yes.

Q. We have the letter which you wrote in September in which you addressed him as "My dear Edwin."—A. You have.

Q. And about that time you had taken to speak of him as Edwin?—A. Yes.

Q. And he of you as George?—A. Yes.

Q. Did he speak of his wife to you as Adelaide?—A. Yes.

Q. I see in that letter you say, "I have from a boy ever been longing for the confidence and trust of others, and I have never been so perfectly happy as when in the possession of this," &c. "You have shown yourself a true friend." Had he at the time that you wrote that letter placed implicit confidence and trust in you?—A. He had; so I judged.

Q. And you believed?—A. Yes.

Q. And, in your belief, did he continue to repose that implicit confidence and trust in you to the very last hour of his life?—A. He did.

Q. Now, in that letter you say: "I respond from my heart to your wish that our friendship may ripen with the lapse of time." That was your real and sincere wish, was it?—A. That was my wish.

Q. And did you down to the last day of his life endeavour to reciprocate his friendship and to deserve his confidence?—A. I did.

Q. Were you sincerely solicitous for his welfare?—A. Yes.

Q. And do you believe that every day of that illness you and his wife were both anxious for his welfare and tried to serve him?—A. I do.

Q. You have said just now that you have lately ascertained—that is, since you were examined at the Coroner's inquest—that only one year instead of two had to elapse before you were allowed to marry?—A. That is so.

Q. Down to the time that you were examined on the 11th of January you believed, did you not, that you could not in any case be allowed to marry till October 1887?—A. I had that belief.

Q. You had never inquired particularly?—A. What do you mean by a particular inquiry?

Q. You told my learned friend, when you were examined before the Coroner, that you had inquired, and you found your previous impression was a mistaken one?—A. I did not inquire, but I was told so.

Q. Told so by some one who, in your belief, knew?—A. Yes.

Q. And you believe that your present impression is the true one?—A. Yes.

Q. Then you had never inquired before you were examined before the Coroner as to whether your impression was the true one—whether you knew you could be married before 1887?—A. No, I never made any inquiry.

Q. Had you ever mentioned to Mr. Bartlett the question of the time at which you could be married?—A. Never.

Q. Or to Mrs. Bartlett?—A. I may have done so.

Q. And, if you did so, you mentioned your then impression that you could not be married until October 1887?—A. That I cannot swear.

Q. Try and recall your thoughts. You have told me, down to the time when you were examined before the Coroner, that was your belief?—A. Yes.

Q. Then, if you mentioned the matter to Mrs. Bartlett, you would have mentioned the date you believed to be the true one?—A. Yes; but I cannot swear that I did.

Q. You have no distinct recollection of having mentioned it at all; is that what you mean?—A. No; I have a recollection of mentioning it, but I have no recollection of what you ask—namely, that we could not be married till October 1887.

Q. I am suggesting to you that, if you mentioned it, you must have mentioned the date which, in your belief, was the true one. You would tell her the truth about it, would you not?—A. Certainly.

Q. Then was it this that you mentioned to her, that you could not be married for two years?—A. Yes.

Q. Was it that you did not recollect that you mentioned the date?—A. Yes.

Q. You did not mention the date, but you mentioned that, according to the rules of your body, you could not be married for two years?—A. Precisely.

Q. The subject of marriage had been mentioned and talked about between you and Mr. Bartlett during his lifetime?—A. Marriage in general, do you mean?

Q. We will begin with marriage in general.—*A.* Yes.

Q. And you became aware that at a very early period of your acquaintance he had peculiar ideas on the subject of marriage?—*A.* Yes.

Q. Your earliest visit was paid to him in your pastoral character—it was that which induced you to call?—*A.* It was.

Q. And very early in your acquaintance did he ask you whether you thought the teaching of the Bible was distinctly in favour of having one wife?—*A.* He did.

Q. Did he suggest to you that his idea was that there might be a wife for companionship and a wife for service?—*A.* He did.

Q. And you combated that view, and told him that the teaching of the Bible was distinctly contrary to it?—*A.* The general tenor of the Bible.

Mr. Justice Wills.—What do you mean by a wife for service? Is it household drudgery?—*A.* Yes; he explained it household duties—the general management of the household.

Q. And what did companionship mean?—*A.* He explained that he thought the companion should be educated and intelligent, and should be his confidante in all matters.

Q. I really want to understand what he meant; were both of them to be his bedfellows?—*A.* He never mentioned that to me, my Lord.

Q. Did he say anything about neither of them being his companion in that sense?—*A.* Neither of whom, my Lord?

Q. Did he say that neither of those two wives was to be his companion in that sense?—*A.* He did not refer to that question at all.

Mr. Clarke.—Just let me ask you, Mr. Dyson, did not you clearly understand that the suggestion was that one was to be the wife to him; or do you mean that he suggested to you, when visiting him in that character and talking to him about Scriptural matters, he suggested to you that a man should have two wives in that full and complete sense?—*A.* Yes; so I understood him.

Q. That would have struck you as a most outrageous suggestion, would it not?—*A.* It struck me as a very remarkable suggestion.

Q. What suggested itself as the explanation to you—moral obliquity or simply carelessness?—*A.* Oddity.

Q. Because that is the man to whom afterwards you wrote in the terms I have read to you in that letter. Do you mean to suggest that the man you wrote to in those terms had actually suggested to you, a Christian minister, that he should be allowed any sexual connection with two women?—*A.* No; he never asked me such a thing; he simply asked me whether the Bible admits polygamy.

Q. But he never suggested it for himself?—*A.* No.

Q. He suggested it for nobody?—*A.* Yes; I understood it to be a general suggestion.

Mr. Justice Wills.—Did not it strike you as an unwholesome sort of talk in the family circle?—*A.* Not coming from him, my Lord; he was a man who had some strange ideas.

Mr. Clarke.—He made no secret of them, Mr. Dyson?—*A.* No; he told me not.

Q. And he would refer to those ideas from time to time, would he?—*A.* He did once or twice; not frequently.

Q. In his wife's presence?—*A.* I think not.

Q. One moment. Do you mean to say that there was nothing between you and Mr. Bartlett which was kept secret from his wife?—*A.* I am sorry I cannot undertake to say yea or nay to that.

Q. But to the best of your belief, was there any matter of secrecy or

confidence between you and Mr. Bartlett from which his wife was excluded?—*A.* Your question does not touch the case.

Q. Will you answer the question, and not judge it? Was there any matter of secrecy or confidence between you and Mr. Bartlett from which his wife was excluded?—*A.* I know of no secret.

Mr. Justice Wills.—Was this serious talk, or was it as a man might say joking, “I think it would be a good thing to have two wives; one for show and one for work”? He might say that in a joking sort of way. Was it that, or was it seriously said?—*A.* It was said tentatively to me half playfully the first time; but I have a recollection of his speaking more seriously of it on some later occasion.

Mr. Clarke.—You told us that you have noticed that he put his hand on his side, and complained of some convulsive pain, I think you said?—*A.* Yes.

Q. How early did you notice that, Mr. Dyson?—*A.* I think all through the time of my knowledge of him.

Q. Would it be as early as June or July, to begin with?—*A.* Yes; I think I noticed it at Merton Abbey.

Q. Did you notice that a clutching occurred at other times, or on special occasions?—*A.* Yes; when he has taken wine I have seen him put his hand to his side sharply, in that way.

Q. And did he tell you what it was that was affecting him?—*A.* No, he did not.

Q. Did he not say anything about it?—*A.* No; I do not remember that he did.

Q. Of course, that happened before his wife, when his wife has been there?—*A.* Yes; at the dinner-hour, for instance.

Q. When that happened to him, what did he do? Did he get up from his chair, or leave off taking wine, or what did he do?—*A.* He would leave off taking wine.

Q. And continue his dinner?—*A.* Yes.

Q. And the thing would pass off, whatever it was?—*A.* Yes, apparently.

Q. How early was the question of the possible duration of his life mentioned in his presence or by him?—*A.* I cannot say how early.

Q. Was not it at Dover?—*A.* I cannot swear that he mentioned the question of the duration of his life at Dover.

Q. Did not he mention to you at Dover something about his condition, his health—having regard to that matter?—*A.* He did.

Q. What was it he said at Dover?—*A.* He told me that he was not the strong man that once he was. I am not giving you the exact words.

Q. I do not ask for the exact words. I only ask to be allowed to hear what you say. Did he say what had been the cause of the change in him?—*A.* He attributed it to overwork.

Q. Do you know that while he was at Dover he was working extremely hard?—*A.* I think he used to get up at three in the morning, and go to business from Dover.

Q. He would get up at three in the morning and come up by the tidal train—the boat express?—*A.* Yes.

Q. And go back to his wife, at what time of night?—*A.* I have known him come back at ten.

Mr. Justice Wills.—How long were you at Dover?—*A.* I spent two or three days there on two or three occasions.

Q. Six or seven days?—*A.* Yes.

Mr. Clarke.—And it was between your two visits to Dover that you wrote the letter to which I have referred?—*A.* Yes.

Q. Referring to the first visit, you say: “Dear old Dover,” &c. “Thank

you for the telegram. I am looking forward with much pleasure to next week." Next week you were to visit him again, were you not?—*A.* Yes.

Q. Was that which you have told us the only reference he made while you were at Dover to the matter of his health being broken?—*A.* That is all that I remember.

Q. But he was depressed and low-spirited from time to time, was he?—*A.* Yes; he seemed to me to be. I am not stating quite the correct thing. You say from time to time; it was more latterly—the last two months that I knew him.

Q. But even when he was at Dover, were not there times when he was depressed and desponding?—*A.* At Dover? I did not notice it.

Q. You did not notice it at Dover?—*A.* No.

Q. The statement you have made about his saying he was not the strong man he was—that is all you recollect him saying at Dover?—*A.* With regard to his health.

Q. His wife had told you, in his presence, that Edwin was very low-spirited, and does not think he will live long?—*A.* I can swear to her having said he was low-spirited. I cannot swear to her having said that he said he could not live long—that is, in his presence.

Q. How early, then, was it that you were told by anybody that his life was not likely to be a long one?—*A.* At Claverton Street—when I first went to Claverton Street.

Q. Not until then?—*A.* I cannot swear, but it is possible.

Q. I am suggesting to you that, as early as your visit to Dover, that was the conversation in his presence about his life not being likely to be a long one. Will you swear that that did not happen?—*A.* I cannot swear to that.

Q. You say that he was an odd man, or a man with curious ideas—I forget the phrase?—*A.* I did not say that; I beg pardon; I said it was an odd question, in answer to my Lord.

Mr. JUSTICE WILLS.—You said more than that; you said it was an oddity.

Mr. Clarke.—A man of strange ideas?—*A.* Yes.

Q. A man of strange ideas in connection with the married state?—*A.* That is so.

Q. And the terms upon which people would live in married life; is that so?—*A.* Yes.

Q. Do you know of books which he used to read with regard to that matter?—*A.* I do not.

Mr. JUSTICE WILLS.—I had better ask it now, or I shall have to ask it afterwards. What do you mean by that—a man of strange ideas in connection with the terms upon which persons should live in married life? Tell us what you mean.—*A.* I thought the question referred to what I said before—to having two wives.

Q. Do you remember anything more?—*A.* No.

Mr. Clarke.—You were on the closest terms of intimacy with him—as brother to brother—*Mr. Dyson*?—*A.* Yes.

Q. Did he talk to you about the books he read?—*A.* Yes.

Q. Did he never talk to you about this book—do you know the look of it (*holding up a volume*)?—*A.* I do not know that book by sight.

Q. Do you not know this blue-covered book? Will you undertake to say you never saw him reading it?—*A.* I have no recollection of seeing it.

Q. It is called "Esoteric Anthropology; or, the Mysteries of Man."—*A.* It is the first time I have heard of the book.

Q. Are you sure?—*A.* Certain.

Q. Do you mean to say you never saw it in his possession?—A. Not to know it.

Q. Just look at it (*handing the book up to the witness*).—A. It is the first time I have seen that book (*returning it to Mr. Clarke*).

Q. Do you mean to say that Mr. Bartlett has not talked to you about Dr. Nichols?—A. No; Mr. Bartlett never mentioned him to me.

Q. Do you mean to say that Mr. Bartlett never mentioned the name of Dr. Nichols to you?—A. Never.

Q. Are you certain?—A. Yes; I never heard him mention Dr. Nichols.

Q. Well, now, had he any other strange ideas with regard to marriage?—A. I never heard him offer any.

Q. Did he ever make reference to marriage between you and Mrs. Bartlett after he should be dead?—A. Yes.

Q. How early did he make that reference—how early in your acquaintance?—A. I should think it would be about the latter end of October.

Q. They were then at Claverton Street?—A. I must explain; he did not mention the words there. I have conveyed a wrong impression.

Q. If you think any answer of yours is doing yourself or, still more, anybody else injustice, correct it.—A. He has made statements which left no doubt on my mind but that he contemplated Mrs. Bartlett and myself being ultimately married.

Q. And to the best of your recollection, Mr. Dyson, was that statement first made in October?—A. About that time.

MR. JUSTICE WILLS.—I must ask you to be a little more definite, and tell us what he did say. It was a very remarkable conversation, probably such a one as never occurred in the experience of any man in court before, and therefore must be impressed upon your mind. What was it he said?—A. I can remember this, my Lord; he had been finding some fault with Mrs. Bartlett, not angrily, but correcting something.

Q. Well?—A. And I said to him, "If ever she comes under my care, I shall have to teach her differently," or some such words.

MR. CLARKE.—Well, go on.—A. He smiled, and said something to the effect that he had no doubt I should take good care of her. I have a clear impression of such words passing between me and Mr. Bartlett.

MR. JUSTICE WILLS.—Is it possible that this was the first of such conversations? It seems very extraordinary for a man to suggest to another man, if ever his wife came under his care, that he should have to teach her differently. Was that the first time?—A. The first time that I can recollect.

MR. CLARKE.—Let me suggest, Mr. Dyson, challenging your recollection, only trying your memory. According to you, the first conversation began by your saying, "If ever she comes in my care"?—A. Yes.

Q. Does not that remind you that there must have been some conversation, at some previous time or other, about her becoming your wife?—A. Not necessarily.

Q. You were speaking of it as a thing assumed and known between you as likely to happen?—A. Precisely.

Q. Was it assumed by you?—A. I so understood it.

Q. Then there must have been a previous conversation.—A. Not touching the question of marriage.

Q. What previous conversation can you suggest as having established that understanding in consequence of which you have spoken?—A. Conversations; one was Mr. Bartlett's letter to me.

Q. Now, I have reminded you that letter is dated September 23, and was written by you while they were at Dover.—A. Yes.

Q. Let me read it again ; it may help you : “ MY DEAR EDWIN,—Thank you very much for the brotherly letter you sent me yesterday. I am sure I respond from my heart to your wish that our friendship may ripen with the lapse of time,” &c.—A. Yes.

Q. Now, what was the conversation upon which you say that letter was founded?—A. A conversation which took place at Putney, when Mr. Bartlett came to see me.

Q. Was that the conversation when he told you that he had made his will and made you the executor?—A. It was.

Q. What was the conversation?—A. This is a very delicate matter for me.

Mr. JUSTICE WILLS.—No, no ; we have long outstepped the bounds of delicacy.

Mr. Clarke.—When he came to see you at Putney he had come up from Dover. He came to tell you he had made a will, leaving his money to his wife and leaving you as his executor?—Q. Yes.

Q. Now, then, what did he tell you at that time about you and his wife?—A. Well, I told him that there was no denying the fact that I was growing very attached to her, and that I wished to let him know it ; that it was disturbing me in my work ; and I asked him whether it would not be better for me to discontinue my friendship with them, and he said, “ Why should you discontinue it ? ”

Q. Well?—A. He told me I had been a benefit to her ; she liked my preaching, and it had helped and had benefited her. He showed me one of her convent letters, which she had written to him from the convent, which was a very devotional letter ; and he said he should like me to endeavour to lead her back more closely to that frame of mind or disposition of heart. He said he had confidence in me, and that he should be pleased if I would continue as friendly as I had been with them.

Q. Well?—A. That was the substance of what he said.

Q. What did he say with reference to the possible future?—A. He did not mention the future, except that he looked forward to it.

Q. To what?—A. He said nothing very much ; but what he said of the matter was, that he hoped we should have some pleasant intercourse.

Mr. JUSTICE WILLS.—There is nothing in that.

Mr. Clarke.—What about his will?—A. He mentioned the will to me, and said that, as a proof of confidence in me, he had selected me, with his legal man, to act as executor.

Q. Just let me remind you, Mr. Dyson ; you were telling the husband that you had become attached to his wife, and you say that the husband expected you, did you not, to continue the intimacy?—A. Precisely.

Q. He desired that it should continue?—A. Yes.

Q. He spoke of appointing you executor to his will?—A. He did.

Q. Was it not then that he said that, if anything happened to him, you and Mrs. Bartlett might come together?—A. No ; that was later—at Claverton Street.

Q. That was later?—A. Yes ; he said that later.

Q. And you told us that, so far as you can remember, nothing more was said at that interview in September?—A. Not touching upon that matter ; but we had a long conversation together not pertinent to this inquiry.

Q. Not touching upon future relations between yourself and Mrs. Bartlett?—A. No. I must correct one thing. You asked me if he did not say,

"If anything happens to me, you two may come together." Those words have gone down upon the depositions; but the Coroner put it in that way. I suppose he said that; and I said, "Yes; something very much like that." But I did not say that he used those words.

Q. That being suggested to you as the meaning, you accepted it?—
A. Yes.

Q. And accept it now?—A. I do.

Q. Can you remember what the words were in which it was clothed, because it is not a usual thing to take place?—A. No, I cannot.

Q. There is one question I ought to ask you. I need scarcely ask you, as a gentleman, you had at that time said nothing to Mrs. Bartlett about your feelings independent of Mr. Bartlett?—A. I regret to say that I had.

Q. Did you tell him that you had?—A. Yes.

Q. You say that you had. Did he ask you to write to her?—A. He asked me to write to her before, when they went away to Dover.

Q. But the situation was altered?—A. Yes. I understand you he did ask me on one occasion to write to her?

Q. And you wrote?—A. Yes.

Q. And is that the letter to which he referred in the letter which has been mentioned, which I will read again: "DEAR GEORGE,—Permit me to say that I feel great pleasure in thus addressing you for the first time," &c. That letter had been read to him, as he said, by his wife?—A. Yes.

Q. After that, you wrote letters to her from time to time?—A. I did.

Q. Which she, at your request, returned to you?—A. No.

Q. What?—A. No.

Q. What?—A. Do I understand the question, that she had returned the letters I wrote to her?

Q. That she has returned your letters to you?—A. No, not one that I remember; no, I should surely recollect it.

Q. Did not you ask her for them?—A. I remember her showing me one of my letters.

Q. Did you ask her for them?—A. No.

Q. Do you say that?—A. I say that.

Mr. JUSTICE WILLS.—Why were you so anxious to get that piece of poetry?—A. Because it was sentimental.

Mr. Clarke.—Were not the letters sentimental?—A. No, not as that is; they were affectionate, but not sentimental.

Q. Now, Mrs. Bartlett had told you that she had no friends of her own?—A. Yes.

Q. And that her husband's friends were not kind to her?—A. Yes.

Q. And you have told us that she said they did not understand her, she being a foreigner, and that her husband had confidence and affection for you, and so on, and that he knew you would be a friend to her. On that occasion that was said in his presence, was it not?—A. Not in his presence.

Q. Did not you know from him that his friends were not kind to her?—
A. Yes.

Q. When had he told you that?—A. I believe he told it me at Merton—at least not so strongly at Merton; he said that they did not understand her, and he was accounting for the quietness of their lives, and he gave that as a reason.

Q. Did he mention her being a foreigner?—A. Yes.

Q. And he told you she was at a later period?—A. Yes; he emphasized that at a later period.

Q. And did he express to you at all times, as to the future, that he

hoped you would be a friend to her when he was gone?—A. I remember Mrs. Bartlett telling me that.

Q. In his presence?—A. No; he was not present.

Q. Where was it?—A. At Claverton Street.

Q. After the illness?—A. It was when they first went to Claverton Street.

Q. Now, he told you of her having nursed him affectionately previously?—A. Yes.

Q. I think you gave us the expression that if you had known her, as he had, twelve years, and known how affectionately she had nursed him, you would not have doubted her?—A. Yes.

Q. Earlier than that, had he spoken to you of the previous illness during which she had nursed him?—A. Yes.

Q. When did he speak to you—what did he tell you?—A. He spoke of it after hearing me preach at Merton; that would be in August. I must correct myself.

Q. By all means.—A. It was after my return from Dover they came to hear me preach at Merton.

Q. Shall we alter it from Merton, to when he came to hear you preach at Merton?—A. Yes.

Q. And brought her with him?—A. Yes.

Q. And it was after the service—what did he tell you after the service?—A. I was troubled with indigestion, and he said he had suffered himself from dyspepsia, and she had nursed him during the illness.

Q. Did he say where this had been?—A. No.

Q. Did he say when it had been?—A. Some years before that time.

Q. Did he tell you where they had lived at the time?—A. Probably he would.

Q. Do you remember?—A. I do not remember.

Q. Did he tell you what doctor had attended him?—A. He did not mention any doctor attending him.

Q. You can tell us no more about it, then?—A. No.

Q. Did he ever tell you, or speak to you, about Mrs. Bartlett's one confinement?—A. I think he did.

Q. When did he tell you of it, Mr. Dyson?—A. At Merton.

Q. Did you learn from him then that some few years before she had for the only time in their married life been pregnant?—A. He told me nothing about that.

Q. What did he tell you?—A. Simply that she had this child which died.

Q. Did he tell you that was the only one?—A. No; I do not think he mentioned more than that.

Q. No, I suppose not; there were no more to mention, you know; that was the only child she had?—A. Yes.

Q. You knew that from him?—A. Yes.

Q. Was it spoken of by him in Mrs. Bartlett's presence on any occasion?—A. Not that I remember; indeed, I may say no. I only remember his mentioning it to me once.

Q. Do you know that Annie Walker attended Mrs. Bartlett in her confinement?—A. Yes.

Q. Who told you that?—A. Mrs. Matthews.

Q. That was long afterwards; did not you know it before his death?—A. No, not before his death.

Q. Are you sure about that?—A. Certain.

Q. Annie Walker was mentioned?—A. Yes.

Q. By Mrs. Bartlett?—A. Yes.

Q. Do you mean to say that Mrs. Bartlett never said Annie Walker attended her in her confinement?—A. She said that Annie Walker attended her husband in his sickness.

Q. Do you mean to say that she did not say that Annie Walker attended her in her confinement?—A. No.

Q. Are you positive?—A. Positive. I am upon oath, and I say so; I am positive.

Q. Tell me the date that Annie Walker was first mentioned.—A. I cannot.

Q. Did you ever speak to Mrs. Bartlett about that one child?—A. She spoke to me about it.

Q. Well?—A. When we were passing the cemetery, the cemetery at Merton.

Q. How early in the acquaintance?—A. That would be before we went to Dover.

Q. Just try and recall when Mrs. Bartlett told you about the birth of the child. Mrs. Bartlett spoke to you about it when you were near the cemetery. Was not Annie Walker's name mentioned in reference to that matter?—A. No; I cannot swear that it was.

Q. Do you undertake to pledge yourself absolutely that it was not?—A. I think I may.

Q. You think you may?—A. Yes; she was often spoken of.

Q. Excuse my suggesting to you if she was so often spoken of, that makes it more likely. Do you undertake to swear that she was not spoken of with regard to that?—A. She may have been, but I cannot swear to it. I cannot pledge myself to what I am not certain of.

Q. She was so often spoken of; and Dr. Nichols was so often spoken of—so frequently, that you say you were interested in him?—A. Yes.

Q. Was that before Mr. Bartlett?—A. No; I never remember Dr. Nichols being mentioned before Mr. Bartlett.

Q. Let me ask you again. You have told me you had no secret with Mrs. Bartlett from her husband. Were not you in the habit of talking in the most friendly and affectionate way with Mr. Bartlett about his illness and his business?—A. Excuse me; I do not think I have stated that I had any secrets with Mrs. Bartlett which her husband did not know of. You asked me about an expression of marriage, and I qualified it in that way.

Q. Do you mean to say that you had a secret with Mrs. Bartlett about Dr. Nichols?—A. Yes.

Q. How early?—A. After they went to Claverton Street.

Q. Why, had you anything to do with Dr. Nichols?—A. Nothing.

Q. I do not understand. If you were in the fullest confidence with Mr. Bartlett, why did you not talk about Dr. Nichols with him?—A. Because Mrs. Bartlett said he might not like my mentioning it to him because of an internal affliction.

Q. You understood that Dr. Nichols had never seen him?—A. No.

Mr. JUSTICE WILLS.—What had the internal affliction to do with it?—A. He advised Mrs. Bartlett when Mr. Bartlett was worse.

Q. Without seeing him?—A. Yes; and he prescribed as to the nursing and so on.

Mr. Clarke.—Now, as soon as Mr. Bartlett was taken ill, you saw Dr. Leach?—A. Yes.

Q. You were at that time on honest and true friendship with Mr. Bartlett?—A. Yes.

Q. Did you ever say to Dr. Leach that it would be as well for him to see Dr. Nichols?—A. I did not.

Mr. JUSTICE WILLS.—For him to see Dr. Nichols?

Mr. Clarke.—Yes.

The Witness.—It never occurred to me to suggest such a thing.

Q.—You knew his name and you knew his address?—A. Yes.

Q. And you did know as a fact that Dr. Nichols was to be found at the Fopstone Road?—A. Yes.

Q. Why did you not suggest to the doctor that it would be as well for him to know what Dr. Nichols had prescribed?—A. I never made any suggestion to the doctor.

Q. What for?—A. I should have considered it impertinence.

Q. Impertinence, when you were on terms of brotherhood with the man who was ill?—A. Yes; I should have considered it impertinence.

Q. Do you really mean to say that, in your relations with Mr. and Mrs. Bartlett, you would have considered it impertinent to suggest what another medical man's opinion might be?—A. Yes, I do.

Q. Now, Mr. Bartlett told you he had been suffering from dysentery, did he not?—A. He did.

Q. That, according to his account, he used to suffer from that?—A. I told you just now it was some years before I got to know Mrs. Bartlett.

Q. We do not understand that that had anything to do with the internal disease?—A. I did not understand you as referring to the internal disease.

Q. And you did not understand that he mentioned distinctly that that had nothing to do with the internal disease?—A. I did not know of the internal disease then. I knew of the dysentery before we went to Dover.

Q. No name of a disease was mentioned, was it?—A. No.

Q. But only something upon which Mr. Bartlett would be sensitive?—

A. That was how it was explained to me; it was put to me in that way. Mrs. Bartlett put it that he was sensitive as to a question of his sickness.

Q. You were with him at the very beginning of his illness, were you not?—A. Yes.

Q. I think you went with him and his wife to the Dog Show?—A. I did.

Q. On the 9th of December?—A. Yes.

Q. And was he taken ill in the course of the evening?—A. He was.

Q. Had he appeared to you before that time to be getting into an ailing and low condition?—A. He seemed very much worn out at night when he returned.

Q. I think you describe him to us as being very weary, very much depressed, and complaining of suffering from sleeplessness?—A. During the sickness.

Q. From the beginning of the sickness—at the beginning of the sickness?—A. Yes; not before the sickness.

Q. You just said that he seemed ailing up to the time, and then, when it began, you describe him as very weary, very much depressed, and suffering from sleeplessness?—A. Yes.

Q. Did he from that day up to the last time you saw him complain of sleeplessness and pain?—A. Yes; throughout the sickness.

Q. As that sickness wore on, did he become more depressed?—A. He varied.

Q. You have seen him crying, have you not?—A. Yes, once.

Q. Only once?—A. Only once.

Q. Are you sure it was only once?—A. I am certain about it; I only remember seeing him once.

Q. Could you say what date that was at all?—A. I think it was just before I went home before Christmas.

Q. When did you go?—A. I went on the Monday in Christmas week.

- Q. That would be Monday, 21st?—A. Yes.
- Q. Now, did you see Dr. Leach early during the time of the illness?—
A. On the first week of it.
- Q. Can you tell me about how many days after he was taken ill you had any conversation with Dr. Leach?—A. I should think five or six.
- Q. Do you know anything of Dr. Leach being called in—how it was he was sent for?—A. Because Mr. Bartlett was so unwell.
- Q. Why was he selected? It was not anybody he knew before?—A. I do not know why he was selected.
- Q. You say that on the Monday, December 21, was the day when he was crying?—A. No; I did not name the day. I said it was some time just before I left.
- Q. I thought you did?—A. No; I could not name days.
- Mr. JUSTICE WILLS.—He gave the date of his own journey.
- Mr. Clarke.—At the time he was crying, was he in very low spirits, and talking about not recovering?—A. He spoke very little indeed, and I can recollect nothing that he said to me.
- Q. Nothing that he said about being alarmed about himself, or anything of that kind?—A. No; I cannot remember it.
- Q. Is not it the impression on your mind that at that time he was very low-spirited, and that he should not recover?—A. Yes; I have the impression that he thought he would not recover.
- Q. When you came back on Saturday, 26th, you found him still worse, did you not?—A. Not worse.
- Q. You said that you came back on Saturday, 26th, and he was very prostrate, there was great sleeplessness, and that he said he was glad you had returned, and he was afraid his wife was breaking down in nursing him?—A. Yes, he said that.
- Q. Did he tell you on that day, Saturday, of his having had worms?—
A. No.
- Q. On the Sunday—the next day?—A. Yes.
- Q. You told us you were there from two o'clock to seven or eight on Saturday. You went again on Sunday—at what time?—A. About nine or a quarter past.
- Q. Morning?—A. Evening.
- Q. And then he was still worse, and more depressed, was he not?—
A. On the Sunday.
- Q. Worse?—A. No; I thought he was brighter on the Sunday.
- Q. You told me he was depressed on the Sunday?—A. On the Saturday.
- Q. You correct yourself, then; you said he was brighter on Saturday, and much depressed on Sunday. I am putting it to you whether on this visit, Saturday and Sunday, he was very ill, very prostrate and depressed?—
A. Well, it is difficult to tell you; he contradicted himself.
- Q. Contradicted himself?—A. Yes; he asked me on Sunday whether any one could be lower than he was without passing away altogether, and he attributed that to the medicine for worms.
- Q. He asked you whether you thought it possible for a man to be lower than that without passing away altogether?—A. Yes.
- Q. And that very great depression you attributed to the appearance of the worms?—A. I cannot say it was very great depression. He had that impression of his state, but he did not seem cast down in spirits. He seemed to be bearing up well.
- Q. According to that expression, he was thinking of himself as one actually on the edge between life and death?—A. Yes.
- Q. But he was cheerful?—A. He seemed to bear up very well against it.

Q. Did you see the doctor on the 26th or 27th?—A. What days would that be?

Q. The Saturday or Sunday.—A. No.

Q. How long were you there on the Saturday, as far as you remember?

—A. I called about three, and I was there till between five and six.

Q. Between five and six in the afternoon?—A. Yes; I spent the afternoon there.

Q. On that 26th did not Dr. Leach visit him three times, on the third occasion staying several hours, because his condition was so bad?—A. So Mr. Bartlett told me on the Sunday.

Q. So Mr. Bartlett told you on the Sunday?—A. He did not tell me he visited him three times; he told me he was there that length of time.

Q. Several hours?—A. Several hours.

Q. Did he tell you the condition of his bowels was such that on the 26th he had taken two purgative draughts and also a dose of croton oil, and that he also had been galvanized in the abdomen?—A. Yes; he described that to me.

Q. He described it?—A. He described that to me.

Q. And that he had taken santonine as well?—A. No, he did not.

Q. At all events he had taken purgatives and croton oil, and had been galvanized, and had hot tea and coffee, and did he tell you all had been no use?—A. Yes.

Q. Did he tell you that the doctor had given it up in despair?—A. Yes; that he was going to try later in a day or two.

Q. Now, with regard to the sleeplessness, did you know he had been having frequent injections of morphia?—A. Yes.

Q. Did he tell you that even that would not give him sleep, and that he got up and walked about in the night?—A. Yes.

Q. And was it with regard to that that he spoke of his wife being likely to break down under the strain of nursing him?—A. Yes.

Q. Now, on the evening of the 27th you have told us that Mrs. Bartlett spoke to you about chloroform. I think you said you went out together. As a matter of fact, your going out together was an accident, was it not?—A. Yes; that is to say, as I came to the door.

Q. You went to the door and found her going out to post some letters; was not that so?—A. Yes.

Q. You went as far as the post, and then returned to the house with her?—A. Yes.

Q. I must just ask one other question on this with regard to Annie Walker; you have spoken of Dr. Nichols, and Annie Walker has been mentioned several times, and you said Mrs. Bartlett told you Annie Walker had gone to America. Will you undertake to say it was not Dr. Nichols who was mentioned as being a doctor in America—an American doctor—and that that was the way America was mentioned?—A. Yes; I understood he was an American—an American by extraction.

Q. You must have understood that from Mrs. Bartlett?—A. Yes.

Q. Well, then, she mentioned America to you in connection with the name of Dr. Nichols?—A. Yes, but it was rather a jumble. Do you mean did she do that at any time or on any particular occasion?

Q. I say at any time.—A. Oh yes, she did.

Q. Now, you see, Mr. Dyson, that Mr. Bartlett told you morphia would not give him sleep, and he used to get up and walk about. Did you have any conversation with him about mesmerism?—A. I think it is likely I did.

Q. You alone can tell us whether you did or not—did you?—A. Yes, I did at Merton.

Q. At Merton?—A. Yes.

Q. Did you know him then as being a believer in mesmerism?—A. No.

Q. What?—A. I did not know him as being a believer in mesmerism.

Q. Did not he tell you he believed in mesmeric force?—A. I do not remember his telling me he believed in it; he asked me if I did.

Q. Did he suggest he had mesmerized anybody, or that you had mesmerized him?—A. No.

Q. Did he?—A. I cannot remember him doing that.

Q. Cannot you tell us what sort of a conversation it was about mesmerism?—A. I told him a story in connection with mesmerism on this occasion.

Q. Am I to take it you introduced the subject, or did he ask you if you believed in it?—A. I believe I introduced it.

Q. You believe you introduced it?—A. Yes.

Q. Did you ascertain that it was a subject to which he had given attention?—A. No, I did not.

Q. Did you ever hear that he believed in mesmeric influences of a very singular kind?—A. No.

Q. Did he never tell you almost at the close of his illness that that very night, the 26th, when he was so desperately ill—did he never tell you on that very night he had got up, and stood—it was the 28th—and stood for two hours waving his hands about over his sleeping wife?—A. No, he did not tell me that.

Q. Do you mean you never heard anything about that before that at all?—A. In evidence I have.

Q. I am not speaking of evidence.—A. No, I never heard that.

Q. Nothing at all?—A. No.

Q. Not before you were examined—not before the inquest took place, at all events?—A. No.

Q. Do try and remember, Mr. Dyson.—A. I do not remember.

Q. Yes, I see, if you heard so, I think you could tell me so; you mean to say you never heard of mesmerism at all, or anything of that kind?—A. No; not till I heard it in evidence.

Q. What was your income, Mr. Dyson?—A. About £100.

Q. About £100 a year?—A. Yes.

Q. Had you mentioned that to Mr. Bartlett or to Mrs. Bartlett at any time?—A. They both knew it; yes.

Q. It is no reproach. I do not mean it at all unpleasantly, but they knew you were not competent enough to bear extra expenses—expenses of travelling and so on, and Mr. Bartlett offered you the season ticket to Dover?—A. Yes.

Q. Which you declined, and then afterwards he gave you a season ticket by which you travelled from Putney to Victoria?—A. Yes; Putney to Waterloo.

Q. Did you, during his life, ever say anything to Mrs. Bartlett to suggest that you would marry her immediately on his death if he should die?—A. Never.

Q. The understanding that at some time or other you and she might come together, you tell me, was known to him?—A. Yes.

Q. There was no more than that understanding between you and Mrs. Bartlett, was there?—A. No more.

Q. Now, you have told us that Mrs. Bartlett mentioned to you the way in which chloroform was to be used, about sprinkling it upon a handkerchief; was it for the purpose of soothing her husband?—A. Yes.

Q. Did you understand that her husband was at all violent, then?—A. Yes; she told me that in previous sickness he was violent.

Q. And she was in some apprehension of that state of things recurring?—A. Yes—described it as a paroxysm.

Q. And was it by way of soothing him and quieting him in these paroxysms you understood it was to be used?—A. Yes; to give him sleep.

Q. Now, you have told us about your getting the chloroform, Mr. Dyson; at the time you got the chloroform, and you went to the chemists whom you knew, and wrote to your friend, and so on, was there the faintest or the remotest idea in your mind that it could be used for any dangerous or improper purpose?—A. Not the faintest.

Q. There seems a criticism on my question; of course chloroform can be used. I mean there was no such idea of that kind crossing your mind with regard to danger from the misuse of this chloroform you were getting?—A. Not in this case; no.

Q. You had never seen Mrs. Bartlett with a medical book, had you—"Squire's"?—A. Yes, I have seen her with that.

Q. You have seen "Squire's"?—A. Yes.

Mr. JUSTICE WILLS.—You speak of "Squire's" as one which everybody knows; is it a book of domestic medicine?

Mr. Clarke.—It is a pharmaceutical book, my Lord: the "Companion to the British Pharmacopœia."

Mr. Poland.—This is the very book that was found, my Lord: "Companion to the British Pharmacopœia."—A. Yes.

Mr. Clarke.—Where had you seen that, Mr. Dyson?—A. At Claverton Street.

Q. You yourself had some knowledge and some studies in medical science, had not you?—A. Not medical; no.

Q. But do you know much about chloroform?—A. I know very little about it, if that was in the sense you ask.

Q. Have you ever seen it administered?—A. No.

Q. You put it not in the sense I ask. You may know, not the chemical properties of chloroform, but the medical property, as anæsthetic, and the limits with which it might be safely used, and all that?—A. No; what I knew was that chloroform was used for soothing and sleeping purposes; nothing more.

Q. And your idea was that putting a few drops on a handkerchief was a thing for which, as far as your knowledge went, chloroform might be safely used?—A. Yes.

Q. You say you did not mention it to Mr. Bartlett that you had got the chloroform, and you understood that Mrs. Bartlett did not desire it to be mentioned to him?—A. Not specifically the chloroform.

Q. What?—A. Not that the chloroform was not specifically to be mentioned, but the disease, the affliction, for which she wanted it. I understood from her these paroxysms arose from that.

Q. She never asked you not to mention you had got the chloroform?—A. No. I think I ought to state, in justice to myself, there was a visitor there, and I could not give it to her in his presence.

Q. If the visitor had not been there, would you have given it to her in the presence of Mr. Bartlett?—A. I cannot say. I might or might not.

Q. At all events, she had not asked you to keep it secret?—A. No.

Q. Now, I should like to clear this. Was it on that very day when chloroform was given to her that there was this, I forget what you called it—disagreement, or whatever it was, misunderstanding, between you and Mrs. Bartlett?—A. No.

Q. You suggested that she might as well have a nurse?—A. Yes.

Q. And you knew at that time that for more than a fortnight, I think,

this lady had never had a proper night's rest?—A. Yes; I was under that impression.

Q. From what you had heard—heard from Mr. Bartlett?—A. Yes.

Q. He had spoken of the probability of her breaking down?—A. Yes.

Q. And could you see yourself, from her appearance and manner, that she was tired and strained with the work?—A. Yes.

Q. And, besides that, she had told you about the friends complaining that he was not properly nursed, hadn't she?—A. She had.

Q. Taking those two things together, you suggested that a nurse should be obtained?—A. Yes.

Q. That was so, and she was indignant—angry at the suggestion?—A. Yes.

Q. And you said you did not trust her, or something of that kind?—A. Yes.

Q. Was there at that time in your mind, or in your suggestion, the smallest distrust of Mrs. Bartlett?—A. There was not.

Q. At every time when you had been there during her husband's illness, had you seen her giving diligent and affectionate attention to his wants?—A. Yes.

Q. And he himself—did he ever suggest that a nurse would have given him better attention and care?—A. I cannot remember that he mentioned that.

Q. Cannot you remember? He told you that the wife was tired and broken down. Did he suggest a nurse being fetched?—A. He did not then.

Q. At any time?—A. I do not remember his doing so.

Q. Why, his answer the moment he heard of this conversation, his answer to you was, if you had known her for twelve years you would not have hesitated to trust her?—A. Yes.

Q. Do you suppose he would have listened for a moment to anybody else doubting her?—A. I do not suppose he put any construction on it. I do not quite understand your question.

Q. The following day that question of a nurse was mentioned before Mr. Bartlett, and you explained that you wanted to apologize to Mrs. Bartlett, and then he said that he had known her for twelve years: "You can trust her; if you had had twelve years of experience you would know you could trust her." That is what he said?—A. Yes.

Q. Did not you gather from that that he was not only satisfied with, but that he praised and desired to continue, that attention that she was giving him?—A. That was the impression it left on my mind.

Q. She was angry with you that you made this suggestion to her?—A. Yes.

Q. So angry, that you went. You returned, as you said, the next morning, in order to apologize?—A. Yes.

Q. You thought you had offended her?—A. Yes.

Q. And then, let us understand, so little was there any reserve between you and Mr. Bartlett that you told him; you found him in bed alone, and told him you wanted to see Mrs. Bartlett alone and apologize to her; and then I think he sent the servant to show you downstairs that you might make the apology. That was so, was it not?—A. Yes, that was it.

Q. We hear that in some of Mrs. Bartlett's letters to you she addressed you as George; from the time when, in September, this understanding was set up between you and the husband, was he in the habit of calling you George?—A. Yes.

Q. And were you spoken of as George when you three were together?—A. Yes.

Mr. JUSTICE WILLS.—What did you call her in his presence?—A. By her Christian name.

Mr. Clarke.—Adelaide?—A. Yes.

Q. You habitually called her that before him?—A. Yes.

Q. And in his presence? Now, on the Saturday evening you say she spoke to you—it was after the post-mortem examination—and said you were to put away from your mind the fact that she possessed a medicine-chest. I just want to call your mind to that conversation. At that time you had the bottles which you had bought?—A. Yes.

Q. You threw them away as you went to church on the Sunday morning?—A. I did.

Q. Did you tell her you had thrown them away the next time you saw her—on the Monday?—A. On the Monday.

Q. Did you tell her on the Monday you had thrown the bottles away?—A. No.

Q. Are you sure?—A. Yes, I am sure of that.

Q. Why did not you tell her?—A. I could not say at this time.

Q. Why?—A. Probably because it never occurred to me to tell her.

Q. Were you in great anxiety and distress at that time about your position?—A. I was.

Q. You were afraid the effect of your having bought the chloroform might get you into trouble?—A. Precisely so.

Q. So that you thought you had better get rid of the bottles?—A. No.

Q. Why did you throw them away?—A. Because it was the horror that seized me when I imagined what might have happened.

Q. That is what I was suggesting; you thought you had better not have the bottles in your possession?—A. No; that was not the motive in my heart when I threw them away; the sight of them was hateful to me, and in a panic I threw them away; it was not the motive of self-protection.

Q. What did you mean when you said you were a ruined man?—A. Because I had in my mind what might have happened.

Q. You had in your mind what might happen to yourself?—A. Yes; what might be the cause of Mr. Bartlett's death.

Q. What might happen to yourself?—A. I was going on to say the thought was in my mind at the time, possibly it was the chloroform I had bought had been the cause of Mr. Bartlett's death.

Q. Did that first occur to you on the Saturday morning?—A. It would be difficult to say when the thought first came. I think on Saturday night it grew on me.

Q. And, thinking that, you thought you would be a ruined man if the matter came out?—A. I thought I should be a ruined man if the matter came out—you mean about the chloroform?

Q. Yes.—A. I thought I should be a ruined man if my fears were true.

Q. And if you were associated with the matter?—A. I saw that danger.

Q. You saw that danger?—A. Yes.

Q. And was it that suggested to you the throwing away the bottles?—A. No.

Q. Now, then, why did you not tell her on the Monday that you had thrown the bottles away?—A. I presume because it never occurred to me to tell her.

Q. Do you mean to repeat that answer—it never occurred to you?—A. I do.

Q. It did occur to you to ask for the piece of poetry?—A. Yes.

Q. And you got it?—A. Yes.

Q. On the Monday did you say?—A. Yes, on the Monday—I do not know if it was on the Monday.

Q. At all events, it did occur to you to ask for that piece of paper?—A. It was torn up when I got it.

Q. It was torn up when you got it?—A. Yes.

Mr. JUSTICE WILLS.—When did you get it?—A. On the Saturday, I believe.

Mr. JUSTICE WILLS.—Let me see where we are. That is the 9th?

Mr. Clarke.—No, the 2nd.

The Witness.—No, the week after that.

Mr. JUSTICE WILLS.—The 9th, after the inquest—after the first inquest.

The Witness.—After the inquest, I think it would be—it was then, or the Wednesday.

Mr. Clarke.—Just think. The 9th was the last time you ever saw Mrs. Bartlett to speak to—the day she was indignant, and suggested you might as well charge her with giving chloroform. Do you mean it was that day?—A. Yes, I think it was that day.

Q. There had been a conversation about it before, had not there? Do you remember the conversation partly in Mrs. Matthews' presence, and partly when Mrs. Matthews was out of the room? Were not you then trying to get that piece of paper?—A. I have said I cannot swear whether it was on the Wednesday. I heard Mrs. Matthews give in evidence that I was there.

Q. We can deal with this, my Lord, without waiting. You have heard Mrs. Matthews give in evidence it was then, and I understand you to say whatever was the paper spoken of in Mrs. Matthews' presence was this piece of paper?—A. Yes.

Q. There was no other piece of paper you were trying to get back?—A. No; it was this piece of poetry.

Q. You say that Mrs. Bartlett told you not to say anything about chloroform?—A. Yes.

Q. Was that at the time the paper was mentioned?—A. At the time what was mentioned?

Q. The time the piece of poetry was mentioned?—A. No; that was on the Saturday night.

Q. That was the first Saturday after the post-mortem examination?—A. Yes.

Q. The 2nd of January. What was the day on which you gave your evidence about the chloroform—purchasing it; do you remember?—A. I believe it was the third sitting of the Coroner's inquest.

Q. That was in February?—A. Yes, it would be.

Q. February 11, I think. Was Mrs. Bartlett the only person who had advised you to say nothing about the chloroform?—A. No.

Q. Mr. Matthews had, had not he?—A. Yes. Understand me, sir, nothing about the chloroform, not altogether; nothing about it immediately. He recommended me to wait the result of the analysis.

Q. Mr. Matthews, to whom you spoke, advised you to say nothing about the chloroform until the result of the analysis was known?—A. Yes.

Q. And you took his advice, and did not?—A. No, I did not.

Re-examined by Mr. Poland.

Q. When was it you mentioned to Mr. Matthews that you had purchased chloroform for Mrs. Bartlett?—A. On the Wednesday evening.

Q. You mean the Wednesday, the 6th?—A. Yes.

Q. The 6th of January; that was the day before the inquest?—A. Yes.

Q. Where had you mentioned that to him?—A. Walking between his house and Peckham Rye Station in the evening.

Q. What had you said to him about that?—A. I told him briefly the facts of the case, and I said that I had my fears, and that my idea was to give the facts.

Q. You mean, by the facts of the case, that you had purchased chloroform?—A. Yes.

Q. And what you had done with it—you had given it to Mrs. Bartlett?—A. Yes.

Q. What did you mean by your fears?—A. My fears?

Q. Yes.—A. As to what had become of it; what use had been made of it; or, rather, as to what its effects had been.

Q. You say it was then Mr. Matthews advised you to await the result of the analysis before you said anything about it?—A. Yes; and really to await my being called by the Coroner, and give my evidence in due order—that was the advice.

Q. Was Mr. Matthews the first person to whom you mentioned you had purchased this chloroform and given it to Mrs. Bartlett?—A. Mrs. Matthews was the first.

Q. Then you had previously mentioned it to Mrs. Matthews?—A. Yes.

Q. When had you mentioned it to her?—A. At Dr. Leach's house, when I was waiting in the ante-room.

Q. Which day?—A. Wednesday.

Q. Did she advise you at all?

Mr. Clarke.—My friend is carrying his suggestions a little too far.

Mr. JUSTICE WILLS.—I think so.

Mr. Poland.—At any rate, you did mention the fact to her. Had you mentioned the fact to any one else?—A. Do you mean on that day?

Q. Yes.—A. No; I had mentioned it to none then.

Q. Then had you mentioned it to any one else before you were called before the Coroner on the 11th?—A. Yes; to the Wesleyan minister at Poole, my home.

Q. Had you been down there?—A. Yes.

Q. I only want to know—it is right you should mention it—you had also mentioned it to another minister of your own body?—A. Yes.

Q. Then, on the first day you were called and examined before the Coroner you mentioned about this chloroform. That is so, is it—the first day?—A. The first opportunity I had; not the first day.

Q. Now, I want you just to tell me a little more fully what was said when you told Mr. Bartlett you were growing much attached to Mrs. Bartlett, and you had better discontinue the visits, and he said you had better not, because your preaching had affected her. Describe that more fully. How had it affected her?—A. He did not describe the particular way, but thought it had benefited her; since you ask the question, in a spiritual way.

Mr. JUSTICE WILLS.—I want to know, Mr. Dyson, why you went to three shops to buy the chloroform?—A. Why I went to three different shops?

Q. Yes, three different shops?—A. Because I did not get as much as I wanted at one shop.

Q. Why did not you say to the first man, "You have given me a little bottle; I want four or five times this quantity"?—A. Because I thought he would want to know what I wanted it for, and I did not wish to enter into a long explanation.

Q. Why not?—A. Because I thought he would not understand that Mrs. Bartlett was skilled in the use of medicines.

Q. Why did you say it was for taking grease spots out of clothes?—
A. He asked me what I wanted it for.

Q. Do not let us have any nice distinctions between telling a falsehood and acting it?—*A.* I do not defend that, my Lord; it was simply that I wanted to avoid an explanation. That was the only idea I had in my mind.

Q. What was your notion of what this very large quantity of chloroform was wanted for, for you say you went to three druggists, and, except that from each of them the quantity you were asking for appeared excessive, nothing appears as to what was your notion of what such a large quantity of chloroform would be necessary for?—*A.* This way. I knew chloroform was used by amateurs. I heard of its being used for the gums—toothache, for instance.

Q. What do you mean by amateurs?—*A.* That is, by any one.

Q. Yes, for toothache. Well?—*A.* And I knew that—at least, I had an idea—this would be sold to doctors; at least, to people who understood the use of it for the other purposes for which it was wanted.

Q. You see, that answer does not meet my question quite. You say, three chemists you went to in succession; and you seem to have been conscious that each one of them would think that quantity you really wanted to get was a very large quantity. What was your own notion of what such a large quantity was wanted for?—*A.* Oh! understand. I thought it was used very quickly in the way Mrs. Bartlett mentioned. I knew it was volatile. I had an idea that a very few applications would exhaust the amount.

Q. A very few sprinklings on a handkerchief?—*A.* Not a few sprinklings. I thought it was more than that.

Q. Did you think the whole handkerchief was to be saturated with it?—*A.* Not saturated, but well moistened in it. I had never heard how it was done, and knew nothing of how it was done.

Q. When you went to Mrs. Bartlett with the chloroform in your pocket, you say a visitor was there. Who was that?—*A.* A Mr. Hackett was there—I believe the name is.

Q. How long did he stop?—*A.* He was gone when I returned. He—

Q. You left him there?—*A.* I left him there with Mr. Bartlett.

THIRD DAY'S PROCEEDINGS.

WEDNESDAY, APRIL 14, 1886.

JOHN BAWTREE HUMBLE sworn.—Examined by Mr. *Moloney*.

Q. You are a chemist, at 190 Upper Richmond Road, Putney?—
A. I am.

Q. And you know Mr. Dyson?—*A.* By sight.

Q. Had you seen him pass your house before the 28th of December?—
A. On several occasions.

Q. Do you recollect his coming to your shop on Monday, the 28th of December?—*A.* I do.

Q. About twelve o'clock?—*A.* About that time, as far as I can remember.

Q. What occurred?—*A.* He came into the shop and asked for some

chloroform. I said, "Do you require camphorated chloroform for tooth-ache?" He said, "No; pure chloroform."

Q. Did you show him some?—A. I then took up a two-drachm bottle, and asked him if that would be sufficient.

Q. Did he say anything?—A. He said he wanted more.

Q. What did you show him next?—A. A half-ounce bottle.

Q. Did he say anything then?—A. "I should like more than that."

Q. What next did you show him?—A. A one-ounce bottle.

Q. Did he say anything about that?—A. "That will do."

Q. What quantity did you ultimately give him?—A. One ounce.

Q. What description of chloroform was it?—A. Methylated chloroform.

Q. Is that chloroform obtained from methylated spirits?—A. Exactly.

Q. What colour was the bottle?—A. A white glass bottle.

Q. Did you label it?—A. I did.

Q. What was the price?—A. 1s. 3d. he paid me for it.

Q. Was that a large or an ordinary quantity to sell to one person at one time?—A. I should consider it a large quantity, rather, without a prescription.

THOMAS SAMUEL PENROSE sworn.—Examined by Mr. Poland.

Q. Do you manage the business of Cadman & Company, The Ridgeway, Wimbledon?—A. Yes.

Q. You are a chemist?—A. Yes.

Q. You have known Mr. Dyson about eighteen months, I think?—A. Yes.

Q. On the 28th of December he came to your shop?—A. Yes.

Q. About what time of the day was it?—A. I think about twelve o'clock.

Q. We have heard what passed between you. Did you sell him two bottles of chloroform?—A. Yes.

Q. Of one ounce each?—A. Yes.

Q. And he paid you for them?—A. Yes.

Mr. JUSTICE WILLS.—Pure or methylated?—A. Methylated.

Q. How much did he pay you?—A. 1s. 6d.

Mr. Poland.—And was a label on the bottle, "Chloroform. Poison"?—A. Yes.

Q. And one of your trade labels with the address on?—A. Yes.

Q. And he took those bottles away with him?—A. Yes.

JOSEPH RICHARD PHILLIPS MELLIN sworn.—Examined by Mr. Poland.

Q. Are you assistant to your father, Joseph Mellin, a chemist, at No. 36 High Street, Wimbledon?—A. Yes.

Q. We have heard that you have known the Rev. Mr. Dyson about eighteen months?—A. Yes.

Q. On the 28th of December he came to your shop.—A. Yes.

Q. About what time?—A. About midday.

Q. And did he purchase of you some chloroform?—A. Yes.

Q. How much?—A. One and a half ounce or two ounces.

Q. You do not remember which?—A. I am not sure which.

Q. What sort of chloroform was it?—A. Pure chloroform.

Q. Was the price 2s. an ounce?—A. Yes.

Q. And was it in a small blue bottle like that (*producing a bottle*)?—A. Yes.

- Q. With the words on it, "Not to be taken," on the glass?—A. Yes.
 Q. And "Poison"?—A. And "Poison."
 Q. In addition to that, had it a label pasted on it, "Chloroform"?—
 A. Yes.
 Q. A pasted label on?—A. Yes.
 Q. And one of your ordinary trade labels, with your name and address?
 —A. Yes.
 Q. How much did that hold?—A. Two ounces, I should think.
 Q. You do not remember whether it was full or not?—A. No.
 Q. He paid you for it and took it away?—A. Yes.

ALICE JANE SELBY MATTHEWS sworn.—Examined by
 Mr. R. S. Wright.

- Q. Are you the wife of Mr. George Frederick Matthews?—A. Yes.
 Q. Living at 98 Friern Road, East Dulwich?—A. Yes.
 Q. Have you known Mrs. Bartlett, the prisoner, for some years?—
 A. Yes.
 Q. About how many years?—A. Intimately about three and a half
 years.
 Q. And altogether something like five years, I believe?—A. Altogether.
 Q. I suppose you knew her late husband also?—A. Yes.
 Q. When you first knew them were they living at Lordship Lane?—
 A. No; at Herne Hill, when I first knew them.
 Q. And afterwards at Lordship Lane?—A. Yes.
 Q. Where is that?—A. Lordship Lane, East Dulwich.
 Q. Were you in the habit of going to visit them at Lordship Lane?—
 A. Yes.
 Q. Afterwards did they go to Merton Cottage?—A. Yes.
 Q. And you continued to visit them there?—A. Yes.
 Q. On one occasion, I believe, you and your husband stayed a week in
 their house?—A. Last July.
 Q. July 1885?—A. Yes.
 Q. On what terms did they live together, so far as you could see?—
 A. Very affectionate.
 Q. Apparently as man and wife?—A. Yes.
 Q. During the time that you knew them, have you ever known Mr.
 Bartlett suffer from any illness until the time of his death?—A. He
 suffered from neuralgia when he was at the Exchange.
 Q. That will be some time back?—A. Yes, about three years ago.
 Q. Was it a lengthened attack?—A. I do not know how long. It may
 have been a day or two; it may have been longer.
 Mr. JUSTICE WILLS.—Did he lie up?—A. No.
 Q. At other times what was the state of his health?—A. Very good.
 Q. Did you see them at all in Claverton Street in the autumn of last
 year?—A. No; not until Mr. Bartlett's death.
 Mr. Wright.—I believe on the morning of January 1 you got a tele-
 gram from Mrs. Bartlett?—A. Yes.
 Q. And you went to their house about twelve o'clock?—A. Yes.
 Q. Did you go upstairs with Mrs. Bartlett to the room where the body
 was?—A. Yes.
 Q. And she gave you an account of how the death had taken place?—
 —A. Yes.
 Mr. JUSTICE WILLS.—Was that in the back room or the front room?—
 A. The front room.
 Mr. Wright.—Will you tell us, as carefully as you can, what it was
 she said to you?—A. She said that the night previously her husband was

in bed. She sat by his side, with her arm round his foot. She said that she was awakened by feeling a cramp in her arm.

Q. Before that, did she say anything to show what time it was before she went to sleep?—A. She said it was after twelve, because she heard the people downstairs wishing each other a happy New Year.

Q. Then she said, I think, that she went to sleep with her arm round Mr. Bartlett's foot?—A. Yes, and was awakened by feeling a cramp in her arm, and she found Edwin lying on his face. She turned him over, and tried to give him brandy.

Q. Did she tell you whether he swallowed any of the brandy?—A. No, she did not.

Q. And that then she roused the house and sent for the doctor? Then you asked her some question?—A. I asked her what he died from.

Q. What did she say?—A. She said, "We do not know. There must be a post-mortem."

Q. That was somewhere about twelve o'clock?—A. Yes.

Q. Do you remember anything else that either of you said at that time?—A. Not about the death.

Q. You stayed there all the day, I believe, with her?—A. Yes.

Q. Except that you went out together in the afternoon to get some mourning?—A. Yes.

Q. And you went back again in the afternoon?—A. Yes.

Q. And stayed there until about nine o'clock at night?—A. Yes.

Q. If I pass over anything, will you tell me without my asking you?—A. Yes, sir, if I know it.

Q. Then the next day was Saturday, January 2?—A. Yes.

Q. Did Mrs. Bartlett and Mr. Dyson come together to your house?—A. Yes.

Q. At Dulwich?—A. Yes.

Q. After tea?—A. Yes.

Q. Had you ever seen Mr. Dyson before?—A. No.

Q. In fact, she introduced him to you on that occasion?—A. Yes.

Q. You had heard of him before, I believe?—A. Oh yes; I knew that there was such a person.

Q. From whom had you heard there was such a person?—A. I cannot remember that.

Mr. JUSTICE WILLS.—Do you mean you had heard of him in connection with the Bartletts, or independently?—A. In all probability it would be in connection with the Bartletts; I cannot say.

Mr. Wright.—Did Mrs. Bartlett tell you why they came to your house?—A. Yes, she did; she said the doctors were not agreed—were not agreed with regard to the cause of death, and the rooms were to be sealed, so she came to me.

Q. Then did she stay with you after that?—A. The next day would be Sunday, the 3rd.

Q. Do you remember anything on that day?—A. No; nothing of any importance in connection with it.

Q. Did Mr. Dyson come that day?—A. No.

Q. He did come next day, the 4th, did not he?—A. The Monday; yes.

Q. Mrs. Bartlett was out at the time he came?—A. Yes.

Q. About what o'clock would that be?—A. It was before lunch. I do not know exactly what time.

Q. Did he stay until she came in?—A. Yes.

Q. And you left them alone for a minute or two?—A. Yes.

Q. As you came back to the room where they were, was your attention attracted by anything?—A. Yes; I heard a noise in the room.

- Q. What kind of noise?—A. Like some one stamping.
- Q. You went in?—A. Yes.
- Q. And what did you observe?—A. Mrs. Bartlett was stamping round the room.
- Q. I suppose you asked what was the matter?—A. Yes, I did ask her.
- Q. Did she answer?—A. She did not answer for some minutes. Then she said that Mr. Dyson was bothering her about a piece of paper.
- Q. You went out again for a few minutes?—A. Yes.
- Q. And again returned?—A. Yes.
- Q. Then did you hear Mr. Dyson say something to Mrs. Bartlett?—A. Yes. As I was entering the room, he said, "You did tell me that Edwin was going to die soon."
- Q. What did she say?—A. "No, I did not."
- Q. Just go on please.—A. Then Mr. Dyson bowed his head on the piano, and he said, "Oh! my God."
- Q. Then after a bit you asked him whether he had not better go?—A. Yes.
- Mr. JUSTICE WILLS.—No more was said, was there?—A. No, my Lord.
- Mr. Wright.—He went out, and said something as he went out?—A. Yes; he said, "I am a ruined man."
- Q. Do you remember if you asked Mrs. Bartlett what he meant by all that?—A. No, I do not remember that I asked her. I remember asking her about the paper. I asked her what the paper was.
- Q. What did she say?—A. She said it was a piece of poetry.
- Q. Then on the Wednesday, the 6th, did Mr. Dyson come to your house?—A. Yes.
- Q. And you, and he, and Mrs. Bartlett went together to London?—A. Yes; we were going to London when he came.
- Q. And he went with you?—A. Yes.
- Q. You left him at Victoria Station?—A. Yes.
- Q. And you went with Mrs. Bartlett to Dr. Leach's?—A. Yes.
- Q. You found him out?—A. Yes.
- Q. And went on to Claverton Street?—A. Yes.
- Q. Dyson came there in the afternoon, did he?—A. Yes.
- Mr. JUSTICE WILLS.—Did you return with her, or did she return alone?—A. Where?
- Q. To your house, after going to London that day?—A. She came alone.
- Mr. Wright.—Then, on the same day, did you all three go to Dr. Leach's?—A. Yes.
- Q. About what o'clock was that?—A. About three, I should think.
- Q. And did Mrs. Bartlett go in alone to Dr. Leach?—A. Yes; into one room.
- Q. Whilst you and Mr. Dyson remained in another?—A. Yes.
- Q. About how long do you think you were left alone by her?—A. Over an hour it would be.
- Q. And during that hour you had a conversation with Mr. Dyson?—A. Yes.
- Q. Now, on the Saturday in that week, the 9th, did Mr. Dyson come to your house?—A. Yes.
- Q. Was Mrs. Bartlett staying with you?—A. No; she went up to town, and went up to my husband's place of business to bring him home. Mr. Dyson went there also to see my husband, and they all came down together.
- Q. Then did he come again on Monday, the 11th, do you recollect?—A. No, he did not.

Mr. JUSTICE WILLS.—I thought we had had it that he never had any conversation with her after the 9th.

Mr. Wright.—The dates have got a little confused in the depositions, my Lord. It was the previous Monday she was speaking of. But I do not think I need pursue it.

Q. After you had been to Dr. Leach on the 6th, did Mrs. Bartlett tell you what she had been seeing Dr. Leach about?—A. I cannot say she told me, but I understood she was to go and see the results of the post-mortem.

Q. I do not know whether I am right in my dates, but I think it was on Saturday, the 9th, that there was a conversation about chloroform?—A. Yes.

Q. It was on the Saturday, was it?—A. Yes.

Q. At your house?—A. Yes.

Q. In the evening?—A. Yes. It was hardly a conversation.

Q. Well, whatever it was, just repeat what was said.—A. There was some talk going on. Mr. Dyson was in a great state, because he said he would be ruined, and he should have to leave his ministry, and so on.

Q. Mrs. Bartlett was there, I suppose?—A. Yes, and my husband.

Q. Give the whole of the conversation as well as you can—all that was said.—A. I cannot say the whole of what was said. I know Mr. Dyson said, "Suppose it should be proved——" and he hesitated, and did not finish. And then Mrs. Bartlett said, "Do not mince matters; say I gave him chloroform, if you want to." She said it very indignantly.

Q. Was that all that you remember about the 9th?—A. Yes.

Mr. JUSTICE WILLS.—Was nothing more said? What did Dyson say about that?—A. I do not exactly remember how it came, but he said, "Well, but supposing it is proved that I bought," or "Supposing it is proved that you gave him the chloroform and I bought it." You see, he made out that he should be ruined, because of his position in the ministry. I cannot remember that he said those words, you know.

Mr. Wright.—We will come now, please, to Monday, the 11th—the next Monday after that Saturday. Did you have a conversation with Mrs. Bartlett about what Mr. Dyson had said to you whilst you and Mr. Dyson were waiting in the room at Dr. Leach's?—A. I do not know whether it was the Saturday or the Monday. I asked her why she told Mr. Dyson all those lies.

Q. And you told her what it was that Mr. Dyson had said?—A. No; but I knew that she knew what he told me.

Q. How?—A. Well, about—I cannot remember now what was said.

Mr. Clarke.—I must object to this.

Mr. Wright.—I am entitled to ask what she said.

Mr. Clarke.—Oh no.

Mr. Wright.—Well, you asked her why she told Mr. Dyson all those lies?—A. Yes.

Q. What did she say?—A. She said he had bothered her so—that he did not believe her when she told him the truth.

Q. Did she say what the truth was?—A. Yes.

Q. That Edwin was going to die?—A. And so she told him the lie.

Mr. Clarke.—Told him what?—A. Told him the lie.

Mr. Wright.—Is that all that you remember?—A. Yes.

Mr. JUSTICE WILLS.—Just listen to me. Do not say anything you know from any other source; but had anything passed between you and her to indicate what you were talking about?—A. No, my Lord, I do not remember; but I should like to say this, that I said to him then I did not know that Edwin thought he was going to die soon, and she said that he did think so latterly.

Mr. *Wright*.—Did Mrs. Bartlett ever tell you that she had any chloroform?—A. Yes; she said she had had the chloroform to soothe Edwin, but that she had never used it.

Q. Did she tell you from where she got it?—A. I cannot say she told me, but of course I understood.

Q. When was that that she told you that about the chloroform?—A. Either the Saturday or the Monday.

Q. At any rate, after you were at Dr. Leach's?—A. Oh yes.

Q. Did she ever tell you what she had done with it?—A. She had thrown it away.

Q. Tell us as nearly as you can the account she gave about throwing it away.—A. She said she had poured the chloroform on the rails as she came from Victoria to Peckham Rye on the 6th, and that she had thrown the bottle away.

Q. Did she tell you where she had thrown it away?—A. Yes; she said she had thrown it into Peckham Rye pond.

Q. Had you passed Peckham Rye pond on the 6th?—A. Yes.

Q. What state was it in then?—A. It was frozen.

Q. Frozen hard?—A. I do not know. There were some people at one end—some boys at one end. I do not know whether it was frozen all over.

Q. On the ice, you mean?—A. Yes.

Mr. JUSTICE WILLS.—Not at the other end? There was none at the other end?—A. The people were only at one end.

Mr. *Wright*.—Then she left your house upon the 11th, did she?—A. Yes.

Q. Did she come to see you again on the 20th?—A. Yes; but she came two or three times before that.

Mr. JUSTICE WILLS.—Where did she go when she left you?—A. She went to Weymouth Street, Portland Place.

Q. To lodgings?—A. Yes.

Mr. *Wright*.—On those two or three visits that you say she paid you before the 20th, do you remember anything she said about the deceased man or about this business?—A. I do not remember anything that she said.

Q. Then, on the 20th, when she came did she talk to you?—A. Yes.

Q. Do you remember what she said?—A. She said she had asked Dr. Leach about giving Edwin chloroform, and that he had told her she could not possibly have given him chloroform, because it would have shown in his brain if she had given it to him by inhalation—it would have shown in his brain, and that if she had given it to him to drink it would have burnt his throat all down, and that his screams would have alarmed the house.

Mr. *Clarke*.—I have no question to ask.

The *Foreman*.—There is one question I should like to ask. Mr. Bartlett, in his evidence, stated that his son, the deceased, had told him that he intended to alter his will on the 1st of January in his favour. Is there any proof of that beyond his own statement?

Mr. JUSTICE WILLS.—No; there has been none given.

The *Foreman*.—You can easily understand why I ask the question, my Lord, I think.

Mr. *Clarke*.—Perhaps it was with reference to a question that was asked. Your Lordship will refer. I do not think he said he intended to alter his will, but to make him an allowance.

The *Foreman*.—To alter his will, I think it was.

Mr. JUSTICE WILLS.—I will refer. It strikes me as new. My memory may be wrong.

Mr. *Clarke*.—What he said was that there was not room for him at the house—"I had no allowance from him"—he was to give him an allowance this year. It was after I had read a page over to him.

Mr. *JUSTICE WILLS*.—I think he did say somewhere in answer to your question. I remember perfectly I have his answer to it. "He had never, in fact, made me an allowance"—I think those were the words he made use of—"but I had from him what money I wanted. He was the tenderest of sons." That is the passage, I think, but there was nothing said about altering his will.

A *Juror*.—We are still under the impression, my Lord, that he stated so, and that it was an allowance. Was there any proof that he promised that, beside his own statement?—*A*. Nothing but his own statement.

GEORGE FREDK. MATTHEWS sworn.—Examined by Mr. *Moloney*.

Q. You are the husband of the last witness?—*A*. Yes.

Q. You have known Mr. and Mrs. Bartlett about three and a half years?—*A*. Yes.

Q. You visited them at Merton Abbey, did you not?—*A*. Yes.

Q. And stayed some time with them?—*A*. Yes.

Q. Up to the time of Mr. Bartlett's death, what was his general health, so far as you know?—*A*. Very good.

Q. Did you notice anything peculiar about his ideas?—*A*. No.

Q. So far as you could judge, did he and his wife live as man and wife?—*A*. Quite so.

Q. Did you see him during his last illness?—*A*. Once.

Q. On December 15?—*A*. On December 15.

Q. What was his condition, so far as you could judge?—*A*. He seemed very prostrated.

Q. Did Mrs. Bartlett say anything to you about what he was suffering from?—*A*. Yes; she told me that he was suffering from slight mercurial poisoning, and also from verdigris.

Q. Did she say anything as to how she accounted for those symptoms?—*A*. She said he may possibly have got it from moving things in the warehouse; he had been hunting rats.

Q. Was that the last time you saw him alive?—*A*. Yes.

Q. Did you go to Claverton Street on January 1.—*A*. Yes.

Q. Did you see Mrs. Bartlett there?—*A*. Yes.

Q. Now, did you have tea there?—*A*. Yes.

Q. After tea, did she say anything about the death certificate?—*A*. Yes; she said that Dr. Leach said he could not grant a certificate.

Q. Was anything said as to a post-mortem—as to having a post-mortem?—*A*. Well, I could not be certain. Oh yes, I remember there was; it was said that there must be a post-mortem—that came on again later in the evening.

Q. Tell us anything that was said later in the evening.—*A*. Yes; it was said that Dr. Leach and Mrs. Bartlett had come to an understanding that there must be a post-mortem early in the morning.

Q. What morning?—*A*. That day.

Q. That they came to the understanding in the morning?—*A*. Yes.

Q. Did she come to your house on January 2 with Mr. Dyson?—*A*. Yes.

Q. Now, on the evening of January 2 did you have any conversation with her, or did she say anything as to how her husband died—how she found him?—*A*. Yes.

Q. Was your wife present?—*A*. Yes.

Q. What was it she said?—*A.* She told me that she must have fallen asleep sitting near the foot of the bed, and she had his foot under her arm; she was awakened by feeling the cramp in her arm, and found her husband lying on his face, and she turned him over, and endeavoured to give him some brandy, and, becoming alarmed, she proceeded to rouse the house, and also sent for the doctor.

Q. Mrs. Bartlett stayed at your house that night, did she not?—

A. Yes.

Q. And on Sunday did you have a conversation with her? Did you ask, speaking about the death—was anything said by you as to having got poison?—*A.* Yes; of course we did talk about the death, and I asked her if it was possible that he might have taken poison himself.

Mr. Justice Wills.—Sunday?—*A.* January 3.

Q. You asked her what?—*A.* If it were possible if he could have got at any poison himself; and she gave me to understand that she did not think he could have done so.

Q. Well; did she give any reason for it? Did she say why?—*A.* Yes; she said she did not think there were any poisons in the house.

Q. Did she say anything as to the smell of chlorodyne at the post-mortem?—*A.* Yes; I believe she said the doctor had told her that there was a smell of chlorodyne which might be accounted for by her husband having used chlorodyne.

Q. Was anything said about arsenic?—*A.* Yes; I was told that there was a smell of garlic.

Mr. Clarke.—The witness had better go on and tell us all.—*A.* There was nothing more; it was quite interjectional; there was nothing said about chlorodyne, except that it was the doctor's opinion.

Mr. Moloney.—Did she say which doctor's opinion?—*A.* Dr. Leach.

Q. You were going to say something about the smell of garlic?—*A.* There was some mention of a smell of garlic; and I asked her if it was possible that he could have got at any arsenic, and she said no. There is nothing more that I can remember. We had a visitor, and of course there was not much said.

Q. Do you remember seeing Mr. Dyson on January 6, when you were coming home from business?—*A.* Yes.

Q. And did he walk with you?—*A.* He walked with me to the station; or rather I walked with him to the station, for I was going home.

Q. Did you have a long conversation with him?—*A.* Yes, I did.

Q. I mean on this subject?—*A.* Yes, I mean on this subject.

Q. Mrs. Bartlett was not present at that conversation, was she?—*A.* No.

Q. Do you remember January 7, the first day of the Coroner's inquest?—*A.* Yes.

Q. Did Mr. Dyson and Mrs. Bartlett come to your house on that evening?—*A.* Yes.

Q. Was there any conversation between you as to what had happened at the inquest, in the presence of Mrs. Bartlett, or with Mrs. Bartlett?—*A.* Yes; we discussed the evidence which had been given. Nothing more that I can remember.

Q. Do you remember Mr. Dyson going to your place of business in the City on January 9, Saturday?—*A.* Yes.

Q. And did Mrs. Bartlett also come to your warehouse that day?—*A.* Yes; Mr. Dyson came about eleven o'clock in the first instance.

Q. And returned later in the day?—*A.* Yes; I was too busy to see him, and asked him to call again when I was about to leave—at two o'clock.

Q. Did Mr. Dyson and Mrs. Bartlett go with you to your house that afternoon?—A. Yes; at my request.

Q. Did any conversation take place at your house, in the presence of Mrs. Bartlett, about Mr. Dyson's position?—A. Yes.

Q. Say what it was.—A. Mr. Dyson was telling us, or rather he was telling me, that he was ruined so far as his prospects in the ministry were concerned.

Mr. Clarke.—You mean that he was telling you in Mrs. Bartlett's hearing?—A. Quite so.

Mr. Moloney.—Yes?—A. And I endeavoured to combat the idea, and he proceeded to explain that it was impossible for him to do otherwise than resign; that, according to a system that existed with them, certain superintendents of every district were responsible for the condition of the ministers in each district; and that the slightest breath of anything against the minister would cause him to be called before what I understood to be a sort of council.

Q. Anything else?—A. He said, turning to Mrs. Bartlett, "Supposing that it turns out—" or "Suppose it should be proved that you—" and then he hesitated, and Mrs. Bartlett said, "Don't mince matters; say it, if you wish to say, I gave him chloroform." He said: "Well, to put it hypothetically, supposing it was discovered that you gave him chloroform, and I gave it to you—" then, I cannot say exactly the words, but he made an action as much as to say: "What would be the opinion of the world? How should I come out in such a case?" and he moved his hands so (*imitating the action*).

Q. Yes?—A. There is nothing more. He went almost immediately after that.

Mr. JUSTICE WILLS.—Did she say anything to that?—A. No; I cannot recollect anything.

Mr. Moloney.—She left your house on January 11?—A. Yes.

Q. Did you see her with your wife on January 20?—A. Yes.

Mr. JUSTICE WILLS.—Where?—A. At my house, my Lord.

Mr. Moloney.—Did Mrs. Bartlett say anything about an interview with Dr. Leach?—A. Yes.

Q. What did she say?—A. She said—I am confusing times; can you give me an idea, and I will tell you?

Q. Was anything said about the effect of chloroform on that occasion?—A. Yes, she told us that Dr. Leach had said that it would be impossible for her to have given him chloroform by inhalation without it showing in the brain; and she could not have given it to him as a drink, because it would have burnt his throat all down, and he would have aroused the house with his cries.

Cross-examined by Mr. Clarke.

Q. You have been, I believe, for some years a friend of Mr. Bartlett's?—A. Yes.

Q. You believed that you were in perfect confidence and intimacy with him?—A. Yes.

Q. You had every reason to think so?—A. Yes.

Q. Did he ever talk to you about medical matters?—A. No.

Q. Did he ever communicate with you his strange ideas on the subject of marriage, or anything connected it?—A. No, never.

Q. He never lent you any books, or showed you any book?—A. No.

Q. Did you ever hear of Dr. Nichols' book?—A. Yes, I have seen it.

Q. There?—A. Yes; Mrs. Bartlett handed it to me, once.

Q. Mrs. Bartlett?—A. Yes.

- Q. Is that the book (*holding one up*)?—A. I cannot say.
 Q. Was it a queer sort of book?—A. Yes; scarcely in my line of business. I did not read it—yes, that is the book.
 Q. How long ago was that?—A. Two years ago, quite.
 Q. And did he ever talk to you about magnetism?—A. No, never.
 Q. Or mesmerism?—A. No.
 Q. And you had no knowledge of his having strange ideas about marriage, or about his having ideas about magnetism?—A. No, nothing of the kind.
 Q. Is that the only medical book you have known of belonging to him and Mrs. Bartlett?—A. No; I have seen "Squire's Companion" there.
 Q. Where have you seen that—at Merton?—A. At Merton Abbey.

Re-examined by Mr. Poland.

- Q. You say that is the book which you saw her with?—A. Yes.
 Q. How long ago?—A. Two years.
 Q. Where?—A. At my house.
 Q. She lent it to you?—A. Yes.
 Q. What did she say about it?—A. Mrs. Bartlett was a believer in the hydropathic system; and I do not know, but I rather think that the book was about that, and she gave it to me so that I should read something on the subject. I am not certain, because I never read the book, but I know so well that it was a book on hydropathy.
 Mr. JUSTICE WILLIS.—I am glad you have told us the book; it was a book of a different kind.—A. I never looked at it.
 Mr. Poland.—Was it left with you?—A. Yes.
 Q. Did you read it at all?—A. No.
 Q. Did you return it to her?—A. I believe my wife did; I do not think I did.
 Q. Did you look at the book to see what it was about?—A. I have no memory.
 Q. Was the title of it "Esoteric Anthropology (The Mysteries of Man): a Comprehensive and Confidential Treatise on the Structure, Functions, Passional Attractions and Perversions, True and False Physical and Social Conditions, and the Most Intimate Relations of Men and Women. By T. L. Nichols, M.D., F.A.S.?"—A. If I had read as far as that I should not have read any further: that was the reason she gave it to me; she was speaking of Dr. Nichols.
 Q. Did you know anything of Dr. Nichols yourself?—A. No.
 Q. I think you said that you had never seen Mr. Bartlett with that book?—A. No, never.

ANNIE WALKER sworn.—Examined by Mr. Poland.

- Q. Are you a midwife?—A. Yes.
 Q. Are you a trained nurse attached to the London Association of Nurses, 62 New Bond Street?—A. Yes.
 Q. Were you attached to that institution in October 1881.—A. Yes.
 Q. Did you receive a letter at the institution from Mrs. Nichols?—A. Yes.
 Q. Is she the wife of Dr. Nichols, of Fopstone Road, Earl's Court?—A. Yes.
 Q. She is since dead?—A. She is dead.
 Q. Is Dr. Nichols alive?—A. Yes.
 Q. He is a witness here, I believe?—A. Yes.
 Q. Did that letter make an appointment, and did you see Mrs. Nichols?—A. Yes.

Q. And in consequence of what she said to you, did you go to see Mrs Bartlett at Station Road, Herne Hill?—A. Yes.

Q. Did you see Mrs. Bartlett?—A. Yes.

Q. Did you arrange, and were you engaged, to attend her in her approaching confinement?—A. Yes.

Q. Before she was confined, did you attend upon her for some weeks?—A. Four weeks.

Q. Was she confined in November 1881?

Mr. JUSTICE WILLS.—Were you in the house four weeks?—A. Four weeks before.

Mr. Poland.—Was she confined in November 1881?—A. Yes.

Q. You attended her, I think, without a doctor?—A. Yes.

Q. Was the child stillborn?—A. Yes.

Q. Had you spoken to her at all about having a doctor?—A. I am not quite certain whether I took the order from her, because I went to her husband and asked him to let me have some medicine.

Q. Yes, just so; my learned friend wishes to know what he said.—A. He asked me if her life would be all right. I said I did not fear for her, but I feared, if he did not have help at once, the child would be stillborn.

Q. What did he say then?—A. He said he would much rather that I took the case through; he would much rather not have any man interfering with her.

Q. What did you say to that?—A. I agreed to go on.

Q. That was the day before the confinement, I believe?—A. I am not quite certain whether it was in the morning of the day, or on the day; she was confined at midnight.

Q. Had she a bad time?—A. A very bad time.

Q. Did she suffer great pain?—A. Yes.

Q. I believe a doctor was sent for, in fact?—A. I sent for a doctor at last, and asked Mr. Bartlett to send for a doctor, and begged him, and I wished him to be there when the child was born, and it was drawing quite near to the time.

Q. And was a doctor sent for?—A. Yes.

Q. Was he required?—A. No.

Q. The child was born before the doctor arrived?—A. Yes.

Q. And then afterwards you say you continued on attending her for three weeks?—A. Yes.

Q. And during the time after that did you talk together on the subject?—A. Afterwards.

Q. When was that?—A. I cannot say.

Q. Was it during the three weeks, or some time after?—A. During the visits I paid her afterwards.

Q. During the visits you paid to her afterwards, you spoke on the subject of the confinement, did you?—A. Yes.

Q. What did she say then?—A. That she never meant to have any more children.

Q. Did she say why?—A. No.

Mr. JUSTICE WILLS.—Did she say so more than once?—A. I cannot say positively.

Mr. Poland.—Did she mention the reason?—A. No.

Q. And used you to see her from time to time after that?—A. I only saw her four times from the time of attending her.

Q. When you visited her after her confinement, did you see Mr. Bartlett?—A. Yes.

Q. As far as you can judge, were they living together as man and wife?—A. Yes.

Q. Were they on affectionate terms together?—A. Very.

Q. Did you visit them when they were at Lordship Lane, and also when they were at The Cottage, Merton Abbey?—A. Yes.

Q. Do you remember in September 1884 were you at The Cottage, and did you stay with them a short time?—A. I cannot remember the date; I know I left on the 2nd of October—last October twelve months.

Mr. JUSTICE WILLS.—You stayed a few days.—A. Yes; I went on Sunday.

Mr. Poland.—And you know that you left on October 2?—A. Yes.

Q. That was October 1884. Did she say anything to you then about Mr. Bartlett—about her husband?—A. All I remember her saying was she played and sang in the evening, and she said that he never appreciated enough what she did.

Q. Did she say what it was that he did not appreciate?—A. He did not appreciate her work; she worked very beautifully, and he always thought that she ought to do it better.

Mr. JUSTICE WILLS.—Are you expressing the result of your own observation, or what she said herself?—A. What she said herself.

Mr. Poland.—Anything else in which she said he failed to appreciate her?—A. Not that I can remember.

Q. Did she speak to you on that occasion about a will?—A. I cannot say whether it was on that occasion; it was on several occasions.

Q. What did she say about the will?—A. I think she had even said it in the presence of Mr. Bartlett.

Q. What was it?—A. She said, "Don't you think it is a shame? Edwin has made a will that the property will come to me, provided that I never marry again."

Q. Yes; anything more about the will?—A. No.

Q. You say that she mentioned that more than once?—A. I feel sure she did, but I cannot be positive of it; I cannot really be positive of it.

Q. Yes. At any time did you ever see Dr. Nichols yourself?—A. I saw him once, but he has never seen me.

Q. As far as you know, he never saw you?—A. All I know of him is, that he passed from one door to another in his own house.

Q. You have never seen him about Mr. Bartlett at all?—A. No.

Q. And never had any communication with him at all?—A. Never.

Q. You know who he is?—A. I know he is the husband of Mrs. Nichols.

Q. The husband of the lady who had originally written to you?—A. Yes.

Q. Did you know that he was the gentleman who had written *this* book (*handing it to the witness*)?—A. Yes.

Q. Had you seen that book at the Bartletts?—A. Yes.

Q. Is it "The Mysteries of Man"?—A. Yes.

Q. You have seen the book?—A. Yes.

Q. Who used to read it?—A. I have never seen any one reading it, but it was lying about, and I know it was read, because it was through reading the book that she wrote to Mrs. Nichols.

Q. You understood that from Mrs. Bartlett, did you?—A. Yes.

Q. Besides that book, have you seen any other medical book at the house?—A. No.

Q. Did you ever see any medicine-chest?—A. Not any.

Q. Have you ever had any conversation with Mrs. Bartlett about chloroform?—A. No, never.

Q. Have you ever had any conversation with her, or have you ever got any chloroform for her on any occasion?—A. No.

- Q. She has never asked you to purchase any for her, has she?—
A. Never.
- Q. Or any medicine of any kind?—A. Not any medicine of any kind.
- Q. Have you ever been to America?—A. No.
- Q. Or were you for any length of time from England?—A. Never out of England.
- Q. Did you ever speak of going to America?—A. No.
- Q. I believe you never knew anything of Mr. Dyson?—A. No.
- Q. You never attended Mr. Bartlett at all, did you?—A. No.

Cross-examined by Mr. Clarke.

- Q. Mrs. Walker, there was no chloroform used at Mrs. Bartlett's confinement, was there?—A. No, sir; not any.
- Q. At any time when you have been there have you heard chloroform mentioned?—A. Never.
- Q. By her or before her?—A. Never.
- Q. So far as you know, she knew nothing about chloroform at all?—A. Not that I know of, in any way at all.
- Q. You came to be attending her through Mrs. Nichols, I think you said?—A. Yes.
- Q. Mrs. Nichols herself attended people, I believe, did not she?—A. I do not know if she did. She visited a lady that I attended once, but they were great friends.
- Q. Don't you know that she attended people herself?—A. Well, I have read it in the book.
- Q. You have read this: "In a large practice extending over many years" (*the learned Counsel read down to the words*) "Mrs. Nichols has never directed treatment to be suspended"?—A. Yes. I do not know much about the book; I have just looked at it a little.
- Q. You only know Dr. Nichols as Mrs. Nichols' husband, and as the author of the book?—A. That is all.
- Q. You have looked through this book?—A. I have.
- Q. There is nothing immoral or indecent in this book, is there?—A. Not anything.
- Q. And you have seen it at the place there while Mr. and Mrs. Bartlett were there?—A. Yes, while they were there.
- Q. There was no concealment about it?—A. Not at all.
- Q. It was lying about?—A. Yes.
- Q. Had you seen patients before through the recommendation of Mrs. Nichols?—A. Mrs. —
- Q. Never mind the name; one or two?—A. Two.
- Q. Did you attend a patient afterwards through Mrs. Nichols?—A. No.
- Q. Now, in September you were four weeks in the house before this poor lady was confined?—A. Yes.
- Q. And were you living in the house with her?—A. I was living in the house, and taking my meals with them both.
- Q. Was she attentive and affectionate towards her husband?—A. Most affectionate.
- Q. And was she as attentive as she could be to him with regard to his meals in the morning?—A. Very. She would get up very early, and see that he had his breakfast at seven, before he started, comfortably.
- Q. Although she was expecting her confinement to happen some little time before it really did?—A. Yes.
- Q. And did you form some attachment for her?—A. Yes.
- Q. I think you gave her your photograph?—A. Yes.
- Q. In your nurse's dress?—A. Yes.

Q. And do you know that that photograph was put in the album?—
A. No, I do not know that. I have never seen her since I went to the house last October twelve months.

Q. You say that once, after the confinement, Mrs. Bartlett said that she should never have another child?—A. Yes.

Q. It had been a very painful time?—A. Yes.

Q. She had a very bad time, and a time of great suffering?—A. Yes.

Q. Altogether, you were seven weeks in the house, I believe?—A. Yes.

Q. And you were really anxious at the time of the confinement?—A. Very anxious.

Q. With regard to her life—her life was in danger, was it not?—A. Well, I did not see any reason for fear. She was keeping up very well.

Q. But you were anxious, and, even after what Mr. Bartlett said, you again insisted on having a medical man?—A. Yes.

Q. Have you nursed a great many ladies in labour, Mrs. Walker?—A. A great many. I have been fourteen years nurse.

Q. It is not a very uncommon thing for a woman to say that she hopes never to have another child, is it?—A. No; not at all.

Re-examined by Mr. Poland.

Q. You say that you know they were living together on the terms of man and wife?

Mr. Clarke.—Do not keep repeating that, or I must ask my learned friend to define what he means. It is a phrase he uses so frequently.

Mr. JUSTICE WILLS.—It is a phrase that I shall have to point out the illustration of when it comes to my time. Among ordinary people you know what passes in the ordinary relations of life, but you know nothing of what passes in the bedroom, or how the bedroom is arranged with reference to the specific matter which is the only thing we can inquire into. The mere opinion is worthless on this point.

Mr. Poland.—After the statement she made that she would not have another child, did she ever say anything to you as to the terms upon which she was with her husband?—A. No, sir.

Q. They occupied the same room and the same bed, did they?—A. When I was with them.

Mr. JUSTICE WILLS.—When you paid your visit?—A. Yes.

Q. I suppose, whenever you paid your visit, you have been up in their room?—A. Yes.

Q. Did you use chloroform at all at the confinement?—A. No.

Q. You say that they occupied the same bed; was there anything exceptional, as far as you know, between them as man and wife?—A. No.

Q. As I understand you, Mrs. Bartlett never made a statement to you in reference to herself and her husband as to the terms upon which they cohabited. That is what you mean?

Mr. Poland.—Yes, I will put it that way.

The Witness.—No.

Mr. JUSTICE WILLS.—Let me ask you one other question. I had a very cursory glance at that book, but there are parts of it which do tell married people how to live together without having children, are there not?—A. Yes.

Mr. Clarke.—I am sure your Lordship wishes me to be correct. Your Lordship will find that the book contains nothing objectionable. The answer is vague.

Mr. JUSTICE WILLS.—I will take the opportunity, Mr. Clarke, of looking at the book this evening myself. I will just point out to you at once the passage which caught my eye.

Mr. *Clarke*.—Yes.

Mr. JUSTICE WILLS.—It was opened there; that is how I came to see it.

Mr. *Clarke*.—“Abstinence.—There is one way that is natural, simple, and effectual. It is to refrain from the sexual act. It is easily done by most women, and by many men. In every civilized community thousands live in celibacy, many from necessity, many from choice. In England and the older American States there is a large surplus female population. In Catholic countries the whole of the priesthood and a great number of religious of both sexes take vows of perpetual chastity. This practice has existed for at least sixteen centuries. I have shown that in the ordinary cases conception can only take place when connection is had a day or two before, or ten days, or, for safety's sake, say sixteen days after, menstruation. There is then a fortnight each month when the female is not liable to impregnation.”

Mr. JUSTICE WILLS.—I am much obliged to you.

Mr. *Clarke*.—“And it is also to be observed that the natural period for sexual union is when it is demanded for the purpose of procreation; and that the use of marriage or the sexual act for mere pleasure, and using any means to avoid impregnation, are unnatural. It is questionable, therefore, whether we can morally justify the use of any means to prevent conception. If it can ever be justified, it is when a woman is unwillingly compelled to submit to the embrace of her husband while her health or other conditions forbid her to have children.”

Mr. JUSTICE WILLS.—I am much obliged to you for correcting my impression; it was formed on hastily opening the book.

THOMAS LOW NICHOLS sworn.—Examined by Mr. *Wright*.

Q. Do you live at 32 Fopstone Road, Earl's Court?—A. Yes.

Q. You have no degree entitling you to practise here?—A. I have not.

Q. You were a graduate at New York in 1850?—A. That is right.

Q. You have been in London some twenty-five years?—A. Twenty-five years about in England, mostly in London.

Q. Excluding yourself, is there any Dr. Nichols at all in Fopstone Road, Earl's Court, that you know of?—A. Not that I know of.

Q. Or in any part of Earl's Court?—A. I have never seen any sign of any.

Q. At any rate, you are the Mr. Nichols who published the book that has been mentioned in court?—A. That is one of my books.

Q. A book called “Esoteric Anthropology”?—A. Yes.

Q. Will you look at Mrs. Bartlett, the prisoner?—A. I do.

Q. When did you first see her?—A. At the Westminster Police-court.

Q. Until the time when you saw her at the police-court had you ever, so far as you know, had any communication with her or her husband, by letter or otherwise?—A. I cannot remember any such communication.

Q. Do you know of any one of the name of Bartlett in this country?—A. I do not.

Q. Do you know a nurse or midwife of the name of Annie Walker?—A. I do not.

Q. Have you seen a witness called Annie Walker either here, or at the police-court, or before the Coroner?—A. Here this morning.

Q. Had you ever seen her until the Coroner's inquest?—A. I have never seen her at all before, to my knowledge.

Q. Until to-day, do you mean?—A. Until to-day.

Q. I must just put this particularly to you. You told us that you did not know anybody in this country of the name of Bartlett. Did you

ever make any statement to anybody that anybody of the name of Bartlett would die within twelve months?—*A.* Certainly not.

Q. Or any statement of that sort?—*A.* I could not make any such statement unless I had examined the patient.

Cross-examined by *Mr. Clarke.*

Q. You have no qualification here, I think?—*A.* I am not registered; my diploma was just too late to be registered.

Q. But you have lived for some years in England, have you not?—*A.* For twenty-five years.

Q. You used to live at Malvern, I think?—*A.* Yes.

Q. And it was while you were living at Malvern, in the year 1873, that you issued the English edition of this book?—*A.* Quite so. It was written about 1853, in America.

Q. And it was published in America, and largely circulated, I think?—*A.* Very largely—all over the world, I believe.

Q. Did Mrs. Nichols, your late wife, write a book and publish a book?—*A.* Oh yes.

Q. It was called, I think, "A Woman's Work in Water Cure and Sanitary Education"?—*A.* Yes; that was the English reproduction of a previous work called "Experience in Water Cure," published in America.

Q. In the year 1853, I think, you were giving lectures in New York, at the American Hydropathic Institute?—*A.* Yes.

Q. And you were then teaching students in anatomy, physiology, and hydro-therapeutics, and assisted by Mrs. Nichols either in teaching or writing books.—*A.* In both. She wrote her own books, and did her part of the teaching for both sexes.

Q. Then I understand that the American book which she wrote was called "Experience in Water Cure," and the English book "A Woman's Work in Water Cure"?—*A.* Yes, in England.

Q. And was again largely circulated?—*A.* Yes.

Q. I think the first book you wrote was called "Human Physiology the Basis of Sanitary and Social Science"?—*A.* That was later. That was written at Malvern.

Q. That was a larger book, was it not?—*A.* Somewhat larger—twice the size.

Q. I think it is only right that I should read to you a passage from the preface of the English edition in order to found a question upon it. "Esoteric Anthropology," though covering a portion of the same ground, yet varies widely from my recent work, 'Human Physiology the Basis of Sanitary and Social Science;' it treats more particularly of disease and more practically of treatment—especially of the conditions and diseases of the reproductive system and of gestation and child-birth. 'Human Physiology' treats more of Social Science, and three of its six parts are devoted to matters which are but slightly touched in the 'Anthropology.' One may therefore well be the sequel or companion of the other. I have honestly tried to make both of them thoroughly good and useful books—true in science, pure in morals, and containing the principles of the highest welfare of man and of humanity." Does that truly represent your intention in writing the book?—*A.* Most certainly it does.

Q. And the character of the book?—*A.* Most certainly it does.

Q. Did Mrs. Nichols practise largely in England?—*A.* Most of the patients came to her.

Q. At page 302 I see you are dealing with some matters of the troubles of women, and you say, "The treatment of this condition will alarm such persons as think they must not touch cold water" (*ſc.*, reading down

to) "bad consequences." It was a large practice involving hundreds of cases?—*A.* Including America, yes. She had more practice here than I had.

Q. You did not know Miss Walker at all—the last witness?—*A.* I did not. She may have visited at my house, but she might have seen me without my noticing her at all.

Q. The practice which the late Mrs. Nichols was carrying on was a practice that would in the ordinary course of things lead to communication with Miss Walker without your recollecting it?—*A.* Quite so. She had her own patients, who, as I said, usually came to her, and she saw them in a different apartment.

Q. And ladies might come and consult her, I need scarcely ask you, without your knowing their name or anything of the kind?—*A.* Certainly.

Q. Have persons occasionally come to consult you for your advice?—*A.* Sometimes persons who read the book came to me. I did not lay myself out for practice, nor wished it; I was engaged in literary work.

Q. It is again only fair that I should read this sentence from the preface: "I write, not to get consultations, but to prevent their necessity; not to attract patients, but to keep them away and to enable them to get health without my further cure."—*A.* That is so, that was my intention.

Q. And, to the best of your ability, you carried out that intention?—*A.* I wished to make my book as perfect as I could.

Q. But from time to time persons did come to you for advice, which was given?—*A.* Yes.

Q. Would that be sometimes for matters, or generally for matters, involving very private considerations?—*A.* They might; that might come in in some cases.

Q. You never visited patients, I think?—*A.* Very seldom. I have sometimes been prevailed upon to see a patient.

Q. However, you never held yourself out as a practitioner?—*A.* Not at all. I always gave persons to understand what my position was. If they insisted upon my seeing a child or a patient that I thought I could be useful to, I ordinarily would go, but that was very rare.

Q. Did you practise in America?—*A.* I had some practice there.

Q. Did you keep a record of those who visited you in England?—*A.* I never did.

Q. Never?—*A.* Never.

Q. Not even a record of the names, or whether they were real or assumed names?—*A.* I never kept any records at all.

Q. I believe Mrs. Nichols died in 1884?—*A.* In May 1884—nearly two years ago.

Re-examined by Mr. Wright.

Q. Your wife used to attend patients of a certain kind?—*A.* She attended usually to ladies who called.

Q. In London, did she ever receive male patients?—*A.* She may have seen gentlemen who may have wished to speak to her; I cannot say with regard to that positively.

Q. Not to your knowledge?—*A.* No—not often. I do not know that I quite understand. She very seldom visited any patients: if they were not able to come to her, when she drove out she may have sometimes called.

The *Attorney-General*.—I put in the deposition of Dr. Green, my Lord, which will be read presently. There is a short witness whom I will call first.

THOMAS ROBERTS sworn.—Examined by Mr. Moloney.

Q. You are a dental surgeon, practising at 49 Charlwood Street, Pimlico?—*A.* I am.

- Q. Were you called to see Mr. Bartlett on December 16?—A. I was.
- Q. Did you go to 85 Claverton Street?—A. I did.
- Q. Previously to seeing Mr. Bartlett, did you see Mrs. Bartlett?—A. I did.
- Q. On the landing outside the door?—A. Exactly.
- Q. Did you ask her anything?—A. I asked her if her husband was in the habit of taking mercury in any form.
- Q. Did she say anything?—A. Nothing distinctly.
- Q. What did she say in answer to that question?—A. As far as I recollect, I think she said, "I do not know."
- Q. Did you see the deceased Mr. Bartlett?—A. I did, that day.
- Q. Did you examine his mouth?—A. I did.
- Q. Did you notice the gums?—A. I did.
- Q. What was he suffering from, according to your judgment?—A. Mercurial poison, I should say.
- Q. What was the condition of his teeth? I do not want details.—A. Loose.
- Q. Did you extract any teeth that day?—A. The two upper central roots.
- Q. Did you go to see him again on the 17th?—A. I did.
- Q. With Dr. Leach?—A. I did.
- Q. And extracted some more roots?—A. About eleven.
- Q. Did you again visit Mr. Bartlett on the 21st?—A. I did.
- Q. And extracted more teeth?—A. Four lower incisors.
- Q. Did you use any solution on his gums?—A. A solution of cocaine.
- Q. What is that?—A. It is a new drug lately used.
- Q. Is it a mineral or vegetable drug?—A. I cannot say.
- Mr. JUSTICE WILLS.—I thought it was a principle of cocoanut. Is it not?—A. I really cannot say.
- Q. It is vegetable surely, is it not?—A. I cannot say.
- Mr. *Moloney*.—What did you do with it?—A. I painted his gums with it.
- Q. After or before the operation?—A. Before.
- Q. What was the object of painting his gums with it?—A. To produce local anæsthesia.
- Q. On the 21st—your first visit was on the 16th—that was to dull the sense of pain in the jaw?—A. Exactly.
- Q. To make the operation more easy?—A. Exactly.
- Q. You saw him first on the 16th; on the 21st, when you saw him, were the signs of mercurial poison greater, or lessened, or had they disappeared by the 21st?—A. I should say they were lessened.
- Q. Did you see the deceased again on December 31?—A. I did.
- Q. Dr. Leach and Mr. Bartlett came to your house?—A. They did.
- Q. Did you there—at your house—extract a tooth from him?—A. I did.
- Q. What time of the day was that?—A. Between five and six.
- Q. Did you give him anything to deaden the pain?—A. Dr. Leach used nitrous oxide gas.
- Q. How long was he under its influence?—A. About half a minute, I should think.
- Q. Now, on December 31—that was the last time upon which you saw him—was his condition better or worse than formerly?—A. I should say much better.
- Q. What would you say as to his spirits?—A. As to his spirits—as to his general appearance, do you mean?

Q. Did you notice the condition of the gums in the region of the lower incisors?—A. I did.

Q. The front?—A. Yes.

Q. What was the condition of the lower jaw, the front portion?—A. The gums had separated and receded from the central ridge of the alveolus.

Mr. *Clarke*.—Will you translate that for me?

Mr. JUSTICE WILLS.—Pity our ignorance, sir, and give it to us in English.—A. The bone of the jaw, the alveolus, is the bony process in which the teeth are inserted.

Mr. *Moloney*.—Did you say what you thought it was?—A. I said to Dr. Leach, "I think this looks very much like necrosis setting in."

Q. Necrosis is death of the bone—decay of the bone?—A. Death of the bone.

Q. How far had it extended?—A. Between the two lower canines.

Q. How many inches or half inches?—A. About an inch and a half or an inch and a quarter.

Q. And in depth, how far down into the bone had the decay gone?—A. The whole socket of each of these teeth which I had extracted before.

Mr. JUSTICE WILLS.—Of each of the four teeth?—A. Of each of the four teeth.

The *Foreman*.—That would be about half an inch.

Mr. *Moloney*.—Was the disease of the bone what you call extensive?—A. Not at all so.

Q. Or was it slight?—A. I should say it was only commencing.

Cross-examined by Mr. *Clarke*.

Q. Did you have some trouble on the last day in administering the nitrous oxide gas?—A. He took more than patients would ordinarily do; he inhaled more gas.

Q. Did you help to apply it several times?—A. No; only once.

Q. How long did it take before he went off, do you think?—A. Three or four minutes, I should think. I did not take the time.

Q. As a rule, two minutes is quite sufficient, is it not?—A. Yes.

Q. You noticed the condition of the bone of which you have told us. Did you also notice a fungoid growth in the mouth?—A. Yes; round the necks of the teeth.

Q. There were very few teeth remaining, were there not?—A. Very few teeth. Of what date are you speaking; of the first time I saw him?

Q. No, the last time.

Mr. JUSTICE WILLS.—You had taken eighteen out, you say?

Mr. *Clarke*.—There were only two left on each side, I think—stumps and teeth.

Mr. JUSTICE WILLS.—But there were eighteen gone; each stump represented a tooth?—A. Gone? Oh no.

Q. Then what do you mean?—A. The upper molars have three stumps; the lower molars have two.

Q. How many teeth did what you extracted answer to?—A. I extracted eleven teeth and stumps on my second visit; but I cannot say how many teeth or how many stumps.

Mr. *Clarke*.—There were only two left on each side?—A. No, more; I know there were more.

Q. How many?—A. I cannot say exactly. I know one was left on the lower left side and one canine on the lower right.

Q. How many were left in the upper jaw, right and left?—A. I cannot say how many.

Q. The larger teeth at the back of the jaw had gone, had they?—A. I believe they had.

Q. Was the breath very foul?—A. I did not notice at the last visit. It was extremely so at the first and second.

Q. When did you notice this fungoid growth?—A. At each visit; each time I saw him.

Q. Was it found in the hollow space where the teeth had previously been?—A. No; I should say not.

Q. Will you tell me where it was?—A. Around the necks of the teeth on the margin of the gums.

Q. Around the necks of the teeth that still remained, do you mean?—A. Yes.

Mr. JUSTICE WILLS.—Was that the growth of the bone or of the gum? I do not quite understand what fungoid growth is.—A. It was principally tartar, I should say.

Mr. Clarke.—You tell us you said to Dr. Leach you thought necrosis was setting in—was that said after the operation had been performed?—A. Before the last operation had been performed.

Q. Was it said in Mr. Bartlett's presence?—A. It was.

Q. Will you first tell us, supposing necrosis not to be stopped, how does it progress? You say it is the death of the bone?—A. It goes on—that is, the dead part of the bone separates from the healthy part, and then you can take it away. It separates entirely, and you can remove it.

Q. How much of the structure of the bone may be involved in that, I suppose, depends upon the condition of the person, the circumstances of his life, and so on?—A. Certainly.

Q. I mean it might go on in a way which would cause the death practically or the destruction of the jaw-bone?—A. It might do so.

Q. Which of course would be a very terrible thing to contemplate?—A. Very.

Re-examined by the *Attorney-General*.

Q. The portion that was decayed, you said, would have separated from the healthy portion—the portion where necrosis appeared, which was decayed or dead, would separate from the healthy portion?—A. I did not say that it had separated.

Q. But it would?—A. It would, if allowed to have gone on.

Q. There is also a means, is there not, by paring or removing the decayed part, of separating it from the healthy part, and preventing the spread of the necrosis?—A. Yes; I suppose it might do so. I cannot say for certain.

Q. At all events, did you consider this a case involving any serious consequences, involving any serious operation?—A. Not at that time.

Q. You did not think it sufficiently serious, then, to consider the question whether an operation would be necessary?—A. Not as to the necrosis portion of the bone.

Q. You thought it would separate entirely naturally?—A. That is its process.

Q. Leaving the rest of the gums healthy?—A. Yes.

Q. As to this fungoid growth you have spoken of, did you find it necessary to suggest any treatment, or to do anything in relation to that?—A. No.

Q. Why?—A. Except—I cannot say for certain—that I recommended the mouth to be rinsed out with Condy's fluid.

Q. And was that an adequate treatment, in your opinion, for the case?—A. Well, I thought it was the best thing to do.

Q. Did you attach any serious importance to that?—A. Not to this fungoid growth.

The deposition of THOMAS HENRY GREEN, sworn, was put in and read as follows:—

I am a physician at Charing Cross Hospital. I was present at a post-mortem on the deceased Bartlett on the 2nd of January, and the post-mortem was made under my directions. I made no notes. I dictated the notes. I did not read over the notes at the time. I have read them since. I believe the notes contain what I dictated. I noticed the œsophagus (I cannot speak positively to the condition, unless I am allowed to refer to my notes); as far as I can remember, the lower part of the œsophagus was denuded of the epithelium.

The *Attorney-General*.—Your Lordship does not need to have that explained to you, but perhaps it may be convenient to say that that long word means the gullet.

Mr. *Clarke*.—My Lord, the deposition of Dr. Green is divided into certain portions. I should like the examination and the cross-examination to be read straight on without any interruption, if the *Attorney-General* consents.

MR. JUSTICE WILLS.—You mean without showing where the break is?

Mr. *Clarke*.—Yes, my Lord.

The *Attorney-General*.—Very well.

(Deposition continued.)

It had come off in little patches here and there. The stomach was removed. It was tied before removal at both ends. The contents of the stomach were put into a large glass vessel; this vessel had no stopper to it, therefore a smaller glass stoppered bottle was procured from the chemist, and the contents were transferred from the larger vessel to the smaller. I should think about half an hour elapsed before the transfer to the smaller vessel. The contents of the stomach smelt very much like chloroform. I compared it to a mixture of chloroform and garlic. I examined the cardiac end of the stomach and the mucous membrane. I examined them by my eyes, by means of a lens, and by my finger. The mucous membrane at the cardiac end of the stomach was covered with thick tenacious mucus (I am speaking from memory). I believe it was unnaturally red—I am not sure—a dusky red, I believe. The capillaries were filled with blood. There was considerable injection of the mucous membrane at this part of the stomach. In the posterior dependent aspect of the stomach there was a distinct loss of substance—I should think over a space about the size of a shilling. I examined the intestines. I do not remember if the contents were run into any receiver. The smell of the contents of the intestines was similar to the stomach—much less intense. I examined the heart. I noticed the tissue. It was perhaps a little softer than I expected it to be so shortly after death. If I remember rightly, I said that the tissue is a little softer than natural, perhaps post-mortem. It was very slight. I noticed the cavities and larger vessels of the heart were much too deeply stained. The blood itself was fluid. That was not a normal condition, considering the time that had elapsed from death to the post-mortem examination. I was not present when the result was announced to the family. I was obliged to leave. I concluded that death was most likely due to the contents of the stomach. I suggested, before I left, that it would be wise to have the contents of the stomach sealed, and the Coroner should be communicated with.

(Cross-examined by Mr. *Edward Beal*.)

My depositions taken before the Coroner I looked through hurriedly, and I signed. They were offered to be read to me by the Coroner, but he did not read them. I read the notes of the post-mortem rapidly about two hours ago. I think I have not seen them since they were dictated. I cut open deceased's stomach myself. The inflammation at the cardiac end was obviously recent. It was obviously a recent change. I do not think acute inflammation could have lasted sufficient time in this case not to be characterized as recent. When I arrived, there were two large jars, which I carefully examined and smelt. They were glass and quite clean. I do not remember any more. A third small stoppered bottle was sent for from the chemist. I examined it. It appeared to be perfectly new. I don't know that I exactly saw the sealing of the jars. I was engaged in something else. I cannot say I saw them labelled. The skull-cap was removed. The dura mater did adhere to the skull-cap rather more than it ought to do. The brain was carefully examined throughout, cut up, sliced in every possible direction. I do not remember that the meninges were thickened. The ventricles of the brain I did not notice anything abnormal about. I did not notice any odour about the ventricles. We examined the brain most carefully, and, as far as I remember, there was nothing abnormal about it. The brain was examined after the stomach. It was examined last. I examined the larynx, and cut it all the way down. I believe there was nothing abnormal about it. I examined the trachea. I believe there was nothing abnormal about that. The kidneys I examined. They were quite natural. I examined the spleen. That was quite natural. I have no recollection of examining the bladder. I should think I did so, but I do not remember. There was nothing particular about the lungs; a little congestion behind; I fancy a post-mortem change; for all practical purposes, they were healthy. I only looked at the skin with my eye. I did not notice ulcers about the leg. We noticed he was a healthy-looking man. I noticed no ulceration anywhere except in the stomach. The pyloric end of the stomach was inflamed. I believe the small intestines were perfectly healthy throughout. We cut them up and carefully looked at them. We weighed none of the organs; we had no scales, and I saw no special reasons for doing so. I can't remember the size and shape of the loss of substance in the dependent part of the stomach. It was about the size of a shilling—very shallow. The edges were certainly not clean cut. The loss of substance did not extend to the muscular coat. There was very marked congestion for some distance round the ulcer. All the appearances in the deceased's corpse were consistent with natural disease except the appearance of the stomach. Some of the appearances in the stomach I might attribute to natural disease—all the appearances of the stomach, except that of the ulcer and the mucous membrane in its immediate vicinity. I do not consider those appearances due to chloroform, but to some irritant—I could not say from chloroform. I inferred it from the smell. The whole of the stomach was slightly inflamed. I examined the mouth. I think we found nothing but the condition of the jaw—there was some slight necrosis—nothing in the mucous membrane of the mouth. I did not notice the teeth particularly. A good many were lost. I did not observe an abscess. I noticed the pharynx was quite natural, and the upper part of the œsophagus. He was a strong, well-nourished, healthy-looking man, powerful, well developed—I should say, as far as I could observe, a man capable of considerable physical exertion.

(By Mr. Lickfold.)

I cannot complain of my practice. I should imagine necrosis of the jaw is not a pleasant ailment. I expect to find it occur in a healthy person. I should not call a person suffering from necrosis in a healthy condition. I do not remember I heard Mr. Leach describe him as suffering from alarming symptoms of necrosis. Poisoning by liquid chloroform is, I believe, of very rare occurrence. I have never, in the course of my practice, had a case of poisoning by liquid chloroform. I have never seen a case in which I suspected death to have resulted from chloroform. I do not know what chloroform is considered. I believe it may destroy life very quickly in a liquid state. I do not know. I believe so now. I have not come to that conclusion. If I had been asked, I should have said it might destroy life quickly. I do not know that persons have taken four ounces, and recovered. Taylor is a great authority. If I have referred to his book, it must have been when a student. I have no personal knowledge whatever of poisoning by liquid chloroform, nor of the symptoms it produces. Ulceration of the stomach does not commonly follow on gastritis. Gastritis is ulceration of the stomach—ulceration is one of the manifestations of gastritis. Ulceration of the stomach will sometimes cause perforation, and perforation sudden death. What I meant was that signs of acute inflammation might pass off—signs of acute inflammation of the stomach might pass off completely, or leave only signs which could not be distinguished from a chronic process. It would not pass off after death. I quite agree with the passage in "Taylor on Poisons," second edition, page 163, read to me. I do not know anything about the theory that chloral hydrate may be turned into chloroform by the action of the blood alkali. Chloral hydrate would not have the slightest smell of chloroform. If in the stomach—I do not know. I do not remember having heard the medical men say anything about the brain before what I have said to-day. I do not remember I said anything before the Coroner about it. I have a very clear recollection of what I conceive to be the all-important facts of the case; of course I mean as to post-mortem appearances. The notion that there was chloroform in the system did impress me. I should not, to my knowledge, have expected to find something wrong in the brain in a case of poisoning by liquid chloroform. I believe the blood in chloroform poisoning is more or less altered and does not coagulate properly, and stains the tissues; but I have no knowledge. I do not think I have spoken to Mr. Leach since the post-mortem. Oh yes, I did, when he asked me to come to the Coroner's inquiry. We certainly had no medical discussion.

(Re-examined.)

I first got a notion of chloroform as soon as we opened the stomach, after the thorax had been examined. Before smelling the stomach, no person had suggested to me there was chloroform. The notion came to me immediately I opened the stomach. There was no perforation of the stomach in this case; the ulceration was only superficial. The ulceration and the appearances surrounding the ulcerated part were, in my opinion, due to the recent action of an irritant poison. Chloroform is a very volatile liquid. It acts as a local irritant. It is used externally as a local irritant. I should not like to express any opinion as to whether any of the signs of inflammation of the stomach might have been due to an inflammation of the mucous membrane antecedent in causation to that caused by an irritant. What I mean to say is, that the signs of inflammation at the cardiac end of the stomach were to my mind so characteristic of the action of a local irritant that the slighter

degrees of inflammation in other parts of the stomach might have been, or not, due to the irritant. I cannot distinguish in the pyloric part between inflammation due to the irritant, and any irritation due to any preceding gastric disturbance. The inflammation was recent, certainly. The inflammation at the cardiac end was certainly recent.

(By Mr. Lickfold.)

Chlorodyne would not have nearly so pungent a smell as I smelt in the stomach. It has a slight smell of chloroform, I believe; but what I smelt was almost as strong as a freshly opened bottle of chloroform.

The *Witness* further says:—I desire to say that all I have said has been from my memory, and without reference to notes.

(Signed) T. HENRY GREEN.

ALFRED LEACH sworn.—Examined by the *Attorney-General*

Q. Are you a Licentiate of the Royal College of Surgeons?—A. Yes.

Q. And a Licentiate of the Society of Apothecaries and a Licentiate of Midwifery?—A. Yes.

Q. Are you practising at 41 Charlwood Street, Pimlico?—A. Yes.

Q. That street in which you live is close to Claverton Street, or a quarter of a mile from Claverton Street?—A. Less than a quarter of a mile, I should say.

Q. Were you on the 10th of December last called in to attend the deceased?—A. Yes.

Q. I think the prisoner called upon you?—A. Yes.

Q. Had you known the deceased before?—A. I had never heard of him.

Q. Nor the prisoner?—A. Nor the prisoner.

Q. Was it in the morning of the 10th of December you were called in?—A. Yes.

Q. Early in the morning, between nine and ten?—A. Between nine and ten.

Q. And you accordingly went to Claverton Street, No. 85?—A. A little later.

Q. What time did you arrive there?—A. Before eleven, I think.

Q. Was the deceased in bed, or up?—A. He was sitting up, in a dressing-gown, I think.

Q. On the sofa in the drawing-room?—A. Yes.

Q. What did you find he was then suffering from?—A. Do you want the symptoms, or my diagnosis?

Q. I want it in the simplest form, to convey a proper impression.—

A. He was suffering from diarrhoea, some pain in the left side, foetid breath, and he was suffering from the signs of indigestion, sub-acute gastritis—one might call it mercurialism.

Mr. *Clarke*.—Perhaps your Lordship will allow me to say that, if Dr. Leach has any written memoranda at all, I shall be very glad for him to use them during his examination.

The *Witness*.—I shall be very much obliged if I may, for I have them here.

The *Attorney-General*.—I have no objection to that being done by and-by; when you tell me that you are not able to recollect, we will then see about the notes. You say sub-acute gastritis?—A. Sub-acute gastritis; yes, but of course that would be masked by the mercurialism.

Mr. *Justice Wills*.—We may call it indigestion.

The *Attorney-General*.—In the simplest language, we may call it indigestion?—A. Yes.

Q. And what?—A. Mercurialism—I will call it mercurialism, if you like.

Q. Pray, don't say "If you like."—A. Well, mercurialism or gastritis, they are convertible terms.

Q. What was it?—A. The effect of a dose of mercury or of an ordinary dose of mercury, in a person with an idiosyncrasy for that drug.

Q. By idiosyncrasy for the drug, do you mean that particular persons are more liable to the injurious effect of mercury than others?—

A. Yes.

Mr. JUSTICE WILLS.—Does that mean, translated into English, that he had taken too much blue pill; because I really want to know does it mean anything at all—does it mean that he had taken too large a dose of blue pill, or something containing mercury?—A. Yes.

Q. It does not mean that he had been taking mercury chronically?—

A. No, it does not mean that; it means that for him he had taken too large a dose of mercury, to my mind.

The Foreman.—May we ask the witness to give us as few Latin terms as he possibly can?

Mr. JUSTICE WILLS.—I quite back that request, gentlemen.

The Attorney-General.—Will you kindly use the simplest language to convey what you have to say?—A. I will.

Q. Well, was that in substance what you found him suffering from?—A. Yes, as far as I remember at the present moment, it was.

Q. How did you prescribe for him?—A. I cannot tell you.

Q. What?—A. I cannot tell you what I prescribed.

Q. Can you tell us the character of the treatment?—A. A curative one.

Q. So I should hope; can you not tell us the character of the treatment?—A. It included chlorate of potash and bismuth, but I am afraid I have ventured to say too much, even then; I have not looked at my notes since I was at the police-court, and I am speaking from memory only, which is fallacious.

Q. You have told us what he was suffering from; I presume you have a proper mode of treatment for it?—A. There are many treatments for such diseases.

Mr. Clarke.—We have copies of the treatment—it would be reasonable at this stage that Dr. Leach should be allowed to refer to them.

The Witness.—I shall be able to lay the facts before the Court much more clearly.

Mr. Clarke.—I believe you have a copy of your prescriptions?—A. I have not—I gave mine to the Treasury, I think.

Mr. Clarke.—I believe there is a copy attached to the Coroner's depositions.

The Attorney-General.—Yes; I think there is one of the 10th; I have it before me; I think this it (*handing it to the witness*). I think you will find it all there. The first one is "bismuth, cinchona, tincture of nux vomica." Is there anything else—may it be correctly described as a stomach mixture?—A. Yes.

Q. Can you describe it in any other way?—A. No. I see there is bismuth for the stomach and nux vomica also, and also cinchona as a tonic.

Q. On the same day did you also prescribe a lotion?—A. Yes, a mouth wash. That was with reference to the state of the jaw. Chlorate of potash.

Q. And lemon syrup?—A. Yes, to flavour it.

Q. You, I think, attended and prescribed on the next day, the 11th?—A. Yes.

Q. Just tell us the component parts of your prescription?—A. On the 11th I suspended the bismuth. I directed that the bismuth should be suspended by a solution of bicarbonate of soda.

Q. And a sedative?—A. Bromide of ammonium—a mild sedative.

Q. Nux vomica?—A. Yes; and flavouring matter—compound tincture of chloroform at the end.

Q. Chloroform water?—A. No, chloroform tincture; that would contain two drops of pure chloroform. Forty minims of compound tincture would be two drops.

Q. In the entire prescription?—A. In the entire prescription.

Q. That again would be described as a stomach and sedative prescription, would it not?—A. Yes.

Q. Now, on the 14th did you again prescribe? My friend says that on the same day you prescribed a pill or pills, I think?—A. I gave him on that day either a morphia or opium pill that I carry in my pocket.

Q. Look at your prescription; you will see it was an opium pill.—A. Oh yes; pardon me.

Q. Just correct yourself.—A. Yes, it was opium.

Q. What was that for?—A. To procure sleep at night.

Q. Now, on the 14th did you give another prescription?—A. I repeated the mouth wash of chlorate of potash.

Q. Nothing more?—A. Flavoured.

Q. I mean it was simply a lotion for the mouth?—A. For the mouth simply.

Q. On the 15th did you give another prescription?—A. If so, it is not on this list.

The *Attorney-General*.—I think your Lordship has got them all.

Mr. JUSTICE WILLS.—No; this is not the original, I think.

The *Witness*.—Yes, my Lord. I always wrote them on one piece of paper; it begins on the 18th.

The *Attorney-General*.—On the 14th do you recollect prescribing a lotion or wash for the mouth—chlorate of potash, glycerine?—A. Orange-flower water and tincture of orange; that was merely for the mouth.

Q. Have you got the prescription of the 15th?—A. No, sir, I have not.

Q. Just look at these copies.—A. If you read it over I might remember it.

Q. I had better hand you a copy (*handing it to the witness*).—A. Oh yes, this is it.

Q. Was that an injection?—A. No; this is a tonic of gentian and nux vomica.

Q. Was there any injection that day, or not?—A. I cannot say.

Q. On the 18th did you prescribe?—A. I may explain that this 15th and 17th, the mixture entered here as for the 17th was really prescribed on the 15th according to this copy. Then there is the 18th.

Mr. JUSTICE WILLS.—Now, on the 18th, shall we get to your original?

The *Attorney-General*.—Sulphate of magnesia, and tincture of jalap?—A. Yes; a fairly strong purgative of Epsom salts.

Q. A purgative medicine?—A. Yes; that was not taken, though.

Q. Was there a second prescription on the 18th—bromide of ammonium?—A. Yes, the bismuth mixture was repeated on the 18th with the bromide, and here for the first time, I see, I added some chloral hydrate.

Q. Now, just tell us about the chloral hydrate.—A. Chloral hydrate half a drachm to a two-ounce mixture; that would be fifteen grains—about a dose; fifteen grains to be taken at bedtime.

Q. A small quantity?—A. Yes, a small quantity.

Q. I think that was repeated on the 19th, was it not, or substantially

repeated?—*A.* Yes. I do not know. No; there was morphia with it on the 19th.

Q. You find there was morphia there on the 19th?—*A.* Yes.

Q. I think also the chloral hydrate was increased, too, was not it?—*A.* No, I think not; fifteen grains, I see.

Q. Then on the 19th?—*A.* A simple tonic; instead of being flavoured it was acid now, his condition having improved.

Q. Then on the 20th?—*A.* Now the chloral hydrate is increased. Yes, to twenty grains; increased by five grains. The bromide and morphia remain the same, and nothing else is altered in it.

Q. On the 22nd?—*A.* On the 22nd I see none. This was a lotion, I think.

Q. Yes.—*A.* A mouth wash again.

Q. Another mouth wash. I need not trouble you about it. Then on the 24th?—*A.* On the 24th comes a mixture with no action.

Q. A what?—*A.* A mixture having no therapeutic action.

Q. Why did you give it?—*A.* For this reason: he would not sleep. I had tried a strong, or fairly strong, narcotic, and, judging the nature of my patient, I thought it might make him sleep by giving him a placebo, and giving him a few drops—ten drops at a time—and telling him he was bound to sleep after it. I believe it was effectual.

Q. A prescription for the imagination, in fact?—*A.* For the imagination.

Q. On Christmas Day, the 25th?—*A.* Something on the 24th.

Q. The 24th?

Mr. JUSTICE WILLS.—The 24th was the prescription for the imagination, I thought.

The Attorney-General.—I thought so.

The Witness.—Yes, I beg your pardon. It is down on this copy as the 26th. On the 25th I prescribed a tonic which was also calculated to act as a slight stimulant to the digestive organs, and as a nervine stimulant also. It contained phosphate of strychnine.

Q. On the 26th?—*A.* Oh, on the 26th began the vermifuges—the worm medicines; excuse me. Santonine made up with a little confection of senna, to be followed by a draught of sulphate of soda and Urwick's extract.

Q. On December 28?—*A.* There was more on that day.

Q. By all means tell us.—*A.* That was a strong purgative. It failed to act. He then, at my suggestion, swallowed the draught to which we have already referred, that draught prescribed for him on the 18th; but he had not taken that draught until this moment, you see. He likewise had administered to him by himself two small globules containing croton oil, fairly good doses each.

Q. For aperient purposes?—*A.* For aperient purposes; all of which were ineffectual, and I was afraid to give him any more.

Q. And on the 28th?—*A.* And on the 28th the mixture of the 25th was repeated.

Q. That was a wash, was not it—that was a wash also?—*A.* Yes, on the 28th an emulsified preparation of iodoform with bismuth. That was for the fungoid state of his jaws.

Q. That was a lotion—a wash?—*A.* Yes.

Q. Is it a correct description of this treatment to say that it was addressed to the soothing of the stomach, sedative and aperient?—*A.* So far you are quite right.

Q. An innocent and ordinary treatment?—*A.* I hope so.

Q. Did you find that your treatment was successful, and that his health improved?—*A.* Every day.

Q. Now, I think it was you who suggested or sent Dr. Roberts, the dental surgeon, on December 12?—A. I must rely on you what date it was.

Q. Soon after you were called in?—A. Yes.

Mr. Justice Wills.—The 16th, I think, Mr. Attorney.

The Attorney-General.—I do not know which date it was, but you are not sure of the day?—A. No.

Q. Some days after you were called in?

Mr. Clarke.—The 16th was the day.

The Attorney-General.—I believe your Lordship is right. It was the 16th, I believe. I think on that day you administered nitrous oxide gas for the performance of the operation?—A. Pardon me; what day are you alluding to?

Q. The 16th.—A. Oh no, he had nitrous oxide gas once only; that was on December 31; cocaine was relied on on the previous occasions.

Q. Now, the last prescription that has been referred to, I think, was the one you made up, or directed to be made up, on December 28; that is so, is it not?—A. I do not quite understand.

Q. The last prescription you gave to be made up was on December 28?—A. Yes.

Q. You did not think it necessary to order anything more at that time?—A. He was taking that of the 25th up to the time he died.

Q. You did not think it necessary to order any more?—A. No, but I ordered a repetition.

Q. A prescription similar to that prescribed on the 25th?—A. Yes.

Q. What was the last time you say you saw him alive?—A. About six o'clock on December 31.

Q. Where?—A. In front of Mr. Roberts's door, 49 Charlwood Street.

Q. What was his condition then—how would you describe his condition then as to health?—A. Do you mean on that day or at that moment?

Q. If there is to be a distinction between the day and the moment, draw it.—A. He had just had a tooth out, you must remember.

Q. Yes.—A. Previous to having the tooth out he seemed, I think I may say, better than I had ever seen him.

Q. Were his spirits better?—A. No; I cannot say that, but they were not bad.

Q. From what did you derive the impression that he was better than you had ever seen him?—A. Chiefly from his acknowledging it—a thing he was very loth to do.

Q. You mean he said he was better?—A. Yes.

Q. Said he felt he was better?—A. Yes.

Q. And had that any effect on his spirits?—A. Yes, his spirits were good, but why I hesitated to answer your question in the affirmative was that on the 25th I think I had seen him in exceptionally good spirits—I think the 25th, the day before the worms.

Q. Now, had you found it necessary to continue your attendance on him, or had you said your attendance was not further needed?—A. I had frequently threatened to discontinue it, and I carried my threats into execution on the 30th.

Q. His condition was such you thought further attendance was not needed?

Mr. Clarke.—No, no; he had threatened to discontinue.

The Attorney-General.—Why did you say on the 30th you would not continue to visit?—A. Because the man had made up his mind to have continued medical attendance, and I was not inclined to continue.

Q. If the patient needed it, you would not mind attending?—A. Any amount of it.

Q. Do you think he continued to need it, or not?—A. No.

Q. You mean to say that he did not continue to need it?—A. He did not continue to need it—to need it daily, I mean.

Q. But he might require it later. You could not foresee, of course; but in his then condition he did not require your daily attendance?—A. To see him twice a week would have been enough.

Q. Now, on the morning of January 1 did a messenger come for you?—A. Yes.

Q. At what time?—A. About four A.M.

Q. Was it four, or later?—A. I cannot say—I did not—

Q. About four?—A. Yes.

Q. Do you know who came for you?—A. Mr. Doggett's housemaid.

Q. I suppose you went as quickly as you could?—A. I did not.

Q. When did you go?—A. About half an hour later. I talked some time with the messenger to ask her whether it was merely one of his notions or whether he was really ill, and I think she said he was dead.

Q. Did you delay after that, or did you go?—A. I scarcely accepted it as true, and I asked after that what restoratives I could bring if he was really bad. She could only say, "I know nothing about it; Mrs. Bartlett only tells me he is dead." I did get alarmed. Then we jumped into a hansom, and went.

Q. You mean you delayed to make these inquiries?—A. Yes.

Q. When you went into the room you found Mr. Bartlett was dead?—A. Was dead, yes.

Q. Now, speaking as clearly as you can, about what time was that?—

A. 4.30 A.M. I have here now a few notes written at the moment.

Q. I think we will read the whole of the notes as soon as I think it desirable. We will get your recollection and read your notes then. Now, when you got there at 4.30, who were in the drawing-room?—A. Mrs. Bartlett and Mr. Doggett. I will not be certain whether Mrs. Doggett was not there too.

Q. Where did you find him, the deceased, lying?—A. In his usual place. In a camp-bedstead, where I had always seen him.

Q. Near the window?—A. Near the window.

Q. Now—I had better go to the point at once—did you examine the body in order to see whether he was dead or not?—A. Yes; I made a formal examination for that purpose, but I saw it directly I entered the door.

Q. Did you place your hand upon the dead body?—A. Yes; I made a complete examination a few minutes later.

Q. A few minutes later?—A. A few minutes later.

Q. Yes; I will ask you that in a moment. How was he? What clothes had he on him?—A. A nightdress and I think an under-vest.

Q. How was he lying? Describe things carefully, as well as you recollect. How was he lying?—A. On his back, with his arms across the abdomen.

Q. Just put the arms as you understand they were.—A. Like this (*describing*). I furnished a sketch of it to the Treasury. The legs up like this—this way—I cannot lift up both legs at once.

Q. The legs a little bent?—A. The fingers naturally closed, and the surface very pallid and very cold; the eyelids nearly closed; the mouth not so.

Q. The pupils?—A. The pupils, for him, very much dilated; natural for death.

Q. The mouth?—A. The mouth partly open—open, of course—the tongue very white.

Q. Could you form any opinion how long he had been dead?—A. I tried to as accurately as possible. I estimated the temperature of the body, roughly estimating that of the room and the coverings. Shall I give it?

Q. First of all, I will get the result.—A. And I calculated he had been dead two or three hours. A little later, after thinking it over a day or two, I thought it possible he might have been dead longer, but I think now, on giving the matter very careful consideration, three hours is as nearly accurate as I can give.

Q. My friend wishes me to ask you, Did you at the time in the drawing-room express the conclusion you had come to as to the length of time he was dead?—A. I did to Mr. Doggett; I am not sure if the prisoner was there.

Q. Did you notice anything as to the surface of the chest?—A. When I smelt the body, I found the chest smelt of brandy. I think it was moist. I am not sure of that. The mouth had no odour whatever. I smelt that first.

Q. Did that appear to be brandy that had been spilt on the chest?—A. I could not say. My nose would not diagnose that.

Q. I did not ask you about your nose.—A. What faculty did you refer to?

Q. You say you smelt no smell of brandy from the mouth?—A. Yes; but that I smelt brandy on the chest.

Q. Was it on the vest or nightdress?—A. No; on the skin itself, I took it. I am sure it was on the skin itself.

Q. Did you notice whether there was any moisture on the vest or nightdress?—A. I am not sure of that now; I am not sure.

Q. But there was some moisture?—A. I cannot say. I am not certain. I may have it in my notes.

Q. Was this smell of brandy strong or slight?—A. Slight.

Q. Was your attention attracted to any other smell, or was that the only one?—A. On the body, the only one.

Q. Or in the room?—A. In the room there was that naturally close odour of a sleeping-room, the odour of supper and of condiments, and of brandy and of gas.

Q. What was the expression on the face?—A. The face was pale, but the expression was natural.

Q. The expression of the face was natural, but the fingers of the hand were slightly flexed?—A. Yes.

Q. And the legs slightly flexed, too, I understand?—A. Yes.

Q. Was there any appearance at all of any convulsive action, any paroxysm, anything of that kind?—A. No; I looked for that.

Q. I understand you, you looked for that and saw nothing of the kind?—A. Yes; and I looked for froth on the lips, but found none.

Q. You spoke of the appearance of the pupils. What was the actual condition of the eyes, as to the eyelids?—A. As to the eyelids?

Q. Yes.—A. Oh, nearly closed.

Q. Were the eyelids so closed as to prevent an examination of the pupils without drawing up the eyelids?—A. Oh yes, because the pupils were turned somewhat upwards.

Q. Had you, in order to examine the pupils, further to raise the eyelids?—A. Yes.

Q. They were not, as I understand, completely closed, but partially closed?—A. Partially closed.

Q. You lifted the eyelids of one or both eyes?—A. Both.

Q. To examine the pupils?—A. To see the pupils at all.

Q. You mean, lying back, as you described him, his pupils would be in the direction of the ceiling?—A. No; more in the direction of the wall behind him.

Mr. JUSTICE WILLS.—Contracted in death?—A. Yes; the line of vision would have been distinctly above the horizontal if he had been standing up.

The *Attorney-General*.—Could you form an opinion at all as to whether his eyelids, in the state in which you saw them, were in the state in which he had died, or whether anything had been done to them?—A. No; I could form no opinion.

Q. You could form no opinion?—A. I could form no opinion.

Q. You will tell us, please. I don't know if the eyelids are not closed soon after death: is it possible to draw down the eyelids so as to close them for any length of time after death?—A. Yes; you can close them at any time before cadaveric rigidity sets in.

Q. What time does that take?—A. It is very variable.

Q. About what time does it take?—A. A few minutes to many hours; roughly speaking, from six to eight.

Q. Does that depend on the state of the temperature?—A. The cause of death, the state of the body before death, and on surrounding circumstances to some small extent.

Q. The temperature of the room?—A. Yes; very slightly on the temperature, I think.

Q. What are the surrounding circumstances?—A. I scarcely know that they are important. Excuse my seeming to shirk your question. I believe there is some difference in bodies immersed in water. I believe the cadaveric rigidity differs between bodies immersed in water and others.

Q. Are you speaking from experience?—A. No; only from reading on the subject.

Q. I wish you to give me your attention closely. Describe the arrangement of the room. First, we have the bed, as you have described, near the window. Was there any table near the bed?—A. No; the table was in the middle of the room.

Q. Away from the bed?—A. Yes.

Q. Was the head of the bed towards the mantel-piece, or in the opposite direction?—A. Towards that wall on which that mantel-piece is.

Q. But away from the bed?—A. I beg your pardon.

Q. The mantel-piece was away from the bed?—A. I don't quite understand what you mean.

Q. You know the camp-bed was close to one of the windows, and the head of the bed was on the same side of the room as the mantel-piece and fireplace were. My question was, whether the head of the bed was away from the mantel-piece, not up against it.—A. Oh, not up against it.

Q. How far from it?—A. Shall I draw it?

Q. No; we have a plan.—A. The fireplace projects from part of the wall, which projects also. That leaves a kind of very shallow alcove; the head of the bed is in that alcove, as near the mantel-piece as the alcove will allow it to be.

Q. Will you put it in this model, as near as you can? The walls there are supposed to be taken out. (*The model was handed to the witness.*) Don't trouble about that wall.—A. I must, I am afraid. I don't know about the relative width of the wall and the alcove. That bed is too narrow, I think, for this space; for this alcove would admit a chair beside the bed according to this model.

Q. What?—A. This bed is made too narrow in proportion.

Q. I am informed that it is made to scale.—A. I am judging of it according to this relation—I could put a chair beside it.

Q. Never mind that. Put the bed relative to the position.—A. It is glued down.

Q. Was it nearer to the mantel-piece, do you mean?—A. Yes; it was as near as this little projection of wall would allow it.

Q. I think the Jury understand that now. On the mantel-shelf did you observe anything?—A. Unusual?

Q. I did not say unusual. Did you observe anything?—A. Yes.

Q. What did you observe?—A. A looking-glass, a clock, some vases, and a small bottle of chlorodyne.

Q. That was all?—A. Yes; that bottle of chlorodyne was either on the mantel-shelf, or a little thing beside it.

Q. What little thing?—A. I could point it out.

Q. On the other side?—A. Yes; on the other side, away from the bed.

Q. A kind of small stand?—A. Yes.

Q. What was the size of the bottle of chlorodyne?—A. About an ounce.

Q. What size—show me with your finger—that is a two-ounce bottle (*holding up the blue chloroform bottle*)?—A. Yes; but the chlorodyne bottles are of no regular size, and their shape is different.

Q. What size relative to this?—A. Relative to that? About half that size.

Q. Did you observe anything else on that mantel-shelf or on that stand except what you have mentioned?—A. No.

Q. Did you observe anything on the table?—A. On the table there were the remains of supper and a brandy bottle, a bottle containing some white stuff—I think carbonate of soda—are some things I observed; nothing of importance on the table.

Q. You observed the remains of the supper on the table?—A. Yes.

Q. Do you say you saw the remains of a bottle of brandy?—A. Yes.

Q. Was there anything in it?—A. Yes.

Q. How much?—A. I don't remember.

Q. What was in it?—A. Brandy.

Q. You examined it?—A. That was my impression.

Q. I am asking you your recollection.—A. I don't remember sufficiently certain to speak.

Q. You don't remember whether you examined it or not?—A. If it was there, I examined it, and I feel sure I did.

Q. Did you satisfy yourself that it contained brandy?—A. Yes.

Q. What amount of brandy?—A. I don't know; I don't remember.

Q. If it was there, and you examined it, you uncorked it?—A. Yes, and smelt it; whatever was there, I smelt.

Q. Can you not tell us what was in it?—A. Brandy.

Q. Can you tell us nothing besides that?—A. There was nothing but brandy.

Q. I am not suggesting there was anything in the bottle but brandy. Cannot you tell us the quantity in it?—A. No, I cannot.

Q. Was it full, or empty?—A. Partly full; it was not empty, and it was not quite full. That was the impression left on my mind.

Q. There was a stand or whatnot at the end of the room?—A. Well, yes, allow me—there was also a glass of brandy—a wine-glass with some brandy in it on a table. I smelt it carefully, too.

Q. There was a whatnot or stand at the end of the room facing the mantel-piece?—A. I really do not remember.

Q. Did you look round the room to see with some care what was in the

room?—*A.* Yes; I looked for anything that could throw light on the subject I had in hand; I did not take an inventory of the furniture—I am not speaking facetiously; I did not take an inventory of what was there besides the things of importance.

Q. You call bottles things of importance?—*A.* Yes.

Q. Now, was anything there besides the bottle of chlorodyne on the mantel-piece and the bottle of brandy on the table?—*A.* Yes, the glass jar with white powder in it.

Q. What was the white powder?—*A.* Carbonate of soda, I think. The glass with a little brandy—beyond that I remember nothing.

Q. Was there any lock-up place in that room?—*A.* Yes.

Q. Where?—*A.* That little place I referred to next to the fireplace.

Q. Did you examine that?—*A.* Yes, with Mr. Doggett.

Q. Was it locked or open?—*A.* I forget. If it was locked, we unlocked it.

Q. If it was locked, the key was there?—*A.* There was nothing locked from us.

Q. You had not to ask for the key?—*A.* No.

Q. Was there anything in it?—*A.* Nothing of a suspicious nature; nothing but of an ordinary nature.

Q. No bottles in it?—*A.* No.

Q. That is what I want to get. Did you smell all the glasses in the room?—*A.* Yes.

Q. Brandy, as I understand, with a smell of supper, and so forth, were all the things noticeable to you?—*A.* Yes.

Q. The bedroom opens from the drawing-room?—*A.* By folding doors.

Q. Did you examine the bedroom at all?—*A.* No; I do not think I entered it.

(The Court adjourned for a short time.)

The Attorney-General.—Was your attention called to anything else except what you have mentioned; for instance, did you see a bottle of Condry's fluid?—*A.* Yes; not a bottle, a glass of it. I am not sure whether it was on the corner of the mantel-piece, or on the floor just below it.

Q. When you say a glass, you mean a tumbler?—*A.* Yes, with another bottle in it. I am not quite sure, sir.

Q. When you speak of a bottle of chlorodyne, was it labelled "Chlorodyne"?—*A.* Yes, it was.

Q. You recollect?—*A.* Yes, Collis Brown's or Freeman's, I am not sure which.

Q. Was there much in the bottle?—*A.* Very little.

Q. Very little?—*A.* Yes.

Q. You have said you examined about the room; you did not go into the bedroom; you looked round the room with care, and examined that small place to see whether there was anything in the place that might throw light on the matter—anything suspicious?—*A.* Yes, I did.

Q. You thought it was advisable to do that?—*A.* Yes, I searched carefully.

Q. Was there anything whatever in the previous conduct of the deceased, in your observation of him continuously from the 10th to the 31st of December, to suggest to you the probability of death from natural causes?—*A.* No, nothing.

Q. My friend thinks it would not be desirable to read these notes. I was going to take them up in detail; my friend thinks it is not desirable to read them.

Mr. Clarke.—No ; my learned friend may help his memory from them.
Mr. JUSTICE WILLS.—Very well.

The *Attorney-General*.—Did you say anything to Mrs. Bartlett, or Mrs. Bartlett say anything to you, as to what could have been the cause of death?—A. Yes ; I asked her to give me an explanation—any assistance, any elucidation to the mystery.

Q. Yes?—A. She said she was unable. We then discussed several things, and then it was that I spoke to her in a low voice, that Mr. Doggett might take the hint to leave the room, and, when he was gone, I thought perhaps some matters of delicacy, which she did not like to mention before him, might come out, but she was unable to give me any explanation, and then it was, I think, that we discussed the subject of the chlorodyne.

Q. You did not get any—

Mr. Clarke.—I do not wish to be misunderstood by the *Attorney-General* with regard to not reading the notes. "Here," the witness says, "it was that we discussed the matter of chlorodyne." If the witness has a note made that may assist his recollection of that, I am quite content he should refer to it now.

The *Attorney-General*.—Either my friend wishes it read, or he does not. I am willing to take the course he thinks most desirable. I thought it was best to get the independent recollection of this gentleman when he came there on that morning.

Mr. Clarke.—I do not wish for anything he has written as a separate independent document, but if he has a record made at the time by him—and I am not particular about the limit of time—which will give him full recollection of the conversation, I am willing to take it.

The *Attorney-General*.—He cannot pick out little bits ; either the document must be read, or not.

Mr. JUSTICE WILLS.—We had best leave it as it is, I think. Mr. Clarke has the means of cross-examination.

The *Attorney-General*.—Yes, my Lord.

Q. Was anything said about the question of the necessity for an inquest?—A. Yes.

Q. Well?—A. You want to know?

Q. Yes.—A. I said (this was while Mr. Doggett was there, I think), "I cannot give a certificate ; there must be a post-mortem." Mrs. Bartlett's reply (I think I may say it was a reply) to that was, "Must there be an inquest?" I said, "There must be a post-mortem." A little later on I said, "Really, this is a case that I ought to report to the Coroner, but I have no suspicion of foul play. I will have a post-mortem made, and then, if the pathological cause of death is found, a certificate will be given in due course. I will not make the post-mortem myself ; I will have a pathologist."

Q. Do you recollect saying anything about what might be found on examination to be the cause of death?—A. Yes. Mrs. Bartlett said, "What is he dead of?" I replied, "I do not know ; I found no cause of death. It is probably due to the rupture of some small vessel—some aneurism—something that may have been possibly overlooked in my examination. I can hardly think that the death was from syncope."

Q. Would that be a matter whether it was a rupture of some blood-vessel or some aneurism, that would be a matter capable of proof or disproof by post-mortem?—A. Post-mortem examination ; yes, sir. That was why I said a pathologist, not a medical jurist.

Q. I think you suggested Dr. Green?—A. I did.

Q. Who did assist at the post-mortem?—A. Yes.

Q. He was a man of eminence?—A. A noted pathologist, and a man of eminence in his profession.

Q. Physician at the Charing Cross Hospital?—A. Yes, physician at the Charing Cross Hospital and at Brompton.

Q. It ought to have been referred to, perhaps, earlier, but, when you were attending the deceased, did Dr. Dudley also on one occasion attend?—A. Yes, on the 19th or 20th.

Q. Will you explain to my Lord and the Jury the circumstances under which he came to be called in?—A. On the occasion of one of my visits, after talking with the patient, and saying he was doing well, and so on, some conversation ensued which I do not quite remember. I think it was in reference to his business, the partner wanting him back—something of that kind. Mrs. Bartlett broke in with, as near as I can recollect, these words: "Doctor, will you excuse what I am about to say? Mr. Bartlett—" and then some words which were so flattering to myself I need not go into them. "Mr. Bartlett is very contented with your treatment, but his friends have on more than one occasion requested him to let them send a doctor of their own choosing." She added, "Mr. Bartlett's friends are no friends to me." Mr. Bartlett then broke in—the deceased—"We intend in future, doctor, to manage our own affairs, and not to be interfered with by my friends and relations. I am sorry to say they are not kind to my wife." I said, "By all means have a consultation; as many as you like." He said, "No, I will not have a consultation in the ordinary sense of the term; I will not see any one they send. I will see any gentleman you choose to bring to see me once. I am getting better than I was. I will not submit to any other treatment, but I will see any gentleman once. I do this for the protection of my wife." Either before or after that she had said, "Doctor, Mr. Bartlett's friends will accuse me of poisoning him if he does not get out soon—if he gets worse—if he does not get better."

Mr. JUSTICE WILLS.—Did she say that?—A. She said that, I think; the conversation was a joint one; I have tried to pick out who it was said the different things.

The *Foreman*.—He heard it?—A. Oh yes, we were together.

Mr. JUSTICE WILLS.—"The friends will accuse me if" what?—A. "He lies here—if he does not get out—if he does not get better."

The *Attorney-General*.—Would accuse her of poisoning him?—Q. Yes. Extraordinary as it was, it made little effect on me, as I hear many strange things, and I thought it referred to the mercurialism I had found on my first visits.

Q. Accordingly, you did call in Dr. Dudley?—A. I called in Dr. Dudley

Q. You saw him once?—A. Yes.

Q. Who approved of your treatment?—A. Yes; he prescribed fresh tonic and a combination of the drugs that hitherto I had given him separately.

Q. Now I go back to the 1st of January. Did you ask Mrs. Bartlett whether any time elapsed between her finding her husband dead and calling the servant and Mrs. Doggett?—A. Yes.

Q. What did she say?—A. She said as soon as she found she could not rouse him she ran up for the servant and sent her to me.

Q. Did she describe to you at all on that occasion where she was, or in relation to the bed on which her husband was, and how she was sitting, or how she was placed?—A. Yes; she told me she was sitting beside his foot in the easy-chair, where she usually, in fact where she always, slept. She had her left arm round his foot; she said she woke and heard him snoring, but she said it was a peculiar kind of snore; still, as it was not

unusual for him to snore, she dropped asleep again. She evidently tried to describe to me the stertorous breathing. Then, later on, she woke up with the cramp in her arm, and saw him lying on his face in an uncomfortable position.

Q. Wait for a minute, please; did she describe how her arm was placed at that time?—A. Round his foot.

Q. Resting on his foot?—A. Resting on his foot outside the bedclothes.—that is an inference of mine at least, I had better add.

Q. I think you had better confine yourself to what she said.—A. As well as I can.

Q. She said resting on his foot?—A. Yes.

Q. It was your conclusion she meant outside?—A. That she meant outside.

Q. Then, being woke by this cramp and finding him in that unpleasant position, you were going on to say you said she awoke finding him lying downwards on his face?—A. Yes. She then rose from her chair and went towards his head to turn him into a better position. She was alarmed at his condition, and tried to rouse him. She found him cold. She applied brandy; whether she said she poured any down his throat I do not know—I understood she rubbed some on his chest (probably that was an inference, because it agreed with what I discovered myself), and sent for me. She told me she sent up to the servant's room.

Q. I do not think you need follow that.

Mr. Clarke.—I think we must have the whole of the conversation.—A. I think it has a little bearing on the loss of time. She went up to the servant's room, and told her to dress and come for me. The servant then went down into the kitchen, Mrs. Bartlett said, and Mrs. Bartlett chafed at the delay. Of the rest I am rather doubtful; she called Mrs. Doggett.

Mr. Clarke.—This is evidently nothing.

The Attorney-General.—Did she explain to you how she was able to change his position from lying on his face into this position?—A. No, I think she did not—not to my recollection.

Q. Did you ask for any explanation of that?—A. How she was able to turn him round?

Q. Did you ask anything about that?—A. No, I did not. Do I understand your question?

Q. You say she found him lying on his face downwards?—A. Yes, his head buried in the pillow.

Q. What?—A. His face buried in the pillow.

Q. Did you mean to convey that he was lying on his face, or not, when you used that expression?—A. Yes, though I did not understand that his whole body was turned. I do not mean to say that he was lying prone.

Q. When lying on his face, do you mean to say that all you mean to convey is that his head was twisted round?—A. And his shoulders. I imagine that was the impression left on my mind and conveyed to me.

Q. Do you recollect that same January 1 you were still pursuing your inquiry with a view of seeing whether you could get any actual knowledge of the cause of death? Do you recollect asking her about any other subject?—A. I think you might assist me; I do not quite see the bearing.

Q. I merely desire to suggest the subject to you—a question of poison.—A. Oh, we discussed all the poisons I could think of that were rapid in their action—digitalis and prussic acid.

Q. Discussed—how did it arise?—A. I asked her was it possible that he could have any digitalis or any of the alkaloids in his possession—I knew he was a friend of some wholesale chemists—and she said, “No; he could have had no poison without my knowing it; he could have got no poison without my knowledge.” The chlorodyne was also again discussed.

Q. What did she say about that?—A. I asked her, “What is this chlorodyne doing here?”—for I had never seen it before. “Oh,” she said, “Edwin used to rinse his mouth with it at night.” I said, “Rinse his mouth! Then he must have swallowed some.” She said, “No, he only rubbed his gums.” I said, “Did he go into the bedroom at all?” She said, “No.” I said, “If he rinsed out his mouth and spat out the chlorodyne, we must find some of it in the room.” I looked under the bed into the most natural receptacle into which he would spit. She said, “No, I think not; he never put much into his mouth; he only rubbed his gums.”

Q. Is chlorodyne a substance that smells strongly, or not?—A. Smells strongly.

Q. You did not perceive any smell of chlorodyne?—A. Oh, none. The smell of chlorodyne that has stood for some time is extremely like that of pure chloroform. It contains one in eight of pure chloroform.

Q. Do you suggest, supposing he had used chlorodyne in the way she described for his gums, that accidentally swallowing some would cause death?—A. It would depend how much he swallowed.

Q. You are putting the case you say Mrs. Bartlett was putting to you?—A. Drugs had a peculiar action on the man. It is known that as little as a drachm of chlorodyne has killed. I thought it might possibly be so in this case. I have since quite given up that idea, of course.

Q. Why?—A. Because of the result of the analysis proving the absence of the other ingredients of chlorodyne.

Q. One of which is prussic acid?—A. Yes, but the more stable ones alkaloids.

Q. You do not believe at all it was death from chlorodyne?—A. No. I am sorry I entertained it.

Q. I want you to be particular in answering this question. Were you aware on that evening, the 1st of January, that there was in Mrs. Bartlett's possession any quantity of chloroform?—A. I knew nothing of that till twenty-six days afterwards. It then came upon me as a surprise.

Q. Did Mrs. Bartlett on that occasion in any way refer to chloroform?—A. On some occasion Mrs. Bartlett asked me, “Could he have died of chloroform?”

Q. I am speaking now, doctor, of the 1st of January.—A. I think you will find my answer if you will allow me, but I can no more fix my memory as to the date than I knew whether it was digitalis or any other that I have described during January. I cannot fix the date.

Q. You have just sworn that on the 1st of January you had no knowledge that Mrs. Bartlett had any chloroform, and that no reference was made to chloroform.

Mr. Clarke.—I do not think he said no reference was made to it.

Mr. JUSTICE WILLS.—No reference was made till the twenty-sixth day afterwards. Was anything said on the 1st of January about chloroform?—A. I do not know; I do not remember.

The Attorney-General.—So far as you remember, was there?—A. I think not; I cannot remember; there was nothing to make the mention of chloroform more remarkable to me than digitalis or any of the others.

Q. You said you first became acquainted that she had chloroform in

her possession at a considerably later date?—A. At a considerably later date.

Q. Now, I think the post-mortem examination was on the 2nd of January?—A. Yes.

Q. At that examination there assisted Dr. Green, Dr. Murray, Dr. Dudley, Dr. Cheyne, and yourself?—A. Dr. Green was the principal; the rest of us assisted in various capacities.

Q. That is the ordinary manner, is it not? One takes the lead, another observes as it goes on, and one is told off to note down as it goes on?—A. I cannot say the post-mortemist as a rule has an assistant. I think Dr. Dudley was there as an onlooker. I was there from the natural interest I took in the case.

Q. Being there, you were asked to take the notes?—A. And willingly accepted the offer.

Q. You took the notes?—A. Yes. There are the notes written at the time.

Q. Were those accurately taken down?—A. Yes, as accurately as I could.

Q. Will you kindly read them out yourself, and read out clearly, please?—A. This is the more grammatical copy I made an hour afterwards.

Mr. JUSTICE WILLS.—I think we had better have the original; we can understand that.—A. "Examination, thirty-eight hours p.m. Body well nourished—"

The *Attorney-General*.—Does that mean the examination took place thirty-eight hours after death?—A. It took place at half-past two on the 2nd of January.

Q. He was supposed to have died early on the morning of the 1st of January?—A. I suppose so.

Mr. JUSTICE WILLS.—I suppose that thirty-eight hours means thirty-eight hours after death?—A. Yes.

The *Attorney-General*.—Now, will you go on?—A. "Rigor mortis present. On abdomen much cutaneous fat."

Q. Have you not got "Body well nourished"?—A. Yes, I have read that—that comes after "p.m." "On abdomen much cutaneous fat, deep yellow colour, no appearance of subcutaneous hæmorrhage or external injury. Heart, on opening pericardium, nothing abnormal. Heart, on removal, normal in size; muscular tissue a little flabby; valves free from disease; tiny patch of atheroma at root of aorta."

Q. What is "atheroma"?—A. The degeneration of one of the coats of the bloodvessels.

Q. Aorta is one of the large bloodvessels?—A. Yes. "The p.m. staining of lining membrane of the cavities and large vessels abnormally deep; blood in cavities dark and quite fluid. Aorta, with exception of a few small patches of degeneration, is normal. Lungs and pleura normal. Liver normal. Spleen normal. Kidneys normal. Cæso-phagus—"

Q. What is the cæso-phagus?—A. The gullet—"lower part abnormally vascular and irregularly denuded of its epithelium." That is its scaly lining. "Pharynx, upper part of cæso-phagus, and trachea present nothing abnormal. Stomach, after being ligatured at both ends, removed; contents placed in a clean stoppered bottle."

Q. Was the word "clean" put there since?—A. Yes, that was put afterwards. "Nearly an ounce of contents, consisting of brownish grumous liquid varying in consistence, the more solid portions paler in colour, and look something like thick mucus; smells strong, pungent ethereal odour resembling a combination of chloroform and garlic. Cardiac end of stomach: the mucous membrane is of a dusky pink colour, which

to the naked eye looks uniform, but under a lens there is a distinct punctiform and capillary hyperæmia."

Q. What is the meaning of that?—A. The end of the stomach nearest the spleen: the mucous membrane there is of a dusky pink. To the naked eye the colour looked of uniform distribution, but under a lens it indicated that the minutest bloodvessels, the capillaries, were congested with blood.

Q. Inflamed?—A. Not inflamed; inflamed would have been put there if we had meant it—not inflamed, congested. "The surface of membrane at this part of stomach is covered with an abnormal amount of thick tenacious mucus or lymph. At the most dependent part of the stomach——"

Q. What do you mean by that?—A. I do not know what Dr. Green meant—whether in an upright position of the stomach, or when lying down.

Q. Would it not mean the lowest part hanging down of the stomach?—A. I won't venture to say, when the stomach is full—"there is a patch about the size of a five-shilling piece where the mucous membrane presents a rough, irregular appearance as though it were partially destroyed. Here the membrane is more easily removed by the finger-nail than elsewhere. In other parts of the cardiac end of the stomach the mucous membrane is not easily removable. Pyloric end of stomach is of a pale-greenish colour, covered with a tenacious mucus, but otherwise normal. Head: on removing the calvarium, the dura mater is found abnormally adherent." Shall I translate that?

Q. Yes.—A. On removing the skull-cap some difficulty was experienced in tearing it from the membranous envelope of the brain.

Q. The dura mater coming between the skull and the brain?—A. And other membranes of the brain. "With the exception of rather more p.m. staining than usual, the surface of brain presents nothing abnormal. A careful examination of the brain throughout fails to reveal anything abnormal. Intestines: on removing, the contents of the small intestine were allowed to run into a glass jar. They present the same peculiar odour as those of stomach, only in less marked degree and less pungent. On opening bowels, nothing abnormal in the mucous membrane is discoverable. Some small pieces of what appear to be mango chutnee found in intestines throughout their whole length. One or two pieces of the same were observed in the stomach. Large intestine contains much faecal matter also containing considerable amount of half-digested mango. Lower jaw, incisor surface necrosed."

Q. Now, let me ask you, does that examination, or does it not, disclose a healthy state of all the vital organs?—A. Yes.

Q. There is a reference there to something abnormal in the condition of the stomach?—A. I take it you do not include that among the vital organs.

Q. You are quite right; I do not. There is a reference there to something abnormal in the condition of the stomach?—A. Yes.

Q. Was there anything abnormal or unusual in any other part of the physical system of this man?—A. I am speaking from these notes that I have read, not from my recollection of the post-mortem, for I took no actual part in it. From these notes I gather that the only abnormalisms present, except those of the stomach, are fluidity in the blood, with a dissolving out of the colouring matter staining the tissues; and what I should scarcely perhaps allude to is a certain amount of adhesion present in the dura mater.

Q. Now, excluding the stomach for the moment, was there anything in

that at all suggestive of the cause of the death?—*A.* Nothing, excepting in the stomach and blood, of course.

Q. You mean the blood acted upon through the stomach?—*A.* Through the contents of the stomach.

Q. Now, you refer there to the state of the intestines and the matters you found there. What was done with the contents of the intestines?—*A.* They were put into a bottle.

Q. Were they sealed in your presence?—*A.* I did not see them sealed. I think I should scarcely be questioned on this, for I have made a blunder before the Coroner about it. I said the intestines were preserved. I thought Dr. Green told me they were. I did not take any active part in the post-mortem, and I did not see the sealing process even.

Q. On this occasion was anything locked up?—*A.* No. I think this is what you mean. All the bottles that could be found in the back room, which all belonged to the deceased—all the bottles and jars containing the results of the post-mortem were carried, by my directions, into the front room. The undertaker did it, I think, it being understood that the front room was going to be locked.

Q. That is what I was asking you. And was the room locked and the key handed to Mr. Wood, the solicitor?—*A.* I do not know.

Q. Which room is that?—*A.* The front room—the drawing-room.

MR. JUSTICE WILLS.—Which room did the post-mortem take place in?—*A.* The back room, my Lord—the bedroom.

The Attorney-General.—Now, I want to go back to a matter I mentioned here in the post-mortem, which I think you introduced yourself. Did you notice anything about the tongue of the dead man?—*A.* Yes; a very, very white condition of the whole tongue. This had passed off before the post-mortem was made.

Q. But you noticed it present on the 1st of January when you examined it yourself?—*A.* When I first saw the corpse there was a peculiar whiteness.

Q. I mean, was it so peculiar a condition as to present itself to your mind as something striking?—*A.* It did; but I only learnt to interpret it some days afterwards by reason of an experiment I made upon myself.

Q. What was that?—*A.* Swallowing chloroform.

Q. What for?—*A.* I took three drachms and a half into my mouth, and, to the best of my belief, swallowed twenty or thirty drops of it, then ejected the remainder, and was surprised when I looked in the looking-glass to find my tongue was very white. The interpretation of what I had then seen in the dead body came to me.

Q. This was some days after the 26th?—*A.* Yes.

Q. You say that it came to your mind—the abnormal whiteness in the dead man?—*A.* Yes; and I may add that this condition of my own tongue passed off in a very few hours.

Q. Have you any experience at all—probably you have not—but have you any experience at all, from any previous post-mortem examination, of the effect of chloroform taken into the stomach?—*A.* Taken into the stomach? None whatever.

Q. Did you, on that 1st of January, see, in addition to Mrs. Bartlett, Mrs. Matthews?—*A.* I do not remember to.

Q. Or Mr. Dyson?—*A.* The 1st of January? I think not.

Q. Did you see him at a later date?—*A.* My next recollection of Dyson is on the day of the post-mortem.

Q. The 2nd?—*A.* The 2nd.

Q. Now I will go on, then. I will not pursue Mr. Dyson. Do you remember Mrs. Bartlett calling on you on, I think, Wednesday, the 6th

of February?—A. I have here got the dates of her visits. The 6th—yes; that was at my request.

Q. Will you tell me, please, had you before that 6th of January told her the result of the post-mortem examination?—A. Yes; when I announced it to the assembled relatives.

Q. What date was that?—A. On the same date as the post-mortem—within a few minutes of it.

Q. On the 2nd of January?—A. The 2nd of January. The other doctors made me their spokesman merely.

Q. What did you say in the presence of Mrs. Bartlett? I do not want anything that took place when she was not there.—A. To the best of my recollection, I said, "These gentlemen wish me to state that we have very carefully examined the body of the deceased, and we are unable to discover any pathological lethal cause—that is to say, any natural or obvious cause—of death. The contents of the stomach are suspicious, and we have preserved them."

Q. That was a correct statement of the result?—A. That was a correct statement of the result.

Q. Was anything said on that occasion about the presence of chloroform?—A. I have just remembered something. It was I who went downstairs to summon the relatives, who were in the smoking-room. There, in the presence of Mrs. Bartlett and the others, I said—I forget exactly what I said, but I said the contents of the stomach had a pungent ethereal odour. I may have said, "Dr. Green," or one of the doctors, "suggests chloroform"—I probably did mention chloroform—"but, if it is, it is the chlorodyne." I was under that impression then.

Q. "If it is, it is the chlorodyne"—that delusion has disappeared since?—A. Yes; entirely.

Q. I do not think there is anything to trouble you with now till the 6th. On the occasion of the post-mortem on the 2nd, was any search made of the drawers in the back room?—A. No. All that occurred there was this—shall I—

Q. I think that is enough. No search was made?—A. No search was made. One of the drawers was brought into the front room in the presence of all the people.

Q. I think you have already answered, but I want to make it quite clear. Do you still adhere to the statement that Mrs. Bartlett said nothing to you about her having possession of chloroform until the 26th of January?—A. Most distinctly.

Q. On the occasion when you made the reference to chloroform, which you did in announcing the result of the post-mortem, stating you thought there was chlorodyne and that they had mistaken it for chloroform, did she make any answer to this?—A. Not that I remember.

Q. Now, on the 6th you saw her. Did she call on you, or you on her?—A. She called on me.

Q. That was on the Wednesday, I think. Perhaps it is not material.

MR. JUSTICE WILLS.—The 6th?—A. January 6, it was.

MR. JUSTICE WILLS.—Wednesday, it would be.

The *Attorney-General*.—What did she say to you, or you to her?—A. On the 6th of January I informed Mrs. Bartlett that I wished to be put in possession of any facts surrounding the death of the deceased which would enable me on the following day to lay some clear statement before the Coroner.

Q. The inquest was fixed, then, for the next day?—A. Yes; for the 7th. I likewise asked her to repeat the account she gave, the hurried account

she had given in the morning of my visit to the corpse. I am not quite sure but that she brought to me on that occasion notes of how the time had elapsed between his return from the dentist and my appearance at four o'clock in the morning. I asked her to jot down, to make a memorandum, while the events were still fresh in her memory, of how the time had passed. I think it was on this occasion she read it to me. I said I thought that they were satisfactory, but I did not take a note of them, for I did not wish to burden my mind with things that had been observed by another person, and which I thought she would like to give in evidence herself.

Q. Did she give them to you?—A. No; I requested her to keep them herself.

Q. You thought she would give the evidence herself?—A. Yes.

Q. You say you thought she would make the statement, giving the evidence herself?—A. Yes.

Q. Was she at any time examined before the Coroner?—A. She was not.

Q. Was there any conversation that you can recall? Try and see if you can recollect.—A. You must really assist me in some way.

Q. I do not want at all to lead you; I only want to see what your unassisted memory is?—A. I promise you I will not be led.

Q. Can you, from your unaided recollection, recall what passed upon that 6th of January?—A. I have some very brief notes here of her visits; may I refer to them?

Mr. E. Clarke.—I do not object to the notes being referred to of the conversation, provided they were written at the time the conversation is described, and used as assistance to memory.

Mr. JUSTICE WILLS.—You are not speaking of the detailed thing that you drew up afterwards?—A. Oh no.

Q. These were made at the time, were they?—A. No; I do not know when these were made, but I see that it is on police-court paper.

Mr. E. Clarke.—When? That must have been a long time after.—A. Oh, here is the substance of them. Of the 6th I have no notes of importance.

The Attorney-General.—Was any reference made to the impossibility of his swallowing chloroform on that occasion?—A. I think all the conversation about the impossibility had taken place much earlier.

Q. On that occasion that you have already referred to?—A. Yes; no doubt on this occasion chlorodyne was referred to again, for, unfortunately, I continued to harp upon that subject.

Q. And did she reiterate the same statement that he could not swallow it?—A. That he could not have swallowed it.

Q. How often do you think you saw Mrs. Bartlett between the 6th, the day before the inquest, and the 26th?—A. If I may count these figures I can tell you—6th, 14th, 18th, and 26th.

Q. Well; several times?—A. Yes.

Q. The 14th and 18th?—A. The 14th and 18th twice.

Q. By the 26th, had you heard a statement—I do not ask you what it was—as to the result which the analysis had shown?—A. Yes; I had heard two or more.

Q. And after you had so heard the statement, did she so call on you on the 26th?—A. Yes.

Q. And was she with you on that occasion a considerable time—an hour or more?—A. Yes.

Q. What did you say to her on that occasion?—A. On the 26th?

Q. Yes.—A. I think we opened the conversation thus: "Mrs.

Bartlett, I have some good news for you. There is a report flying about——”

Q. You began the conversation in effect by saying, “I think I have some good news for you”?—*A.* Yes. I knew she was much worried, and I thought it was good news. I said: “The report now is that the Government analyst is going to give acetate of lead as the cause of death, which is nonsense, for there was no lead in the stomach. Likewise, the report says that he is going to return a verdict of chloroform as the cause of death, which is very improbable.” I said: “At any rate, either one or the other—that should set your mind at rest; but had it been one of the secret poisons given in small amounts, and which could be administered without the patient knowing it, you would have most certainly been very seriously accused of having poisoned him by some people.” She then very much surprised me by saying: “I am afraid, doctor, it is too true. I wish anything but chloroform had been found.” Naturally that led me to ask questions, “Why, what do you mean?” or something of that sort; and she then proceeded to a long statement.

Mr. Clarke.—If you have a note of that statement I have no objection to the witness reading it.

Mr. Justice Wills.—Was it made at the time?—*A.* No, it was made on February 6. It is dated; I have it here.

Mr. Justice Wills.—That was ten or eleven days after.

The Attorney-General.—Was the matter clear in your recollection at that time?—*A.* Yes, fairly clear when I came to write it.

Mr. E. Clarke.—I make no objection, my Lord, to Dr. Leach reading the note which he made of that statement.

The Attorney-General.—I am entirely in your Lordship’s hands about it. Of course it is not a case in which any admission will do.

Mr. Justice Wills.—No; to my mind, it is quite outside what is usually admitted as contemporaneous record.

Mr. E. Clarke.—Very well, my Lord.

Mr. Justice Wills.—*Mr. Clarke* is in this position of advantage: if there is anything in the conversation, he can bring it out in cross-examination if he thinks it of advantage; but I do not think it would be right to have it read as part of the examination in chief.

The Attorney-General.—Tell us in your own way, *Dr. Leach*, the substance of the conversation that ensued.—*A.* May I first state why I did not write this down at the time?

Q. Pray go on with the evidence, and confine yourself to answering questions.—*A.* I scarcely know where to begin.

Mr. Justice Wills.—At the beginning.

The Attorney-General.—The better plan will be to begin with where she began.—*A.* Well, she began by giving, as I understand her story, a preface containing a sketch of her married life.

Q. Go on.—*A.* That sketch was simply this: that, being married young, she had been induced to enter into a marriage compact, scarcely understanding the meaning of its terms; and this marriage compact was, that the marital relations of the pair were, in deference to certain peculiar views held by her husband, to be of an entirely platonic nature; sexual intercourse was not to occur.

Mr. Justice Wills.—Sexual intercourse was not to occur; what then?—*A.* There is a difficulty in beginning. Well, the terms of this contract—compact, I should rather call it—were adhered to, with a solitary exception, when a breach of the terms was permitted in consequence of her fondness for children and her anxiety to become a mother.

After her confinement, the former terms—that is to say, those of a platonic nature—were resumed, she being indifferent on the matter. Her husband was kind to her. They were affectionate, although the wife on one occasion objected to the use of the term “affection.” That is only a quibble in words. Her husband was affectionate, and they each strove in every way to fulfil each other’s wishes, and succeeded in living upon most amicable terms, the happiness of which was on one occasion disturbed by her husband’s father, and she entered into some family details which really have quite slipped my memory.

The Attorney-General.—What do you mean by family details?—*A.* About the conduct of her husband’s father, but I do not remember them; and, if I made any attempt to give them, I should be giving more what I have heard since.

Q.—I can only ask you a question upon this: Did she refer to a brother of her husband’s?—*A.* Not on that occasion. I will, if you like, say what I remember of the conversation. She had consented to her husband’s father living with them.

The Attorney-General.—Unless my friend wishes it, I do not care to pursue this. I was only wanting an answer to a definite question.

The Witness.—The brother was not referred to.

Q. Will you go on, if you please? What further took place?—*A.* Leaving out the incident of the father?

Mr. Clarke.—He may as well finish that sentence.

Mr. Justice Wills.—You say they consented to the father living with them?—*A.* Yes, but he made her life miserable by his constant insults; and when she appealed to her husband to resent those insults, he, in his mild way, did not act upon her suggestion with the zeal that she thought the occasion demanded. She consequently left her husband’s house, and hid herself from him—I think, in the house of her aunt.

The Attorney-General.—For how long?—*A.* I forget; and only consented to return upon an ample apology being made. That was the end of it.

Q. Was that the occasion on which she referred to her brother—on the occasion of the absence from the house?—*A.* No, that was later on.

Mr. E. Clarke.—Let me get this, if you please. He is speaking of a subsequent interview.

The Attorney-General.—Go on with the conversation which took place on January 26th.—*A.* I must ask you kindly to tell me where I left off.

Mr. Justice Wills.—You left off about the father living with them, and there was this difference, and she had gone away and only returned when an ample apology was made.

The Attorney-General.—You have said that they afterwards resumed the platonic relations and had gone on very well.—*A.* I cannot fix this episode. I do not know all that occurred. This was the only break in their conjugal happiness. She then said that her position had not been an easy one. It might be almost called cruel, for her husband, though meaning no cruelty, put her in a very difficult position for a woman to maintain. No female friends were ever invited to the house, or relations, but he had always liked to surround her with male acquaintances. She said, “He thought me clever, he wished to make me more clever, and the more attention and admiration I gained from these male acquaintances the more delighted did he appear. Their attention to me gave him pleasure, or seemed to give him pleasure.” Now we come to the latter end of his life. During the last few months of his life, the man’s nature seemed to be somewhat changed. “We became acquainted with Mr. Dyson. My husband threw us together. He requested us, in his

presence, to kiss, and he seemed to enjoy it." She gave me to understand—in fact, she used these words, "he had given me to Mr. Dyson."

Q. Do you mean then and there, or in the event of his death?—A. I do not know.

Q. What?—A. I do not know.

Q. Did you ask?—A. No, I did not; I will tell you all I know about it.

Q. Go on.—A. Now, her husband having fully effected the transfer—I mean still in the platonic sense, mind—

Q. The transfer to Mr. Dyson?—A. Yes—constantly developing symptoms of wishing to, I cannot say resume, but wishing to assume those marital rights which he had never before claimed—you understand my meaning?

Q. You mean desiring to have sexual intercourse with his wife?—A. Yes; she put it in as delicate a manner as she could, and that is the meaning. This she said she resented in these words. She said, "Edwin, you know you have given me to Mr. Dyson; it is not right that you should do now what during all the married years of our life you have not done," and he agreed that it was right. She said it was a duty to her womanhood and to the man to whom she was practically affianced at his wish, and he agreed that she was right. Now, as he got better—under my treatment, I do not mean to assume—as he got better, I may say, while I was treating him, these manifestations of his became very urgent, and she sought for means the more thoroughly to emphasize her appeal to him, or to prevent his putting his impulses into effect.

Q. Yes?—A. One of the means, unfortunately, was the possessing herself of a quantity of chloroform.

Q. She said so, did she?—A. She said so. Now, I had no idea, till I heard it in court, how long she had had that in her possession, but she said that "the presence of that chloroform in my drawer troubled my mind."

Q. Before you go on, did she say how she used this chloroform—for the purpose you suggest?—A. I am coming to that, Mr. Attorney.

Q. Very well, go on.—A. No, pardon me; you are quite right. She said that her object was to sprinkle some upon a handkerchief and wave it in his face every time it was necessary, thinking that thereby he would go peacefully to sleep. I told her the danger she would have run if she had put that into practice—the danger of their being chloroformed by the bottle being upset—and I informed her that her plan would have been ineffectual. Now we come to the last days of December.

Q. Did you explain to her why her plan would have been ineffectual?—A. Yes. I said, "Trying to put chloroform upon your handkerchief and waving it in the face of your husband, he would have resisted, a struggle would have ensued, the bottle would have capsized and chloroformed the pair of you. It is not the first time that chloroform has been upset in a bed, and the stopper come out."

Q. Well?—A. She said, "I never kept a secret from Edwin, and the presence of that chloroform in my drawer troubled my mind."

Q. "In my drawer," she said?—A. I think she said "in my drawer." I am putting that word in because I have learned since that it was there; "in my possession" or "in my drawer;" it was, I think she said, "in my drawer." "And I was also troubled with some scruples as to whether putting my plan into practice would have been right, whether I should be doing a right or a wrong thing, and on the last day of the year, when all was quiet and the servant had left"—no, I am putting that in myself, because the servant had left—"on the last night of the year, when he was in bed, I brought the chloroform to him and gave it to him."

Q. Gave the bottle to him?—A. Gave the bottle to him, and informed him of her intention, but she gave me no details of the conversation with him.

Q. Yes?—A. I asked her, "Was not your husband very cross with you or alarmed, or what was his demeanour?" She said, "No, he was not cross; we talked amicably and seriously, and he turned round on his side and pretended to go to sleep," or "to sulk," or something of that kind. In answer to a question from me, she told me that he had looked at the chloroform. It was in a large round bottle, I believe she told me, or it was in a large bottle labelled "Chloroform," and corked, not tied down with leather or anything of that sort, and not full. He looked at the chloroform and put it by the side where he was sitting or lying, on the mantel-piece at the corner.

Q. Is that substantially what you allege to be the result of that interview?—A. Yes; that is a correct account of what I can give up to that, but it goes farther. The next thing is that she fell asleep, sitting in the chair where she always slept. I may add, she had slept there ever since I had attended the patient, notwithstanding my remonstrance. She went to sleep with her arm round his foot, then awoke and heard him snoring, and then woke again and found he was dead.

Q. You told us that part of it before?—A. Yes.

Q. She had given you that part of it on the morning of the death?—A. Yes.

Q. The same story?—A. Yes; the same story. I do not think I have given the thing in evidence before, unless it was before the Coroner. I asked her, "Did you look at the bottle—the chloroform? Was there much gone from it?" She said, "I do not know whether much was gone from it or not."

Q. Just attend to one or two questions, please. Did you ask her when she got the chloroform?—A. No; do you mean when she possessed herself of it?

Q. Yes.—A. No; I did ask her who got it for her. She did not answer, and I saw it was a question to which no answer would be given.

Q. Did you ask her how she got it?—A. Yes; she said, "Some one got it for me," and I asked no more questions; but later on there was no secret about it.

Q. The mantel-piece you described, from reference to the model, was not far from the head of the bed, was it?—A. No.

Q. You explained to us the state of things you found on the mantel-piece on the 1st of January?—A. Yes.

Q. Was there any chloroform bottle on the mantel-piece that morning?—A. No.

Q. Or nothing on it but what you have described?—A. Nothing. I described all I saw.

Q. Did you ask her on that 26th of January what she had done with the bottle on the 1st of January?—A. Yes.

Q. What did she say?—A. She said that she took it from the mantel-piece and put it away in her drawer. That is how the word "drawer" got into my mind.

Q. Did she say when she had done that?—A. She said she had put it into the drawer about breakfast-time.

Q. Do you understand that I am asking you whether you asked her what she did with the bottle on the 1st of January?—A. Yes.

Q. Did you ask her where it was when you were there visiting and examining the room on the 1st of January?—A. I did.

Q. And what did she say?—A. Concerning that I am very much con-

fused; she said it was there when I was there, or it was there when I was sent for; which it was I cannot remember.

Q. As to whether it was there when you were there, it was not?—

A. I am quite clear it was not, because both Mr. Doggett and I searched in her presence.

Q. You say she was in the room—you and Mr. Doggett were there—and could see you searching the room?—A. Yes; she never left the room.

Q. Did you ask her how it was that she had not mentioned that bottle of chloroform to you on the 1st of January?—A. Did I ask her on the 26th?

Q. Did you ask her on the 26th how it came that she had not mentioned it to you on the 1st of January, when she saw you searching the room?—A. I do not think I did, for it seemed obvious to me.

Q. Did she volunteer any explanation of it?—A. No; she did not say specially.

Q. Specially or otherwise?—A. Well, generally that she wanted to know what he was dead of.

Q. Did she tell you what she had done with the bottle?—A. The bottle, she told me, remained in her drawer until the Wednesday when she took her things away.

Q. That date would be——?—A. Wednesday, the 6th—the day before the first inquest, when she was allowed to remove her things—and she said she took the bottle of chloroform with her, emptied it out at the carriage window, and threw the bottle away into some water—I think she said from the train.

Q. You mean, throwing the bottle out of the window?—A. Yes; that is what I thought she meant.

Q. And what did she say then took place?—A. She told me she did that about the 6th of January—the day she took her things away.

Q. Did she tell you why she did that, or did you ask any reason?—A. No.

Q. Is there anything else that occurred on that 26th of January which you can recall?—A. Give me some assistance, pray.

Q. As to the time when she first, in her own mind——?—A. I know what you mean—as to when she first suspected the real cause of her husband's death?

Q. As to when she said she suspected?—A. She did tell me, and probably she told me that day, but I quite forget what she said.

Cross-examined by Mr. Clarke.

Q. Dr. Leach, I understand prior to the 10th of December you had no knowledge of Mr. Bartlett or his wife?—A. No knowledge of their existence.

Q. And, so far as you know, you were called in because the place where you practise is conveniently near where they lived?—A. It faces their street.

Q. On the 10th of December till the last of his life had you plenty of opportunities of seeing Mr. and Mrs. Bartlett together?—A. Twenty or twenty-one.

Q. I believe there were some days upon which you visited him twice or even thrice?—A. Yes.

Q. And there was at least one visit when you spent several hours there?—A. Yes.

Q. So far as you could see and judge, during the whole of the time was Mrs. Bartlett tending her husband with anxious affection?—A. So far as I could see and judge, decidedly.

Q. Could you have thought or wished for a more devoted nurse for

him?—A. No; what I should have wished for was one with a little better memory, that is all.

Q. I think her memory was the only thing in your mind as to her defects as a nurse, and that was supplied by her keeping a written record?—A. Yes; she used to pin it on the mantel-piece.

Q. Did she tend him night and day?—A. Yes; she was most affectionate—in fact, I could not wish for a better nurse. It is only right that I should say that emphatically.

Q. I believe he himself spoke with gratitude of the way she was devoting herself to him?—A. I do not remember.

Q. Do you remember her speaking of herself breaking down and being tired?—A. No.

Q. Did you notice it yourself?—A. Yes.

Q. And comment upon it to him?—A. In his presence.

Q. You were told that, night after night, during his illness she had sat and slept sitting at the foot of his bed?—A. Yes.

Q. Never getting for herself one night of restful sleep?—A. Well, she said she slept comfortably in the chair; she never went to bed.

Q. Do you remember how long it was after your first visit that you noticed it was telling on her?—A. No; I think very soon after my first visit I asked her to go to bed.

Q. And she refused?—A. She refused. I asked her on several occasions to go to bed; each time she had some excuse.

Q. And would not do it?—A. And would not do it.

Q. It was obvious to you that she needed rest and was suffering in strength, was it not?—A. It was.

Q. Did she tell you on any occasion what would happen if she did go to bed—whether her husband would sleep or be restless?—A. Yes; that would be about the middle of the third week of my attendance—about the beginning of the last week of December. I said, "Now, Mrs. Bartlett, there is no excuse for you for not going to bed." She said, "What is the use of my going to bed, doctor? He will walk about the room like a ghost. He will not sleep unless I sit and hold his toe." The drollness of the expression fixed itself upon my mind.

Q. On the 10th of December, when she came to you, I think she told you something about the case—when she came to call you in?—A. Yes, the first time; she gave me a sketch of the case I was going to visit.

Q. Do you remember, in outline, what it was?—A. No; I am sorry to say I have tried to, and cannot remember what she said, but I remember my reply.

Q. What was your reply?—A. "This appears to be a very peculiar case; I will come as soon as I can."

Q. You cannot remember your inquiry, but she gave you, as far as she could, a true account of the condition of her husband, did she?—A. She did not give me a full one, or I should have remembered it.

Q. When you first went to see him, had she preserved his motions for you to see?—A. Yes; and she continued to do so regularly, motions and vomit also.

Q. I may just dispose of that in one sentence—she kept motions and vomit for you during the illness, and I think on one occasion, if not more, the urine was sent to you to analyze?—A. Yes.

Q. On more than one occasion?—A. It was only analyzed once, but it was frequently sent to me. I did not trouble to analyze it again, because I knew his kidneys were sound, but everything was preserved for me.

Q. Now, on December 10 I think you saw him several times? No, December 10 was the first day you saw him. Did you see him more than once that day?—A. You will have to supply me with the list, I think.

Q. Have you a copy of your account?—A. I have not.

Q. That may assist you (*handing one to the witness*)?—A. Yes, it will—two visits on the 10th.

Q. On December 10 there were two visits, were there?—A. Yes; this list has the visits marked which I paid, but some which I paid I never entered.

Q. That day you did not see him three times; you only charged for two visits?—A. I think I saw him twice that day.

Q. On that occasion did you find extreme nervousness and great prostration?—A. Yes, nervous prostration; the man's muscular system was good enough.

Q. I quite understand; the physical state of the man, as far as you could test it, was not seriously wrong?—A. Not seriously impaired—he was suffering.

Q. He was suffering, was he not, from diarrhœa?—A. Yes; there was more than diarrhœa, it was melæna—diarrhœa with black motions.

Q. And the black motions contained indications of hæmorrhage from the bowels, did they not?—A. Yes.

Q. He complained, I think, of pains in the abdomen?—A. Yes; in the left side, I should rather say.

Q. Will you put your hand on the place?—A. Just above here (*putting his hand above his hip*), and there was a peculiar dulness on percussion.

Q. Which indicated what, to your mind?—A. Which percussion led me to try, and at the post-mortem I tried, to find something to account for it, but I could not.

Q. You have no doubt that there was a dulness?—A. No; and it passed off in three or four days of treatment.

Q. Did he tell you that he had been overworked in business? Do you remember that?—A. Yes.

Q. He said he had been overworked in business, and did you advise him to see nobody connected with business until he got better?—A. Yes—I did not say until he got better; it was part of my prescription, I said, to see nobody connected with his business.

Q. Did he complain of sickness?—A. Oh yes, and vomited.

Q. On that day?—A. Yes; when I first saw him he had vomited, and he continued to vomit for about a couple of days, I think.

Q. With pain in the sides, and with diarrhœa and hæmorrhage from the bowels, his physical condition was not very satisfactory, was it?—A. No; he was in a very bad state.

Q. You have described his condition then as one of nervous exhaustion and depression?—A. That likewise was present.

Q. Evidently?—A. Evidently.

Q. Was his breath particularly fœtid?—A. Very.

Q. And the pulse was poor, and small, and slight?—A. Yes, it was.

Q. There is something else which specially attracted your attention, was not there—the condition of his mouth?—A. Yes. He had a blue line round the edges of his gums; his gums were red and spongy; and there was some small amount of salivation—an extra large flow of saliva.

Q. And that condition of his mouth suggested to you that he had taken mercury, did it not?—A. It did, at once.

Q. And you asked him the question, whether he had taken mercury?—

A. I first examined him carefully for any signs of the reason for taking mercury—in other words, for syphilis.

Q. And you found no signs?—A. I found no signs.

Q. And with regard to asking him the question about his gums?

Mr. JUSTICE WILLS.—You must have seen something very much more than what would be accounted for by an overdose of blue pill?—A. I have considered that question very carefully, both at the time and since, and, if permitted, I will submit to you a reasoned opinion upon it.

Mr. JUSTICE WILLS.—It seems to me very inconsistent.

Mr. Clarke.—Having regard to the indications in the mouth, I think you waited till Mrs. Bartlett left the room?—A. I do not think I did on that occasion. I think it was on the second visit I asked him the question privately.

Q. After a quarter of an hour, did he say, “Well, doctor, what is the matter with me?”—A. Yes; either he or Mrs. Bartlett.

Q. And you said, “Mercurial poisoning”?—A. Yes, I said it sharply, thinking to take him unawares and make him admit it—not admit it then, but to show him that there was no hiding away secrets from me.

Q. And then he said, “How could it come about?” and you said, “From taking mercury”?—A. Yes.

Q. Then, I think, he answered, “I have not taken any”?—A. Yes.

Q. And you said, “Think it over”?—A. Yes.

Q. You did not accept the answers?—A. No.

Q. Your experience is that sometimes the answer is not to be relied upon?—A. Not to be relied upon—especially when a third party is present.

Q. And when the third party, Mrs. Bartlett, had left the room, you asked him whether he had not been taking medicines?—A. Yes,

Q. He told you so?—A. He told me so.

Q. And then, I believe, you did not press the question, but you had in your mind the idea that he had been in the hands of some quack or practitioner who had given him mercury for real or supposed syphilis?—A. It flashed through my mind, but I could not disturb him after his answer. He had not had syphilis. I thought he had had syphilophobia.

Q. You have made notes?—A. Yes.

Q. Is this your account: “When Mrs. Bartlett was out of the room, I asked him if he could account for it—had he not been taking medicines. He assured me he had not. I did not then press the question further, because I thought he must have been in the hands of quacks for a real or supposed secret disease, and was ashamed to own it”?—A. Yes, perhaps that is so.

Q. Was that the account you set down on paper?—A. Yes. I would stand by that more than what I say *vivâ voce*, for when I have a pen in my hand I do not make mistakes.

Q. You, upon that, told him to be careful not to take anything you did not prescribe while you were attending him, did you not?—A. Yes.

Q. You were anxious that he should not, naturally?—A. Yes.

Mr. JUSTICE WILLS.—Did you find out what was the origin of that condition?—A. I think I did.

Q. What was it?—A. He himself attributed it, and I have no reason to doubt he was right, to having taken a pill of unknown strength and unknown constituents.

Mr. Clarke.—Keep that matter entirely apart. “December 11th. This morning, or the evening of yesterday, he told me he had found a clue to the mercury. A few days previously he took a pill. In a moment of

abstraction, not feeling well at the time, he picked a pill out of a drawer full of sample pills, and has no idea what pill it was. For want of a better explanation I accepted this one, and reasoned thus:—'This man years ago was badly used by some dentists, who put him in a plate of false teeth without drawing his stumps. The latter rotted, and he had to discard the plate. A fresh plate was made, and some teeth that should have been drawn were filed off. These rotted also, and he gave up plate No. 2. He could not clean his teeth, and his mouth became foul, and sulphides were naturally among the products of decomposition. Having got a dose of mercury into the system, the sulphides seized upon all that circulated through the margin of the gums, and formed a deposit in their edges of black sulphide of mercury.' The general mercurial symptoms I accounted for by supposing him to have an idiosyncrasy for the drug. I communicated this argument to him and his wife, and it seemed acceptable to both." That accurately reports?—A. That accurately reports.

Q. Now, his final condition began to improve from the very first—that is, the bowel and the physical symptoms?—A. Yes.

Q. But the spirits did not improve?—A. No.

Q. And he continued, I believe, to complain of sleeplessness?—A. Oh yes.

Q. Now, on the 12th again you certainly saw him twice; was that so?—A. Yes.

Q. And I think that in the evening, after the chemist's shop had closed, you saw him and made another draught for him?—A. I think after my second visit I let his messenger come home with me and I made up a draught for him.

Q. Was that a bromide?—A. A bromide draught? Yes.

Q. Now, the 13th was Sunday. I want to note this day. Your Lordship may remember a former witness has mentioned the 13th. On the 13th, Sunday, I think you visited him three times?—A. I did.

Q. And on that day for the first time you found it necessary to inject morphia?—A. Yes. I should like to refer to my notes to know the exact reason of that if you please.

Q. Yes, look at any note you have. (*The witness here referred to a book.*) If you look at your document, you will find it mentioned.—A. Yes. I was doubtful whether it was given him for dental purposes, but evidently it was given him to procure some sleep.

Q. You had already given him some fair doses of narcotics and bromide?—A. Yes, I have no doubt I had, or I should not have resorted to morphia.

Q. But it was a peculiarity in him that it made him very restless in large doses?—A. Yes; large doses of bromide he declared were stimulants, and they were the very reverse.

Q. Now, about the 14th, I think, the blue line began to give way—the blue line round the teeth began to disappear?—A. Yes, it did.

Q. "The blue line now began to give way to a grey sloughing margin, and I brought in a surgeon-dentist in consultation, and his view favoured mercury and not tartar"?—A. Yes.

Q. On the 14th you visited him twice, and on the 15th twice, and again injected morphia?—A. On the 15th twice, and on the 15th I did again in the night visit inject morphia.

Q. On the 15th the sleeplessness was getting worse. That was the time his sleeplessness was getting bad?—A. Yes. That was the time, I have no doubt; his teeth were beginning to pain him then.

Q. His sleeplessness was caused, not by the former cause, but his teeth were getting painful?—A. Yes.

Q. Now, on the 16th we find there were two visits, and he complained of pain in the tongue, did he not?—A. In the lower lip, I think.

Q. You gave him a tonic, nux vomica and gentian and peppermint, to produce appetite, and allay the pain in the tongue, and to allay flatulence?—A. I do not remember pain in the tongue.

Q. Was the pain in his tongue caused by his teeth?—A. It did in the lips, yes—the under surface of the tongue.

Q. “On the 16th he had two teeth taken out, two central incisor roots, and it was determined to extract the loose roots”?—A. They were extracted.

Q. “And they were all very much decayed and horrible”?—A. That fairly describes them, and loose.

Q. Decayed, and was there a foul fungoid growth at the roots?—A. Not on the 17th.

Q. What do you call horrible?—A. They were in such a bad state of decay.

Q. And the gums round them—were the gums bad?—A. Yes, the gums were still bad, and in front, near the incisor teeth, the grey slough, which succeeded the blue line, had sloughed off, leaving a jagged margin.

Q. On the 19th, I think, when he got rid of those teeth or roots, you began to talk to him about getting out of doors?—A. Quite as early as that.

Q. At all events, whether you pressed him or not, he refused?—A. Yes; he said it would kill him. He really was so obstinate about going out of doors that he almost at one time made me believe that I had overlooked something serious in him. He was so reasonable on some points that I could scarcely have put it down to sheer folly.

Q. But you recommended going out of doors, and Dr. Dudley recommended it also?—A. That was Dr. Dudley’s chief advice—to get out.

Q. And it was of no use?—A. No, he passively resisted.

Q. And did he tell you that he liked to lie still and feel happy?—A. Yes, he did.

Q. I am not going back to the detail of what you have given in your evidence in chief, but a couple of days before the 19th he talked to you about the family wanting to send another doctor, did he not?—A. Yes. Dr. Dudley came on the 19th, and it was on the 18th he told me that.

Q. You were told that his family wanted to send down a doctor, were you?—A. Yes; I was told what I stated to the Attorney-General.

Q. He would know that, but he was content to get an independent opinion at one visit, and would leave you to choose somebody to come?—A. Yes, that was it.

Q. And you chose whom?—A. I chose Dr. Dudley, because he lived near, and he was a hospital physician, and he seemed a most appropriate person to call in.

Q. Now, on that occasion when the conversation took place, did you say that you had almost done with him, and that he only required an outing to be well, and that he ought to go to the south coast?—A. I think you are running two statements into one.

Q. I do not want to do that, but the actual words can be referred to. Let me read your account: “18th December. During my visit Mrs. Bartlett said, ‘Doctor, I have something very unpleasant to say.’”—A. Excuse me, it was pointed out to me by the Treasury; it was “I hope you won’t be offended.”

Q. “His relations, who are never contented with anything I do, want to send him a physician of their own choosing.” I answered at once, ‘Well, let them send him one; I have almost done with him. He only

requires an outing to be quite well, and then he ought to go to the south coast." P—A. Yes, that is the quarter—that is correct.

Q. You turned to Mr. Bartlett for an explanation of that statement, and he sat up in bed and said, "Yes, that is all true. I am sorry to say my friends are not friends to my wife" P—A. It is not in my entry, but certainly he said, "I am determined to manage our own affairs."

Q. Did not he, after that, say, "We are determined to manage our own affairs, and not to trouble about other people" P—A. I do not know, it is there.

Q. Now, on that very day did you supply a sleeping-draught?—A. Which day, please?

Q. The 18th P—A. Not that I know of.

Q. I think you will find chloral hydrate, hydrochlorate of morphia, syrup of red poppy.—A. On the 18th?

Q. Yes.—A. I prescribed it on the 19th.

Q. Very well; it was the 19th, I understand. On the 19th was he in a decidedly depressed mental condition?—A. On the 19th, yes—pretty much as usual.

Q. Would you let me read from your deposition: "I do not remember any difference on the day I agreed with Dr. Dudley that the deceased was suffering from sub-acute gastritis," which remained, only it nearly had disappeared P—A. Yes.

Q. A "depressed mental condition; according to his own account, he had been suffering from great sleeplessness for a considerable time" P—A. Yes.

Q. Then on the next day, the 20th, you increased the dose of chloral hydrate, I think?—A. Yes, I did.

Q. And that sleeplessness—you attribute that as partly due to the teeth, I think, because on the 21st the lower incisors were removed?—A. Yes; principally the teeth were at fault then.

Q. What?—A. Yes; the teeth were principally at fault, so that we have very little left to complain of.

Q. Now, the gums—the teeth were removed—the gums were getting sloughy round those teeth?—A. Yes, they were.

Q. Now, at that time did Mrs. Bartlett tell you before her husband "He still talked about dying, and he will still talk about dying" P—A. It was about that time probably; I am not sure, but that she said it more than once.

Q. You said that, in your view, he had little to recover from, but did you promise then, on his agreeing to go to Torquay after Christmas, to take him down and put him under the care of a medical man down there, Dr. Dalby?—A. Yes; I said I would accompany him, and I mentioned Dr. Dalby because I thought it would give him confidence that he would be looked after. He required no looking after practically.

Q. Now, was it about that time you spoke of Mrs. Bartlett being so fatigued?—A. I cannot remember.

Q. You wanted him to go to Torquay alone P—A. Oh yes.

Q. That was for some reason, was not it?—A. No, pardon me; I wanted to get him away and send him to Torquay alone. That was one reason why I offered to accompany him. He was practically a hysterical patient about that time, and his wife petted him very much. What would have done him good would have been to have sent him a sea trip, with no one to nurse him, and hold his toe, and that sort of nonsense.

Q. If he had been obliged to take care of himself he would have been all right, you think P—A. Yes, that was it. I wanted to get him to Torquay

by himself. He wanted dental care, but from a medical point of view he was out of hand.

Q. That was the state of things, you say, between the 21st and 23rd, but on the 23rd you prescribed this placebo?—A. The 24th, I thought I saw that just now.

Q. 24th, was it?—A. 24th, yes.

Q. On the 24th you prescribed the placebo. We quite understood that was a thing which would do him neither harm nor good, except so far as he imagined it was going to?—A. That is just it, and I did not tell his wife the secret of it.

Mr. JUSTICE WILLS.—That is 38,413.

Mr. Clarke.—Yes, that innocent placebo—was the amount which you prescribed ten drops?—A. Ten drops were to be given in wine and repeated if necessary an hour later, if the pain was severe, and I think I said he was to be careful not to take a third dose.

Q. He had been getting better physically up to that time?—A. Yes.

Q. On the 26th something appeared that upset the whole thing?—A. Was that the worm?

Q. Yes, the worm.—A. Oh yes; that threw everything back again.

Q. I beg your pardon, doctor, I have assisted you to a wrong date; the 25th, was it not?—A. On the 23rd I saw a lumbricoid worm—yes, he passed it on the 23rd.

Q. That was what threw him back?—A. Yes, he was in such a condition—

Q. Such a condition what?—A. About it, that I put off the treatment for a couple of days, partly to see if any more passed, and partly to let him gather up pluck and spirit.

Q. Do you mean he was so much depressed and shocked?—A. Yes, he was so much depressed by it; he thought certainly he had something wrong with him then, and that he had proved then that there was something wrong with him.

Mr. JUSTICE WILLS.—The date was not the 25th, was it; the placebo was 38,413, and the worm was 38,420?—A. Vermifuge course two days after the lumbricoid was seen.

Mr. Clarke.—You say he was shocked and upset by it, and you say he thought there was certainly now more mischief about him than you had found out?—A. Yes.

Q. And he told you on that day or a day or two afterwards that he felt worms wriggling up his throat?—A. Yes, the next day, I think, and kept to it.

Q. It was a delusion, I suppose?—A. I do not know. Two or three days ago I saw a worm that did wriggle up a patient's throat and was vomited.

Q. Then he may have felt that?—A. Yes, he may have, but I think in his case it was a mistake, because I asked the doctors to search for a lumbricoid in the post-mortem, and his motions were watched from that day to the day of his death for a lumbricoid.

Q. He felt worms wriggling up him?—A. No; he always described them, in my presence, as in his throat.

Q. That would be the imagination of a very nervous man upset by this having happened?—A. Yes.

Q. Would not that be so?—A. What do I commit myself to by answering this?

Q. Only for a suggestion which I make to you. Supposing he was to describe himself as feeling worms wriggling about him, from his legs upwards, that would be the delusion of a nervous man upset and

shaken by what had happened to him?—A. A nervous man? What I say is that I am not inclined to set down every man as nervous who says that, because worms might be there.

Q. Worms could not really be there?—A. I do not know; I have no basis to form an opinion on.

Q. You are entitled to guard yourself in that way. I understand what you say about his nerves and depressed condition at that time is not necessarily connected with this imagination about worms?—A. Yes, that is so.

Q. Now, you say that the appearance of that worm had thrown everything back?—A. Yes.

Q. And he was in a more depressed troubled condition after that time, was he not?—A. Yes, for a day or two.

Q. Well, did a very curious matter take place within the next day or two after that with regard to mesmerism or magnetism, doctor?—A. I cannot fix the date of it from memory.

Q. Well, somewhat earlier in your attendances at Claverton Street had he mentioned to you the subject of mesmerism?—A. I cannot say when he did, but I think I have notes of it somewhere. I think the Treasury have them. I think I must have parted with my original copy. Oh, I have it here; probably on the 26th. It was on the 26th.

Q. It was on the 26th, was it?—A. Yes.

Q. Was it on the 26th that he told you, or was it on the night of the 26th you think he said it happened?—A. Are we talking of the same subject?

Q. On my word, I do not know. What I am putting to you is that he gave you an account of something that happened one night with regard to his standing up for two hours.—A. Yes.

Q. Did you understand his doing that had happened on the night of the 26th, or was it on the night of the 26th he told you?—A. No; I think it must have happened a couple of days earlier than the 26th, or a couple of days later, because he told it me one morning when I went in and asked what kind of a night he had passed.

Q. There had been a previous conversation between you about mesmerism?—A. He told me an extraordinary tale on the night of the 26th.

Q. An extraordinary rigmarole?—A. Yes.

Q. About the possibility of being under somebody's influence from a distance?—A. Yes; he thought he and his wife had both been mesmerized by a friend.

Q. You say, on going on one morning he made a statement of something that had happened in the night?—A. Yes, a very peculiar one; shall I relate it?

Q. Do, please.—A. I said, "Well, Mr. Bartlett, how have you slept?" He said, "I could not sleep; I was nervous and restless when I saw my wife asleep in the easy-chair, so I got up and went and stood over her like this" (holding up his hands)—he was in a very excited state then—"for two hours, and I felt the vital force being drawn from her to me. I felt it going into me through my finger tips, and after that I laid down and slept." And his wife said, "That is a nice story. Imagine him standing for two hours and doing anything."

Q. So that Mrs. Bartlett treated it as a mere delusion on his part?—A. Yes. I imagined he had stood for two minutes and felt the vital force, as he imagined it.

Q. You did not imagine he had stood over her for two hours extracting the vital force from her?—A. I did not imagine he would stay two hours doing anything. I was of Mrs. Bartlett's opinion on that matter.

Mr. *Clarke*.—I do not think, my Lord, we shall waste any time if your Lordship allows us to adjourn here.

FOURTH DAY'S PROCEEDINGS.

THURSDAY, APRIL 15, 1886.

ALFRED LEACH recalled, and further cross-examined by
Mr. *Clarke*.

Q. You told us yesterday, Dr. Leach, that you had found that the sedatives did not produce their expected effect upon him?—A. That is so.

Q. Did you find the same thing happen with respect to purgatives?—A. Yes.

Q. On the 26th you subjected him to somewhat persistently severe treatment in order to open the bowels, I think?—A. Very.

Q. There were two draughts then; there were two globules containing croton oil?—A. Yes; those he called stimulants.

Q. I was going to ask you as to that. With regard to croton-oil pills, those ought to have been very effectual for their purpose?—A. Yes; and very rapid too.

Q. But he attributed to them precisely an opposite effect?—A. Yes.

Q. He said he felt stimulated by them?—A. Yes; he said they were warming and pleasant—to his stomach comforting.

Q. Then you got him his hot tea and coffee with the intention of inducing those remedies to act?—A. Yes.

Q. And that tea and coffee did not have the desired effect?—A. No; nothing had.

Q. I believe you applied galvanism to the abdomen?—A. Yes.

Q. And that failed?—A. That failed.

Q. And you practically gave it up in despair?—A. I did. I may mention that he was not suffering from constipation previously; it was not constipation that I was treating him for, but the vermifuge (worm-powder) that had to be driven out of the digestive organs. He had swallowed the worm-powder, and I naturally had to give purgatives to clear that out.

Q. What would have been the effect of the worm-powder if it had remained there, and no purgatives had been administered?—A. It would have made him very miserable; he would have seen everything green; he would have suffered from buzzing in the ears, and all sorts of troubles, which I did not wish to subject him to.

Mr. JUSTICE WILLS.—Did he have all these troubles?—A. No, my Lord, he did not; he should have had them; I know that from personal experience.

Mr. *Clarke*.—You expected him to have them?—A. Yes. I have tried the same drug upon myself, and always try to avoid letting any patient experience what I experienced on that occasion.

Q. As a matter of fact, do you know whether it was carried off from his bowels—for two or three days, at all events?—A. I don't remember—yes, it must have been.

Q. Do you remember?—A. Yes, I recollect now. He did not suffer from constipation afterwards.

Q. You have told us that the stools were preserved for you?—A. Yes.

Q. On what day after that did you see a motion?—A. I saw a motion the next morning when I called—a small one, I grant.

Q. Not satisfactory?—A. No.

Q. Now, on the 30th I think it was that you said you would not visit him any more?—A. The day before I said I would not visit him on the 30th; the 30th was Wednesday, I believe.

Q. You said on the 29th that you would not come on the 30th; is that so?—A. If the 30th was Wednesday, that is so.

Mr. JUSTICE WILLS.—Yes, it was the 30th.

Mr. Clarke.—Then, you told him on the Tuesday that you would not visit him again?—A. Yes, I did.

Q. He was apparently distressed at that, was he not?—A. Yes, he was.

Q. What did he say about it?—A. I don't remember.

Q. Except that you saw he was distressed apparently at your saying that?—A. Yes, he was. I know it was not the first time I had threatened. Nothing specially fixed that in my memory.

Q. The idea had always distressed him of your not continuing to attend him?—A. Yes, it had; and Mrs. Bartlett said, "You had better come, doctor," on previous occasions. That was why I visited him so often as I did during some portion of the time. She said, "You had better come, doctor; he will be anxious," or something of that sort.

Q. Had he crying fits about this time?—A. I saw none.

Q. But you heard of them and spoke to him about them?—A. Oh yes.

Q. When you spoke to him about his crying, did he tell you that he could not help it?—A. I don't remember; he made some reply of a queer nature, I know.

Mr. JUSTICE WILLS.—I suppose that is just exactly what hysterical and nervous patients do?—A. Oh yes; it was a reply quite fitting the case.

Mr. Clarke.—I am only reminding you, Dr. Leach—I am quite sure you wish to tell us all about it. Was this what you said before the Coroner: "I was told by Mrs. Bartlett on several occasions that the deceased had had one of his crying fits"?—A. Yes.

Q. And on speaking to him, he said that was so?—A. Yes.

Q. "Mrs. Bartlett said, 'Edwin sits in his arm-chair and cries an hour at a time; and when I ask him about it, he says it was because he was so happy'?"—A. Yes.

Q. "If that was true, I should have put it down to male hysteria"?—A. Yes.

Q. "When I asked him why he cried, he said he could not help it"?—A. That is most probably true, because the facts were better in my mind then. Mrs. Bartlett's reply I remember distinctly. She said, "He cries because he says he is so happy." That I distinctly remember, even now.

Q. That struck you as being odd, I suppose?—A. It could not fail to.

Q. But that was said in his presence?—A. Oh yes.

Q. Was he a man who used to discuss medical matters at all? Did he dwell upon his condition and talk to you about it, and so on?—A. No; he was not a talkative man.

Q. Not talkative?—A. No. The only time that I saw him what might be called talkative was the time that he told me about his being mesmerized; then he fired up with quite unwonted eloquence.

Q. Now, during the last two or three days of his life the jaw symptoms became alarming, did they not?—A. Yes.

Q. I think it was on the 29th, the 30th, and the 31st that his jaw symptoms became alarming?—A. I was trying to fix the date more correctly. What do you say?

Q. I am reading from your depositions: "It was on the 29th, the 30th, and the 31st that the jaw symptoms became alarming."—A. Yes, that is so.

Q. That pointed to necrosis?—A. It did, of a superficial kind.

Q. If you please, but alarming?—A. Yes. I don't use that word in its worst sense.

Mr. JUSTICE WILLS.—I wanted to know what was meant by that, because it is a vague word.

Mr. Clarke.—You have said to-day they were alarming?—A. They were alarming; they alarmed me.

Q. When you say that, you do not use the word in its worst sense; necrosis may often be a very terrible matter indeed?—A. Oh, yes; but I may state that—

Q. I am endeavouring to see the sense in which you use it. You thought there were indications of necrosis?—A. Yes.

Q. And there were—?—A. And there were a necrosis that might have led to considerable inconvenience as regards mastication; it might have prolonged the time during which he would have to go without false teeth, and it was the absence of teeth that led to many of his other troubles; a necrosis that might have caused considerable sloughing of the gum, which he then had slightly; a necrosis that might ultimately have resulted in an alveolar process—that is, a part of the socket—let me say alveolar, you know what I mean—and which might make it more difficult for a dentist to place a false set of teeth; a necrosis that might have very considerably upset him.

Q. As a matter of medical science, when you find that necrosis has set in, it is very difficult to set a limit to its mischief, is it not?—A. It depends upon the constitution of the patient. This necrosis being due to local causes, I had no great fear as to its ultimate result.

Q. That is, not a result as affecting his life, you mean?—A. As affecting his life; that is what I wish particularly to explain.

Q. That is the limit, then?—A. Yes.

Q. But, short of that, you were alarmed as to the consequences that might follow?—A. Yes.

Q. Just let me ask you, as a matter of medical science again, what is the principal cause of necrosis—the most common cause of necrosis?—A. Injury to the bone or periosteum.

Q. But injury how caused?—A. By traumatic or chemical causes.

Q. Shall I suggest to you the ordinary causes of necrosis?—A. Pray do so.

Q. Well, necrosis may follow a blow?—A. That is a traumatic cause.

Q. It may follow on a fever?—A. Yes, indirectly.

Q. Of course, in a particular form it follows on phosphorus poisoning?—A. Yes.

Q. What is called a Lucifer-match necrosis?—A. Yes; caries begins the process then.

Q. I said in a "particular form;" but the most ordinary cause by far of necrosis is mercury, is it not?—A. No; syphilis.

Q. Syphilis is the most common, is it?—A. The most common; I don't exclude mercury, mind.

Q. As a matter of fact, there have been a good many cases where

necrosis has followed upon taking mercury even in small doses where syphilis has not been present at all?—*A.* I have no doubt that is so.

Q. You have told us that when you first saw Mr. Bartlett you told him that he was suffering from mercurial poisoning?—*A.* Yes.

Q. Don't you connect necrosis with mercury?—*A.* There was no necrosis then.

Q. But when necrosis did appear?—*A.* Yes, indirectly.

Mr. Justice Wills.—Will you explain what you mean by that?—*A.* Explain it in its immediate cause?

Q. Explain what you mean by connecting it indirectly. Do you think the one had anything to do with the other?—*A.* Decidedly.

Q. In what way do you think they were both due, to syphilis or what?—*A.* No, my Lord. I take it to be that mercury was one of the causes in the chain of events that led up to necrosis.

Q. In one sense, of course it would be. A thing that has happened before in the course of a man's life is part of the chain of events that leads up to his present condition. Do you think that one extra dose of some mercurial poison would lead to necrosis of his jaw—an extra dose of some pill which contained mercury? Do you think that caused the necrosis, or had any serious operation in producing the necrosis, of his jaw?—*A.* I thank your Lordship for putting it to me so. I can answer "Yes" to that.

Mr. Justice Wills.—I beg your pardon, Mr. Clarke, but I wanted to understand this vague expression, for this does not help me a bit.

Mr. Clarke.—I am obliged to your Lordship for putting it. Now, Dr. Leach, on the afternoon of the 31st, I think you privately arranged with Mrs. Bartlett about his going to the dentist's?—*A.* Yes.

Q. Was that in order to spare him the dread of looking forward to that visit?—*A.* Yes.

Q. I think when you left on that evening you arranged to come and see him again on the following day?—*A.* Yes, after he left me that evening.

Q. He understood that you would come and see him on the following morning?—*A.* On the following day.

Q. So that in the ordinary course of things you would have been there on the 1st of January?—*A.* Yes.

Mr. Justice Wills.—Did he leave you at the dentist's door, or did you go back with them to Claverton Street?—*A.* He and his wife left me at the dentist's door, and they went back to Claverton Street in a hansom.

Mr. Clarke.—Now, Dr. Leach, I am not going over again the account which you gave us yesterday as the account which Mrs. Bartlett gave you of that particular evening. I understand that, before you gave your evidence before the Coroner the first time you gave it, you asked her to put you in a position to give evidence.

Mr. Justice Wills.—Before we have that, I should like to ask about a thing to which reference has been made once or twice, but about which no question has been asked. It was said that, when they were driving to the dentist's together, the deceased referred to the very happy life which they had had, and said he should like to be married again. Was that in your presence?—*A.* That was in my presence.

Q. Was it on that evening?—*A.* On the evening of the 31st.

Q. Was it upon the way to the dentist's?—*A.* On the way to the dentist's.

Mr. Justice Wills.—It has been referred to by somebody, but never proved.

Mr. Clarke.—It was in the opening, my Lord.

Mr. JUSTICE WILLS.—That was on the way, was it?—A. Yes, in Denbigh Street.

* Q. Tell us what happened.—A. As we were approaching the corner of Denbigh Street and Charlwood Street, the conversation ran upon the subject of recent marriages in the locality. Mrs. Bartlett said to me, "This morning Edwin and I, doctor, were talking about the number of our friends who are getting married, and we were saying we wished almost that we were unmarried that we might have the pleasure of marrying each other again." I turned to the deceased, and said, "That is very flattering to you, Mr. Bartlett, after so many years' experience of yours," and his reply was not quite clear, for he was muffled up, his mouth was covered with wraps. On the way to the dentist's he said, "Yes, we suit one another very well; we agree in our views," or "in our ways," I am not sure which he said, and then the conversation dropped before we arrived at the dentist's.

Mr. Clarke.—Although you had very kindly tried to spare him the hour's dread, he did know then that he was on the way to the dentist's to have the operation performed?—A. Oh yes; I returned to Claverton Street to take him to the dentist's myself, and I found that he was already dressed.

Q. And was it your impression that his wife was lively and cheerful, trying to keep up his spirits on the way?—A. Oh yes, she always did that; you are quite right, sir, on leaving the house she tried to cheer him in every way.

Q. I will take you, Dr. Leach, to the morning when you went there, and the death that happened. Was Mrs. Bartlett apparently very much distressed?—A. Yes.

Q. She burst out crying, I think, in speaking of her husband to you?—A. Let me say what actually did occur.

Q. By all means; that is what I want.—A. Directly I entered the room she said, coming up to me, "Is he really dead?" and then it was that I made the formal examination, really thinking in my mind at the time, "How can I best put it to this poor woman; how can I best really break the news to her?" and I turned round and said, "Yes, Mrs. Bartlett, I am afraid he is," or something to that effect, and then she burst out crying bitterly.

Q. I won't go through the whole story, because you have told us; then she said, "What can he be dead of?"—A. Yes, a little later, that was to say, she was crying, and when the crying was over, we began to talk about the possible cause of death, and she said, "What is he dead of, doctor?" or "What can he be dead of?" I am not sure of the words, and my answer was, "I don't know."

Q. Well, then I think you asked if he could have got prussic acid?—A. Yes, that was the most rapid poison that suggested itself to my mind.

Q. You asked that?—A. I asked that.

Q. And she said, "Oh no"?—A. She said, "He could have got at no poison without my knowledge;" and then, soon after that reply, I suggested to her digitalis and other alkaloids that he had got, anything which his friend Squires had had, or anything that he had had by him; all those things were said.

Q. And she negatived everything?—A. She negatived everything.

Q. Did she appear anxious to find out and get at any suggestion as to the death?—A. So far as I could judge, most emphatically yes.

Q. Her conduct was perfectly natural—the natural conduct of a loving wife who had just sustained that shock?—A. You are asking me to judge

of things rather beyond my ken. I have no hesitation in giving my opinion for what it is worth on the matter.

Q. Well, did her conduct appear to you perfectly natural?—A. It may be after-events had biased my mind; she seemed not only grieved, but very much alarmed, very much scared—that is the impression on my mind now; of course, I did not think it then, but I do now.

Q. Not only grieved, but did she appear startled by the suddenness of the thing?—A. I don't know.

Q. Was something said about pills?—A. Yes, yes; when speaking of poisons, of course I mentioned morphia and opium amongst others, and she said, "There are the two opium pills which he had had by him some time; he asked me to give him one last night, but I am very glad I did not." I went to the cupboard and saw the pills.

Q. You had prescribed opium pills?—A. Yes.

Q. And she said she was very glad she didn't give him one?—A. Yes.

Q. And then you went to the cupboard and saw that the pills were there?—A. That they were there.

Q. Then we hear that you said, "There must be a post-mortem examination," and she said, "Must there be an inquest?"—A. Yes.

Q. Did she wish to have a post-mortem examination made as quickly as possible?—A. She certainly did. She chafed at the delay till next day. When I told her that Dr. Green could not come that afternoon, she said, "Can't he be persuaded to come?"

Q. Persuaded to come in order that he might make the post-mortem examination on that very day?—A. On that very day.

Q. And did she say this to you, "Spare no expense; get any assistance you want; we are interested in knowing the cause of the death"?—A. I think she said, "We are all interested;" the other words she did certainly say. It was on the strength of that permission that, when Dr. Green telegraphed to me, or wrote to me (I am not sure which), saying, "I will come and look on, if you will do the post-mortem"—it was on the strength of that permission that I replied to him by telegraph, "No; bring an assistant with you; I will take no part in it." I have the telegram here. I can tell you the exact words.

Q. I don't think the exact words matter, but it was on the strength of her saying that to you, "Spare no expense; get any assistance you want"—?—A. That I felt justified at once in telling Dr. Green to bring with him whatever gentleman he chose.

Q. Did she speak of the death as a mystery that she wanted to have cleared up?—A. Yes. Dr. Green, in replying that he could not perform the post-mortem on that day, suggested that I should get some one else, and said, "Please act independently." Then I telegraphed to him, "Can you fix this for to-morrow morning? Remuneration adequate." Then he said, "To-morrow, Your house, 2.15."

Q. I am very much obliged to you, Dr. Leach; then she pressed that the examination should take place at once?—A. She did.

Q. And if Dr. Green had been able to come that afternoon it would have taken place that afternoon?—A. Yes.

Q. And it was your waiting till the next day, not thinking it necessary to employ any one else?—A. Yes; I wanted to employ Dr. Green, for I thought there might be some peculiar pathological question involved here.

Q. And Dr. Green is an eminent pathologist?—A. An eminent pathologist.

Q. There was one occasion upon which she made a statement to you as to what took place with a view of your giving evidence before the

Coroner; that was the first time, I think, that you gave evidence?—A. Yes.

Q. Now a good deal later, on January 26, she made another communication to you with regard to her having had the chloroform in her possession?—A. Yes.

Q. Was that a communication which you considered at the time was spoken in confidence to you?—A. Yes.

Q. I think, when you were before the Coroner, you were somewhat reluctant to give it in evidence, on the ground that it had been spoken in confidence to you?—A. Pray don't take me over what I did that afternoon before the Coroner. I went before the Coroner not thinking I should give that evidence, thinking that she was going into the box and would give it herself, and that I should never be called upon. I felt utterly incompetent to give the narrative straight off without thinking it over, and I equivocated by saying I was so confused that I did not know what to answer; but as soon as I got out of the court I wrote it.

Q. Pray understand, Dr. Leach, I am not disputing or going to challenge in the least degree the accuracy of what you said. The point is this: I think you said that you considered what was said was said in confidence, and then, when it was very properly pointed out that you were bound to repeat it, you did so?—A. Yes, it was so, in confidence; in that sense decidedly.

Q. You did consider it was in that sense?—A. Yes.

Q. Then in the statement she then made there was one word which I wish to refer to. I think you said that she told you, after she had explained the matter to her husband why she had got possession of the chloroform, and when she had given him the bottle, he seemed grieved; and turned over?—A. Yes, those were her words so far as I remember; in fact, it was; yes, I am sure of it.

Q. You said this: "She gave the bottle into his hand, they talked affectionately about their relations to one another for a short time, and he seemed much grieved" ?—A. Well, the "grieved" was hers, the "much" would be mine.

Q. I am reading from your depositions, Dr. Leach. And you were desired to say what she told you?—A. Yes.

Q. Did she then say that, at the time of the death—the idea of his having swallowed the chloroform did not enter her head at that time?—A. She certainly did not say that it did not enter her head; if that is in my depositions—

Q. I am reading: "She said, 'Is he really dead?' She further said (it was on the 26th) that the idea of his having swallowed the chloroform did not enter her head."—A. Have you finished the sentence, may I ask?

Q. I will begin the whole: "She got up to turn him into a more comfortable position, and was greatly alarmed at his condition. She rubbed his chest and applied brandy, but, becoming frightened, she sent a servant for me. On my arrival, her words were, 'Is he really dead?'" She further stated to me on the 26th, that the idea of his having swallowed the chloroform did not enter her head at the time, and that she did not remove the bottle from the mantel-piece where he last placed it for hours, or some time after I had seen the body. When she first mentioned the chloroform, Mrs. Bartlett told me that it was labelled 'Chloroform,' and that it was a large bottle. She continued, that about breakfast-time she placed the bottle in a drawer in the next room, where it remained nearly a week. She said that her first real suspicions as to the cause of death were aroused when she heard it stated that the contents of the stomach smelled of chloroform (that statement was made after the

post-mortem), but, hearing me say that that smell might be due to the deceased having swallowed some chlorodyne he had in his possession, she refrained from making any suggestions that would necessarily throw grave suspicions upon herself" P—A. Yes; and she told that to me more than two or three times. I have not read that evidence since I gave it before the Coroner. That statement was written a little rapidly; if I had to write it now, I should say to-day that it did not seriously enter into her head, and her first suspicions in that case were these. I did not mean to say that she did not say that the idea did not flash across her mind, but that she had failed to entertain it.

Q. That evidence was given at a time very much nearer to the conversation than the time of which we are now speaking; it was much sooner after the conversation this evidence was given, was it not?—A. Yes; this is a part of the depositions which I wrote and gave to the Coroner.

Q. It is a part of the Coroner's note, and you signed it on Monday, February 8—the conversation took place on January 26, and you wrote it out on February 4?—A. Yes; please remember, too much stress must not be put upon any word or sentence, because, by direction of the Coroner, I went home and wrote it out very plainly, and could not say accurately every word I said.

Mr. JUSTICE WILLS.—Probably that was all for the best; if you did not think so much of the literary effect, and would tell us what happened, it would be better for everybody.

Mr. Clarke.—That was on the 4th of February, and we are now at the 16th of April.

The Witness.—My Lord, pardon me if I say that it is not the literary effect, but the accuracy, I strive to attain.

Mr. JUSTICE WILLS.—We do not strive to get any phenomenal accuracy. Just tell us what happened.

Mr. Clarke.—It was when the circumstance was well known that chloroform was found you said it was not chloroform, but the chlorodyne, he had swallowed?—A. Yes.

Q. And when you suggested that he had swallowed chlorodyne, she combated that idea?—A. She certainly did.

Q. And pointed out that the chlorodyne he used was simply to rub the gums?—A. Yes.

Q. She would not accept the suggestion that it was chlorodyne?—A. No, she refuted it.

Q. Now, after the post-mortem examination had revealed the necessity of further inquiry into the contents of the stomach, she was told that she must not remain in the rooms, I think?—A. I don't know—I don't remember any one telling her so. I thought she said she would not remain.

Q. It was an understood thing, at all events, that she was going?—A. Yes.

Q. Did she take, or ask to take, anything with her?—A. Pray divide that question.

Q. Did she give you her keys?—A. Yes; in answer to your question, she did take something, but she did not ask to take anything.

Q. What was it she took?—A. Her hat, I think.

Q. She took her hat, but it happened thus—she handed you her keys and asked you to go to the drawer and get her hat out?—A. Yes, because the hat was in the room where the corpse was lying.

Q. You took the keys and fetched the drawer, I think?—A. Yes, I brought the whole drawer.

Q. And she took her hat from it?—A. Yes.

Q. Her cloak was given her by Mr. Bartlett, was it not?—A. I don't remember.

Q. You put the drawer with its contents back into its place and locked it, did you?—A. Yes; and brought the keys back to her.

Q. Did she ask you then to keep the keys?—A. She did; and I suggested that Mr. Wood should take them.

Q. You suggested that Mr. Wood, her solicitor, should take them?—A. Yes; and I looked round to my colleagues, the doctors, to get a suggestion from them.

Q. You did keep them?—A. I did accept them, and took them home.

Mr. JUSTICE WILLS.—Mr. Wood took them, did he?—A. No. I did accept them, and took them home. There has been some slight misunderstanding about those keys, and I wish it to be plainly understood that those are the circumstances under which I took them.

Mr. Clarke.—Really, Dr. Leach, I think you are afraid some one is blaming you; I assure you I am not.—A. Well, these things go into the papers and are misunderstood by the public.

Mr. JUSTICE WILLS.—I am very reluctant to say anything, but if you would think less about your own share in the matter, and more about the solemn character of the matter we are engaged in, it would assist us. This perpetual self-consciousness detracts from the value of what you have to say.

The Witness.—I take your instructions, my Lord, and will follow them.

Mr. Clarke.—There is one question I have to ask you as to a part of the communication she made to you on the 26th. I am obliged to read to you a longish passage in order to find the question. It is at page 23 of the Coroner's depositions.

Mr. JUSTICE WILLS.—In your copy, Mr. Clarke?

Mr. Clarke.—Yes, my Lord, Monday, February 28. The third day, it was.

Mr. JUSTICE WILLS.—How does it begin?

Mr. Clarke.—It is the statement of what was said on the 26th.

Mr. JUSTICE WILLS.—Give me the leading words.

Mr. Clarke.—“She proceeded to a statement, the exact words of which I will not pretend to remember.” That is at the beginning of the evidence, Dr. Leach recalled.

Q. I want you kindly to listen to this passage, Dr. Leach, and I will tell you beforehand the question I am going to ask you, that you may follow it in your mind as I read it. You say this: “I was personally cognizant of those facts up to this point; they had been partly told me, partly implied, and partly from observation, the rest was nearly all news”?—A. Yes.

Q. Now I will read the passage which precedes that statement: “She proceeded to a statement, the exact words of which I will not pretend to remember, but from which I gathered the following:—Mr. Bartlett, deceased, was a man with one or two strange ideas. Among them was that a man should have two wives, one for love, and the other, as he expressed it, for use. At the age of sixteen years she was selected by him in the former capacity—viz., as a life companion for whom no carnal feeling should be entertained. The marriage compact was that they should live together as loving friends, and not know each other sexually. This rule was faithfully observed for about six years of their married life, and then broken at the earnest and repeated entreaty of the wife that she should be permitted to be really a wife and become a mother. A single act of

coition occurred, and the result was a child that died at its birth. From that moment, now about six years ago, she grew, so far as child-bearing was concerned, disheartened. Her entreaties ceased, and the two lived together, but their relations were not those of matrimony. The deceased made no secret of his views on marriage. He spoke freely of them to his relations, and the doctor who delivered Mrs. Bartlett was given to understand that the child was the result of a single coitus. The deceased lived on terms of great affection with his wife, and with two exceptions they had no differences, and they only quarrelled once, but the terms of their cohabitation remained ultra-platonic. He encouraged her to pursue studies of various kinds, and this she did to please him, for he desired her to be very learned in all subjects. He affected, too, to admire her (physically), and he liked to surround her with male acquaintances, and enjoy their attentions to her. The position was a trying one for a woman to comport herself in, not to say cruel. Mrs. Bartlett's words to me were: 'I was a consenting party to this marriage contract, and felt bound by it, and never complained, although, when I agreed to the terms it proposed, I did not understand what they meant.' She was married at sixteen or thereabouts. I was personally [*i.e.*, the witness] cognizant of these facts up to this point. They had been partly told me, partly implied, and partly from observation."—*A.* Pardon me, for one thing, if you please (*referring to his notes*), "I personally was to some extent cognizant."

Q. I am reading from your deposition, Dr. Leach: "I was personally cognizant of these facts."—*A.* Then it is a mistake in the depositions. I think the Treasury once possessed the exact copy.

Q. Pray do not think of the Treasury.—*A.* I was not cognizant of those facts except at a certain part.

Q. I have thought over beforehand with great fairness what I am now going to ask you. Tell me how far you did know these facts from personal cognizance, and how far from observation.—*A.* I beg your pardon, I am a little confused this morning. I am sorry I am such a bad witness. In this way: Mrs. Bartlett had consulted me two or three times since her husband's death, and I had become aware of facts during that consultation that somewhat paved the way to my accepting what she told me on the 26th.

Q. You had become aware of facts with regard to herself?—*A.* Yes; which came to me from her lips.

Q. Came to you as a medical man advising her as to herself?—*A.* Exactly so. I therefore put it there. The statement did not altogether surprise me. It was not altogether new.

Q. All the matters which you had observed and which came to your knowledge with regard to her prepared you for it to some extent, I understand you?—*A.* Exactly.

Q. And at all events justified you in accepting that statement as a correct one?—*A.* Yes; that contributed to it—her marrying her husband, and several things which I do not remember, all prepared me to accept a statement which, coming from other parties, would have seemed almost too extraordinary for credence.

Q. Do you mean that certain things took place in her presence?—*A.* Yes.

Mr. JUSTICE WILLS.—Do try and recollect; we know nothing about these matters, and we must depend upon you as to what you really mean.—*A.* My Lord, I wish I could particularize.

Q. This was a very extraordinary communication, and a most important thing.—*A.* I am aware of it.

Q. And we are entitled to have, and we must have—I shall have it before it is done with—the grounds upon which you made that statement. Do not understand me as indicating anything to disturb you at all. All I mean is this: that we take nothing for granted in a court of justice, and we cannot accept the *ipse dixit* of anybody; and we must really know what is meant by this vague statement. It must come some time or other. It may as well come now as come afterwards at my intervention.

Mr. Clarke.—I have not finished.

Mr. JUSTICE WILLS.—This is the natural time to know what is meant by those somewhat vague words.—A. If I may be permitted, I will look for the statement and tell you, as I know it, how this very inconsistent fact suggested itself to me.

Mr. Clarke.—I told you beforehand what this statement was likely to be.—A. Mr. Bartlett was a man of very strange ideas. That goes without saying.

Mr. JUSTICE WILLS.—No, nothing goes without saying here. Please to take that as an axiom. What were the one or two strange ideas?—A. The one or two which Mrs. Bartlett now alluded to were those on matrimony—relating to matrimony.

Q. What were they? What have you heard from him?—A. Nothing about matrimony, but very vague ideas about mesmerism and vital force, and things too insignificant to make a note of, which conveyed to my mind the impression that my patient was one of the most extraordinary men I ever had to deal with—though a very pleasant and nice man.

Mr. Clarke.—Let me, before you go any further, ask you this. You say that he is one of the most extraordinary men you ever had to deal with. Had the extraordinary communication about mesmerism been such that you actually suspected him of insanity?—A. At one time I did, and I tried to find the key to it.

Mr. JUSTICE WILLS.—With regard to this matter about two wives, one for use and one for companionship—that did not come from him?—A. Not in the least. I never heard him allude to it.

Q. That came from her?—A. Naturally; not for the first time.

Q. Not for the first time. Are you personally cognizant of that fact?—A. Permit me, my Lord; I said, in my written statement, I was personally to some extent cognizant.

Mr. Clarke.—You are not bound to read that written statement.—A. Yes, I think I am.

Mr. JUSTICE WILLS.—Mr. Poland, have you got that written statement?

Mr. Poland.—Yes. I think it was put in, my Lord. Just look at that—is that the one, Dr. Leach (*handing it to the witness*)?—A. I think it is.

Q. That is the one, is it?—A. That is the one (*pointing out the passage to the Judge*)—"I was married at sixteen, or thereabouts."

Mr. JUSTICE WILLS.—This does contain the phrase, "I was to some extent perfectly cognizant of the fact, Mr. Bartlett, the deceased, was a man of strange ideas;" and that is struck through with a pencil—"which I can corroborate." Did you strike that through?—A. I think it was struck through by myself at the Coroner's table. I think I am right in saying that.

Mr. Clarke.—I must ask your Lordship to let me look at it.

Q. Dr. Leach, I will go on. You say that with regard to the relations of marriage, nothing was said by Mr. Bartlett?—A. No.

Q. Had not that been mentioned in his presence at any time?—A. No.

Q. Are you sure?—A. I have said no.

Q. You are not angry with me for asking you whether you are sure?—A. No; but your suggestion does not bring back anything to my mind. I am as sure as I can be at this distance of time.

Q. Dr. Leach, just let me suggest something to you. You told me, yesterday, that Mrs. Bartlett was breaking down, or her husband thought she was breaking down, and her husband thought she was suffering from the strain of watching?—A. Yes.

Q. Did you ever suggest that they should both go to bed in the back room?—A. I did.

Q. When?—A. I do not remember.

Q. What was the answer? What did Mr. Bartlett say?—A. I do not remember. I remember what you have mentioned up to now, but I do not remember his answer.

Q. He did not do it?—A. He did not do it; oh no.

Q. Did he give you any reason?—A. No.

Q. Is not it the fact that he did not do that, although you suggested it? Was not that one of the things in your mind that supported that statement?—A. Yes; the fact that I knew he had always slept on a camp-bedstead, and I had a strong impression of having been reminded by that that they did not always occupy the same bed even before they came to Claverton Street, but the impression is so vague that I cannot say more.

Q. You cannot say more, but you have the impression that you have heard it before?—A. Yes, and I think in his presence. The words mix up with me, somehow.

Q. Now, did not the recollection of this thing come to your mind as supporting the statement that Mrs. Bartlett was making to you?—A. I have no doubt it did; all that I knew about the deceased and his wife—everything that passed, came in review through my mind at the time, and enabled me to accept that statement.

Q. Now, will you kindly go on, just looking down the passage?—A. "He had two wives—one for companionship, and the other for use."

Q. Are you sure you had not heard that about two wives?—A. I think I should have remembered it—certainly, if it had been in those words.

Q. Very well. Will you just look down over the account?—A. "At the age of sixteen she was selected by him in the former capacity." I knew she had been married very young before.

Mr. JUSTICE WILLS.—It is not so much being married very young, as that she had been selected for companionship. It is very remarkable.—A. That I was not cognizant of. I had no time to stop and think when I was writing that. "For whom no carnal feeling should be entertained." I think I could say something upon that, but I hardly know how to say it. Having observed as narrowly as I did, I did not fail to observe the deceased's manner towards other people—his manner towards his wife. The picture of it came back into my mind while she was telling me this; and, although I remember signs of—great signs of—affection, signs of kindness and interest, and everything else, I cannot say that there was anything—I certainly can say there was nothing—in his demeanour to her to make me doubt that. That is as far as I can go. That weighed with me at the time. Nothing in his behaviour to her led me to doubt that, except the idea of—I can believe that what I witnessed during my attendance on my patient was the affection of brother and sister. I can believe that. I don't say it was.

Q. At all events, your mind had received that impression which to that extent supported that statement?—A. Yes. "The marriage compact was that they should live together as loving friends, and not know each other sexually."

Q. Just run your eye down it.—A. I have nothing to say to that. "That rule was faithfully observed for about six years." I had heard that.

Q. From whom?—A. I had heard the child was born.

Q. You had heard her first pregnancy was six years before?—A. Yes, for I had at some time or other heard that a child had been born some years previously. It was while he was alive, but I see what you mean. I hesitate very much to speak of a professional consultation, to go into the details of it, but this was quite true. The first professional consultation that I had with Mrs. Bartlett led to questions that certainly support this statement, that her first pregnancy, her only pregnancy, had occurred about six years ago.

Mr. JUSTICE WILLS.—Is this what you mean, that what she first communicated to you was consistent with her having had a child about six years ago?—A. Yes, my Lord.

Q. Do you mean that (I must define the extent of what you mean, you know)—professional delicacy is out of the question in an inquiry of this kind, and you must put it aside. I don't want to go into details unnecessarily, but I want to know what you mean by the expression you have used. It may mean a great deal, or it may mean nothing?—A. I mean this: that in the course of a consultation with her, I learnt from her that she had only been pregnant once, and that some years previously. That consultation would probably have been—yes, it would certainly have been on January 14, for I see by my prescription that it was.

Q. Your extreme delicacy, excuse my saying it, I think is misplaced. There is nothing to shock the ears of anybody in that?—A. No; it was hesitation to reveal professional secrets.

Mr. Clarke.—I have a question to ask you on that. At the consultation on January 14, the conversation in which she mentioned that to you, was independent of this case or any question with regard to his death?—A. Quite. I fancy little was said on that day about her husband.

Q. I need not go into detail, but the statement was made when you were consulting with her by herself?—A. Yes; a purely medical consultation that was.

Q. Now, the next—just cast your eye over the next two or three lines, and see if it is necessary to read them?—A. Yes, I certainly know she was fond of children. "Earnest entreaties that she should become a mother." I know she was fond of children; that I had heard before.

Q. That you had heard during her husband's lifetime?—A. Yes; children and dogs. I had heard her say how fond she was of both.

Q. She told you about that in his presence?—A. Yes. "And the child born died at its birth." That was new. "From that moment, now about six years ago, she grew, as far as child-bearing was concerned, disheartened, her entreaties ceased, and the two lived together, but their relations were not those of matrimony." I see nothing to comment on there.

Q. Was that new—that their relations were not those of matrimony?—A. Yes. I have explained in what sense it was new to me. "The deceased made no secret of his views on marriage." That was new to me, although I have not put it in this statement. She told me some-

thing about the trouble the deceased had with one of his relatives (his aunt, I think) for having mentioned in her house his views on matrimony. "He spoke freely of them to his relations, and the doctor who delivered Mrs. Bartlett was given to understand that the child was the result of a single coitus." I knew a doctor had attended Mrs. Bartlett at one time.

Q. Did you hear the name of Dr. Woodward as the doctor who was called in?—A. No, I did not; not to my recollection. I thought it was Dr. Barraclough. That may be the name of the doctor that Mr. Bartlett, senior, mentioned to me once.

Q. As having attended Mr. Bartlett?—A. I don't know.

Q. That is immaterial.—A. "The deceased lived on terms of great affection with his wife." That I have told before. "And, with two exceptions, they had no differences." That I am quite prepared to accept. "And they only quarrelled once; but the terms of their cohabitation remained ultra-platonic. He encouraged her to pursue studies of various kinds, and this she did to please him." That I was quite prepared to accept. I had seen how she tried in every way to please him, and some facts had come before me of her studies—what they were I don't remember at the present moment.

Q. Had you heard anything of her going in for examination?—A. I am not sure. I think I did. Yes, it is very probable I did; I cannot call it to mind with certainty. "For he desired her to be very learned on all subjects." Yes, it is less words than looks that I am thinking of now when reading this: "he desired her to be very learned on all subjects." I remember distinctly on one occasion, when in the presence of the deceased—I think it was the first time I saw Dyson there. I can see the deceased sitting with a look of being lost in admiration at his wife, while she was discussing some subject or other with Dyson, and I am not sure but that I took part in the conversation, although I was chiefly interested in watching my patient; he sat, never uttering a word, but watching them talking. It was some rather remote subject they were talking about.

Q. He was admiring her?—A. Yes, admiration that fitted in with this sentence. "He affected, too, to admire her physically." That I don't know. "And he liked to surround her with male acquaintances." That sentence explained a good deal that had puzzled me about Dyson.

Q. Had you seen Mr. Dyson there from time to time?—A. Yes. It had occurred to me: "This minister is about here a good deal." That certainly had occurred to me.

Q. And had you noticed the husband seemed quite to take it as a matter of course?—A. Oh yes, he was as welcome to one as to the other, I saw; and the deceased had spoken to me of Mr. Dyson in terms of the highest admiration and affection, so far as he would be likely to talk on the subject of affection. Oh yes, they were very proud of Mr. Dyson, I know. They had his photograph in the room.

Q. When you say they were, you mean Mr. and Mrs. Bartlett?—A. Yes; I think it was he who once remarked to me how very highly educated Mr. Dyson was; and they spoke in terms of great affection too. "The position was a very trying one for a woman to comport herself in."

Q. I think that passage is only a repetition of what you have stated before?—A. I hope I have made clear how much I knew before—how much I was able to accept.

Q. At all events, you have gone through?—A. The sentence, "I was personally cognizant," was put in to mark the beginning of absolutely new facts.

Q. Now, I think we have got the whole statement of what you really had noticed. Now, I think there is only one other question I want to ask you on a matter of fact. From the bed on which Mr. Bartlett lay, one could reach the mantel-piece or something on the mantel-piece without getting up?—A. One could.

Q. You could not, I believe, reach it if lying down flat?—A. No.

Q. But by rising on the left arm it would be easy to reach it?—A. It would.

Q. Were bottles kept—medicine bottles, I mean—kept on the mantel-piece?—A. Not as a rule; they were chiefly kept in the bedroom. I mentioned once to Mrs. Bartlett, "Why don't you keep his medicines near him?" and she said, "I like to make this room as little like an invalid's room as possible," so that there were really no bottles on the mantel-piece.

Q. Now, just a few questions on a different subject, Dr. Leach. In your experience, you have not seen a case of death from poisoning by liquid chloroform at any time?—A. No.

Q. And, so far as you know, that is extremely rare, isn't it?—A. Yes; it certainly is among the rare causes of death from poison. It has occurred, of course; it is rare.

Q. Have you seen a case of death from inhalation?—A. Yes; at least, it was supposed to be.

Q. Have you yourself administered chloroform from time to time?—A. Yes; about two hundred times.

Q. It is an operation that requires to be very carefully and skilfully done, I think?—A. It is an anxious one.

Q. As a matter of fact, the use of chloroform as an agent for producing anæsthesia has been a little lessened of late years, has it not, and chloric ether used instead?—A. You mean ether, not chloric ether. Chloric ether is merely chloroform and spirit; in fact, it is the old name of the old London Pharmacopœia. There is no chloric ether nowadays.

Q. You mean to say no chloric ether is used?—A. There is a confusion of terms. Do you mean chloroform or chloroform mixed with spirit? That certainly is not used for inhalation.

Q. Take ether, then. Has ether been substituted for chloroform?—A. Yes.

Q. Do you know why?—A. Because it is less dangerous in most conditions.

Q. And not only that it is less dangerous; but that some things incidental to chloroform are not so often found with ether; vomiting, for instance?—A. Yes; quite so.

Mr. JUSTICE WILLS.—You mean vomiting is constantly found with inhalation of chloroform?—A. The patient usually vomits afterwards, my Lord, and even during the administration.

Mr. Clarke.—In many cases the vomiting begins almost immediately, does it not?—A. It depends; there is a class of cases in which it does.

Q. Of course it depends very much on the condition of the stomach?—A. Oh yes; if food has been given previously.

Q. I was going to say, if you had made up your mind to administer chloroform to a patient; you would take care with regard to diet six hours or so before?—A. At least four, and that must only be beef-tea or some liquid easily got rid of—easily digested, I mean to say.

Q. If you had any indigestible substance in the stomach, such, for instance, as a substantial quantity of mango chutnee, it would almost certainly produce vomiting?—A. It might.

Q. It would, Dr. Leach, would it not?—A. I should not like to say it would.

Q. I should not like you to prophesy, certainly, but you would expect it to?—A. Yes; it is a very likely suggestion.

Q. Have you ever administered chloroform to an adult in sleeping?—A. No.

Q. Did you ever hear of such a thing being done?—A. In the "Pall Mall Gazette" only.

Q. Which you do not accept as a medical authority?—A. I think not. I am not saying it could not be done.

Q. I do not want to take the answer as meaning more than you desire it to mean. You, at all events, have never done it?—A. No.

Q. And you have never heard an authentic case of its being done?—A. No.

Q. Are you familiar with post-mortem indications of death from inhalations of chloroform?—A. No. I am glad to say I am not, if you mean from personal experience?

Q. As a matter of personal experience or—?—A. As a matter of general knowledge, I am.

Q. As to what the post-mortem appearances would be?—A. It would depend upon the quantity; if, as in that case, where fifteen drops killed by inhalation, you came to make a post-mortem examination, there you would find no signs whatever either in the eyes or nose or anything, because it is sudden inanition of the heart's functions, and death.

Q. That is to say—allow me to try and follow you—if death occurred from so small a quantity, it is rather death from some disturbance of the heart's functions than the entrance of chloroform in the stomach?—A. Yes; the mixture of air and chloroform—the mixture of too strong a percentage of chloroform into the lungs.

Q. In administering chloroform you have to be very careful as to the mixture of chloroform vapour with the air?—A. Very; you must not go above four per cent.

Q. Not above four per cent.?—A. Not if you can help it; it is dangerous if you do.

Q. I had not finished. In cases of death from such a small quantity of chloroform, there is no indication of it whatever?—A. For the reason I suggested to you.

Q. The death is sudden?—A. In cases where the patient has died after chloroform, and narcosis is thoroughly produced, you will find the smell of chloroform in the lungs, in all probability. It would depend, of course, on the length of time.

Q. We are dealing with the case, I mean, of a real inhalation of chloroform.—A. Yes, we are dealing with chloroform narcosis; in popular language, until the man is chloroformed.

Q. Yes, there would be the smell of chloroform in the lungs; what else?—A. There would be probably, not necessarily, some amount of congestion of the lungs. The same as regards the brain. In cases of death from an excessive amount of chloroform, there would be fluidity of the blood and staining of the brain membranes, and the brain itself smelling of chloroform. You will find, in the three instances I have noticed, very nearly the same effects as you would find in a case of poisoning by liquid chloroform, except that there would be more to be seen about the lungs.

Q. There would be more to be seen about the lungs?—A. Yes.

Q. And, although I do not want to confuse my Lord's notes, I do want to draw a scientific distinction between death from liquid chloroform

and that from inhalation—in death from swallowing liquid chloroform, you would find some of the same effects on the lungs and some smell in the brain?—A. Not the same effect on the lungs, but the effect on the brain would be the same, I think; there might be less congestion.

Q. As regards the smell?—A. I think it would.

Q. Now, about the condition of the heart when a man had died from inhalation of chloroform or died from swallowing chloroform?—A. There need not necessarily be anything peculiar about the heart, but, as a matter of fact, you generally find that those who have died from inhaling chloroform have died from it because their heart was fatty—fatty degeneration, I mean.

Q. As regards the post-mortem appearances, has not it been found, in the larger proportion of cases of this kind, that there has been engorgement of the right side of the heart?—A. Yes, if he died from asphyxia.

Q. I am much obliged to you. If he died from asphyxia through an overdose of chloroform by inhalation, you say you would have found the right side of the heart engorged with blood?—A. Yes, and the lungs too.

Q. Now, it is just as well I should use your own popular expression, “chloroformed.” Suppose a person to have been chloroformed, and shortly after to die, you would expect to find some post-mortem indications, only in a smaller degree than if death had actually happened from asphyxia?—A. As I understand your question, I do not think so.

Q. Assuming that shortly before death a person had been chloroformed in the ordinary sense of the term?—A. Yes, and then recovered.

Q. No, when chloroformed, say shortly before death, then recovery of sensation had never taken place, you would expect to find the post-mortem indicative of what you have spoken?—A. Yes, not necessarily engorgement unless the mode of death were asphyxia.

Q. I beg your pardon; I think I was careful to keep that limitation in view?—A. Yes.

Q. Now, is there one other indication to be found in the post-mortem examination—one other indication of the recent inhalation of chloroform?—A. To be found at the post-mortem room, or in the laboratory?

Q. In the post-mortem examination, how about the urine?—A. I do not know.

Q. Now, put aside the question of the heart for the reason which I quite understood with regard to death from asphyxia. With regard to other matters, there was no congestion of the lungs or smell in the lungs?—A. I did not make the post-mortem examination.

Q. I am much obliged to you; you were making notes, but you were taking your observations from the skilled pathologist whose observations were recorded in those notes?—A. Yes.

Mr. JUSTICE WILLS.—He mentioned—

Mr. Clarke.—My Lord, we have got the notes.

Re-examined by Mr. Poland.

Q. Was there anything in the notes dictated to you by Dr. Green to lead you to the conclusion that death had taken place from chloroform?—A. Not at the time—no.

Q. Was there anything in the post-mortem examination itself up to the time, or since, to lead you to the conclusion that death took place from chloroform?—A. Only in conjunction with the analysis.

Q. But I mean independently of that, from the post-mortem appearances alone, was there anything to lead you to the conclusion that death had taken place from chloroform?—A. Not sufficient to lead one to the conclusion, but suggestive of it.

Q. What was suggestive of it?—A. Well, the smell in the stomach.

Q. I am speaking of the post-mortem appearances of the different parts of the body.—A. They would have been overlooked; they would have been of small importance except as regards the smell.

Q. Yes, in the notes I read; just turn to them, please.

Mr. Clarke.—Which notes?

Mr. Poland.—The post-mortem.—A. Yes, I have them here. Well, the fluidity of the blood, the staining of the tissues, all agree with chloroform poisoning as with many other poisonings.

Mr. Clarke.—As with many other poisonings?—A. Yes.

Mr. Poland.—Yes, only those two signs?—A. I must stop there.

Q. You stop there?—A. Yes; you exclude the stomach, sir, I think.

Q. Yes, I exclude the stomach. Nothing whatever in the appearance of the brain. Just look, please.—A. I was thinking of that just now; it is so slight, it seems merely a waste of time to allude to it.

Mr. Clarke.—I shall be glad if my friend will read the exact words?—A. "With the exception of rather more post-mortem staining than usual, the brain presents nothing abnormal" (*reading the passage*). Those are Dr. Green's words. I could not feel justified in mentioning that as one of the indications.

Mr. Poland.—Now, have you known any other case of death through swallowing liquid chloroform?—A. No, never.

Q. When you told my learned friend Mr. Clarke you thought the effect on taking liquid chloroform would be the same as when the chloroform were taken by inhalation; that is only your own opinion?—A. Yes.

Mr. Clarke.—Dr. Leach is an experienced doctor. My friend seems to resent my taking his opinion. He is not entitled to tell the witness "that is only your opinion," because he is a scientific witness in the box. I quite assume that where Dr. Leach did not give us the result of his individual experience he gave us the result of medical science.

Mr. Poland.—It is all he knows about it, I take it for granted.

Mr. JUSTICE WILLS.—As far as your reading and knowledge enable you to form an opinion, that is your opinion?—A. Yes.

Mr. Poland.—You have made no actual experiments?—A. No.

Q. No experiments with animals or persons to ascertain whether the opinion you form is correct or not?—A. No.

Q. And until this case, had you ever read of a death from liquid chloroform?—A. Oh yes.

Q. Very rare, is it not?—A. Yes, rare.

Q. And have you at all studied the subject since?—A. Yes, I have; I have read up cases from back numbers of the "Lancet."

Q. Tell me with regard to the vomiting. If chloroform is inhaled, is the vomiting a rare thing?—A. No, a very common thing.

Q. And does that generally arise from its being administered too soon after a meal?—A. Yes, generally—well, that was not quite—I have not expressed exactly my meaning there. If it was administered too soon after a meal, you are pretty sure to get vomiting, but I won't accuse the hospital authorities of giving a meal too soon before in every case where sickness occurs.

Q. I mean, as far as your own experience goes, what would be likely to cause vomiting would be the administration of chloroform too soon after a meal?—A. Yes, that would be one very potent cause.

Q. Not the only one. And the usual time is, how long after a meal?—A. Four hours will do if the meal consists of what is called the "chloroform breakfast."

Q. Do you mean by that, a light breakfast?—A. Beef-tea.

Q. Beef-tea only?—A. It depends; in some places they give beef-tea only.

Q. But in a case of an ordinary meal, would it depend on what the meal was?—A. Yes, and on the digestive power of the patient.

Q. You say beef-tea, and then four hours afterwards would be the right way of giving it by inhalation?—A. Yes.

Q. That would be calculated, of course, to avoid the vomiting?—A. Yes.

Q. Now, will taking liquid chloroform produce vomiting?—A. As a rule, where a large quantity is taken it seems to produce vomiting.

Q. Large quantities?—A. I mean such quantities as four ounces. I have a case now in my mind where a lady walked down Sloane Street swallowing four ounces. She vomited afterwards.

Q. Have you known any case of vomiting from liquid chloroform from a less quantity, or is that the only case known of?—A. I am in touch of this case, but I cannot call to mind reading any other. I should think two ounces would be enough to cause vomiting, but I am guessing now—I do not know.

Q. Have you at all formed an opinion as to how much liquid chloroform would be a fatal dose?—A. Yes; I should say the smallest fatal dose known for an adult would be six drachms.

Mr. JUSTICE WILLS.—That is three-quarters of an ounce?—A. Yes.

Mr. Poland.—Now, I do not know whether you have formed any strong opinion whether chloroform could be given by inhalation while a person is asleep?—A. I have heard Dr. Stevenson in evidence give that, and I accept fully anything he says.

Q. I understand from that, you see no difficulty in that being done?—A. No; with skill.

Mr. Clarke.—With skill? This does not arise out of my cross-examination in the least.

Mr. JUSTICE WILLS.—I do not think it does, and, after all, it only goes to the character of another witness. It only comes to that which is not evidence, according to our usual laws—his opinion of the character of another.

Mr. Clarke.—We shall have to deal presently with Dr. Stevenson. I leave it to him. The question is a more remote and recondite part of this subject. I do not like to have put on me answers which are not provoked by my cross-examination.

Mr. Poland.—I ask you your own opinion, apart from Dr. Stevenson's. According to your own opinion, is there any difficulty in giving chloroform to a patient by inhalation while he is asleep?—A. Yes, there is difficulty, but it could be done; it would require skill—that is what I wish to say.

Q. Chloroform, of course, in that way—its inhalation in the ordinary way?—A. Yes.

Q. Now, one or two other matters I wish to trouble you about. The prisoner, Mrs. Bartlett, first consulted you, as a medical man, on January 14?—A. On January 14. Yes.

Q. And was it on that occasion she told you she had only been pregnant once?—A. I think so.

Q. Was it also on that occasion she told you she was very fond of children?—A. No.

Q. That was a previous occasion.

Mr. JUSTICE WILLS.—I do not think he mentioned that.

Mr. Poland.—That is so, is it?—A. Yes, on a previous occasion.

Q. Was there anything, when she consulted you as a patient, that she said at all about her relations with her husband—her relations as a wife

with her husband?—*A.* No. I see the bearing of your question, but I say no to that.

Mr. Justice Wills.—If you will kindly not trouble yourself with the bearing of the question.—*A.* I do not wish to be misunderstood, my Lord.

Mr. Poland.—As a matter of fact, when she consulted you as a medical man, did she tell you anything about her relations with her husband.—*I* mean her sexual relations with her husband?—*A.* Yes, she alluded to that.

Q. When?—*A.* On January 14.

Q. What did she tell you about them?—*A.* I forget the allusion. On this occasion it was in this way—it was not about her husband in particular—it was on the general subject of sexual intercourse and her internal conditions; it was in connection with that she consulted me, and then it was that I learned the fact of her having been pregnant once.

Q. Did she say anything with respect to her not having been pregnant since?—*A.* I assume so.

Q. Did she? I want to know what she said—what she told you about her sexual relations, if anything, with her husband.—*A.* I have told you all I know. I do not remember.

Q. I mean at any time. I am not alluding to the 14th of January.—*A.* Then we come to the 26th. Then she did.

Q. What did she then say?—*A.* What I have told you.

Q. Only what you have already detailed?—*A.* Yes. I think I have put all I know—certainly I have put all that is important—before the Court.

Q. Now, you said that *Mr. Bartlett*—you never heard anything from him at all that his married life was other than the ordinary state?—*A.* No; I heard nothing about his married life from him.

Q. Tell me what you mean by telling us that they seemed like brother and sister. What do you mean by that?—*A.* It is a very difficult question to answer. I can say no more than that they appeared to me—I have neither the power of description nor the facts to go upon.

Q. On the 31st, when going to the dentist's, they spoke about their happy married life, and said that they would like to be married again, to be happy again?—*A.* Yes; it was in no way inconsistent. That is what I observed.

Q. You observed the affectionate terms they were on—that she sat up and nursed his foot?—*A.* Yes.

Q. Then what did you mean?—*A.* I was prepared to say, in that affection I had observed there was nothing sexual.

Q. Why?—*A.* I do not really—if you will help me, I will—

Q. I cannot suggest anything more than on one occasion from his speaking to you, because you suggested that they should both go to bed in the back room, and they did not. Is there anything beyond that?—*A.* Yes; there was the general bearing of the parties.

Q. What general bearing? I want you to describe it.—*A.* I might as well try and describe the general expression of countenances. I am sure his Lordship sees it.

Mr. Justice Wills.—I have not this delicate discrimination. I am a plain man, and it seems to me a very unusual state of relationship between husband and wife; and it seems to me that if I came to that conclusion with regard to people I knew, I should probably have some reason to give for it. I cannot say more. If you cannot tell us, you cannot tell us.—*A.* It is not delicacy, my Lord, it is inability to express more than I have said.

Q. Have you seen any other people of whom you have fancied the same thing?—*A.* No.

Q. It is an unusual thing in married life, is it not?—*A.* I should say a very unusual thing, and I do not say it did not strike me at the time it was so. I have merely described that, from what I remember of their relations from one to another, it is quite possible that may have been so.

Mr. Poland.—What may have been so?—*A.* That there was nothing sexual in the relations I witnessed.

Mr. Justice Wills.—Did you ever know, from your experience, a man for year after year sleeping in the same bed with his wife, and nothing occurring between them?—*A.* I have heard of things very much like it.

Q. I understand he was a great deal away from his wife.—*A.* You mean away on business?

Q. Yes; he had long business hours, and I understand he was away frequently.—*A.* You do not mean away at nights? Do you mean away travelling?

Q. I know he was away in the daytime, and I assumed, and still assume, he was sometimes away at nights. That is so in the majority of cases, I believe. The husband goes to business and has long hours, and is sometimes away at nights. Is there any reason for supposing that they do not foregather with their wives in the usual sense?—*A.* No; but I am not talking of a normal man. I am talking of the deceased.

Mr. Poland.—Very well.

Mr. Justice Wills.—What was there? I cannot appreciate it. I have been watching most carefully to see what were the facts, and the one fact I have gathered is that he talked in an odd way about mesmerism, and you suspected at once his sanity. Is there anything else; because it is the only thing you have mentioned at present?—*A.* I wish I could put the picture before your mind that I have in mine.

Mr. Poland.—I will not trouble you further. I only wanted, if you really could, to say anything definite that you observed that led you to make the observation that they were more like brother and sister. There is nothing more. I will not trouble you further if you say there is nothing more; if you can think of anything else, say it.—*A.* There is not one thing that comes forward more prominently than another. I can only sum up by saying that their general bearing to one another was asexual—

Q. Forgive my saying that is somewhat vague. You say there is not one thing. Give us two or three things.—*A.* I am afraid I shall fail.

Q. Then never mind. Now, about the mesmerism. Have you studied mesmerism yourself?—*A.* I have observed its effects sometimes; I cannot say I have made a study of it.

Q. Do you know, with regard to mesmerism, that it is supposed that the vital force goes out from one person to another?—*A.* No; I do not know.

A. Do not you know that it is supposed something proceeds from one person to another which is called the vital force?—*A.* I call it nothing.

Q. I am talking now of whether, in books of mesmerism—*A.* I have read none, to begin with.

Q. You do not know what the mesmerists suppose themselves able to do?—*A.* Yes; I know that, for I have had my attention directed to them orally to a very small amount.

Q. Have you ever read a book on mesmerism?—*A.* Depotés I have looked at.

Q. Have you read any books on magnetism?—*A.* I have not even read "Braid on Magnetism."

Q. Have you heard of odic force?—A. Yes.

Q. Odic force is supposed to go from one person to another without touching in the act of mesmerism?—A. Yes; I believe it is.

Q. There was nothing strange in this man, supposing that this force proceeded from his wife to him? It is not a symptom of insanity, is it?—A. Oh no; I do not say he was insane.

Q. What do you mean by saying, at one time you suspected him of insanity? Was it on the mesmeric ground?—A. Chiefly. There are two mesmeric incidents. You have alluded to one. I did not suspect him; I had to find the key to my patient's character. Shall I read the notes of the occasion?

Q. Yes; if you think it will assist us, do, by all means.—A. I do not think it will take longer than my trying to say it off. "Memorandum of conversation with Mr. Bartlett, deceased, and Mrs. Bartlett; held about ten P.M., most probably on the 26th December 1885." That was the night that I was administering purgatives to get the worm powder away.

Mr. JUSTICE WILLS.—Most probably the 26th. I suppose this was made at a time when you had forgotten the occasion?—A. This was made on the 9th of February, and "most probably" I should be prepared to scratch out now. It was that night, I am sure. "Having occasion to sit some hours with my patient, we conversed, and by accident the word 'mesmerism' was mentioned. Deceased became all alert at once, and asked me if I could mesmerize. I told him I had never tried, and did not mean to, giving as my reason my opinion that no medical man should seek to become a mesmerist. But he again asked me to make the experiment on him, and I declined. He said, 'Do you understand much about mesmerism?' I told him I had frequently watched the effects of skilled mesmerists and had applied scientific tests, and was interested enough in it to give some study for the psychological problems involved. He said, 'Can you tell me whether I am under mesmeric control' (I think he used some such word) 'at the present moment?' Smiling, I said, 'Do you think you are?' He answered, 'Yes, I do,' and proceeded to explain: 'Last summer, a friend, who could mesmerize, visited us, and I asked him on several occasions to mesmerize me, but he always refused. Now, why do you think he refused?' I told Mr. Bartlett I could not guess. 'Well,' said Mr. B., 'I think he must have done it then, or on some subsequent occasion.' Then Mrs. Bartlett broke in, 'Oh, Edwin, how absurd you are! He does get such strange ideas into his head nowadays, doctor.' He continued, without interrogation, 'I think he mesmerized me through my wife. Is that a possibility?' I said I did not know, but that the subject was very amusing; would he tell me some more about it, especially the symptoms that led him to a so extraordinary belief? With some pressing, I got this reply: 'Well, I am doing such absurd things—things against my common-sense; in fact, both my wife and I are doing so.' 'What kind of absurd things are you both doing?' I asked. His only reply was that they were doing things that were unusual and contrary to common-sense. During this conversation he had emerged from his usual reserve, and was speaking with an unaccustomed vigour and excitement, and I was growing anxious about his night's rest; but thinking I had perhaps to do with one of the phases of insanity, and was on the point of getting a key to his peculiar nervous temperament, I decided to push my inquiry. 'Mr. Bartlett,' I said, 'if my brother medicos were to hear us, they would think Mrs. Bartlett the only sane person among us three, but I do not despise ideas because they are contrary to my every-day experience; pray tell me more about

yours, especially about the nature of the things your mysterious friend makes you do.' "Vulgarly, I tried to draw him.

Mr. *Poland*.—If you have any more, read it.

Mr. *Clarke*.—He had better read the whole of it now.

Mr. *Poland*.—By all means.—A. "Here Mrs. Bartlett interposed remarks calculated to turn the conversation. She said it was all ridiculous nonsense he was talking. But, persisting in trying to find my key, I obtained her permission to continue the conversation *au grand sérieux*. 'Do you ever hear voices telling you to do this or that, Mr. Bartlett?' 'Oh no,' he said; and I regarded his reply as one of considerable importance. 'Do you ever converse with your magician when he is not near you?' Again he said, decidedly, 'No;' giving his reply in a manner to relieve my mind, in a medical sense, of some anxiety. But he persisted that he was under a mesmeric influence, and asked if I knew of no method for discovering the truth of the matter, and I promised him that, if he would fully describe to me his feelings and the ground for his suppositions, I, in return, would consult a very high authority in mesmeric phenomena concerning the case. I said, 'How long did the influence last—I mean, how long did you continue to do strange things?' He replied, 'I am still doing them.' I said, 'But what are they?' He answered, hesitating, 'Well, perhaps I should not be here if it were not for the influence' (I think he used the word). 'Where would you be?' He said, 'Elsewhere; perhaps at the seaside, perhaps abroad.' Then a suspicion flashed across my mind, and I said, 'Does your mesmeric friend control you in your City purchases—make you spend your money differently to your ordinary notions? Has he ever implanted you with a fixed idea to sign any cheque or draft, or indorse anything?' To all these questions he replied in a manner to indicate that I was very wide of the mark, and persisted that he only felt impelled to do 'queer things,' saying, 'I am acting in a way different to what I should do if I were not mesmerized, and that is all.' Then the idea struck me that he might really be in terror of somebody who had acquired ascendancy over him, so I asked, 'Do you feel a sinking or depression when you hear him coming; or do you shudder when he approaches?' 'No, not at all; I like him.' Then, despairing of making head or tail out of my patient's mental condition, I put my last query: "Do you feel positive that your supposed friend is really a friend, and not trying to work out his own ends through his influence with you—mesmeric, or otherwise?" He said he was sure this was not the case. I appealed to Mrs. B. for her opinion, and she said, 'Edwin and he are the best of friends, and he is a true friend to both of us.' I repeated the question to her in private, and received the same reply. As a sequel, to keep faith with my patient, I put the case, at his request, to a distinguished student of things mystical, and asked the latter if he believed it to be within the bounds of infinite possibility that any dominant idea could be made possess a man in Mr. Bartlett's state, and, if not, how could I best conjure him into his right senses again. At a subsequent visit, I assured Mr. Bartlett that his delusions had been very carefully thought over; and that they were delusions, I proved to him in argument. He was convinced then, and a few days later assured me that he was thoroughly of my opinion. I may add that I remember these events so accurately by reason of my being permitted to discuss them at the time with my occult acquaintance."

Mr. *Poland*.—I suppose an "occult acquaintance" there? I suppose you know some people think they are very much under the influence of others?—A. In the asylums, or out of them?

Q. Out of them.—A. Under the influence of others, yes.

Q. Only one other question—Do you know in mesmerism some mesmerists claim to be able to influence people although they are not present?—*A.* Yes.

Q. Miles away?—*A.* Yes.

Q. That is a common belief amongst some mesmerists?—*A.* Yes.

Q. Only two or three other matters, Mr. Leach. When you were first called into Claverton Street, did you think that Mr. and Mrs. Bartlett had been recently married?—*A.* I did; all this petting, &c., led me to that conclusion.

Mr. Justice Wills.—You could hardly have supposed then there was anything like brother and sister in their relations, could you?—*A.* I have distinctly said I did not at that time suppose it, but even going back now to my recollection of that day on which I saw them, and thought they were recently married, I still do not hesitate to say that after all it is quite possible that it was an asexual relation.

Mr. Poland.—Did you, after first visiting Mr. Bartlett, see Mr. Bartlett and Mrs. Bartlett remain on the same terms?—*A.* Yes, the whole time.

Q. And with the exception of the mesmerism, was there a single delusion about Mr. Bartlett that you saw?—*A.* Yes; there was that thinking he had a worm in his throat.

Q. Any other?—*A.* No doubt I could remember some.

Q. Any more?—*A.* Pray let me think a moment.

Q. Before you pass from that, worms do come up the throat, I think you said?—*A.* Yes.

Q. And he had a worm?—*A.* Yes.

Q. That may or may not have been a delusion; any other?—*A.* I can call none to mind.

Q. When you were examined before the Coroner, did you say he had no hallucinations?—*A.* He had no hallucinations.

Q. You say that now?—*A.* I say that now.

Mr. Justice Wills.—May I just ask what is the distinction between an hallucination and a delusion?—*A.* Do you ask it from me, my Lord?

Q. Yes.—*A.* An hallucination is defined as being a deception of the senses; a delusion, one of the intellect. This is like a college examination on oath.

Q. I do not know what you mean by your distinction between hallucination and delusion; hallucination is deception of the senses?—*A.* Of the senses.

Q. Delusion, of the intellect?—*A.* Yes.

Q. It is an hallucination when a man sees a thing look green which is not really green?—*A.* That is a case of—that is the act of a drug.

Q. Hallucination is the case of a man seeing a ghost?—*A.* Yes.

Q. Like a man that has delirium tremens?—*A.* Yes.

Mr. Poland.—I won't trouble you further. The necrosis you referred to, you said there was no immediate danger from that?—*A.* No, none that I could see.

Q. Alarming from the after-consequences?—*A.* Yes.

Q. I suppose, in treating your patient, you did not alarm him in any way about this necrosis?—*A.* No.

Mr. Justice Wills.—Did you say anything to Mrs. Bartlett about the necrosis—the consequences?—*A.* Yes. I said evidently under that fungoid growth there was necrosis setting in, and we must have dental advice about it at once, because it was spreading to the canine tooth that was taken out the last day he went.

Q. And did you say anything as to the extent of the probable mischief—did you say anything to alarm or to comfort her when you used that

term? Tell us, so far as you can, exactly what you told her.—*A.* I told her he must have it taken out.

Q. Yes?—*A.* I told her he must have the tooth out if the dentist advised it; because she had rather wished him to have no more teeth out.

Q. Did you say anything to indicate danger to his life from this?—*A.* Oh, there was not ever any danger.

Q. Can you give us anything more? Can you give us anything more as to what you said to her about it? Did you say anything more than he must have the tooth out if the dentist advised it? Did you say anything about what necrosis might end in?—*A.* No; that word “alarming” has given rise to some misunderstanding. I used it for brevity’s sake, without due consideration to accuracy, I am afraid.

Q. Now, in all your conversations with her from first to last, did you ever encourage the idea that he could not recover?—*A.* Oh, on the contrary. I always told her it was nonsense.

Q. It was nonsense?—*A.* It was nonsense for him to say he would not.

Q. How often did you see Mr. Dyson there?—*A.* I cannot remember, my Lord. I should think perhaps three times.

Q. You say it had struck you he was a good deal about the place?—*A.* It had struck me he was on very intimate terms when there, and that they spoke of him a good deal when he was absent.

Q. Did you ever hear him called by his Christian name?—*A.* I heard an individual frequently mentioned as “Georgius Rex,” and I have no doubt—I have reason to know—that was the name under which they always alluded to him. For a time I did not know who this Georgius Rex could be, but I know now. In fact, I knew before the deceased died.

Q. I mean, when he was present, how was he addressed?—*A.* Oh, as Mr. Dyson.

Q. That was when you were there?—*A.* That was when I was there; yes.

Q. Did you ever hear him call Mr. Bartlett “Edwin,” or Mr. Bartlett call him “George”?—*A.* No, and I think it would have struck me if I had.

Q. You never heard him called by his Christian name by either of them?—*A.* Not in his presence.

Q. And I suppose you never heard either of them—I mean you never heard him call either of them by their Christian names?—*A.* No, my Lord.

Q. One more question. When you went into the room on the 1st of January, did you notice anything about the fire?—*A.* I did.

Q. What was it?—*A.* I noticed that the fire was not a large one. I looked at it with a view of estimating the temperature in which the corpse had been lying, and my chief recollection of the fire was that it was one that would not, to any extent, have influenced the temperature of the room, and it was, to the best of my recollection—and I have thought seriously over the matter—there were ashes or cinders, and it may have been piled on each side of it, and a large piece on the top, but there my observation finished.

Q. There was nothing that called any sort of special attention to it?—*A.* No, none whatever.

Q. I do not know, Mr. Clarke, whether, on anything I have put, there is anything that occurs to you. Pray put it if there is.

Mr. Clarke.—No, my Lord, I have followed him.

The Foreman.—I should like to ask one question. I think you said you saw a glass with brandy in it?—*A.* Yes.

Q. You smelt it?—A. Yes.

Q. If chloroform had been in it, would you have detected it?—A. I am not quite sure.

Q. Did you detect any?—A. No; I am not quite sure whether it could be detected. I think brandy dissolves very little chloroform. Had there been a large quantity I should have seen it, though I am not quite sure whether I should have smelt it, I have such an objection to the smell of brandy.

A Juror.—I think you said death had occurred three hours previous?—A. I estimated it at three hours. It is the nearest I can arrive at, and I have no doubt that is an accurate time.

Q. Did the fire look as if it had been freshly made up?—A. I do not pretend to know what a fire looks like freshly made up—freshly stirred, I suppose, you mean; and, as the question only occurred some time after I saw that fire, I am utterly unable to say. It did not strike me as such, I may say that.

The Foreman.—I suppose if any chloroform had been poured down his throat you would have noticed some signs of it afterwards?—A. No, because chloroform passing over mucous membrane leaves very little trace.

Q. There would be no inflammation?—A. No.

Mr. Clarke.—If chloroform were spilt on the face in the process of administration, would it not produce a sore place?—A. If left some time it would blister; it may produce a little chafing of the epithelium.

Mr. JUSTICE WILLS.—How long would that last?—A. I cannot say.

Q. A few minutes?—A. I cannot say.

Mr. Clarke.—It turns to a sore place?—A. You have to leave it for some time before it does. A chloroform blister is a very difficult thing to raise.

(It was here observed that two of the Jury had left the box during the last two or three questions. On their return)

Mr. JUSTICE WILLS.—Gentlemen, while two of your number were absent, a question was asked. Mr. Clarke will repeat that question now.

Mr. Clarke.—With regard to the fact of spilling chloroform on the skin. If chloroform be accidentally spilt in the process of administration, does not it produce a sore on the skin? I am now using the commonest word.—A. Not if accidentally spilt—you mean sprinkled—it does not. On the lips of the person it will; but, as a rule, to produce a sore with chloroform, you must hold it in contact, and if left for some time it will raise a large blister, and would cause a wound.

Mr. JUSTICE WILLS.—On the skin?—A. Not on the skin of anything but a child.

Mr. Clarke.—Are you sure? The ordinary best way of administering chloroform is to roll up a handkerchief and put it in a glass, and then sprinkle chloroform on it, is not it?—A. That is so, certainly; but I prefer an ordinary cloth, with my hand underneath it.

Q. That other way I say is recommended?—A. Yes.

Q. Now, in holding the chloroform, if the chloroform be spilt from the glass on to the skin, do you mean to say no soreness is produced?—A. Not once spilling; it would have to be repeatedly spilt.

Q. There are a great many chloroformists who habitually practise the administration of chloroform—I mean that chloroform is habitually employed in the practice of administration, and do not they smear their lips with grease?—A. Yes; I do myself.

Q. What for?—A. To save any chafing; and it might produce a sore, but I have never seen it.

Q. That is why you use the grease?—A. I do not always use it.

Q. When you do use it, that is the reason?—A. Yes, one of the reasons; and before he went off I should not like to touch his lips, so I use it in a subjective sense.

Q. If chloroform is put on the skin and not covered up, it evaporates. Does it leave any mark?—A. It leaves a certain mark which you can see in a certain light.

Q. You say that you could perceive it in a certain light?—A. Yes. It is not obvious; you have to look for it.

Q. And even then how soon does it go off?—A. I do not know. When I have made any experiments upon myself, I have forgotten to see the end of them.

Q. If chloroform is kept confined touching the skin?—A. Then it would make a little blister.

Q. If covered up and kept upon the skin, then you say it would make a little blister?—A. Yes.

The Foreman.—You say a small bottle was inverted in a glass?—A. Yes.

Q. Did you examine that bottle?—A. No, I did not.

Q. You did not smell it?—A. No; I was accustomed to see a glass of Condy's fluid, and I took it to be that.

Mr. Justice WILLS.—The small bottle you recognized as containing Condy's fluid, you say?—A. A small tumbler containing the fluid. It always stood by his side. It had contained a draught which I had sent on the 18th.

Mr. Clarke.—You said just now you recognized the bottle by the label?—A. No; there was no label.

A Juror.—You were asked how would it look if chloroform was poured into the mouth. Would it affect the gums?—A. Oh yes, it would make the gums feel very painful.

Q. Would it leave any trace so that you could detect it afterwards?—A. If it was left there some time, it would; it would cause a blister, or make a sore even, if found in the stomach.

Q. Did you find any trace?—A. No; the mouth was examined, and there was no trace, but the post-mortem examination will tell you more accurately than I can.

JOHN GARDNER DUDLEY sworn.—Examined by Mr. Poland.

Q. Is your address 71 Belgrave Road?—A. It is.

Q. Are you a registered medical practitioner?—A. Yes.

Q. What is your qualification?—A. I am a Doctor of Medicine of the University of Cambridge, and Member of the College of Physicians, London.

Q. We have heard that you were called in to see Mr. Bartlett at Claverton Street. What date did you go there?—A. On the 19th of December.

Q. Mr. Leach called you in?—A. He did.

Q. How long were you with him altogether?—A. About twenty-five or thirty minutes.

Q. In conjunction with Mr. Leach, you examined Mr. Bartlett?—A. I did.

Q. Had you also communicated to you by Dr. Leach what he was suffering from?—A. Yes.

Q. And then did you try and find out for yourself what his ailments were?—A. Yes.

Q. Did you see the condition of the gums?—A. I did.

Q. I think you described them as spongy and inflamed?—A. Spongy and inflamed.

Q. Did you notice any line on the gums?—A. I did not.

Q. On the margin?—A. No.

Q. As the result of your examination, in what state was he?—A. Well, he had a very depressed appearance; he seemed wanting in energy.

Q. Anything else?—A. He was lying in an easy posture, apparently free from pain.

Q. Yes?—A. He told me he required rest; he had been overworked—mentally and bodily.

Q. Anything further?—A. That he was very sleepless; that he had not slept well for a considerable time, and scarcely at all the last few nights.

Q. Did you examine him to find out whether he was suffering from any disease?—A. Yes.

Q. Did you find any sign of disease about him?—A. No signs whatever; the organs all seemed quite healthy.

Q. Did you tell him your opinion?—A. Yes.

Q. What did you tell him after you had examined him?—A. I told him that he was a sound man.

Q. Did he say anything to that?—A. No, I think he made no reply. I told him he ought to sit up, and go out for a walk or a drive daily.

Q. Did you prescribe for him?—A. Yes.

Q. That was a sedative and a tonic, was it?—A. Yes.

Q. Is there anything else that you think it necessary to mention with regard to your examination of him?—A. No, I think not.

Q. I think you only saw him on that one occasion?—A. Yes.

Q. And afterwards did you hear of his death?—A. I did.

Mr. JUSTICE WILLS.—Was Mrs. Bartlett present when you saw him?—A. She was.

Q. Throughout the interview?—A. Throughout the interview, and replied to several questions I put to her.

Q. Do you mean that she took a part in the conversation?—A. She did, my Lord.

Q. Generally?—A. Yes.

Mr. Poland.—Do you say that you asked her some questions?—A. Yes.

Q. Do you remember what they were?—A. Well, I think they were with regard to his previous health, and to his habits.

Q. Do you remember the answers?—A. They were all favourable; the habits were temperate, and the general health had been previously good.

Q. You say you heard afterwards of his death, and I think on the 2nd of January you attended the post-mortem?—A. I did.

Q. I do not want to go into all the details, but was there anything from the appearance of the various organs to account for death?—A. No; no natural cause.

Q. Were any of the organs diseased at all?—A. In the stomach there was an erosion, a patch where the mucous membrane was destroyed in the most dependent part of the stomach—on the dependent part of the stomach, the portion that was lowest near the spinal column.

Q. Supposing a person to be standing up, the lowest part when sitting?—A. When lying down.

Q. When lying, the dependent part of the stomach was the place where it was?—A. Yes.

Q. What would occasion that?—A. Well, some noxious agent remaining in contact with it.

Q. Do you mean by a noxious agent an irritant?—A. An irritant.

Q. Would liquid chloroform account for it?—A. Yes, very likely.

Q. Was there anything else that attracted your attention? How was the blood?—A. The blood was very fluid.

Q. If death had been caused by chloroform, would that cause the blood to be fluid?—A. Yes, it would.

Q. Now, the stomach itself when opened, did you smell it?—A. I did.

Q. What did it smell of?—A. It smelt very strongly of chloroform, or a combination of chloroform and garlic.

Q. Were the whole contents of the stomach placed in a clean glass stoppered bottle?—A. Yes.

Q. In your presence?—A. They were.

Q. And sealed with your seal?—A. Yes.

Q. Did you smell the intestines, or the contents of the intestines?—A. Yes; they had the same smell, but in a less degree.

Q. Were the contents of the intestines also, or only a small quantity—about an ounce, I think—put into another jar, and sealed?—A. They were.

Q. And was the stomach itself also put into another jar and also sealed up?—A. It was.

Mr. JUSTICE WILLS.—The stomach, or the contents?

Mr. Poland.—He has spoken of the contents also.

Q. And the stomach itself?—A. Yes; put into separate bottles.

Mr. JUSTICE WILLS.—The contents of the stomach were put into another jar then, and sealed, and then the stomach itself into another jar?—A. Yes.

Q. And the contents of the intestines into a third?—A. Yes.

Mr. Poland.—Then was there a fourth, with some chutnee?—A. Yes.

Q. Where did the chutnee come from?—A. It was found in the room.

Q. There was also placed in a bottle some chutnee which was found at the post-mortem?—A. Yes.

Q. And that was put into a bottle and sealed, so that it might be examined as well?—A. It was.

Mr. JUSTICE WILLS.—Were these jars numbered?

Mr. Poland.—Were they numbered at all, or not?—A. I believe not; I have no recollection that they were.

Mr. Poland.—They are traced, and almost speak for themselves.

Q. After they had been sealed up, these four, were they put in the front room?—A. They were.

Q. Was the post-mortem made in the back room?—A. Yes.

Q. And they were put in the front room?—A. Yes.

Q. After they had been sealed?—A. Yes.

Q. After the post-mortem, I believe Dr. Leach arranged that he should announce the result of the post-mortem to Mrs. Bartlett?—A. We deputed that he should do so, as he was present.

Q. Was there present at the time the father, Mr. Bartlett, senior?—A. Yes.

Q. And Mr. Wood, the solicitor, and Mr. Dyson?—A. Yes.

Q. Will you kindly say, from memory, what passed when the announcement was made; how it was done; where was it; in which room?—A. In the front room. It was to the effect that we found no natural cause of death; but that there were suspicious appearances in the stomach, and with regard to the appearance of the stomach itself; and

that it would be necessary to make the Coroner acquainted with the facts.

Q. Was anything said by any one to that?—A. No; I do not remember that there was anything.

Cross-examined by Mr. *Clarke*.

Q. When you went to see him on the 19th, he presented a depressed mental appearance, I think?—A. He did so.

Q. He seemed disinclined to change his posture, or even to raise his eyelids?—A. Yes.

Q. And looked at you through his half-closed lids?—A. He did.

Q. He told you he had been overworked, mentally and bodily, I think?—A. He did.

Q. And that for some time he had suffered from sleeplessness?—A. Yes.

Q. Did his wife seem very nervous and anxious about him?—A. She seemed very attentive to him.

Q. And very anxious about him?—A. And very anxious about him yes.

Q. You were an absolute stranger to them both?—A. I was.

MONTAGUE MURRAY sworn.—Examined by Mr. *Wright*.

Q. You hold the degree of M.D.?—A. I do.

Q. And you are also Assistant Physician at Charing Cross Hospital?—A. Yes, I am.

Mr. JUSTICE WILLS.—Are you an M.D. of London?—A. Yes, my Lord.

Mr. *Wright*.—On the 2nd of January last you attended at the post-mortem examination at 85 Claverton Street?—A. I did.

Q. With Dr. Green?—A. Yes.

Q. On the body of Mr. Bartlett, who lived there?—A. I believe so.

Q. Mr. Leach, Mr. Cheyne, and Dr. Dudley were also present?—A. Yes.

Q. You began about half-past two?—A. We did.

Q. You did the operative part?—A. I did.

Q. Dr. Green watched the operations and dictated the notes?—A. Yes.

Q. And Mr. Leach took them down?—A. Yes.

Q. I suppose you all, to some extent, checked the operations as they were described?—A. Yes; if there was any doubt, we discussed them as we went on.

Q. Will you state the matters that you observed—the general condition of the body first?—A. The general condition of the body showed that it was exceedingly well nourished. The heart was the first we came to; the size was normal—was healthy. The muscular tissue was perhaps a trifle flabby. The lining membrane was deeply stained, and the blood in the heart was fluid.

Q. Were any of those conditions abnormal, considering the long time which had elapsed since the death?—A. Yes.

Q. Mention them, please.—A. The fluid condition of the blood and the excessive staining of the lining membrane were not quite what one would have expected from health.

Q. Did you discover anything in the condition of the organs of the body to account for the death?—A. Only so far as the contents of the stomach were concerned.

Mr. JUSTICE WILLS.—That is hardly a condition of the organs of the body.—A. Well, the stomach and the contents, I should say.

Mr. *Wright*.—Apart from the contents of the stomach, and the condi-

tion of the stomach, there was nothing in the state of the organs to account for death?—*A.* Nothing whatever.

Q. You took out the stomach and intestines?—*A.* I did.

Q. Did you hear Dr. Dudley's evidence just now?—*A.* Yes.

Q. I may take it that you concur in his account of the way in which the proceedings took place?—*A.* Yes.

Q. Did you notice anything particular as to the contents of the stomach?—*A.* There was a small amount, above an ounce, of a dark-brown fluid, with a few small lumps of solid matter in it, and it smelt very strongly of chloroform.

Q. Did the intestines also smell of chloroform?—*A.* Slightly, and the smell was much more disguised, because other things were mixed with it.

Q. Did you notice anything of what has been described as the dependent part of the stomach?—*A.* Yes. There was an inflammatory blush over the whole of the cardiac end of the stomach, and the whole of what is described as the most dependent part, in area about an inch and a half in diameter. The mucous membrane was rather softer than the other parts, and a little roughened and irregular.

Mr. Justice Wills.—A patch of about an inch and a half in diameter, you say. Was it a round patch?—*A.* It is difficult to give the exact size, because it had faded off; it had no exact margin.

Q. Do you mean an inch and a half in length?—*A.* No, in diameter.

Q. Will you just repeat that? A patch of about an inch and a half in diameter, you say, I think, in the dependent part of the stomach?—*A.* Yes.

Q. By which you mean, as the other gentlemen did, that part lowest down when a person is lying on his back?—*A.* Yes, on his back.

Q. What was the appearance there?—*A.* There was an inflammatory blush, and the mucous membrane was roughened, slightly softened, and a little worn away—thin.

Mr. Wright.—What would that condition of things point to as the cause of what you saw?—*A.* It suggested the action of a mild irritant.

Q. An irritant poison, you mean?—*A.* Yes.

Q. Where death results from causes other than poison, would that be a natural place to expect the ulceration or inflammatory condition of that kind?—*A.* No; when ulceration occurs, it usually occurs near the other end of the stomach, and at the upper rather than at the lower part, but not invariably so.

Q. Would that be the part of the stomach through which its fluid contents would naturally gravitate if the person were lying on his back?—*A.* Probably.

Q. If a man were lying on his face, would it gravitate to the same part?—*A.* I should expect not.

Q. Could that kind of inflammation, or degeneration, or whatever you may call it of the tissues take place after the death had occurred?—*A.* No; the inflammatory blush must have been—

Q. Must have taken place while life continued; is that so?—*A.* Yes.

Mr. Justice Wills.—Do you confine your answer to the inflammatory blush, or does it extend over the thinning of a portion of the tissues?—*A.* I should not be certain about the thinning of the portion of the tissues.

Q. The other, you think, must have been produced while in life, then?—*A.* I think so.

Mr. Wright.—Was there any softening of the tissues?—*A.* At the place I have mentioned; at the most dependent part. The mucous

membrane was a little softer than natural; it could have been stripped off with the finger more easily.

Q. Must that necessarily have been something that happened ante-mortem, or subsequent to the death—the softening of the tissues?—*A.* I think the signs taken together must have happened before, but I am not prepared to say that any one of the others could not have been.

Mr. Justice Wills.—Will you repeat that? I do not quite follow you; you say something about being all taken together.—*A.* Leaving out the inflammatory blush, the others, the softening and slight thinning, I do not think they were post-mortem, but I do not feel quite sure.

Q. At all events, you think they were more likely ante-mortem than post-mortem?—*A.* I think so.

Mr. Wright.—Supposing that the appearances which you saw were the result of swallowing chloroform, are you able to form any opinion what period of time must have elapsed between the swallowing and the death, and to give time for these appearances to be caused?—*A.* No; I am not.

Q. You cannot say whether it might be an hour, or much more, or much less?—*A.* An hour certainly would be time enough; I could not give the limit of the smallest time—an hour would certainly be sufficient, I think.

Mr. Justice Wills.—You mean an hour between the swallowing and the death?—*A.* Between the swallowing and the death, that would be sufficient to produce the condition of the stomach.

Q. An hour of life, you mean, after swallowing?—*A.* Yes.

Q. But you cannot tell how much less would do it—that is it, is it?—*A.* Yes, my Lord.

Mr. Wright.—I think you saw the stomach as lately as last night, or this morning?—*A.* Last night I saw it.

Q. Dr. Stevenson showed it to you?—*A.* He did.

Q. Have you anything to add as the result of what you saw last night?—*A.* No; I think not.

Q. Did you examine the gullet also last night?—*A.* Yes. I have not mentioned that the lower part of the gullet was just in the same condition as the adjoining part of the stomach—the part of the gullet next the stomach; that had an inflammatory blush just in the same way, and was a little roughened; I suppose the lower three inches or so of the gullet.

Mr. Justice Wills.—Was that the portion of the gullet which comes nearest to the stomach?—*A.* Yes.

Q. Joins on to it?—*A.* Joins on to it—opens into it.

Mr. Wright.—You examined the lower jaw, and found a patch where it was becoming necrosed?—*A.* At the post-mortem I did.

Q. Was there anything serious or dangerous about that?—*A.* No.

Cross-examined by *Mr. Clarke.*

Q. This is new matter. With regard to your examination of the gullet, I understand that was made quite recently?—*A.* I made the examination of the two at the post-mortem, and I saw them together again last night.

Q. You say yesterday you saw the gullet?—*A.* Yes.

Q. All that indicated was that the irritant, whatever it was, had been taken through the gullet?—*A.* Precisely.

Q. Of course there are possible ways in which an irritant poison may be introduced into the stomach, but the condition of the gullet shows that it was taken down the throat in the passing to this spot. You have been speaking of the redness; that would show that at the

time the liquid passed down the throat the body was in a recumbent position. Would that indicate that, or might the body have been erect at the time?—*A.* It might have been erect at the time it was taken. I should say it would show that after it was taken for the greater portion of the time that life lasted the body must have been in a recumbent position.

Q. Are there not extraordinary varieties with regard to the cause of death by liquid chloroform, both as to the quantity producing death and also as to the survival after the dose?—*A.* I believe so, but I have no special knowledge myself upon that subject.

The Foreman.—Suppose that the person was insensible—I suppose it would take some time, and it would have to be done very gradually, to administer chloroform down the throat?—*A.* To pour it down the throat.

Q. It would take some little time to do it; you could not do it suddenly if the person was insensible?—*A.* Different methods might be employed; there might be a tube employed.

Q. But suppose that, with the tube, the head might be held back to pour it down the throat quietly?—*A.* I could not say the time it would take.

Q. But it would have to be done gradually if the person was insensible?—*A.* A portion might be poured down gradually.

Q. If poured down gradually, it would very likely leave some mark on the tongue or throat?—*A.* No, not necessarily; it need not last so long as that.

Q. Then you do not think that it would leave more marks in that way than if a person took it up and drank it up quickly?—*A.* No.

Mr. Justice Wills.—You speak of a short time; unfortunately, to my mind that conveys no notion. How long do you suppose the operation of pouring down anything which would be a fatal dose of chloroform must necessarily take, supposing a person to be asleep?—*A.* It would depend somewhat upon the degree of insensibility. I could not say definitely how long it would take.

Q. But would it be minutes or hours?—*A.* Oh, certainly not more than minutes; not more than two or three minutes.

Mr. Clarke.—Would your Lordship kindly ask, or allow me to ask, the witness whether, so far as he knows, or so far as his reading goes, such a case has ever happened of liquid chloroform being poured down the throat of an insensible person?—*A.* I have no knowledge of such a case.

Q. Have you ever heard of such a case?—*A.* No.

The Attorney-General.—Probably, my Lord, it would be proper to ask upon that, do you see any difficulty in its being poured down the throat of a person in a state of insensibility? Is there any difficulty in performing that operation?—*A.* If the insensibility was profound, there would be no difficulty that I can see. It might be poured down.

Q. But I mean, would there be any physical difficulty in doing it if the person down whose throat it was sought to pour it was in a state of insensibility?—*A.* I know of none.

Mr. Justice Wills.—If the insensibility was very profound, there would be a difficulty in swallowing, would there not? Swallowing is rather a muscular action?—*A.* Certainly. They would have to take some mechanical means to get it down, because the parts would collapse.

Q. That is to say, that there would have to be a tube?—*A.* Certainly.

Q. But I think you must exclude that supposition. Supposing there was no tube, what would you say then?—*A.* Then the greater part would remain in the mouth, and some trickle down.

Q. Trickle down the gullet, do you mean, or do you mean outside?—*A.* Inside.

Q. Down the gullet?—A. Yes.

Q. That is to say, in the case of profound insensibility. Now, suppose insensibility was not so profound (I do not know whether I use the right expression) as to paralyze the muscular action of the throat—there is muscular action necessary in swallowing, is there not?—A. Then the insensibility would prevent the swallowing.

Q. Might there be an insensibility so profound that the person operated upon might swallow without resistance, and yet so little profound that the muscular action would not be paralyzed?—A. Yes.

Q. Does that answer your own view that the touch of the liquid would excite the involuntary act of swallowing? Does it apply to such a case as that—to such a condition as that?—A. I think so.

Q. Then it would be swallowing, and not trickling, in that case?—A. Yes, my Lord.

Mr. Clarke.—By what test would a medical man be able to ascertain that the particular stage had been reached where reflex action of the muscles continued, but yet there was insensibility which would prevent the burning, and so on?—A. Oh, by the presence of reflex in other parts.

Q. How would he test it?—A. He would test it by touching the eye, and there would be a closure of the eyelid. That would show that reflexes were present.

Q. Would you mind touching your own eyelid—just show how the medical man would touch the eyelid?—A. He would separate the eyelids, and just touch the conjunctiva, the white membrane of the eye. Then the lids would immediately contract supposing reflex was not carried any farther.

Q. If, on touching, the eyelids contracted, he would then know that there was some reflex action existing which might render the act of swallowing instinctive?—A. Yes.

Q. How would he know there was insensibility to pain?—A. By the relaxation of the muscles, and by the abolition of the reflex—I mean sufficient abolition to perform the operation.

Q. You say the medical man would judge that there was insensibility to pain from the laxity of the muscles?—A. Yes.

Q. Through the relaxation of the muscles and also from the abolition, I think is the word you used?—A. Yes.

Q. Of the reflex action?—A. Yes.

Q. I am very anxious not to repeat your words for fear of any mistake.

Mr. Justice WILLS.—That is quite right, but it is a thing that seems to introduce a new condition, and a very important one in connection with that which is proceeding now.

Mr. Clarke.—Then the physician intending to do anything to the patient which would involve pain, and with a view to which the insensibility was to be produced, would not do it until he found the reflex action had stopped?—A. That would depend to some extent upon the nature of the operation. In some operations more profound insensibility has to be produced than in others.

Q. I think I follow you. Your mind has now come to the producing of insensibility by chloroform. There are some cases in which chloroform is used in which it is not desired to produce complete anæsthesia?—A. Yes.

Q. There are some cases where it is desired to use it to deaden the pain; it is not desired to obtain a condition which is one of absolute insensibility?—A. Certainly.

Q. Then, in those cases the physician would judge whether the exact moment had come at which there was sufficient diminution of sensibility

to enable the patient to bear the pain, and yet not sufficient diminution absolutely to destroy reflex action?—A. Do you mind repeating your question?

Q. I have put before you the class of cases in which it is not desired to produce complete anæsthesia; only to deaden the pain. In those cases the physician has to exercise his judgment as to whether the moment has come in which there is sufficient insensibility to produce anæsthesia, yet not the entire abolition of the reflex action?—A. Certainly.

Q. But supposing anæsthesia is carried to a point which prevents any pain, then the reflex action has disappeared?—A. Some reflexes disappear before others; they do not all disappear at the same time.

Q. But supposing the anæsthesia to be carried to the extent of destroying the sense of pain, has not the reflex action then entirely disappeared? If you have a doubt, I am afraid it cannot be a very easy question, doctor?—A. Well, it is a question one is familiar with—the loss of certain reflexes. I was thinking whether there might not be others. You see, one judges practically by this conjunctiva reflex. One knows practically, if that is gone the patient will not feel pain; and you judge also by the muscular relaxation.

Q. I think I follow you. You say the physician judges by that test?—A. Yes; I am not prepared to say that at that moment there is no reflex which can be obtained.

Q. But you are not prepared to say that there is?—A. I am not prepared to give an opinion.

Mr. JUSTICE WILLS.—Just tell me this. In operations where chloroform is administered, is it ever necessary to give brandy, or anything of that sort, whilst the operation is going on?—A. Yes; but it is not given by the mouth easily under that condition.

Q. By the injection?—A. Yes.

(The Court adjourned for a short time.)

TOM RALPH sworn.—Examined by Mr. Poland.

Q. Are you an officer in the Metropolitan Police Force?—A. Yes.

Q. And are you the Coroner's officer in this case?—A. Yes.

Q. On the 4th of January was the Coroner who held the inquest Mr. Braxton Hicks, and, in consequence of what he told you, did you go to 85 Claverton Street?—A. Yes.

Q. Did you go there about half-past nine at night?—A. Yes.

Q. Did you go into the front room, and did you find there four glass vessels, jars or bottles?—A. Yes.

Q. There were four of them; and were they covered over with brown paper, and string tied round them, and were they sealed?—A. Yes.

Q. And were the seals with the initials of Dr. Dudley—J. G. D.?—A. Yes.

Q. Did you at the same time take possession of thirty-six medicine bottles?—A. Yes.

Q. Were they also in the front room?—A. Yes, some of them; they were not corked.

Q. Did you cork them and seal them up?—A. Yes.

Q. Then did you place the jars, the four glass vessels, and the medicine bottles in two separate hampers?—A. Yes.

Q. And take them to the mortuary?—A. Yes.

Q. That is 20 Millbank Street?—A. Yes.

Q. There you placed them in a large safe, under cover, in the back yard?—A. Yes.

Q. There was no lock to the place; you put a piece of tape across it and sealed it up?—A. Yes.

Q. You sealed up the place where you had put these hampers?—A. Yes.

Q. On the 9th of January you went there and found the tape in the same condition?—A. Yes.

Q. And you took the things away?—A. On the 11th I did. I went on the 9th.

Q. On the 9th had you been to Claverton Street?—A. Yes.

Q. And did you there take with you the glass jar?—A. Yes.

Q. In the room on the ground floor?—A. Yes, the ante-room.

Q. Did Mr. Doggett, junior, the gentleman who has been examined, give you a tumbler?—A. Yes.

Q. Did it appear to contain Condry's fluid?—A. Yes.

Q. Was there a small glass bottle?—A. Yes, there was.

Q. Was that inverted—open, without any cork in it—inverted in the tumbler?—A. Yes.

Q. Mouth downwards?—A. Yes.

Q. Then, in placing the tumbler, I believe it broke?—A. Yes.

Q. As you were moving it into the glass jar that you took with you?—A. Yes.

Q. So that the whole of the glass and the contents—the broken tumbler and its contents—went into the glass jar that you took with you?—A. Yes.

Q. Then you fastened that up, sealed it, and took it to the mortuary?—A. That was sealed with Mr. Doggett's seal.

Q. You were present?—A. Yes.

Q. And you took that to the mortuary, and put it with the other things?—A. Yes.

Q. That little bottle that was inverted, what did you do with that?—A. That remained in the glass jar.

Q. With the contents of the tumbler and the broken pieces?—A. Yes.

Q. Was that a little tumbler like that? (*Produced.*)—A. Yes.

Q. You fastened up the mortuary again, and on the 11th you took all the things to Dr. Stevenson?—A. Yes.

Q. To Guy's Hospital?—A. Yes.

Q. Then he gave you a receipt for the things?—A. Yes.

Q. Just look at this.—A. Yes; that is the receipt.

Q. And those are the things, are they? "Received the following articles:—sealed paper package." What was the sealed paper package?—A. I did not see the contents of it at that time; indeed, I have not seen it since it was sent to me by Dr. Leach.

Mr. JUSTICE WILLS.—You got that from Dr. Leach?—A. Yes, my Lord.

Q. When?—A. On the 9th.

Mr. Poland.—Then there are described four sealed bottles; then No. 6, sealed bottle containing the tumbler; and then a sealed bottle with Condry's fluid. Had you emptied some of the Condry's fluid into a bottle?—A. I put the whole into a glass jar.

Q. Where was the sealed bottle containing a tumbler with the broken pieces—in the same bottle as the Condry's fluid?—A. Yes.

Q. You gave them to Dr. Stevenson personally, and he gave you that receipt?—A. Yes.

Q. It is described there as a sealed bottle of Condry's fluid. What was that? Was that a separate bottle?—A. Yes.

Q. Where did you get that from?—A. I took that out of the room at Claverton Street.

- Q. The front room?—A. Yes.
- Q. After you had given these things to Dr. Stevenson, did you go in the afternoon with Inspector Marshall to Claverton Street again?—A. Yes; I met him there by appointment.
- Q. And in the first-floor front room, was Mrs. Bartlett there?—A. No.
- Q. Was Mr. Wood, the solicitor, there?—A. Yes.
- Q. And did you search seven boxes?—A. Yes.
- Q. Where were the boxes?—A. In the front room, on the floor.
- Q. And in one of the boxes did you find two glass bottles?—A. Yes.
- Mr. JUSTICE WILLS.—Was this still the 9th?—A. On Monday, the 11th, my Lord.
- Mr. Poland.—Was one of them like a scent-bottle with a silver top on it?—A. Yes.
- Q. And there seemed to be some white powder in it?—A. Yes.
- Q. And the other bottle was similar?—A. Yes.
- Q. Then did you also find in another box a small wooden box containing white powder?—A. Yes.
- Q. You sealed those three things up?—A. Yes.
- Q. And handed them to Dr. Stevenson on the 16th?—A. On Saturday, the 17th.
- Q. And a tin box—where was the tin box?—A. In the same room.
- Q. The back room?—A. No; the front room.
- Q. I am told, with regard to these three bottles—the two bottles and a box—Dr. Stevenson had them on the 16th.—A. The Saturday following the 11th.
- Q. The tin box was in the front room, you say?—A. Yes.
- Q. Did that contain a man's suit of light clothing?—A. Yes.
- Q. Did you examine those clothes?—A. Yes.
- Q. And in the right-hand trousers pocket what did you find?—A. I found about four or five French letters.
- Q. You mean things that are popularly called French letters?—A. Yes.
- Q. You did not take possession of them?—A. No.
- Q. You left the clothes in the box, did you?—A. Yes.
- Q. And the things in the pocket?—A. Yes.
- Q. I think you also found in one of the boxes the letter that has been produced here addressed "Dear Edwin" and signed "George"?—A. Yes.
- Q. Which box was that in, do you know?—A. I suppose it was Mrs. Bartlett's box; they were all there together.
- Q. You examined all the things, did you?—A. Yes.
- Q. The other boxes contained lady's clothes and some gentleman's clothes?—A. There were some gentleman's clothes and some lady's clothes mixed in the box.
- Q. Did you see also on a table in the front room this "Squire's Companion"?—A. Yes.
- Q. Look at that. That is it, is it? (*Produced.*)—A. Yes, I know the book; that is the same.
- Q. In the state in which it is now?—A. Yes; just the same.
- Q. It is "Companion to the British Pharmacopœia"?—A. Yes.
- Q. Comparing the strength of various preparations, and so on. Did you go with Marshall to Wandsworth Common?—A. No.

Dr. DUDLEY recalled by the *Attorney-General*.

Q. There is one question which Dr. Dudley was not asked. It is referred to in Dr. Green's deposition, but not proved by any one who has

been called before yourself. The contents of the stomach—into what vessel were they first put?—*A.* They were put into a bottle which we could find no cork to.

Q. An open unstoppered bottle?—*A.* Yes.

Q. How long did that remain in the bottle?—*A.* About half an hour.

Q. And then I think you got another bottle from a chemist's?—*A.* We did.

Q. Which was properly stoppered?—*A.* Yes; a glass stopper.

Q. And you transferred the contents from the unstoppered open bottle into the other one?—*A.* Yes.

Q. Is chloroform very volatile?—*A.* Very.

THOMAS STEVENSON sworn.—Examined by the
Attorney-General.

Q. You are a doctor of medicine, in practice as a consulting physician.—*A.* Yes.

Q. And you are Professor of Medical Jurisprudence at Guy's?—*A.* Yes.

Q. And one of the analysts usually employed by the Home Office?—*A.* Yes.

Q. You have, I think, as well as being Professor of Medical Jurisprudence, written on the subject?—*A.* I have.

Q. Do you recollect receiving from the last witness (Ralph) a number of bottles and packages?—*A.* I do.

Q. And has he with substantial correctness described them?—*A.* Yes, I think he has.

Q. Described them by enumeration, I mean.—*A.* Yes, I think so.

Q. How many were there altogether?—*A.* There were eight packages on the 11th of January, and on the 16th of January there was one sealed package containing three enclosures.

Q. What was the contents of No. 1?—*A.* 1, on the 11th?

Q. Yes. No. 1, on the 11th.—*A.* That was a paper package.

Q. I am asking you what it contained.—*A.* It contained the lower jaw of an adult, with the tongue, and the soft parts adjacent to the tongue and jaw.

Q. No. 2?—*A.* No. 2 was a glass jar. It contained a thick semi-fluid mass measuring a quarter of a pint, apparently the contents of the small bowel.

Q. No. 3?—*A.* That was a jar containing a human stomach, that of an adult.

Q. No. 4?—*A.* That was a bottle containing mango relish.

Q. No. 5?—*A.* No. 5 was a four-ounce glass stoppered bottle, containing half an ounce or a tablespoonful of thick fluid, apparently the contents of a stomach.

Q. I think the important ones—I may take the others briefly—are No. 2, the contents of the smaller bowel; No. 3, the stomach; and No. 5, the bottle containing the half-ounce or tablespoonful of semi-fluid matter?—*A.* Yes.

Q. Those are the three important ones?—*A.* Yes.

Q. I will shortly suggest what the others were, and then pass from them. No. 6 was a glass jar, sealed, containing some Condy's fluid?—*A.* Yes.

Q. A broken tumbler?—*A.* Yes.

Q. And a one-and-a-half ounce medicine bottle?—*A.* Yes.

Q. No. 7 was a brandy bottle, sealed, containing some fluid?—*A.* Yes.

Q. No. 8 was a hamper, sealed, containing altogether some thirty-six bottles of various kinds used for medicinal purposes?—*A.* Yes.

Q. On the 16th you received one package?—*A.* Yes.

Q. What did that contain?—A. A small toilet-powder box containing toilet powder, and a pepper castor.

Q. They are not material to go into, I think?—A. No. No. 3 contained some santonin, a medicine given for worms.

Q. I think you commenced your analysis on the 12th of January?—A. Yes.

Q. And I think you began by opening the stoppered bottle, No. 5, which, as you have told us, contained a tablespoonful or half an ounce of thick semi-fluid matter?—A. Yes.

Q. Which I presume came from the stomach?—A. Yes.

Q. You could see that?—A. I could see it was most likely to be that before I opened it.

Q. First of all, tell us what was the characteristic smell of the contents?—A. That of chloroform.

Q. Weak or strong? How would you describe it?—A. Strong; very strong. There was also a slight garlicky odour, of which I discovered the cause.

Q. Which was?—A. The mango relish.

Q. I think, although you opened it with a view to beginning your analysis, you did not in fact begin your analysis until the 13th?—A. No. I smelt it, and then stopped.

Q. Was it slightly acid?—A. Yes.

Q. Did you proceed to test its component parts by analysis?—A. I did.

Q. And in the result, what did you find as to the absence or presence of chloroform?—A. The presence of chloroform; of which I estimated the quantity.

Q. What quantity?—A. Eleven grains and a quarter. I produce here the same quantity, which I have weighed and placed in a tube. That is the fluid (*producing it*).

Q. Eleven grains and a quarter, which is equivalent to eight minims?—A. Between eight and nine minims.

Q. And what percentage of the weight of the entire quantity that you analyzed did that represent?—A. Approximately, five per cent.

Q. About a twentieth part?—A. Approximately, a twentieth part.

Q. Did you find traces of anything in it besides chloroform?—A. There was a trace, very small, of alcohol.

Q. Just a trace?—A. Just a trace.

Q. Did you test it for possible traces of any other poison besides chloroform?—A. Yes, all the poisons that suggested themselves to me.

Q. Prussic acid, morphia?—A. Yes.

Q. Morphine?—A. That is the same.

Q. I think you found no other trace of any alkaloid?—A. None.

Q. Did the fluid contain any chloral?—A. No.

Q. Chloral, I believe, decomposes in the stomach, does it not?—A. If the contents be made alkaline by the use of carbonate of soda, it will become chloroform in the stomach.

Q. Did you find there chloral, or, if it had decomposed, any other substance?—A. Nothing except chloroform; if it had been decomposed by the alkali, it would form formic acid, of which I found none.

Q. Was there any trace of chlorodyne?—A. No, chlorodyne being composed of chloroform and other ingredients.

Q. Then I may take it you satisfied yourself that the other matter was chloroform?—A. I did.

Q. I believe your analysis extended over several days?—A. Yes.

Q. Was No. 2 the next thing in order that you took, that which you said, I think, was the smaller bowel?—A. Yes.

Q. A fluid mass in a bottle?—A. Yes.

Q. And about a quarter of a pint?—A. Yes.

Q. Contents of the smaller bowel?—A. Yes.

Q. Was the vessel in which that was contained slightly closed or stoppered as that containing the one, No. 5, which you first analyzed?—A. No, it was only loosely stoppered—a glass bottle, the stopper of which had been tightened by means of brown paper.

Q. We have heard already that chloroform is a very volatile substance.—A. It is.

Q. And in a vessel in which chloroform was placed, either in part or by itself, or in combination with any other substance, would it be affected if not hermetically sealed?—A. Yes, it would gradually evaporate.

Q. What was the result of your examination as to the contents of the intestines, No. 2?—A. That contained traces of chloroform.

Q. I do not know whether you made a quantitative analysis?—A. I did approximately only.

Q. And what did you find?—A. Chloroform to the extent of about three-tenths of a grain.

Q. You also tested the chutnee?—A. I did.

Q. Part of the contents of the intestines?—A. I did.

Q. You found that was free from any poisonous matter?—A. I did; it was free.

Q. Were you able to perceive any special smell from that, or not?—A. No special smell of chloroform.

Q. Will you just describe the result of your examination of the stomach?—A. It had already been cut open. It was in a good state of preservation. It was inflamed. The cardiac or first end of the stomach next the gullet, the centre of that patch of inflammation, showed over an area of about an inch and a half in diameter—that would be about the size of a crown or a half-crown piece—a more intense effect of inflammation; that is to say, the epithelial or lining membrane was detached and softened, giving a certain amount of roughness to the inner surface of the stomach.

Q. At the cardiac end?—A. Towards the cardiac end; I will describe it more particularly presently.

Q. Did that appearance of inflammation extend to the gullet, or not?—A. Yes; round this patch of which I have spoken, the redness of inflammation extended to a patch almost as large as my two hands, and extended into the gullet.

Q. That spot indicated where the greatest amount of inflammation was to be seen?—A. Yes, it extended three inches up the gullet.

Q. How should you describe that inflammation?—A. It was acute and recent.

Q. When you say recent, do you mean with reference to—?—A. To the time at which it had commenced.

Q. I mean with reference to the time—with reference to what other data—with reference to the death, or what?—A. Yes, it had commenced, and run its course, I should say, within a few hours of death. I should like to say, with regard to the patch in the stomach, that it has been fairly and accurately described. It was about the part to which liquid would flow when a person was lying on his back. It was the usual spot at which we find it after swallowing irritant poison.

Q. The point at which, by gravitation, liquid found its way?—A. Yes.

Q. Was, or was not, that a state of things which might have been occasioned by swallowing chloroform?—A. It might have been produced by swallowing chloroform.

Q. Can you suggest any other probable cause for it?—A. I found no other.

Q. I mean the cause was adequate, and no other cause existed?—A. So far as I could ascertain.

Q. The presence of chloroform was an adequate cause?—A. Yes.

Q. And there was no other cause ascertained or ascertainable. Did you test the contents of this stomach for traces of any other poisonous matter?—A. Yes; every poison that could suggest itself to me I tested it for.

Q. And found none?—A. And found none.

Q. You did find some trace of lead or copper, I think?—A. That was in the gums.

Q. Perhaps I had better go to that. The gums were in No.—what?—A. No. 1.

Q. And I think you found that there was some necrosis?—A. A very small piece.

Q. Is it, or is it not, unusual to find traces of copper in a healthy subject?—A. It is usual.

Q. Was it more than a trace?—A. From one-half of the gum and the whole of the soft parts, approximately, the amount of copper and lead together was not more than one-eightieth of a grain.

Q. Is that a matter at all of any consequence worth dwelling upon?—A. No, I think not.

Q. How is the presence of lead and copper in the system, or traces of it, rather, accounted for?—A. A vast number of vegetables, and bread, contain traces of copper, and the use of copper utensils, and articles of copper about the person—a piece of brass, or metals of various metallic alloys—

Q. Would account for finding its way into a system so as to show traces?—A. Yes, but chiefly, I think, from the small quantity of copper taken in the food occasionally.

Q. And as to the traces of lead?—A. Lead is less commonly found. It is a well-known substance from leaden pipes containing drinking-water, and things of that kind.

Q. However, you can attribute no importance to that. They were minute traces?—A. No, they would not account for the death of a person.

Q. Well, now, No. 6 was Condry's fluid, which I may pass over?—A. That was Condry's fluid.

Q. You found nothing in that?—A. No.

Q. No. 6 was a glass jar, which had some decomposed Condry's fluid?—A. Yes.

Q. No. 7 was a broken tumbler, not a jar?—A. I found in the tumbler a little sulphate of magnesia or Epsom salts.

Q. I think in the contents of the jar or hamper you found nothing?—A. I do not quite understand the question.

Q. The hamper contained something?—A. Thirty-six bottles.

Q. It contained nothing poisonous?—A. There were poisons, but not poisonous doses.

Q. Medicinal doses?—A. Medicinal doses only.

Q. Now, you have already said that chloroform is very volatile. Is it cumulative?—A. No. An ordinary dose of chloroform taken will disappear from the system very quickly.

Q. If a man has been taking it in medicine in small doses, the effect does not go on increasing, does it?—A. No, not in the doses ordinarily given.

Q. I may just ask you, the effect arrived at from this analysis was the presence of chloroform in the contents of the stomach, was it not?—
A. Yes.

Q. And in the stomach itself?—A. No. I did not analyze the stomach itself for chloroform.

Q. There was no analysis of the blood of the deceased man, was there?—
A. No, I had none.

Q. Would you form from your analysis a judgment as to whether the deceased had swallowed a considerable quantity of chloroform, or not?—
A. Yes, he must have swallowed a large dose.

Q. A large dose would be a comparative term. What do you mean to indicate by that?—A. Enough to produce a very serious inflammation of the stomach, and such a quantity would, I believe, be sufficient to cause death.

Q. Did you find anything to suggest any other cause than chloroform?—
A. No.

Q. How, in fact, do the poisonous effects of chloroform—the actual effects taken in a quantity—operate?—A. Chloroform, you mean, swallowed?

Q. Yes.—A. I have experimented on animals—

Q. I want you to give to the Jury the manner in which it operates.—
A. At first it sometimes produces a state of intoxication; not always.

Q. Yes?—A. It then produces insensibility, stertorous breathing or hard snoring, with muscular relaxation, paralysis, and death.

Q. Is the immediate fatal effect paralysis of the heart, so as to suspend the operation of the heart?—A. It suspends the operation of the heart—paralyzes the heart.

Q. Does it pass into, and have any effect upon, the blood?—A. Yes.

Q. What effect?—A. It passes into the blood, and, of course, from thence into every region of the system, and it produces a liquid condition of the blood after death.

Q. Fluidity?—A. It remains fluid for a long time.

Q. You have said that chloroform is a volatile substance. If the contents of the stomach were put into an open jar, and remained some time before it was put into a stoppered bottle, would that have any effect upon it?—A. Yes, it would evaporate, but some would remain.

Q. The quantity would be diminished?—A. Yes, and some might settle down at the bottom and be unobserved.

Q. You have tested that?—A. Yes. I tested it on these very contents of the stomach; I found they lost their smell in the course of an hour very greatly by exposure.

Mr. JUSTICE WILLS.—A quarter of an hour, did you say?—A. An hour.

The *Attorney-General*.—You know the dates of this case?—A. Yes.

Q. You know that the deceased died on the 1st of January?—A. Yes.

Q. And the post-mortem was on the 2nd?—A. Yes.

Q. At two o'clock in the afternoon?—A. Yes.

Q. And your analysis began on the 13th?—A. Yes.

Q. Alluding to that fact, would you not expect that there would have been an evaporation of chloroform in the interim?—A. Not from the bottle; but there would be a disappearance of chloroform from the stomach while the body was lying before the post-mortem; by a process which we call diffusion.

Q. And none from the bottle?—A. Not from the closely stoppered bottle.

Q. You mean wherever the air was kept out?—A. Yes.

Q. According to your experience, have you any reason to suppose there would be indications of chloroform having been taken in the brain?—A. When swallowed I do not think there would be—there might or might not. I have frequently examined bodies where there has been no obvious smell of chloroform in the brain, and no unusual appearances in the heart—in fact, nothing to indicate that death had occurred from chloroform.

Q. Taken internally?—A. No, death from inhalation.

Q. Even from inhalation you would not expect to find it in the brain, would you?—A. Not necessarily.

Q. Would you expect to find it? You say, "Not necessarily."—A. My observation is that oftener than not you find nothing in the brain to indicate the cause of death. I mean short of analysis of the brain.

Q. Have you ever analyzed?—A. Yes.

Q. And have you found traces?—A. Yes.

Q. In the case of inhalation or of swallowing?—A. Of inhalation.

Q. Does it pass more rapidly into the blood by inhalation than by swallowing?—A. It would be difficult to answer that question. Inhalation is the most rapid means of introducing gaseous poisons into the blood, but it would get there by either means.

Q. If swallowed, I understand you to say that you would not expect to find it on the brain?—A. I should expect to find it by analysis, but no obvious odour; there might or might not be.

Q. I want to ask you this: If a person accidentally takes a dose of chloroform sufficient to cause death, the person being at the time in the possession of sensibility and faculties, should you, or should you not, expect that person to make any sign?

Mr. Clarke.—If this witness had been there when persons have accidentally taken a large dose—

MR. JUSTICE WILLS.—The question can be put, or something very like it, in another manner. What would be the effect of swallowing liquid chloroform?

The Attorney-General.—Might he, or might he not, be conscious that he had done something that he was suffering from?—A. Yes; he would at once perceive the peculiar character of the liquid he had swallowed. It would produce pain and a hot fiery taste.

Q. I mean, could he take an excessive dose, a fatal dose of chloroform, and suppose he was taking some innocent thing?—A. No, I do not think he could. It has not the taste of any article of food or drink.

Q. I do not know whether you have swallowed it yourself?—A. I have swallowed it myself. I have had it in my mouth several times.

Q. What is the effect upon the mouth?—A. It is very hot and very sweet and burning.

Q. Now, there is another matter, please. Is it, or is it not, according to your experience, possible to put a liquid down the throat of a person who is insensible, in the sense of being unconscious but still having the sense of feeling?—A. Yes, you can put liquids down the throat of a person who is fairly moderately under the influence of chloroform—I mean under the influence of inhaled chloroform.

Q. Will you just explain a little more fully, if you please? Assuming that the liquid is in some such bottle as this (*showing a bottle to the witness*) would there be any difficulty, assuming the liquid to be contained in an ordinary medicine bottle, would there any difficulty in putting it down the throat of a person in the condition of insensibility?—A. Not any insuperable difficulty.

Mr. Clarke.—Did not you say "insuperable difficulty"?—A. Yes; no great difficulty. I said insuperable.

The *Attorney-General*.—Just describe, doctor, how you think it could be done?—*A.* I have myself put liquid down the throat of a person while I have been chloroforming them.

Q. How?—*A.* Passing it to the back of the throat.

Q. From what media?—*A.* A teaspoon.

Q. Would there be any difficulty?—*A.* No, not if a man were lying on his back with his mouth open. It could easily be poured down his throat.

Q. Assuming it could be put to the back of the mouth, would its presence not occasion the act of swallowing?—*A.* Yes, up to a certain point of sensibility.

Q. Assuming a certain point of sensibility, what, Dr. Stevenson, is the point of insensibility to which the sense of swallowing would not respond to the presence of liquid in the gullet?—*A.* At a point when what we understand by reflexes had disappeared, there would not be swallowing.

Q. Does that mean paralysis?—*A.* It simply means that such a stimulant as chloroform at the back part would not excite muscular action.

Q. Why?—*A.* Because the nervous centres which are concerned in swallowing would be paralyzed beyond a certain point.

Q. In other words, the swallowing might be effected up to that point, which you have described, of paralysis.—*A.* Yes.

Q. Did you try in your other case the effect of the introduction into the mouth of chloroform?—*A.* Yes.

Q. What was the result?—*A.* A hot, burning, sweet sensation, quite transient.

Q. And after you ejected it, it passed away?—*A.* It passed away.

Q. Did it leave any trace on your tongue?—*A.* A little numbness, but not to prevent my going about my usual avocations.

Q. Any redness?—*A.* A blotch—a little redness—which passed off quickly.

Q. You have, I think, made some experiments—in fact, some since the hearing before the Magistrate—as to the effect of chloroform upon animals?—*A.* Yes.

Mr. Clarke.—We ought to have had a note of these experiments upon the animals if they are to be given in evidence.

Mr. Justice Wills.—Yes; I think, if they have not been supplied, they should hardly be gone into.

The *Attorney-General*.—You have two similar experiments, one of which you have been examined upon before?—*A.* Yes; I repeated an experiment which I had made before.

Q. Was the animal you selected a rabbit?—*A.* Yes.

Q. To which you gave a dose of chloroform by inhalation?—*A.* There were two experiments; you want the repeated experiments?

Q. Yes.

Mr. Justice Wills.—Confine yourself to the one upon which you have spoken before.—*A.* That was the one. I must just reflect what I did say before the Magistrate. What the point was—it was in cross-examination—it was a question as to whether chloroform passed into the blood from the stomach; and I took a rabbit, and by means of a tube I introduced a quarter of an ounce, of a fluid ounce, or two teaspoonfuls, of chloroform into the stomach. I observed the symptoms; and then, at the end of three hours—the animal had been upwards of two hours in a dying state—it was nearly dead, but the blood was still circulating.

Q. Yes?—*A.* I then cut the throat of the rabbit, and collected the blood which flowed. I analyzed the blood to see whether it contained chloroform. I found it did.

Q. Any appreciable quantities, or only a trace?—A. Traces; you never get more than traces in the blood, but it was quite obvious.

Q. Yes?—A. I also extracted the stomach of the animal, and observed the effects of the chloroform upon the stomach. The effects upon the stomach were acute inflammation, and the mucous membrane was softened and partly removed, so as to give it a roughened appearance; blood effused into the coats of the stomach. There was chloroform obviously present in the stomach also.

Q. Yes?—A. That is all that suggests itself to me, my Lord.

The *Attorney-General*.—When you were mentioning the effects of the taking of chloroform—the first sensation of intoxication—was that the result of your own experiment and observation?—A. This animal rolled about as if intoxicated.

Q. Have you yourself seen persons, human subjects, under the influence of chloroform?—A. Inhaled or swallowed?

Q. Generally, first.—A. Yes.

Q. Have you seen any under the influence of chloroform swallowed?—A. One.

Q. What was the effect there?—A. Chiefly sickness. It produced vomiting, pain, and the patient was very much alarmed.

Q. Had it, in that case, the effect of producing insensibility, or quasi-insensibility?—A. It is many years ago. I do not remember that it produced absolute insensibility.

Q. It was not a fatal dose, was it?—A. No.

Q. Is vomiting nearly always the accompaniment?—A. Vomiting is a very frequent accompaniment, but not always.

Mr. JUSTICE WILLIS.—Inhaled, or swallowed?—A. I am speaking of swallowing.

The *Attorney-General*.—Have you seen persons under the influence of chloroform by inhalation?—A. A great number.

Q. Is it possible to produce a state of insensibility by inhalation during sleep?—A. Yes.

Q. Have you done that yourself?—A. No.

Q. Have you known it done?—A. I know many instances in which it has been done, but I never did it myself.

Q. Have you any doubt that it can be done?—A. None whatever.

Q. That is, when a person is in a state of sleep, giving it with a bottle or a handkerchief?—A. Yes, if the person is soundly asleep.

Q. You have spoken of the appearances of the stomach, which you attributed to the presence and action of chloroform.—A. Yes.

Q. Would any of those appearances be caused after death, or must they have been produced before death?—A. Most of them must have been produced before death; the action is a vital action.

Q. Can you form any judgment as to how long before death those appearances would be presented?—A. They might be produced in an hour, or it might be a longer period.

Q. I think you showed the contents of the stomach to Dr. Tidy?—A. I did.

Q. Was that the bottle containing the contents?—A. Yes, and a small quantity that remained.

Q. I think you also showed Dr. Murray the stomach?—A. I did.

Q. Now, assume that, in the attempt to put chloroform down the throat of a person in a state of insensibility or partial torpor, any of it fell on the chin or breast or throat, would you expect any indications of it?—A. Not usually; there might be, but it would be unusual for the momentary contact to produce any lasting effect.

Q. Might there be a temporary redness, which would pass away?—
A. Yes.

Q. As the case which you were illustrating by yourself?—A. Yes.

Cross-examined by Mr. *Clarke*.

Q. Dr. Stevenson, I believe you have for many years given your attention to subjects of this class?—A. I have.

Q. And you have had a long experience of the administration of chloroform at Guy's Hospital?—A. I have.

Q. And you have not only had personal experience, but you have given study to the results of the experience of other doctors?—A. Yes.

Q. And you have edited "The Principles and Practice of Medical Jurisprudence, by Dr. Alfred Swaine Taylor," who is well known as one of the greatest authorities in that branch of medical science?—
A. Yes.

Q. You edited and reproduced and corrected the book he had written, and called it the leading work upon the subject?—A. I believe so; you are quoting from the book.

Q. So far as your skill and experience have enabled you, have you taken care that it is complete in the subject upon which it deals?—A. Yes; it is fairly complete, I think.

Q. The last edition under your editorship having appeared as lately as 1883?—A. Yes.

Q. Now, Dr. Stevenson; chloroform has been used in this country as an anæsthetic for almost forty years, I believe?—A. Possibly.

Q. It was early in 1847 that Dr. Morton used it?—A. Yes, '47.

Q. And, from the very first, I think, the characteristics of chloroform have been the subject of great interest to the medical profession?—
A. They have.

Q. And by many writers, yourself among them, the result of the administration of chloroform, whether by inhalation or in liquid, and whether accidentally taken or intentionally, have been carefully studied and carefully recorded, have they not?—A. Yes, as to inhalation. I do not think attention has been drawn to it much till last July as to swallowing it.

Q. Chloroform is a most important agent of medical science, is it not?—
A. Yes.

Q. And there is a great deal of literature as to chloroform and its application?—A. Yes; chiefly by inhalation.

Q. Can you refer me to any recorded case, anywhere, of murder by the administration of liquid chloroform?—A. No.

Q. So far as you can judge, there has never been such a case?—A. I know of none.

Q. Now, of course you are familiar with the fact that there have been many murders by poisons well known to medical science—prussic acid and strychnine, and poisons of that class?—A. Yes.

Q. Has the use of chloroform been somewhat given up of late years, ether being substituted for it?—A. Yes.

Q. I think there are several reasons for that, Dr. Stevenson? I will suggest one or two, and will ask you as a medical authority: chloroform is an anæsthetic of uncertain effect?—A. I should not say very uncertain.

Q. I did not say "very."—A. It will produce insensibility, but the time and the amount vary a good deal—the time of insensibility and the amount.

Q. The time, the amount required, and the symptoms involved?—A. Well, the permanent symptoms are the same.

Q. When you say uncertain with regard to amount and time, of course they have some relation to each other?—*A.* Yes.

Q. But in the case of chloroform, do you sometimes find that a very small dose inhaled proves suddenly fatal?—*A.* Yes.

Q. While a very large dose taken into the stomach does not produce death?—*A.* Yes.

Q. In the last edition of your book you have given a number of instances, Dr. Stevenson, and you have given them substantially on the authority of Dr. Taylor?—*A.* You are referring to the book there?

Q. Yes.—*A.* I think it was taken almost entirely from previous editions.

Q. Textually?—*A.* Yes; I do not think I added any fresh cases.

Q. Though it was published in 1883, is it the fact that no case is quoted since 1870?—*A.* I understand not. I think there has only been one fatal case of swallowing chloroform in this country within the last twenty years—I mean recorded. I know of another case which occurred.

Q. Was that at Lewes, or was it the Chichester case?—*A.* No. It was a case which happened to some one in this court—I mean a fatal case which happened in the practice of a gentleman in this court.

Q. That, of course, was a case of accident?—*A.* A case of accident; yes.

Q. Have there not been deaths in this country from the swallowing of chloroform by accident besides that within the last twenty years?—*A.* One I know of, and the one I have spoken of, but I cannot call to mind now any others. There is a paper on that table containing a record of known fatal cases.

Q. Probably it is a proof-sheet of your new edition?—*A.* No, my new edition is on the table; but there is a copy of a journal of repute, giving them in chronological order up to last July. The table, you will find, is in chronological order.

Mr. Justice Wills.—Give me the name of the paper, Mr. Clarke.

Mr. Clarke.—It is the "Medical Record" of July 11. It is an American paper—July 11, 1885.

Mr. Justice Wills.—That contains a table, you say, of all the known cases of death by swallowing chloroform?—*A.* All the known cases up to 1885. I have added a list of some half-dozen more since, my Lord.

Mr. Clarke.—Have you at all—I am much obliged for this—have you at all, yourself, arranged those in any class? Can you tell me, out of the fifty-six, for instance, how many died?

Mr. Justice Wills.—Those are not all cases of death?

Mr. Clarke.—Oh no.—*A.* I can give you the cases of death.

Mr. Justice Wills.—Those are poisonings, but not necessarily fatal?—*A.* No, not necessarily fatal. I can give you the number of fatal cases I know of. I have added a few to the list, but I can give you the number in the list. I think you will see, at the end, it says how many were fatal.

Mr. Clarke.—No, it does not say.—*A.* I think, out of that list, you will find something like seventeen.

Q. Out of fifty-six?—*A.* Yes; about thirty per cent. of all the cases known to me were fatal—thirty-one per cent., twenty cases out of sixty-five.

Q. And this purports to be, and so far as you know is, a diligent collection of the cases occurring in different countries reported in books?—*A.* Yes; I have verified some of them, and found them very fairly accurate—very fairly stated.

Q. Without wishing to occupy too much time, and having this in my

hand for the first time, I will go through the cases in which death has occurred, and take the number of hours after the administration in which death occurred. Case 3: "Two mouthfuls; death in thirty-six hours."

A. Yes, the two mouthfuls; three or thirty-six hours—how much is it?

Q. "Two mouthfuls; thirty-six hours." Case 4: "A male child, aged four, took from one to two drachms—died in three hours." Case 7: "Six ounces; died in forty-eight hours." Case 10: "An ounce and a half; twenty hours." Case 13: "A wine-glass full"—that would be about two ounces?—A. About two ounces and a half, probably.

Q. "Died on eighth day"?—A. Yes.

Q. Case 15: and the reference to that is—A man of twenty-eight "had attempted to disembowel himself; had shot himself in each side of the chest," and so on. It is no use referring to that.—A. Yes.

Q. Case 16: "An ounce and a half; twenty-three hours and a half."—A. I think that is twenty-six. You see a reference.

Q. You have corrected it to twenty-six.—A. Yes; I have a note of it as twenty-six.

Q. Case 23: "One ounce; twelve hours"?—A. Yes.

Q. There is a note to that. "This was a case of supposed chloroform poisoning; the amount taken was approximated. The Coroner's jury were unable to come to a decision as to the immediate cause of death.

Case 24: "Five to nine drachms; death on eighth day"?—A. Yes.

Q. Case 25: "Two ounces." I will read that, my Lord. "Seen in one hour; a few minutes before his death. In three minutes (estimated time) he could with difficulty be aroused from the stupor into which he was sinking; could not speak, but indicated that he had severe pain in the stomach. In five minutes he was entirely unconscious, lying still, breathing stertorously. Medical assistance arrived too late to be of service. Post-mortem examination showed congestion of lungs, œsophagus, and stomach. Mucous membrane could be pulled off with the finger-nail." Case 27: "Two ounces; nineteen hours"?—A. Yes.

Q. Case 28: "Ninety grammes"—what would be ninety grammes?—A. I think you will find in my note—I say what it is about.

Q. Rather over two fluid ounces?—A. Yes.

Q. "Twenty-nine hours and a half"?—A. Yes.

Q. Case 29: "One ounce; sixty hours." Case 43: "An ounce and a half"—that is about twenty-six or twenty-eight hours?—A. I have made a mistake about the other. In Case 16 death took place twenty-three and a half hours after the first dose was taken. In this last case twenty-six hours and a quarter elapsed before death.

Q. This is twenty-six and a quarter?—A. Yes; I was confounding the two.

Q. Case 48: "Fifty to sixty grammes; thirty-one hours"?—A. Yes.

Mr. JUSTICE WILLS.—That is a little over an ounce and a quarter?
—A. I have got it about an ounce and three-quarters; fifty to sixty grammes would be a little under two ounces—about a fluid ounce and a quarter of chloroform.

Mr. Clarke.—Case 48: "Seen in about four hours; deep intoxication; artificial respiration." I think that pretty well indicates that there is very great uncertainty as to what the action would be?—A. When swallowed.

Mr. JUSTICE WILLS.—May I just interpose a question?

Mr. Clarke.—I hope so, my Lord.

Mr. JUSTICE WILLS.—It is whether these are cases when it was discovered, and means of restoration attempted.

Mr. Clarke.—In some cases it does appear so, my Lord.

Mr. JUSTICE WILLS.—Because that would make a great difference in

the length of life, would it not?—*A.* Yes; many of these cases were treated unsuccessfully.

Q. Was the effect of the treatment, although unsuccessful, to prolong life?—*A.* Yes, it would be likely. Some of the cases lived a long time, and died from acute inflammation of the stomach, and not by the direct effect of chloroform—by producing paralysis of the heart.

Mr. Clarke.—Your Lordship will not find any rule, for this reason. One case (7) is an adult male who took six ounces in the Royal Infirmary in Edinburgh. One may assume that he was seen immediately. He recovered from the immediate effects, but died in forty-eight hours from acute gastritis. I do not think you can get any rule from it. Then case 10, seen in twenty minutes, and the woman died in twenty hours.

Mr. Justice Wills.—That is a very remarkable case. I mean remarkable as it differs from any others. And 25, what was that?

Mr. Clarke.—“Seen in one hour; a few minutes before his death. In three minutes (estimated time) he could with difficulty be aroused from the stupor into which he was sinking; could not speak, but indicated that he had severe pain in the stomach.” I should assume in three minutes after taking the dose.

Mr. Justice Wills.—I should think so. If the people around him found out about it, they could not perhaps treat him at once.

Mr. Clarke.—Yes; medical assistance arrived too late to be of service.

Q. Now, you have only had experience in one case of chloroform swallowing?—*A.* Only one.

Q. How many years ago was that?—*A.* A good many.

Q. Do you mind giving a figure? We won't accuse you of being too old.—*A.* No; I suppose it must have been probably twenty-five years ago.

Q. Now, you say the post-mortem symptoms in inhalation and swallowing would be of the same character, in your judgment?—*A.* In inhalation there would not be the appearance in the stomach.

Q. I ought to have excepted that, because, of course, swallowing brings a local irritant to act on the stomach?—*A.* Yes, and you don't always observe the known great fluidity of the blood, too, after inhalation.

Q. And the condition of the stomach?—*A.* The condition of the stomach, and one thing follows the fluidity of the blood—that is the post-mortem staining of the lining membrane of the heart.

Q. Now, with regard to the condition of the internal coats of the stomach, that would depend a good deal on what the state of the man's health was a short time previous to death?—*A.* I do not think the condition I saw would be dependent on the condition previous to death.

Q. You mean—?—*A.* I mean the post-mortem or pathological appearance.

Q. The post-mortem appearances following on the taking of liquid chloroform by a man who had been recently suffering from acute or sub-acute gastritis would be a little stronger, more obvious than in a man with a perfectly healthy stomach?—*A.* I do not think they would if he had recovered from his sub-acute gastritis, as it is termed.

Q. Supposing there were any return of that, surely it would be affected by the rapidity of the actual irritant?—*A.* If there were actual gastritis at the time he took it, it would.

Q. Leaving out the condition of the stomach and blood, may I take it that, in your judgment, the effect produced by the swallowed irritant and observable in post-mortem examination would be the same as that produced by inhalation?—*A.* Not always. The appearances after inhalation are very variable.

Q. The post-mortem appearances are not very definite?—*A.* No;

there is often nothing, unless you know the history of the case, to lead you to suppose that death occurred from chloroform.

Q. But there are some appearances, are there not, where death has followed from inhalation of chloroform?—A. Some have been frequently observed; yes.

Q. That is to say, so frequently observed that they are indicated and would be looked for?—A. Yes. One would look, of course, for any indications whatever.

Q. And you would look with still greater care for those that had frequently been observed?—A. Yes.

Q. If you had no indications at all, of course you are helpless, but, in trying to find indications, you look for those that other people have frequently observed?—A. Yes.

Q. Now, in the case of the administration of chloroform by inhalation, death takes place very suddenly sometimes, does it not?—A. Yes.

Q. Not, if one may say so, from the chloroform having been inhaled and taken into the system, but from some action on the heart which is not quite—I will not say not quite understood, but not—determined?—A. Yes. A patient would die in a few minutes after a few whiffs occasionally.

Q. But where chloroform has been inhaled by the patient just a short time before death, you would expect, would you not, to find a distinct odour in the ventricles of the brain?—A. Not always; it has been observed.

Q. Is it not one of the most prominent symptoms recognized?—A. Not according to my own observation. I am speaking from my own observation.

Q. I do not want to challenge your book by any other; but you know "Guy and Ferrier"?—A. Yes.

Q. Is that a book of substantial authority?—A. Yes.

Q. So that, where it did not actually conflict with your own observation, you would attach importance to a statement there?—A. I certainly should attach importance to any statement made in such a book.

Q. Thank you, that is very fair; I am at page 550 of "Guy and Ferrier," 5th edition. "In many cases the appearances are those of asphyxia. The odour of chloroform is perceptible on opening the body. It is especially observable in the cerebral ventricles. The heart is frequently collapsed and flabby. In cases of sudden death the heart may be found in a state of fatty degeneration. Sometimes bubbles of gas are observed in the blood. Their exact nature is not determined. The post-mortem appearances are, therefore, neither very definite nor characteristic."—A. Yes; that is speaking of asphyxia, or suffocation from the inhalation of chloroform. I have not the book before me, but as you were reading it to me—

Q. I am reading the whole of the passage. "In many cases the appearances are those of asphyxia. The odour of chloroform is perceptible on opening the body. It is especially observable in the cerebral ventricles."—A. Yes; I suppose it is a matter of grammatical construction, but I presume it means in cases of asphyxia from chloroform.

Q. I do not take it to mean that, because it says, "In many cases the appearances are those of asphyxia."—A. Yes, it ought to be read all together; but what I mean is, asphyxia generally arises from giving too much chloroform—a large quantity given—and there you would expect to find the smell more prominent in such a case than when the patient died from small quantities.

Q. I quite agree it may be a question of quantity, but what I am putting to you is, if you are looking for, and you can find, any post-

mortem indications of chloroform having been inhaled, the odour in the cerebral ventricles would be one of the principal ones?—*A.* Oh, certainly I should look for it.

Q. You would agree to my proposition, it would be one you would certainly look for?—*A.* Yes.

Q. Now, there is another case which rests, perhaps, on the better authority—we won't discuss that, it rests on another authority—that is the question of the engorgement of the right side of the heart. Is that a post-mortem appearance which you would expect to find after the patient had died after inhaling chloroform?—*A.* If the death had occurred from asphyxia.

Q. You would expect to find it in smaller degree if the death had occurred, as you just told me it sometimes does, during the administration of chloroform, but owing to some sudden failure of the heart?—*A.* No; if the heart was paralyzed on the right side, it would not necessarily be engorged.

Q. But if the inhalation be carried to the point of asphyxia, it leaves that result in the heart—supposing that during the inhalation of chloroform the patient had died from the failure of the heart, you would expect to find some trace in the engorgement of the heart?—*A.* If the patient was in a state of asphyxia, and died from engorgement of the heart.

Q. Yes?—*A.* Yes; you would find, probably, the right side of the heart engorged.

Q. Suppose the patient was brought to the verge of asphyxia—a state of insensibility by the administration of chloroform—and then death suddenly should take place, or almost suddenly, from whatever cause, you would expect to find that engorgement of the right side of the heart?—*A.* Yes; in all asphyxiated conditions you would expect to find it.

Q. You have yourself made a study of the engorgement of the right side of the heart?—*A.* No; I do not know that I have made any special study.

Q. Did you not yourself examine thirty-four cases?—*A.* Oh, I dare say.

Q. And you found in twenty-seven cases engorgement of the lungs or of the right side of the heart?—*A.* Probably you have got something I have written.

Q. Yes; I have. You know Taylor's book on poisons? It is a very well-known book?—*A.* Yes; I had nothing to do with writing that.

Q. No, but a book you are familiar with—oh, you are referred to with regard to the two hundred administrations at Guy's. It is Dr. Snow who is mentioned with regard to the thirty-four cases?—*A.* Dr. Snow is a great authority on chloroform.

Q. Is there also intense inflammation of the air passages where there has been inhalation of chloroform?—*A.* There may be occasionally, but I have not myself observed that condition. I think intense inflammation of the air passages is certainly not the ordinary result after death from inhalation.

Q. Is this the fact—again I am quoting from "Guy and Ferrier," 5th edition, page 544: "The poisons alcohol, ether, and chloroform, have the common property of inducing a state of narcotism often preceded by delirious excitement, and followed by indisposition, of which nausea and vomiting are generally the leading symptoms. In large doses, and in the concentrated form, they may destroy life suddenly by shock; but they generally prove fatal by coma, or by paralysis of the heart. They act as irritants to the parts with which they come in contact, producing intense inflammation in the lining membrane of the stomach when swallowed, and in that of the air passages when inhaled. But they do not affect the whole

tract of the intestinal canal, as poisons of the irritant class do. All the poisons of this group are more or less volatile, and their vapours, when inhaled, act more powerfully than like quantities of the liquids themselves when swallowed" P—A. I do not agree to that.

Q. You do not agree?—A. No; if that were the case, the patient would generally have acute bronchitis after it.

Q. I will read you the whole passage: "The poisons alcohol, ether, and chloroform, have the common property of inducing a state of narcotism, often preceded by delirious excitement, and followed by indisposition, of which nausea and vomiting are generally the leading symptoms. In large doses, and in the concentrated form, they may destroy life suddenly by shock; but they generally prove fatal by coma, or by paralysis of the heart. They act as irritants to parts with which they come in contact, producing intense inflammation in the lining membrane of the stomach when swallowed, and in that of the air passages when inhaled." Do you agree with that?—A. I do not, as regards the chloroform.

Q. You did admit to me, just now, that "Guy and Ferrier" was a book of substantial authority?—A. Yes, I admit the authority; I do not admit the statement.

Q. You have come to a different judgment?—A. Yes.

Q. Now, is there another result to be found after the inhalation of chloroform? Does it affect the urine?—A. Yes.

Q. An indication would be found there?—A. It acts on what is termed copper solution—it reduces copper. A copper solution is the test we apply.

Mr. JUSTICE WILLS.—You apply a test?—A. By boiling it with a certain solution of copper, and it turns it red.

Q. And did you have any of the urine sent to you for analysis?—A. No.

Mr. Clarke. Now you have spoken, Dr. Stevenson, of the possibility of administering chloroform to persons while in sleep?—A. Yes.

Q. Did you speak of adults?—A. Yes.

Q. As a matter of your own practice?—A. No; I said I had not done it myself.

Q. I am much obliged. Well, when you say you know of cases in which it was done, are you speaking of recorded cases?—A. Yes.

Q. Of adults?—A. Yes.

Q. In the case of adults, is it the fact that the attempt to administer chloroform by inhalation, during sleep, wakes the man?—A. Not almost invariably.

Q. Not almost invariably?—A. If I might refer to figures and the largest number of experiments made by one individual—Dolbeau—he found that the proportion that woke up either when heavily sleeping or lightly sleeping was three to one, three awoke to one that was chloroformed. I think Quimby experimented on four, and he succeeded in chloroforming them all.

Q. "Quimby, and Elliott"?—A. "Quimby, and Elliott."

Q. "Quimby" was the American we have just read?—A. Yes.

Q. I have not got Dolbeau's book, but I have a reference to Dolbeau, the authority on that matter.—A. And Hussey. He was Coroner for Oxford, I think. He did it thirty-six years ago.

Q. I am asking for recorded matters, of course, that one can look at. Do you know Wynter Blyth's book on poisons?—A. Yes.

Q. I dare say I may look at that reference to Dolbeau.—A. The book is there.

Mr. JUSTICE WILLS.—What book is that?—A. The "Annales d'Hygiène," a book of great authority, and it appears that Dolbeau's experiments were published in 1874.

Mr. Clarke.—I am rather reluctant to translate it lest I should appear to give it too favourably to myself. May I translate it, and ask you to check me? (*The learned Counsel translated the passage from p. 183 of the "Annales d'Hygiène publique," January 1874.*) "Scientifically it is difficult, but often possible, to render persons who are in natural sleep insensible by chloroform. Certain precautions, the employment of a pure spirit and great skill, are among the conditions which may favour the attempt to anæsthetize. It is probable that certain subjects are absolutely refractory—that is to say, it will be impossible to anæsthetize them in spite of all the precautions that may be taken. Other persons, on the contrary, little children by preference, will easily submit to anæsthesia without being aroused from their slumbers by the irritation that the anæsthetic agent produces in the air passages."

Q. With regard to Wynter Blyth, just let me take this. I find a passage on page 136: "Dolbeau has made some interesting experiments in order to ascertain whether under any circumstances a sleeping person might be anæsthetized. The main result appears to answer the question in the affirmative, at least with certain persons; but even with these, it can only be done by using the greatest skill and care, first allowing the sleeper to breathe very dilute chloroform-vapour, and then gradually exhibiting stronger doses, and taking the cloth or inhaler away on the slightest symptom of approaching wakefulness. In 75 per cent. of the cases, however, the individuals awoke almost immediately on being exposed to the vapour. This cautious and scientific narcosis, then, is not likely to be used by the criminal classes, or if used, to be successful." Will you kindly tell me that other name? What was it?—A. Quimby, "Boston Medical Journal."

Q. That is an American book, is not it?—A. Yes.

Q. I think "Wharton and Stillé" is an American work with which you are acquainted?—A. Yes.

Q. Do you remember in that the results of experiments are stated with regard to endeavouring to give chloroform to sleeping persons?—A. I do not remember the statement in that book. Probably there would be one. Is it a recent edition?

Q. I will tell you. 1884.—A. Probably it would be a reference to Quimby. I have not so recent an edition.

Q. Then I shall be glad to give you the reference. The following testimony is given at page 393 of vol. ii. of Wharton and Stillé's "Medical Jurisprudence," and "is taken from the records of a recent trial (New Bloomfield, Perry County, Pa, January 18, 1871) for an attempt at robbery by the use of chloroform:—F. F. Maury, M.D., recalled: Chloroform *very very* often produces resistance. It sometimes produces irritation, and sometimes a depressing feeling. It produces vomiting. If the stomach is full, nausea and vomiting almost always follow. Sometimes it does not. I experimented with chloroform on six sleeping persons. Out of that number all resisted more or less. Two *men* woke up immediately, and one remarked 'you are trying to give me something.' Unquestionably it requires more chloroform to produce death in a recumbent position than in an upright posture. One man cannot administer chloroform to another."—A. I know those experiments—Quimby and others have experimented to try and settle the question, and Dolbeau's experiments were taken up for the same reason, I know.

Q. Dolbeau's, then, are the most recent?—A. No; Quimby's are more recent. He is referring to a trial—1880.

Q. Stillé is quoting in 1884?—A. Yes.

Q. Quimby's is an American book?—A. It is a paper by Quimby,

who is, I believe, a person of repute, in the "Boston Medical Journal,"* June 17, 1880.

Q. You have got the French "Dolbeau," and now you mention "Quimby, and Elliott."—A. And I have another American authority.

Q. But so far as English authorities are concerned, can you find me any suggestion in any book that it is possible to administer chloroform to sleeping men without waking them?—A. Yes.

Q. Where?—A. Hussey, the "Medical Times and Gazette," 1880, ii. 251.

Q. The "Medical Times and Gazette," excuse me saying it, is not a book in the sense I am using. I am speaking of treatises.—A. Hussey is a perfectly reliable person.

Q. I have no doubt, but you know one can deal with medical treatises, but it is not so easy to find things in the "Medical Times and Gazette."

Mr. JUSTICE WILLS.—Have you got it there?—A. No.

Mr. Clarke.—This, you tell me, is the only book—an English authority—in which there is a mention of this matter of administering chloroform during sleep—a book of very considerable authority—"Woodman and Tidy,"—A. I think it is mentioned there.

Mr. JUSTICE WILLS.—I have not appreciated what he says about Hussey.—A. Hussey said it was done in his presence at Oxford Infirmary as far back as 1850.

Q. The chloroform was administered to a sleeping person?—A. Yes.

Mr. Clarke.—I do not want to trouble you. Have you got a record of that case with you?—A. No.

Q. Was it to an adult or a child?—A. I think it was to a young man of sixteen or seventeen.

Q. You have given your references?—A. I have—1880, ii. 251.

Q. I may be able to get the book.

Mr. JUSTICE WILLS.—I dare say Dr. Stevenson would take care and have it to-morrow.—A. I will try and procure it to-morrow. I will pass a reference to my assistant, who will get it for me this afternoon.

Mr. Clarke.—I suggest to you the only really known matter with regard to this in English treatises is with respect to children. I am about to read an extract from "Woodman and Tidy." It is the edition of 1877, but I think the world wants a new edition. That is the last.

Mr. JUSTICE WILLS.—What page?

Mr. Clarke.—Page 525. "A question of some importance to the medical jurist naturally occurs here, namely, *whether chloroform can be administered for improper purposes.* We know, however, that comparatively the insensibility from chloroform-vapour is only slowly induced. It would be difficult, therefore, to administer chloroform to persons forcibly and against their will, whilst, of course, the stories of immediate anæsthesia produced by it are but idle fables. Still, it might be administered to persons asleep without much difficulty ('Lancet,' October 5, 1872, p. 514, and October 12, 1872, p. 549), and this seems the only possible condition under which it could be conveniently used for improper purposes, unless considerable force was employed to prevent the person struggling, which, under ordinary circumstances, would be an almost insurmountable difficulty to its use." I have referred Dr. Stevenson to the two references to the "Lancet" given in "Woodman and Tidy," and I find they referred entirely to the administration of chloroform to children. Do you know Dr. Whitmarsh, of Hounslow?—A. I think I do.

* ["The Boston Medical Journal," June 17, 1880, p. 592, contains an editorial note only on Quimby's experiments. Quimby's original paper will be found in the "Transactions of the American Medical Association," 1880, p. 519.—EDITOR.]

Q. You remember the name?—A. Yes.

Q. It is not a question of authority. I was only earmarking the question. There is a note here that it will be interesting to know whether this mode of giving chloroform has been noticed by the profession. I do not know if you know Mr. Dobson, of Clifton, Bristol. Reference is made in Woodman and Tidy's book to his letter. (*The learned Counsel read a letter from the "Lancet," 1872, ii. 549, by Mr. Dobson.*) "In reply to the letter of Dr. Whitmarsh which appeared in your last impression respecting the administration of chloroform to children during sleep, I beg to say I have been in the habit of so administering chloroform when the opportunity occurred. During the time I was house-surgeon to the Bristol General Hospital, where I had frequently to give chloroform to children to straighten their legs in hip-joint disease and the like, I used to consider myself fortunate if I could catch the child asleep and so give it chloroform without disturbing it; the advantage of such a proceeding being that the child speedily became under the influence of the anæsthetic without that alarm and crying and irregular inspirations which are so common in the administration of chloroform to children. The only precaution which I ever found necessary to prevent them from awaking with the first inspiration of the chloroform, was that the inhaler should be first held at a moderate distance from the child's face, and gradually approached nearer until the requisite degree of anæsthesia was produced, which would be judged of by the usual signs." Apart from that reference in "Woodman and Tidy" you are not prepared to refer me to any English treatises which discuss the probability of administering chloroform during sleep?—A. It is mentioned in "Taylor." He refers to Dolbeau—in the book on poisons, I think it is.

Q. He refers to Dolbeau?—A. Yes; there is a paragraph on it—a sentence, at all events.

Q. Oh, that is Dolbeau?—A. You will find it in the reference to the "Annales d'Hygiène."

Q. Quite right; he did not give the reference to Dolbeau?—A. No.

Q. But he gives reference to the book, and he only gives this passage, 3rd edition, p. 648: "These facts show that there is no truth in the statement sometimes made in cases of alleged robbery or rape, that the person assaulted was rendered suddenly insensible and unable to offer resistance. Chloroform-vapour does not produce immediate insensibility unless it also produces complete asphyxia and death. There is, however, one case in which it might be used to aid the perpetration of crime. If the person is already asleep, the application of the vapour might intensify this and render him or her powerless, but the conditions for thus using chloroform criminally can rarely present themselves." He does not give the name of Dolbeau, but that is the reference.—A. Yes.

Q. Now I just want to come to another question. Do you say the symptoms produced by the swallowing of chloroform entirely correspond with those that follow on inhalation?—A. Pretty well, I think. You get symptoms of unconsciousness and paralysis intensified.

Q. I speak of symptoms that follow on swallowing chloroform.—A. There is then inflammation of the stomach, but the general symptoms are not very greatly different.

Q. But the very first case in Taylor's "Medical Jurisprudence," 3rd edition—you have edited that. I am afraid to ask you if you believe in all the cases. Some of them are of very great authority.—A. I have certainly modified some of that chapter from what has since come to my knowledge.

Q. The first case, vol. i. p. 404, is: "This liquid when taken in a large dose appears to affect the system like alcohol: but as a liquid it cannot

be regarded as an active poison. A man swallowed *four ounces* of chloroform. He was able to walk for a considerable distance after taking this dose, but he subsequently fell into a state of coma."—*A.* Yes; the symptoms when taken into the stomach—the absorption is less rapid than when taken into the lungs. I should take it symptoms would take longer to develop themselves, but when they do so they are very profound.

Q. I should expect you to answer me in the affirmative directly. The results of swallowing a dose of chloroform vary immensely in different cases?—*A.* Yes.

Q. So far as the inhalation of chloroform is concerned, the symptoms are fairly regular, are they not?—*A.* Yes; the stage of excitement—

Q. I will read it to you from "Taylor." Now the passage in which he describes it—and I just ask you if you agree—is at page 649 of "Taylor on Poisons," 3rd edition: "There are considered to be four stages in the administration of the vapour. In the first, the patient becomes excited; in the second, he talks incoherently, and sensibility is diminished; in the third, he is unconscious, but the muscles are rigid; in the fourth, the muscles are completely relaxed, and the patient is perfectly insensible. Danger commences with the third stage." Do you agree with that generally?—*A.* Yes.

Q. Now, during the first stage, when the patient is excited, the passing of a quantity of chloroform over the lips and tongue and down the throat would cause severe pain, would it not?—*A.* Yes.

Q. And in that first stage, the stage of excitement, that pain would be resented, and would arouse the patient to resistance?—*A.* Yes. Are you speaking now of its administration to a person awake? In any case—

Q. Forgive me; you are right in this sense: I have taken you to the state of the administration of chloroform to a person sleeping, and he would have awakened.—*A.* Yes. I do not agree that that state of excitement would be necessary if a person were asleep. I wish not to commit myself to too general a proposition.

Q. We have got from Dolbeau, as far as his experience went, that three out of four persons awoke.—*A.* This experience is—

Q. I have got an American authority, where he attempted it with six persons, and they all awoke.—*A.* Yes.

Q. Then I have taken the case given by Mr. Tidy, of the children being dealt with while they were asleep in the hospital, and I have read you the letter in which Mr. Dobson practically agrees with Dolbeau. He says he avoided excitement by giving it during sleep.—*A.* Yes.

Q. He did it with great care, beginning with the chloroform far off and bringing it closer. Now, apart from the question of sleeping or waking, supposing the first stage here of excitement to occur, the pain of administering the poison would be felt, and would be resisted. That would be the first thing to wake anybody up?—*A.* Yes, it might wake a person up, and it might not.

Q. Probably from the first stage, if you only got a person into the first stage, that of excitement, the pain, whether about the tender places there in his mouth or lips, would wake him if you put the liquid into the mouth?—*A.* Yes, in that stage; I misunderstood you.

Q. Then, in the second, he talks incoherently, and sensibility is diminished, so that sensibility is gradually passing away?—*A.* Yes, he is intoxicated.

Q. But still capable of feeling pain?—*A.* To a less extent.

Q. In the third, he is unconscious, but the muscles are rigid. Now, in the administration of chloroform by inhalation, when you come to that

third stage, does not the jaw become rigid?—*A.* Very often. There is a great deal of rigidity in the limbs generally.

Q. So that at that stage it would require force to open the mouth?—*A.* Probably, yes.

Q. And when that rigidity passes away, the muscles become completely relaxed, and the patient is perfectly insensible?—*A.* Yes, ready for operation.

Q. And in that stage there is no capacity for swallowing at all, is there?—*A.* Yes.

Q. How? Is not the reflex state abolished?—*A.* No; the patient is on the operating table, and would continue to swallow,

Q. When completely anaesthetized?—*A.* Yes.

Q. That is a question of degree?—*A.* That is altogether a question of degree when the patient would cease to swallow.

Q. Then I understand you, in your judgment—

Mr. Justice Wills.—May I interpose one question? When you speak of their swallowing in that sense, do you mean by the muscles acting, or having stuff simply poured down their throat, as *Mr. Murray* said?—*A.* Any liquid put at the back of the throat; the patient continues to swallow his own saliva for some time.

Q. That is by muscular action?—*A.* Yes.

Q. Not like pouring it down a leaden pipe?—*A.* No. Blood flows into the back of the throat; it is swallowed unless he is under chloroform very profoundly, when he ceases to swallow, and then he becomes suffocated. There is a stage of inhalation where the patient ceases to swallow.

Mr. Clarke.—But in this case, where the operation is performed and the blood gets to the back of the throat, is not one of the dangers that blood will get into the air passages?—*A.* Yes; he may get into such a state by inhalation that he cannot swallow.

Q. Now, let me put it again. Do you say there is a particular point in the process of chloroforming at which a medical man—at which the patient would be able to swallow, although he was sufficiently under the influence of chloroform not to suffer from the pain?—*A.* I do.

Q. Will you tell me how you would yourself ascertain that time had arrived?—*A.* Well, I should not like to pour liquid down the throat if the reflex of the eye had been abolished, as *Dr. Murray* terms it. I would not like to commit myself to say where would be the point at which the reflex would even be abolished.

Q. I take it from you that is taken as the test?—*A.* It is the practical test.

Q. Let me ask you this, is not that the test that the doctor does apply in order to ascertain if the sensation of pain has gone?—*A.* Yes.

Q. Is that the assumption, at all events, of a doctor dealing with chloroform; until that reflex action is gone, pain is felt?—*A.* He assumes that.

Q. Now, suppose you had to deal with a sleeping man, and it was your object to get down his throat without his knowing it a liquid the administration of which to the lips or throat would cause great pain, do not you agree it would be a very difficult or delicate operation?—*A.* I think it would be an operation which would often fail, and might often succeed.

Q. Would not you look on it as a delicate operation?—*A.* I should look on it as a delicate operation, because I should be afraid of pouring it down the windpipe.

Q. That is one of the dangers you contemplate?—*A.* Yes.

Q. If it got into the windpipe, there would be spasmodic action of the muscles, would not there?—*A.* At the stage when you had come to the conclusion that you could do it, when there is insensibility, or partial

insensibility, the rejection of the liquid by the windpipe would be probably less active than when the patient was awake.

Q. If the patient got into such a state of insensibility as not to reject it, it would go down his windpipe and burn that?—A. Probably some of it might go down his windpipe.

Q. It would probably do so?—A. Probably.

Q. If it did so, it would leave its traces?—A. I should expect to find traces after death, unless the patient lives for some hours.

Q. Of course a great many post-mortem appearances are changed if the patient lives for some hours?—A. Yes.

Q. Not only by the chloroform disappearing, so to speak, but also other changes incidental to a post-mortem condition?—A. Yes.

Q. And if the post-mortem examination had been performed, as Mrs. Bartlett wished it to be, on the very day on which death took place, there would have been still better opportunity of determining the cause of death?—A. Yes.

Mr. *Clarke*.—I think, my Lord, that is all I need ask Dr. Stevenson.

FIFTH DAY'S PROCEEDINGS.

FRIDAY, APRIL 16, 1886.

Dr. STEVENSON recalled.

Mr. *Clarke*.—Have you the authority, Dr. Stevenson, this morning that you promised me yesterday?—A. I have it, but the officer of the Court locked up my bag, and I cannot produce it at this moment.

Q. The officer of the Court has locked it up and you cannot get at it?—A. Yes, I had it here last night, but my bag is locked up, and I cannot find him this morning. I remember perfectly well what it is; I read it last night.

Mr. JUSTICE WILLS.—The officer of the Court must be sent for.

Mr. *Clarke*.—I dare say the officer will be here in a few minutes. I have no other question to ask Dr. Stevenson upon that.

Re-examined by the *Attorney-General*.

Q. Dr. Stevenson, you were asked about chloroform being very volatile?—A. Yes, it is.

Q. Assuming it to have been taken into the mouth and so to have gone down into the stomach, would you expect, after the lapse of four or five hours, that there would necessarily be any smell of chloroform in the mouth?—A. No.

Q. Or three or four hours?—A. No.

Q. Or two or three? I want to get some approximate idea.—A. If the mouth were open, I should expect the smell might disappear even within half an hour.

Q. Can you tell me this—whether the effect of a dose of chloroform swallowed and taken into the stomach would be greater or less in its effects upon the person taking it if that person was insensible or partially insensible by inhalation first?—A. I should expect that the effect would be greater,

Q. In the direction of causing paralysis of the action of the heart, for instance?—*A.* Yes.

Q. You spoke, I think, of the delicacy that would be used in getting chloroform into the stomach if the person were lying back and insensible or partially insensible?—*A.* Yes.

Q. You used that word, I think?—*A.* I think I used the word or something very like it.

Q. Do you mean, from a medical point of view, it would require to be delicately done in order to prevent its getting into the windpipe instead of the throat?—*A.* What I mean precisely is this, that a person unskilled in the anatomy of the part—in such a case there would be a chance whether it got in the right way, down the gullet, or the wrong way, down the windpipe. Some might go down the windpipe if not, in that sense, delicately done; there would be that danger.

Q. My learned friend read a passage from one work in which he spoke of asphyxia as a consequence of the administration of chloroform.

Mr. Clarke.—No; the passage I read was this: that the post-mortem appearances were similar to the cases of asphyxia.

The Attorney-General.—Is that your experience, Dr. Stevenson?—*A.* The post-mortem appearances are sometimes those of asphyxia, because asphyxia is sometimes the cause of death from chloroform.

Mr. Justice Wills.—I do not know whether I am correct in summarizing this. The notion I have from the cross-examination of yesterday is, that chloroform would produce death in one of two ways—in the one, by producing asphyxia, which I suppose would paralyze the muscles of respiration; and in the other cases, by paralyzing the muscles of the heart; and the two post-mortem symptoms are not quite the same in the two cases?—*A.* No.

Q. If that requires correction, pray give it.—*A.* Practically, it is so; but one thing with asphyxia, it is not quite necessary that there should be paralysis of the muscles of respiration—it really means suffocation.

Q. It may arise from that?—*A.* Yes, or from paralysis of the heart.

The Attorney-General.—So it comes to this, if the particular form which the mischief takes is suffocation, you would expect to see on the post-mortem the signs of suffocation?—*A.* Yes.

Q. If the mischief results from paralysis of the heart, you do not expect to see signs of suffocation?—*A.* Yes.

Q. It sometimes happens, does it not, that, when persons are voluntarily drinking a liquid, some of it may get down the windpipe or approach the windpipe?—*A.* Yes, occasionally; that is a rare incident.

Q. With reference to the passage which my learned friend Mr. Clarke was reading yesterday from this book at page 183, what paper do you call that?—*A.* It is a paper by M. Dolbeau.

Q. I will just read one passage more to you; it follows the passage which Mr. Clarke read. You know the passage probably; you will recognize it as I endeavour to translate it: "With regard to crime, it is certain that chloroform administered to persons asleep could facilitate the perpetration of certain crimes and misdemeanours. It is, however, probable that conditions favourable to anæsthesia will rarely be found combined at the time of the attempted criminal acts." Do you agree with that?—*A.* I agree that it is possible, and that, in a certain number of cases, the production of sleep would be comparatively easily effected.

Mr. Justice Wills.—The production of sleep, you say?—*A.* The production of insensibility during sleep, I should say.

The Attorney-General.—My learned friend Mr. Clarke also asked you whether there may not be found some traces in the urine of a person who has died from an overdose of chloroform, and I understood you to say yes.

Would it be visible to the eye, or would it only be detectable upon analysis?—*A.* Oh, not visible to the eye. It is a little undetermined whether it is due to the undoubted presence of chloroform or the chloroform producing some other substance in the urine. At all events, the urine would act in a particular way at a particular period.

Q. You had no portion of the urine furnished to you for analysis?—*A.* No.

Q. And the appearance of the urine would not suggest any change?—*A.* The appearance would not suggest it. I have the book, the "Medical Times," here now, my Lord.

The *Foreman*.—We wish to ask you one or two questions. We desire to be perfectly clear upon this point. I think you stated that, in the third stage of chloroformism, the jaws are rigid, or partially so?—*A.* In one stage. The stages are purely arbitrary, but in one stage there is rigidity.

Q. Then we take it that an unskilled person with a little time to administer a sufficient quantity of chloroform down the throat—sufficient to cause death—must do it very gradually for fear of choking. It must take some little time; they could not do it suddenly?—*A.* I do not think in some cases it would be very difficult to do it quickly. It is simply the very act of swallowing.

Q. Then the chances are, I think, perhaps, that some portion of the chloroform might remain in the mouth for some little time?—*A.* I should expect it would be a very short time.

Q. But it must remain there some little time?—*A.* Some of it might. If the person were unable to swallow, it would be likely to remain at the back of the throat.

Q. Then it will show some signs of its having been there, in the gums or throat, in the same way as if it lay in the intestines?—*A.* Yes, if the patient were unable to swallow. If he were in a condition to swallow it, the swallowing would be effected almost momentarily, just as long as it would take to drink a little water.

Q. You would expect more signs supposing a person could not swallow than if he was drinking medicine quickly off. In the latter case you would not expect to see any signs at all, would you?—*A.* If a person could not swallow, it would remain at the upper part of the windpipe; and upon the post-mortem I should expect to find the effects of contact there—irritation or inflammation.

Q. If taken suddenly, you would not expect to find either?—*A.* I should not expect to find it.

The *Attorney-General*.—What was the last question?

The *Foreman*.—If a person took it quickly in swallowing it, like a dose of medicine, he would not expect to find the signs.

Mr. Clarke.—Now, is that the paper you referred to, Dr. Stevenson (*producing the paper*)?—*A.* Yes, that is the paper.

Mr. Justice Wills.—I just want to ask a question upon that—as to the term rigidity. It is a little too vague to convey any definite notion to my mind. It may mean that the jaws were closed like an iron vice, or it may mean something very much less. Will you kindly explain that?—*A.* In giving chloroform by inhalation at a certain period, and before the patient is altogether unconscious, there is often considerable general muscular rigidity. The arms would be rigid and the patient would grind his teeth or clench the jaw.

Q. Would that be the same if administered during sleep?—*A.* I have never seen it given during sleep. I should not think so from the record of those cases—sleep passing into the period of chloroformism.

Q. How long does the period of rigidity last?—*A.* Oh, it may be a few seconds or a minute.

Q. Not very long?—A. No; if the patient is insensible, the rigidity speedily passes off.

Mr. *Clarke*.—My Lord, the letter to which I have referred does itself refer to a quotation in the previous week's number of the "Medical Times." I am endeavouring to find it, but I will not delay. I dare say Dr. Stevenson will be good enough to try and find it for me.

Mr. JUSTICE WILLS.—Mr. Hussey's letter, do you mean?

Mr. *Clarke*.—Yes, my Lord. He referred to the "Medical Times." In that case it was administered to a boy. It is the 28th of August, 1880, which is the second volume of the work, at page 251. I have just found it, and I will read the letter:—"Administration of Chloroform during Sleep.—About thirty years ago the late Mr. Hester, of this city, asked me to assist him in the operation of removing a small pendulous tumour from the inner side of the thigh in a boy. When we entered the bedroom the boy was in bed asleep. We administered the chloroform at once without awaking him; and, when he was well under the influence of it, we prepared a table," and so on; but the point there is that that was the case of a boy.

Mr. JUSTICE WILLS.—I will just ask one more question. We are told that there was unusual and considerable difficulty in putting the patient under the influence of nitrous oxide. Is there any connection necessarily or probably between or difficulty in being put into insensibility by nitrous oxide and being put into insensibility by chloroform?—A. It is quite a guess. I should think the difficulty in the one case would create a difficulty in the other; but that is a pure matter of inference.

Q. A thing you cannot say much about?—A. A thing I cannot say much about. I will only say generally, if a person is insensible to one anæsthetic, he would be less sensible to another.

CHARLES MEYMOTT TIDY sworn.—Examined by
Mr. *Poland*.

Q. Are you a Bachelor of Medicine and Master of Surgery?—A. Yes.

Q. And Professor of Chemistry and Forensic Medicine at the London Hospital?—A. Yes, I am.

Q. And one of the official analysts to the Home Office?—A. Yes.

Q. And you are one of the authors of the book quoted by my learned friend Mr. Clarke yesterday, "Woodman and Tidy's Forensic Medicine and Toxicology"?—A. Yes.

Q. You have had long experience in matters of that description?—A. Considerable.

Q. Have you of your own knowledge known of a death from taking liquid chloroform?—A. Yes.

Q. When was that?—A. In the year 1863. It was referred by Dr. Lankester.

Q. Was it a death from taking liquid chloroform?—A. Yes; it was a death from taking liquid chloroform.

Mr. JUSTICE WILLS.—Referred by Dr. Lankester to you?—A. Yes, my Lord; Dr. Lankester was Coroner at that time.

Mr. *Poland*.—What was the fatal dose at that time?—A. So far as we know, it was an ounce and a half; but I am bound to say the details I have of that case are not very clear, for the case was one of suicide, and the fact of chloroform having been taken was beyond all question.

Q. How much would an ounce and a half be, measured in a wine-glass?—A. Wine-glasses are of very different sizes, but, I take it, a wine-glass would hold two or two and a half fluid ounces. An ordinary sherry glass contains two fluid ounces and a half. A tablespoonful is half a fluid ounce.

Q. This I am told is one ounce (*holding up a bottle*).—A. Yes.

Q. In a case of death from taking liquid chloroform, would you expect to find in the stomach traces of chloroform?—A. Yes, I should.

Q. Some of the actual chloroform?—A. Yes. In this case I should say it was obtained with great ease.

Q. In the contents of the stomach there was actual chloroform?—A. Yes. The actual quantity was not determined. There was no necessity to do so.

Mr. JUSTICE WILLS.—You were in the case of 1863?—A. Yes, I am referring to that case. One other case of chloroform came before me, curiously enough in 1863, which I saw also with Dr. Woodman, but that was a case of recovery.*

Mr. Poland.—In your judgment, would chloroform taken in a liquid form entering the stomach, when it came in contact with the stomach show signs?—A. Yes. In this case, which is the only case I know of my own knowledge, there was considerable inflammatory condition of the stomach.

Mr. Clarke.—The 1863 case?—A. Yes.

Mr. Poland.—Would that be the part of the stomach the chloroform would come in contact with?—A. Yes, I presume so; but I have no note in this case as to where the inflammation was.

Q. Would the chloroform affect the œsophagus, or gullet?—A. I should judge so, if it were sufficiently long in contact with it; but, if the contact of chloroform with a tissue is of very short duration, I am of opinion that no appearance—no abnormal appearance—might be apparent. I have myself tried that in my own case for experiment. I put a teaspoonful of pure chloroform in my mouth, and I held it in my mouth for something like five or six seconds, and then spat it out and simply washed my mouth out with a little water, and there was a slight redness produced, but it certainly did not last longer than a few minutes at the most, although a certain numbness continued for something like nearly an hour, and therefore the effect of chloroform on animal tissues, I am clear, will be greatly dependent on the duration of the contact.

Q. When the liquid chloroform is taken into the stomach, does it then pass into the blood?—A. Yes; the diffusibility, as it is called, of chloroform, is very great.

Q. If taken in sufficient quantity to cause death, would you expect to find traces of that chloroform in the intestines?—A. Yes, but that would not be by its diffusibility through the membranes, but by its actual passage from the stomach into the intestines.

Q. But with regard to the intestines—you would expect to find traces of chloroform in the intestines?—A. Yes, I should, if a sufficient period had elapsed between the taking of chloroform and the death.

Q. And upon the death so caused, would you at the post-mortem examination expect to find what has been described as fluidity of the blood?—A. Yes; it is one of the peculiar effects of chloroform, its action on the blood inducing various changes of the blood.

Q. Now, did Dr. Stevenson on Saturday, March 20, show you some of the contents of the stomach—bottle No. 5?—A. Yes, he did.

Q. Did you smell it?—A. I did.

Q. What smell was it?—A. I think Dr. Stevenson's description, that the smell was overpoweringly strong of chloroform, is a very right one, and it is exactly as I should describe it myself.

Q. On that date?—A. On that date.

Q. On the 20th of March?—A. Yes; there can be no shadow of doubt about it.

Q. Now, suppose chloroform was inhaled, and then chloroform taken in a

[* Vide "Medical Times and Gazette," 1863, vol. ii. p. 378.—EDITOR.]

liquid state, would the chloroform taken in the liquid state have a greater effect than if taken by a person who had not previously inhaled it?—*A.* I should think so. That is rather a matter of opinion. I think, myself, it would, but I have no experiment to show.

Mr. Justice Wills.—You might almost call it, I suppose, a speculation?—*A.* I think so. I do not think I could put it much stronger than that.

Q. Supposing death caused by a fatal dose of liquid chloroform in a body seen some two or three hours after death, and the mouth smelt, would you expect to find any smell of the chloroform in the mouth?—*A.* I think it is quite consistent with facts that there should be no smell at all.

Q. We have heard it is very volatile?—*A.* Very volatile indeed.

Q. If the mouth were opened after death, would that account for the smell going off—supposing it did go off?—*A.* It would be quite sufficient, I think.

Q. Now, as to the skin. The effect of chloroform on the skin, supposing chloroform spilt on the face at all and not covered up, would you expect to find any marks left?—*A.* No; as a matter of fact, I dropped some chloroform on my own hand last night, and there is no sign left at all.

Q. Even at the time was there any sign?—*A.* There was a slight redness produced for a short time, but it was very transient. At the present moment I cannot determine at all where the spot was.

Q. How soon does it pass off?—*A.* There was certainly no sign of the spot where I dropped it half an hour afterwards, but I think I should be more correct in saying a quarter of an hour.

Mr. Clarke.—Will you repeat that?—*A.* I said no sign whatever upon the spot where I had dropped the chloroform half an hour afterwards. I said also a quarter of an hour, but I am certain half an hour I am correct in. I do not mean to say but that it would leave marks, and very definite marks. I wish to guard myself on that point.

Mr. Poland.—But as far as you can judge?—*A.* It would not last. If you drop it on the skin, and then place a pad over it so as to cover it, then undoubtedly it would produce a burn.

Q. I am speaking of chloroform on the skin uncovered.—*A.* Uncovered.

Q. In giving chloroform which is inhaled, have you noticed a rigidity of the jaw?—*A.* Certainly; and I have also noticed some cases where there has been no rigidity of the jaw.

Q. That does not necessarily follow in all cases?—*A.* No; it usually occurs, and, further, the rigidity of the jaw lasts a very variable period.

Q. In your judgment, could partial insensibility be produced by inhalation of the chloroform during sleep?—*A.* Yes, it could.

Q. If a person were rendered partially insensible by the administration of chloroform, in your judgment could the liquid be administered?—*A.* I think so, certainly, at certain stages. I should like to say, with regard to my experiment on the action of administering chloroform during sleep, I think it is fair to state exactly what I have done in the case. Of course, it is always difficult to do it, for you must get the consent of the person. It is not an experiment you can often make. In the case of a boy between fifteen and sixteen years of age, who had a dislocation of his arm, it was necessary to give him chloroform in order to reduce it. He went to sleep, and we administered chloroform, while he was asleep, with great ease. And it is right also I should say—it is fair to say this—that I have tried it in two cases since. The one was, I think, a satisfactory case on which to try it, because the person was fairly well asleep; and in the other case the man was not very well asleep—I would call it dozing—and it is right to say I failed.

Mr. Justice Wills.—In both cases?—*A.* In both cases.

Cross-examined by Mr. Clarke.

Q. With regard to the three cases you have given us, you succeeded in the case of the boy and failed in the others, I understand?—A. Yes; in one the person was not in a good sleep, and I failed.

Q. Those are the only experiments you have had the opportunity of making, and were those both adults?—A. They were adults.

Q. In the case of the boy, I notice that you said “we” administered chloroform. Was there a surgeon there with you?—A. The surgeon was there who was going to reduce it.

Q. Have you had long experience?—A. You mean of chloroform?

Q. Yes.—A. Yes; very long indeed.

Mr. JUSTICE WILLS.—Then you administered the chloroform?—A. Yes; I administered the chloroform.

Mr. Clarke.—With regard to the 1863 case, that was a suicide, I believe?—A. Yes.

Q. And so, I believe, being a case of suicide, it was not necessary to make detailed notes?—A. No; the jury wanted the analysis to be made to detect the chloroform, and I did not go very fully into it.

Q. The great majority of cases reported are cases of suicide, are they not?—A. Certainly; by a very long way.

Mr. JUSTICE WILLS.—Two by swallowing chloroform, I understand?—A. Yes, entirely.

Mr. Clarke.—The majority of cases of inhalation are accidental, are they not?—A. Yes; I understand that.

Q. So that, apart from positive evidence of facts, the enormous probability of evidence would be in favour of suicide?—A. I should say so.

Q. You say that, with regard to rigidity, it lasts for a very short time?—A. Very; it may only last a few seconds, and it may last longer.

Q. It may last much more—four or five minutes?—A. I should not like to say no.

Q. I am quite content, Dr. Tidy; I will take your answer. The symptoms from the inhalation of chloroform are very variable, are they not?—A. Very variable indeed.

Q. A person might be chloroformed—I will use that word—in two minutes, or may take a considerable time?—A. Yes; while the quantity required to produce the effects varies also. It is not a question of time only, but of quantity.

Q. In administering chloroform, you are guided by the appearance of the patient with regard to the quantity you are to administer, I suppose?—A. Manifestly so; it is the real difficulty, in administering chloroform, that you cannot lay down any law which applies to everybody.

Q. Exactly; and therefore in all the stages you must exercise a careful judgment?—A. Yes.

Q. And that is the reason that there are administrators of chloroform, who devote themselves to the practice?—A. Exactly.

Mr. JUSTICE WILLS.—It goes further, does it not? Sometimes persons whom you would not expect, die suddenly under chloroform, do they not?—A. Yes; and in some cases even where a careful examination has been made, and no signs of heart disease discovered.

Q. And is the converse sometimes the case, that when you think it *primâ facie* very dangerous, the patient will take any quantity?—A. That is so.

Q. So that it is singularly uncertain?—A. Yes, and that is no doubt why ether has been so largely substituted lately, because all authorities have found it more certain in its action, although it has its disadvantages.

Q. Do you know whether the case which you read to Mr. Clarke—the one case which was unhappily fatal, was that a case of suicide? I dare say you know the case.—*A.* I know the case perfectly well.

Q. Perhaps it does not say?

Mr. Clarke.—It does not say, my Lord. It is this—he was aged twenty-six, and he took two ounces.

Mr. JUSTICE WILLS.—Dr. Tidy says he rather thinks it was suicide.

The Witness.—I rather think so.

Q. Just let me ask you one question. Would it be correct to say that there is a similar uncertainty about the action of swallowing chloroform; or would it be more correct to say that not much is known about it?—*A.* There is considerable uncertainty in its action; it depends largely upon whether the man vomits or not—whether the person vomits or not. I am only judging now from the cases I have read.

Q. We know the limits of your experience, but I suppose you have read everything there is?—*A.* I think I have read everything there is, as far as I can find it.

Q. I suppose one may say—one must have to correctly summarize it—a good deal less is known about swallowing chloroform than about chloroform inhaled?—*A.* Oh, very much less.

A Juror.—I suppose it would be likely, if you were to drop chloroform on the delicate parts of the mouth, to show marks there, though you would not see them on the skin of the hand?—*A.* Certainly.

Mr. JUSTICE WILLS.—There is one other question I want to ask of you—or Dr. Stevenson, perhaps of both. Mr. Leach says that, experimenting upon himself, he produced a mark of whiteness on the tongue when he took chloroform in his mouth. Do you know anything about that?—*A.* No, my Lord; it is contrary to my own experiments, and my own experience. There was no sign of whiteness; it was a thing I looked for very carefully, but it was a delicate blush of redness.

Q. Then you only know from that one experiment?—*A.* That is all, my Lord.

Q. It is not everything that is recorded, is it?—*A.* No, I think not.

Re-examined by the *Attorney-General*.

Q. How long do you think the chloroform was in your mouth?

Mr. JUSTICE WILLS.—I think he has told us.

The Witness.—Five or six seconds.

Q. But nothing has been recorded about that in pathological books?—*A.* No; I know nothing about whiteness being produced.

The Attorney-General.—My Lord, there are one or two more short witnesses upon another point.

ADA JUDSON called.

Mr. Clarke.—A witness is proposed to be called of whom we had notice given to us only last night.

The Attorney-General.—Yesterday evening.

Mr. Clarke.—I make no distinction between last night and yesterday evening; it is a most extraordinary thing.

The Attorney-General.—If your Lordship will look at the proposed evidence, you will see that we were not bound to give notice at all.

Mr. Clarke.—If the Attorney-General puts it upon that ground, that he is not bound to give notice, I do not know what to say.

The Attorney-General.—It is a witness whom we called in consequence of the evidence of Dr. Leach.

Mr. JUSTICE WILLS.—It does not add anything.

The *Attorney-General*.—It does not add much, but I think we ought to hear it.

Mr. JUSTICE WILLS.—It is certainly admissible; there is no rule against the admissibility of evidence.

Mr. *Clarke*.—I am content that the evidence should be given.

The *Attorney-General*.—My learned friend must either object, or he must not; but, in deference to your Lordship's views, I will not press the evidence.

(*The witness was not examined.*)

MARY ANN FURLONG sworn.—Examined by Mr. *Moloney*.

Q. You reside at 17 Phillips Bridge Road, Merton, do you not?—A. Yes.

Q. Are you a married woman?—A. Yes.

Q. You acted as servant to Mr. and Mrs. Bartlett at Merton Cottage from January 6 to September 1, 1885, I believe?—A. Yes.

Q. You lived with your husband near their house?—A. Yes.

Q. And went home every afternoon?—A. Yes, to sleep at night.

Q. What time did you usually go to their house in the morning?—A. At eight o'clock.

Q. Did you make the beds?—A. Sometimes with Mrs. Bartlett.

Q. Sometimes alone, and sometimes with Mrs. Bartlett?—A. Yes.

Q. Did Mr. and Mrs. Bartlett occupy, so far as you know, separate beds, in that house?—A. Not in that house.

Q. You never were with them anywhere else, were you?—A. No.

Q. Did you sometimes see Mr. Bartlett in the morning, when you went there, coming out of his bedroom?—A. Yes, I have seen him coming out of his bedroom; he had a bath every morning—a cold bath.

Q. Where?—A. In his bedroom.

Q. Now, Mr. Bartlett went away to business every day, did he not?—A. Yes.

Q. Was Mr. Dyson in the habit of coming to visit there at Merton Abbey?—A. He came there sometimes at the end part.

Q. You left them alone together after leaving the house?—A. Yes.

Mr. JUSTICE WILLS.—What time did you use to leave?—A. My usual time of leaving was eleven o'clock in the day.

Q. Did you come again?—A. Yes; if Mrs. Bartlett had company, I would stay and cook the dinner.

Mr. *Moloney*.—Used you to see Mr. Bartlett coming home in the evening?—A. Yes; he passed my house as he came home.

Mr. JUSTICE WILLS.—Did they have company sometimes?—A. Yes; Mr. and Mrs. Matthews were there for a week.

Q. Do you mean, then, they stopped for a time?—A. Yes.

Q. Besides Mr. and Mrs. Matthews, has Mr. Dyson been there?—A. Mr. and Mrs. Matthews and Mr. Dyson were the only visitors.

Q. So far as you saw, did Mr. and Mrs. Bartlett live on affectionate terms with one another?—A. Yes, very affectionate terms.

Q. And as husband and wife, so far as you could judge?—A. Yes.

Mr. *Clarke*.—I do not ask this witness anything.

HENRY MARSHALL sworn.—Examined by Mr. *Poland*.

Q. Are you an Inspector of the Metropolitan Police?—A. Yes.

Q. Have you had charge of this case?—A. I have.

Q. Were you present at the inquest?—A. Yes; all but the first—all but one.

Q. Were you there on the 4th of February and on the 11th?—A. Yes.

Q. And on those occasions was Mr. Dyson there?—A. Yes.

Q. Mr. Dyson and Mrs. Bartlett?—A. Yes.

Q. Both on the 4th and on the 11th?—A. Yes.

Q. On the 11th it was that Mr. Dyson was examined as a witness?—A. It was.

Q. Did you hear anything said by the Coroner in the presence of Mrs. Bartlett as to her being a witness?—A. Yes.

Q. She was represented by a barrister, by my learned friend Mr. Beal?—A. Yes, and by a solicitor.

Q. Both on the 4th of February and on the 11th, was anything said about her giving evidence?—A. Yes.

Q. What was said in her presence?

Mr. *Clarke*.—She was represented by a barrister, and was in his hands at the time.

The *Attorney-General*.—Yes; we shall prove that.

Mr. *JUSTICE WILLS*.—I think what course was taken as to calling her is legitimate.

The *Attorney-General*.—We wanted to prove that she had the opportunity given, and she declined.

Mr. *Poland*.—On the 4th what was said?—A. On the 4th the Coroner said to Mr. Wood, or said publicly, that he should like to know whether Mrs. Bartlett intended to give evidence. She did not give evidence. There was some reply, but I do not know what it was.

Q. Did her Counsel say anything in her presence in reference to waiting the result of the analysis? Did anything of that kind pass?—A. I am not quite clear about that; but on the 11th I remember more particularly.

Q. On the 11th what passed after Mr. Dyson gave evidence?—A. After Mr. Dyson gave evidence, Mr. Braxton Hicks—

Q. Is that the Coroner?—A. The Deputy Coroner. He said he should like to know whether it was the intention of Mrs. Bartlett to give evidence or not.

Mr. *JUSTICE WILLS*.—I do not think you can go any further than that.

Mr. *Poland*.—And she was not tendered as a witness?—A. No.

Q. And upon that, from what was said in the inquest room, you took her in custody?—A. Yes.

Q. Where did you take her in custody?—A. In the board-room, as soon as it was cleared.

Q. Then it was that you took her in custody?—A. Yes.

Q. What did you tell her?—A. I said to her, "I am Inspector Marshall."

Q. Were you in plain clothes?—A. Yes; the same as I am now. "After what has passed here to-day, I must take you into custody for the wilful murder of your husband by administering to him, about midnight on the 31st of December last, a poisonous dose of chloroform. This is a serious charge; and whatever you say I must caution you that I shall reduce it to writing, and it will be given in evidence at your trial."

Q. Did she make any answer to that?—A. She said, "I have nothing to say."

Q. Was her solicitor, Mr. Wood, present at that time?—A. Yes; he heard all that passed.

Q. You took her in custody, and she was charged in the ordinary way and taken before the Magistrate?—A. Yes.

Q. Had you previous to that date, the 11th of February, or was it subsequently to that date, you searched along the line of the railway?—A. Yes; I searched the whole of the line, from Peckham Rye to Victoria.

Q. To see if you could find any bottle?—A. Yes.

Q. And found none?—A. And found none. I found some bottles, but not the one that I expected.

Mr. JUSTICE WILLS.—How could it be if it was thrown in the pond?

Mr. *Poland*.—It was also said to be thrown on the railway.

Q. About the 11th of January were you at Claverton Street when the house was searched?—A. On the 11th of January first.

Q. Was it not on that occasion that "Squire's Companion" was found?—A. Yes; I saw it among the books, and handed it to the Coroner's officer.

Q. What else?—A. The letters referred to by Ralph.

Q. And on the 24th of February did you also search a number of boxes there?—A. Yes.

Q. Was any medicine-chest found?—A. No; I never could find one.

Q. Neither at Claverton Street, nor at Mrs. Matthews', where Mrs. Bartlett had been staying?—A. No; I searched her lodgings.

Mr. JUSTICE WILLS.—Where else?—A. I searched her luggage at the office of her solicitor, my Lord, and I took possession of a certain number of things—the deceased's nightgown and other things—which were handed to Dr. Stevenson.

Mr. *Poland*.—Where did you get it?—A. From Mrs. Bartlett's box.

Q. Was it cut down the centre?—A. Yes.

Q. And you showed it to Dr. Stevenson, did you?—A. Yes; and the pillow and various things.

Q. Were there any stains on that nightgown?—A. Yes.

Q. On what part?—A. Just above the neck.

Q. Have you shown them to Dr. Stevenson?—A. They have been seen by Dr. Stevenson.

Q. Did you go with Mr. Dyson to Wandsworth Common on one occasion?—A. Yes; on the 15th of February.

Q. And at the place which he pointed out did you search for any other bottles?—A. Yes; I searched the Common, at the place indicated by him.

Q. And did you find this coloured bottle with "Poison" on it—"Not to be taken"?—A. Yes; I should say I have searched the Common twice since, but have not been able to find the other bottles; only this one.

Q. And I think on the 18th of February Mr. Dyson was taken in custody?—A. Yes; on the 18th I received a warrant from the Coroner.

Q. Upon which you took him in custody, and took him before the Magistrate, I believe?—A. Yes; the warrant was for both prisoners, and it charged them with murder.

Mr. *Clarke*.—I have no question to ask the witness.

Mr. JUSTICE WILLS.—I will just ask you one question: did you find any other books?—A. My Lord, there was a large box of books which were not taken possession of; this is the only one that struck me.

Q. Did you look at them to see what they were?—A. I looked at most of them; not all.

Q. What were they, English books?—A. Mostly English books.

Q. Any others?—A. I do not remember any foreign books; I do not remember seeing one. The Pharmacopœia is the only one that struck me.

Dr. STEVENSON recalled.—Examined by the *Attorney-General*.

Q. There were brought to you a night dress and a pillow-case, were there not?—A. Yes; they were delivered to me and Dr. Tidy conjointly.

Q. There were spots and stains on the night dress, were there not?—A. Yes.

Q. Just tell us the result of your examination, your analysis of this?—A. I could not detect any substance beyond a little sugary substance.

Q. How might that be accounted for?—A. It might have been any ordinary article of liquid food, and it might be the result of perspiration.

Q. Liquid food such as beef-tea?—A. Yes; it was not tea, the tannic character of tea or brandy was absent; no brandy or tea had been spilt on it.

Q. It might have been sweet?—A. Yes, I think it might have been sweet.

Q. Was there any sign on the pillow-case?—A. No, it was only the tick which it was put in.

Mrs. DOGGETT recalled.—Examined by the *Attorney-General*.

Q. You have already said that Mr. and Mrs. Bartlett came to lodge with you in October?—A. Yes.

Q. The illness began in December?—A. Yes.

Q. Dr. Leach, I think, was called in on the 10th?—A. Yes.

Q. Up to the time of Mr. Bartlett's illness, I think you have told us that at first there was only one bedroom and one bed?—A. Yes, the first week they were living there.

Q. And was that bed in the back room?—A. Yes.

Q. They did use it together?—A. Yes.

Q. And after that?—A. There was a smaller bed got for them.

Q. And was that put in the back room.—A. In the bedroom.

Q. Did they continue to occupy the same room?—A. Yes.

Q. Up to the time of the illness?—A. Yes.

Q. And was the small bed first moved into the drawing-room?—A. Into the drawing-room.

Q. Were both the beds used before the removal into the front drawing-room, or only one?—A. I think the servant can answer that.

Q. You mean Alice Fulcher?—A. Yes.

Q. Are you able to say?—A. I sometimes went to help the servant make the large bed, and I do not know whether Mrs. Bartlett had made it herself.

Q. You found the small one re-made, but whether Mrs. Bartlett had made it, or not, you cannot say?—A. No.

Q. There were folding doors communicating between the drawing-room and the bedroom behind, were there not?—A. Yes.

Q. Was it necessary to go on to the landing to get from the bedroom to the front room?—A. Oh no.

Q. There was some furniture near the folding doors, I believe?—A. It was put there when the small bedstead was put up, when the sofa was put there.

Q. That was in December, was it not?—A. Yes.

Q. And after that sofa, or whatever it was, was placed there, was it still possible to go behind that sofa?—A. Yes, it was not close to the door; she could pass through.

Q. Did you see anything unusual in the relationship between Mr. and Mrs. Bartlett?—A. No.

Q. As far as you could judge, were they on affectionate terms as husband and wife?—A. I think so.

Cross-examined by Mr. *Clarke*.

Q. Whose was that small bedstead?—A. Mrs. Bartlett ordered me to get another bed to put in the room.

Q. Do you mean that you bought it for the purpose?—A. Yes.

Q. Then it was yours?—A. Yes.

Q. You purchased it?—A. Yes.

Q. At the time of their coming, or very soon after, was it she said that to you?—A. When they came, they asked for two beds in the bedroom.

Q. What? The first time they took the room?—A. Yes.

Q. You had not in the house a bed small enough to put in, I believe?—A. No, and it was nearly a week before I could get out to run to the Stores; and it was some days before they sent it.

Q. But when they first took the rooms, it was stipulated that they should have two beds, I understand?—A. Two beds.

Mr. JUSTICE WILLS.—Were you ever present in the room when Mr. Dyson was there with them?—A. With Mrs. Bartlett, not with Mr. Bartlett.

Q. Did you ever hear what he called her, and what she called him?—A. No.

ALICE FULCHER recalled.—Examined by the *Attorney-General*.

Q. You were servant to Mrs. Doggett?—A. Yes.

Q. Do you recollect Mr. and Mrs. Bartlett coming there in October?—A. Yes.

Q. Do you recollect his illness in December?—A. Yes.

Q. Did they occupy the same bedroom when they came?—A. Yes.

Q. Did they occupy the same bed?—A. The first week.

Q. And was then the small bed put in the bedroom?—A. Yes.

Q. Did they afterwards occupy separate beds?—A. Yes.

Q. Always?—A. Yes.

Q. Then the small bed was moved into the front room when the illness came on?—A. Yes.

Q. Did Mrs. Bartlett occupy any bed after that?—A. Yes; she used to have the sofa made up in front of the fire.

Q. And slept there?—A. Yes.

Mr. JUSTICE WILLS.—Tell me—you waited upon them, I suppose?—A. Yes.

Q. Did you wait upon them when Mr. Dyson was dining there?—A. Yes.

Q. Did you ever hear what Mr. Dyson and Mr. Bartlett called one another?—A. No.

Q. You did not hear whether they said "George" or "Edwin"?—A. I have heard Mrs. Bartlett call Mr. Dyson.

Q. You mean, addressing him as Mr. Dyson?—A. Yes; and I have heard her call him George.

Q. When Mr. Bartlett has been present, have you heard her address him—have you heard her speak to him as Mr. Dyson, or as George?—A. Yes.

Q. Which?—A. Both.

Q. What did he call her?—A. I do not remember his calling her anything.

Q. On the occasion Mr. Dyson used to come there, did you see books about, as if lessons had been going on?—A. I have seen books about.

Q. Open?—A. I could not say.

Q. Did you know anything at the time about lessons being given?—A. No, my Lord.

Q. Did Mr. Dyson bring books with him?—A. I do not know.

Q. You have not noticed?—A. No.

Q. You cannot tell whether he did or not?—A. No.

EDMUND BLAKE sworn.—Examined by Mr. *Poland*.

Q. You are an Inspector of the Metropolitan Police?—A. Yes.

Q. You understand making plans and models, and have often made them for Courts of Justice, I believe?—A. I have.

Q. The plans produced here, are they correct, and to scale?—A. Correct, and to scale.

Mr. *Poland*.—That is the case, my Lord.

Mr. *Edward Clarke*.—May it please you, my Lord, Gentlemen of the Jury:—In this case you have now heard, in its fullest detail, the evidence which the Crown has to lay before you in support of this charge, and, having heard that evidence, and believing that I have been able, to some extent, to trace the effect of it upon your minds, I now, in *Adelaide Bartlett's* name, claim from you a verdict of Not Guilty. It might be thought that one was speaking too confidently in using that sentence. Some of my friends might think that I had had sufficient experience of the sad uncertainties of the administration of the criminal law to induce me to pause before I used an expression which only the strongest confidence would justify. But, gentlemen, I think I shall justify that claim in the most absolute and complete form. I believe that when I have taken you, as it will be my duty to take you, through the record of the evidence of suspicion which has pointed to her guilt, and through that evidence more recently given, and which has, I think I shall show you, gone nearly to demonstrating her innocence, I think you will recognize that my claim is not too confident, and that it is a claim which you will admit and indorse.

Gentlemen, I fear I shall have to detain you some time in discussing this case, for one reason, which only applies to cases where the Attorney- or Solicitor-General appears for the prosecution. There is a strange anomaly in the procedure in such cases. In the ordinary cases which are subjects of accusation and defence in these courts, where the prosecution has produced all its evidence, and where, as is the case in nine cases out of ten, the prisoner not being allowed to give evidence, no evidence is offered, or could be offered, on the part of the defence—in all those cases, at the end of the evidence for the prosecution, the Counsel who asks the Jury, in the name of the Crown, to accept the charge that has been made, has then and there, at the close of the evidence, to point out to the Jury the facts upon which he relies, to indicate upon what ground of suspicion or of evidence it is that he feels entitled to ask them for a verdict of Guilty; and when he has so pointed out the grounds upon which, in his judgment and contention, that verdict could be justified, it is then the right of the Counsel for the prisoner to make answer to the suggestions so put. But, strangely enough, in those cases in which the privilege and right is most important to the prisoner, the practice of our procedure takes it away; and although I call no witnesses, though I have to content myself with comments upon the evidence put before you, when I have finished, the leader of the English bar will have to answer me, will have an opportunity—I do not say that he will use it—of pointing to topics of suspicion or of proof, which I may not have appreciated, upon which, if he were to make his statement now as Counsel for the prosecution, if this were some trivial case, such as those cases which are often tried in the other courts, if he had to make that statement now, I should hear the comments, and might be able to answer them, but they will come to you when my lips are closed.

Gentlemen, it is an anomalous privilege, and I do not hesitate to say, as I have said in this court before, that I hope an Attorney-General may be found some day, unless the law is altered, as it should be, to abandon the exercise of a right which does not seem to me to be defensible. It has always been felt by the Attorney-General that the exercise of that right has to be under strict conditions; and nearly one hundred years ago a great Attorney-General, afterwards an illustrious Judge, speaking as Sir John Scott, said that the principles upon which the Attorney-General spoke in a case of this kind were principles which forbade the exhibition of zeal on his part. I know that my learned friend will endeavour to be as fair in his reply as he was in his opening; but I know it well, by my own experience of the conduct of cases where one meets in forensic combat—I know that there is an instinct of antagonism aroused which the strongest determination to be absolutely impartial and fair could not by any

of us be trusted to clear him from prejudice or from passion. And my learned friend, coming from a country distinguished far more for its advocates than for its judges, may import that combative instinct into the conduct of this case.

Gentlemen, that consideration obliges me to deal with all the topics that are before you, because, if I were to leave any out, it might suggest itself to your minds, or it might be suggested, that I had avoided a difficulty; and unless I met, as far as I could, all the suggestions which appear to me to arise upon the facts which have been put before you, I should run the most grievous risk—a risk not for myself, for it is a matter of no moment to me what comment might be made on my speech or my advocacy, but risk to one whose interests are present to me at this moment in a very far higher degree than any consideration that could attach to myself.

Gentlemen, whatever the history of our medical jurisprudence may be, this case will long be remembered. There have been incidents in it, there have been topics dwelt upon, which will not easily be forgotten by any of those who interest themselves in the administration of the criminal law, or in subjects of medical science and of medical jurisprudence.

We have had certainly strange incidents. I do not speak now of those remarkable relations which appear to have existed between Mr. Bartlett and his wife—relations which would be almost inconceivable if they had not been, as here they are, proved to be true. Nor do I speak at this moment of that other most remarkable incident in this case, which gave to the proceedings of the second day an intensely dramatic interest, when the man who had passed, with the consent and sanction of the Crown, from his place in the dock, who had been, by their consent and upon their invitation, declared by your verdict to be free from any imputation of crime in this matter, stood in that witness-box and heard the question which was put by my learned friend Mr. Poland, with a rhetorical point which I do not think was present to his mind when he asked the question, "You gave your evidence before the Coroner and then she was arrested;" and, having passed from the dock to the witness-box, it is in great measure upon the evidence that he has given that you are asked to rely in support of the charge against Mrs. Bartlett.

But, gentlemen, there is another consideration which I think has been present to your minds. It is a marvellous thing that you are asked by the prosecution to accept—you are asked—and when I use that phrase I do not mean that you will be urged, but what I do mean is, that this is what you must accept if you accept the idea of guilt or the contention of guilt—you are asked to believe that a woman who, for years, had lived in friendship and affection with her husband; who, during the whole time of his illness, had striven to tenu him, to nurse him, and to help him; who had tended him by day, who had sacrificed her own rest to watch over him at night, had spent night after night without going to her restful bed, simply giving to herself sleep at the bottom of his couch that she might be ready by him to comfort him by her presence; who had called doctors, who had taken all the pains that the most tender and affectionate nurse possibly could, that by no possibility any chance should be lost of the doctor's ascertaining what his trouble was, and having the quickest means to cure it—that woman who had watched over him, had tried to cheer him, had talked of going away, had talked lightly when they were together before the doctor in order to give spirits to that husband—you are asked to imagine that that woman on New Year's Eve was suddenly transformed into a murderess, committing crime, not only without excuse, but absolutely without any object—you are asked to believe that by a sort of inspiration she succeeds in committing that crime by the execution of a delicate and difficult operation, an operation which would have been delicate and difficult to the highest trained doctor that this country has in it.

There is another aspect in which this case will be of abiding interest, and

the observation which I have just made leads me to it. This is the first case that the world has ever heard of in which it has been suggested that a person has been murdered by the administration of liquid chloroform. Just let me ask you to consider what a tremendous effect that proposition and that fact ought to have upon your judgment. Forty years ago it was discovered that by the administration of chloroform a state of insensibility might be produced during which the most terrible operations could be performed on the human frame without pain being suffered from the operation, and it was recognized, by all the members of that great profession which devotes itself to the study and to the treatment of human suffering, that here a great boon, a great blessing, had been found for man, and that many lives might be saved which would have passed away under the intense agony of the surgeon's knife, or even at the very thought of what that agony might be; and for the last forty years this chloroform, its qualities and effects, the mode of administration, the symptoms of the patient, the results either for life or death, have been a constant subject of inquiry by the medical profession.

Gentlemen, you have had the good fortune to see in the witness-box two of the greatest living authorities upon these subjects. Than Dr. Stevenson and Dr. Tidy no witnesses could be brought here of greater authority as to the history and as to the character of this matter; and I know those two gentlemen well enough to know that when they go into the witness-box they, at all events, are absolutely clear from feeling bias or prejudice with respect to the case in which they are concerned, and that they, speaking from the witness-box, speak with a due and strong sense of responsibility for the evidence they are giving. Gentlemen, you have had the best information which you could possibly get on this subject, and what does it come to?—that never, during those forty years, has there been a case of murder by chloroform. There have been cases of death by chloroform—there have been cases of death from the swallowing of liquid chloroform. In the great majority of those cases death may have been death by suicide; in all the others, they have been death by the accidental taking or administration of that drug. There is no case recorded in the books, but during those forty years there have been criminals in this country and in other countries who would have used that poison if it had been possible or likely to succeed. There have been men who have committed murders, who have been supplied with all the medical knowledge and experience that would be required for the purpose of the successful administration of this poison. There is no case of the kind, and you are called upon now—it is suggested to you that you should say that Adelaide Bartlett has committed an offence absolutely unknown in the history of medical jurisprudence, and the possibility of which has never been suggested in any book on this subject so far as we know—never.

Now, gentlemen, let us just consider for a moment what this means. These forty years having passed, I think you understand now how it is, for it has been your lot to listen yesterday and to-day to an exposition of all that is known on this subject from Dr. Stevenson and Dr. Tidy—I think you understand the reasons why chloroform never has been used, and probably never will be used, for the purpose of murder, because the administration of liquid chloroform is singularly variable in its effects. Instances are given where large doses of liquid chloroform have been taken, and the patient has lived afterwards. We hear of cases of persons swallowing two ounces, four ounces—I think I saw a case in that list of six ounces—of liquid chloroform, and yet of life being retained. There seems no rule at all: one case will give you the instance of a man who swallows liquid chloroform and walks for a considerable distance after he has done so; another, a case which has attracted special notice in the list Dr. Stevenson supplied us with, a case where a man, twenty-six years of age, takes a very much smaller dose of chloroform, and in three

minutes he was in a heavy sleep; so that, as to its fatal effects, there are all sorts of variety. And there is also the same variety as to the symptoms. It may produce immediate or almost immediate coma; it may produce convulsions; it may produce with an ordinary dose vomiting; it may, so far as I can see, produce no immediate effects at all; in fact, the summing-up of the whole matter, the whole testimony of medical science with regard to chloroform, is that its administration requires to be watched with so great care in order to adjust it to the characteristics of the patient—that its effects, whether inhaled or swallowed, are so various in character—that it is not altogether a trustworthy agent for producing anæsthesia. It has already been succeeded by another, the administration of which is believed to be free from some of the difficulties and dangers which attend the administration of chloroform, and medical science can only say that its effects are so uncertain that its administration cannot be undertaken without great care and study.

But now, gentlemen, let me go a step farther. If you were dealing with a case of the fatal inhalation of chloroform, there would not be the same difficulty. Science tells us that the stories of immediate insensibility produced by chloroform are mere fables, because, if chloroform be administered in an over-dose so strong, with so slight an admixture of air that it at once produces insensibility, that insensibility means immediate death. It is not here a question of death by the inhalation of chloroform; I shall have occasion presently to point out to you that if a person were trying to commit a murder by chloroform, and administered any chloroform to the victim so as to produce even partial anæsthesia, that they would almost certainly, either with medical knowledge or without medical knowledge, go on with the administration of the inhaled chloroform and produce fatal effects; and it is impossible to suppose that a person, with medical knowledge or without medical knowledge, either knowing all these difficult details or not, would interrupt the process of anæsthesia, which, if continued, must result in death, in order to attempt another and a difficult process, the immediate result of which might be to destroy the anæsthetic influence which had already been produced, and to revive the patient to the capacity of sensation or resistance.

But, gentlemen, it is not here death from inhalation of chloroform; what is alleged or suggested here is, death by chloroform poured down the throat; and I think you will quite understand that, although, of course, there can be no admission in cases of this kind, looking at the evidence and looking at the great authority of Dr. Stevenson and Dr. Tidy, it seems to me perfectly clear—if I am entitled to say so—that there was in the stomach of Mr. Bartlett a sufficient quantity of chloroform to indicate that he had taken what might have been a fatal dose. There are all sorts of limitations to that. No one can define what a fatal dose is. A fatal dose has sometimes been very small, and a large quantity has sometimes not produced death; but, seeing how small a quantity has sometimes on some occasions produced that fatal effect, it is impossible, I think, to suggest that the quantity which Dr. Stevenson found in the stomach did not indicate that death might have been caused by chloroform administered by the mouth. There are questions with regard to the condition of the mouth, and of the upper part of the throat, and of the throat, and of the air passages upon which, of course, I shall have a word to say at another time; but, for the moment, it seems to me that Dr. Stevenson's evidence is conclusive that there was sufficient chloroform in the stomach to indicate that a dose which might have been fatal had been taken, and there are no appearances which point to death from any other cause.

But, when we have taken that step, just observe how very serious is the next step which has to be taken by the prosecution. My learned friend the Attorney-General recognized it, and himself expressed the difficulty, at the close of his opening in this case, because he said chloroform could not be

administered by inhalation to a resisting person if you wished to cause death ; and he said murder could not be done by chloroform being poured down the throat of any person unless he had previously been reduced to a condition, substantially, of insensibility, unless there had been a previous inhalation of chloroform, he being unwilling, and I do not think my learned friend is going to suggest acquiescence on the part of Mr. Bartlett.

The Attorney-General.—Certainly not.

Mr. Clarke.—Because he said it could not be poured down, he being unwilling, so that the person must have been reduced to a state by inhalation where swallowing was possible, and where also the power of resistance had disappeared. Now let us see what step this is you are asked to take. You cannot come, according to this suggestion or theory, to the conclusion that *Mrs. Bartlett* committed this crime unless you come to the conclusion that she first, by the administration of chloroform by inhalation, produced insensibility, and that she then poured down the insensible and unresisting throat the substance that caused the death. Well, but the moment that that suggestion is made, we have before us almost an impossibility. I have put myself in a position in this case to be able, without hesitation and fear, to challenge *Dr. Stevenson* and *Dr. Tidy* with respect to any matter contained in the recognized books of authority in England, and I have put the question to them as to an anæsthesia produced during sleep. The suggestion is (and you must accept every step of it if you are to say that this accusation is proved) that, *Mr. Bartlett* being asleep, chloroform is administered to him by inhalation, which reduces him to a state of sufficient insensibility to prevent his resisting the administration of liquid chloroform, and that, being in that state, it is done. Why, gentlemen, that process is surrounded by difficulties, and by difficulties of a most serious kind. Look at the very first step, the administration of chloroform by inhalation to a sleeping person. I asked *Dr. Stevenson*: Is there any record in the English books upon this matter. There is not, except by reference. One of those references is in *Taylor's* book on poisons, and it is the reference to a French authority—which book lies before me—and the sentence in which this French authority disposes of this question of the administration of chloroform by inhalation to a sleeping person points out the substantial impossibility of such administration—it points out, at all events, this: that such administration would involve the great overwhelming probability that the person would awake and resist. This French authority speaks of experiments, and you will observe that the record of all these experiments is a record of experiments made by skilled chloroformists, familiar with the operation of chloroform and the administration of anæsthetics according to their best experience and under the most favourable conditions, and administering it, one cannot doubt, only to persons whom they had noticed as being patients upon whom it would be likely to produce a satisfactory effect, because it will be perfectly clear to you that no physician would venture to try and administer chloroform to a sleeping person unless he believed that that person was of a character and idiosyncrasy to be satisfactorily operated upon; otherwise there would be, what you have been told in one of these cases, the sudden awakening to resistance, and the objection, "You are trying to give me something," and so undoubtedly eluding the operation. Now, these cases are attempts by skilled persons, under the best conditions and most carefully done; and, of the cases which this French authority has been able to record, in 75 per cent. the persons awakened when the attempt was made, and the summing-up of the French authority on this matter is that it is possible to administer scientifically—let me read the passage again: "It is difficult, but often possible, to render persons who are in natural sleep insensible by chloroform with certain precautions: the employment of a pure spirit"—then come the words which I

translated yesterday—"Grande habitude," "great skill"—but am not sure they are not better translated "long, or great, practice—are among the conditions which may favour the attempt to chloroform in that way." Then he goes on to say: "It is possible that certain subjects are absolutely refractory—that is to say, it will be impossible to anæsthetize them in spite of all the precautions that may be taken. Other persons, on the contrary, and little children by preference, will submit to anæsthetics without being aroused from their slumber by the irritation that the anæsthetic agent produces in the air passages."

Substantially that is the summing-up of that authority. Now, I asked Dr. Stevenson: Can you give me any other authority? There is no English one, and I confess I have not followed the American authorities on the subject with which we are now dealing. But there is no American authority in the shape of a treatise. "Wharton and Stillé," the book I produced yesterday, is a book referred to in one of our English treatises, and that gives the experiences of a doctor who, giving evidence at a trial, spoke of the attempts that he made. He had made the attempt on several persons—on six persons; experiments with chloroform on six sleeping persons, and out of that number all resisted more or less. Two were awakened up immediately, and one remarked, "You are trying to give me something."

So far with regard to the authorities upon that subject. Dr. Stevenson referred me to one other authority, and I followed it; and this morning he has brought the book. I find now that this exactly bears out the letter from Mr. Dobson, and exactly bears out the opinion given in the French book—that is to say, it indicates there is difficulty in the administration, and it speaks of the administration of chloroform in this way having been represented to be very rare, and it describes the operation of removing tumour from the side of the knee and the thigh, and here again you have young persons. I think there is one more reference, and that is in Dr. Tidy's own book. It is a reference to the "Lancet," and by the kindness of the editor of the "Lancet" a set of "Lancets" for 1872 were put at my disposal yesterday. I turn to that to see what it gives, and I find it refers entirely to the administration of chloroform during sleep to children, and I find this (which is of great importance with respect to this matter), that the doctor who so had administered it to children goes on to say, "The only precaution I ever found necessary to prevent them from awaking with the first inspiration of the chloroform was that the inhaler should first be held at a moderate distance from the child's face, and gradually approached nearer until the requisite degree of anæsthesia was produced, which would be judged of by the usual signs."

There is only one more observation to be made on this, and it exhausts the whole subject. This morning we have had Dr. Tidy himself here, and we have had from him the record given with that absolute impartiality with which science speaks when it goes, in the presence of its distinguished representatives, into the witness-box to inform and advise the Judge and Jury. He says he had made three experiments (and you cannot doubt that those experiments were most carefully made—he is himself a most experienced chloroformist, and would know all the conditions under which these experiments might be properly and favourably made), the cases in which he tried it with children succeeding, but the cases in which he tried it with adults failed, and the persons awoke.

Now, gentlemen, what do you say as to the first step—the step of administering chloroform by inhalation to the sleeping person so as to produce insensibility, which would enable the subsequent administration of chloroform by the throat? Does not all the information that the best medical authorities can give us on the subject show to you it is in the highest degree improbable that an unskilled person would ever be able to transform sleep into anæsthesia by the influence of chloroform without waking the person who was subject to that process?

Now, just let me take one other step with regard to this. If death had followed on inhalation, there would probably be some appearances discoverable in the post-mortem examination. Those appearances would have become less definite as the time passed by after the administration of chloroform and death from it, and it was not Mrs. Bartlett's fault that her husband's body was not examined within a very few hours of his death. She was urging it—*anxious for it—saying no expense should be spared in order for it to be done; and it was only by an accident—the doctor being that afternoon engaged—that her wish was thwarted, and that the post-mortem was postponed until the next day.* But if it is not presumptuous in me to say so, the indications of chloroform poisoning by inhalation, in a post-mortem examination, are not very precise, and have a tendency to disappear during the time that elapses after death. But still, if there had been inhalation, one would expect to find some indications if there had been death very shortly after, and although that inhalation had not gone far enough to produce paralysis which might cause the death-paralysis of the heart and paralysis of the respiratory organs—still, one would expect to find, though in a smaller degree, indications that inhalation had taken place. And here, although one would not expect to find indications in so marked a degree as if death had happened from inhalation alone, still, as, according to the theory of the prosecution, the inhalation of chloroform must have taken place shortly before death to such an extent as to produce a very considerable amount of anaesthesia and insensibility, one would expect to find some indications. I do not desire to lay too much stress upon this argument, but it is an undoubted fact that none of the indications of inhalation of chloroform were ever found in this body. We have got from Dr. Stevenson, and have got also from Dr. Leach, who told you, and who told my learned friend, that he had (and it is quite natural) lately directed his attention to the study of this matter and the works on it. We have got from them a statement of what the results—the ordinary signs—of chloroform inhalation are. Dr. Stevenson agrees with Guy and Ferrier that the odour will be observable in the cerebral ventricles. He demurred to one statement in "Guy and Ferrier," but he said Guy and Ferrier were high authorities on the subject, and I put to him that quotation. He agrees with Snow that inhalation may be detected after death in the urine. He agrees that in many cases, again, as recorded by Snow and quoted by Taylor, engorgement of the right side of the heart is to be discovered.

Now, let us take these three as the signs. There is one other which I will refer to in a moment that Dr. Stevenson did not accept. What were the post-mortem conditions in this case? The brain was carefully examined. Nothing whatever was detected in it; no odour of chloroform whatever was detected by the skilled pathologist who, with adequate assistance, was making that post-mortem examination. Dr. Green has not been able to come and give his evidence as to that at this trial, but we know he is a person of great pathological skill, and I have a right to assume that he would be familiar with the symptoms of the mischief which it was his business to detect. Now, gentlemen, the heart is described: nothing abnormal; the brain was carefully examined: nothing abnormal. The one other part in which signs of inhalation of chloroform can be found—the urine—was never examined by anybody. So that, so far as the post-mortem examination goes, I am entitled to say this—I do not wish to push it too far, because there may be an explanation, and the observation is not a very strong one—but of all the indications of the inhalation of chloroform before death which are in the books of the authorities, and which are recognized by the witnesses before you, not one was found on the post-mortem examination of Mr. Bartlett's body. There was one other that I mention separately because it was not accepted by Dr. Stevenson, although I put it to him from "Guy and Ferrier," and that was

intense inflammation of the air passages. But I read the passage from "Guy and Ferrier" with respect to the results of poisoning by that class of poisons to which chloroform belongs, the poisons alcohol, ether, and chloroform; and I read the passage to him: "They act as irritants to the parts with which they come in contact, producing intense inflammation in the lining membrane of the stomach when swallowed, and in that of the air passages when inhaled." Though he did not entirely agree, as far as his experience goes, with that passage, he admits the book is one of considerable authority, and I am entitled to say that in the air passages of that body no trace of inhalation of chloroform was found.

Now, I am going, gentlemen, by steps. I have shown to you the enormous (do not you think I may add the word adopted by Dr. Stevenson?), insuperable—I have shown to you the enormous, may I not say the almost insuperable difficulty of administering chloroform to a sleeping person without waking him, and I have shown you by medical science that, whether carried to the point of fatal insensibility or preceding death from another cause, it might leave, I put it no higher, indications which would be discoverable on post-mortem examination; and if those indications were discoverable at all, they would be now catalogued to you, and not one of them is discovered in the body of Mr. Bartlett on post-mortem examination.

Now, gentlemen, let us suppose this almost miracle has been worked, and that an unskilled person, alone, without any assistance, has succeeded in administering chloroform to a sleeping man, a man, observe, who would be called a refractory subject, a man upon whom these anæsthetics did not easily produce effect, who had been with difficulty affected by nitrous oxide gas a short time before. Supposing all these enormous difficulties overcome, and this thing to have been effected, and the man to have passed under the influence of chloroform; well, there are many dangers, many things that might have promptly happened. The first stage of chloroform is described as intoxication, a sort of intoxication, and there is no doubt that very often in that early stage there would be noise, and violence, and movement, which one person could not restrain, at the very time that she was administering the chloroform herself. But there is another danger: the administering of chloroform produces generally, at some stage or other—sometimes a very early stage, and sometimes a late one—produces vomiting, and it is not at all unimportant to notice that in this case there is no evidence of vomiting of any sort or kind.

But suppose these dangers passed by—and you will observe that I am now discussing what is the scientific possibility, what one can imagine to be done by trained chloroformists, and the experienced skill of a man like Dr. Stevenson or Dr. Tidy—suppose all these difficulties are surpassed and this wonderful result to have been effected, and the man to have passed quietly into a sort of anæsthesia, then what is probable with regard to the case? I put to Dr. Stevenson the stages through which a person ordinarily passes. I quite agree that those stages are not to be found in every case. There may, for instance, in some cases be no excitement, no delirious outcry, just as in some cases there may be no vomiting; the conditions are not constant, the symptoms are not always the same; but one is bound to take the ordinary history of a case of a person under the influence of chloroform. And what does Dr. Stevenson tell us with regard to that? There are four stages. The first stage is a stage of excitement; the second stage is one where that excitement is calming down towards insensibility—I am very reluctant to use words of my own in which, in matters of this enormous importance, the alteration of a single phrase might be of consequence, so I read the passage which I put to Dr. Stevenson, and which he adopted: "There are considered to be four stages in the administration of vapour. In the first, the patient becomes excited; in the second, he talks incoherently, and sensibility is diminished; in the third

he is unconscious, but the muscles are rigid ; in the fourth, the muscles are completely relaxed, and the patient is perfectly insensible. Danger commences with the third stage." That closes that passage. Now, gentlemen, yesterday afternoon we heard from Dr. Stevenson what the condition of things would be in each of those stages with respect to the possibility of administering a liquid poison of this kind. In the first stage, assuming it to have existed—assuming that the sleep did not pass to a sort of state of coma at once, in which case the person administering the chloroform would have very little indication to guide him or her of the state in which the patient was—but assume the stages to be followed : in the first stage there would be this excitement, but there would be sensation ; and a sensation of the entrance into the mouth and air passages, and over the tender surface of the mouth and throat, of this irritant poison would arouse the patient to resistance, as in the case of which the doctor in America spoke. Then, in the second stage, there would still be sensibility, and there would be the resistance to anything passing down the throat. Well, but then there would be the third stage. The third stage involves a rigidity of the muscles, and the jaw itself becomes rigid, and during that period of rigidity it would need force to open the mouth down which the person is intending to pour the poison. I agree again, and again I admit it may be presumptuous of me to use the word, but I agree that the duration of this rigidity differs enormously in different cases : on the one hand, the transition from the state of insensibility to complete anæsthesia may take place within the compass of two minutes, while, on the other, the experienced doctor administers more chloroform if he thinks it necessary, and as far as he thinks it necessary, and he cannot produce that state of anæsthesia in less than eight minutes. Just as the period of the whole four stages varies, so the period of rigidity would vary, and you might have a case in which the rigidity would last for a very few seconds, and you may have a case, that is Dr. Tidy's experience, in which for four minutes the jaw might be rigid, and during that time it is impossible there can be, without violence and force which no single person could use, the administration of chloroform. But when that rigidity has passed away, you come to the next stage. But then, according to this distribution of the stages of the effects of chloroform, the next stage is one in which the muscles are completely relaxed, and the patient is perfectly insensible. But when the muscles are relaxed, and the patient is insensible, you cannot get any liquid down the throat at all because of the act of swallowing. It is proved in evidence before you. Dr. Murray talks of the administration of this liquid by a tube, and in answer to the question, not from me only, but from the learned Judge, the witnesses have described how the act of swallowing is a voluntary process, and in ordinary conditions it requires the voluntary function of different muscles in order that the substance that passes to the mouth shall pass to the gullet and down to the stomach, and shall pass over the opening of the air passages through which we speak without any portion of it getting into the air passages and causing violent irritation and rejection of it. There is a reflex action of the muscles which lasts for some time after the voluntary action has ceased, and there is a time when the reflex action will be excited by the contact of substances with the muscles of the throat, and the act of swallowing will be performed ; but if the act of swallowing is not completely performed, if the action is not regular, full, and complete in its effect, the great probability will be that some of the substance will get into the air passages, it would cause choking on its reception into the air passages, and, if it did so in a case where death afterwards occurred, undoubtedly there would be found, which was not found in this case—there would be found evidence in the condition of the air passages of the transit of this irritant poison.

But now, gentlemen, what does this evidence come to ? Dr. Stevenson says in this delicate and varying operation of administering chloroform by inhala-

tion there is a time, or there may be a time, the duration of which no one can measure, the existence and the conditions of which it is scarcely possible for the most careful doctor to predict, and there may be an instant of time or a few instants during which the patient would be so far insensible as not to detect or resent the administration of the poison—so far insensible as not to do that, and yet with sufficient remains of sensibility about him for the muscles to exert their reflex action, and the act of swallowing to take place. Supposing that possible, supposing that time whose duration no man can measure, the indication of whose presence no one but the most experienced man can detect, suppose that time to exist, you are asked to believe that that woman that night, alone with her husband, performed on him this marvellous operation. I put to Dr. Stevenson yesterday, towards the end of my cross-examination, a question in which I ventured to sum up, and repeat to him the whole result of the cross-examination which I had directed to this point. Consider who it was with whom we are dealing. I was dealing with that scientific authority whose name is quoted by Taylor in his book as having made two hundred administrations of chloroform at Guy's Hospital, one who knows, if any man living does know, exactly the conditions under which chloroform may be administered, the precautions which are to accompany that administration, and the indications that will be given of the condition of the patient, and I ventured to put to him this question: "With all your knowledge, experience, and skill, if you had before you the problem—the object of administering chloroform in this liquid form in order to produce the death of a person sleeping before you—would it not be a delicate and difficult operation?" and Dr. Stevenson's experience gave me back the answer that it would be. Even to him, with all his knowledge, with all his experience, it would be a difficult operation and a delicate operation.

Why, gentlemen, I confess, when I had that answer, I thought that, if this had been an ordinary case, the Counsel for the Crown would have felt bound to reconsider the position that they had assumed with respect to it, and that the learned Judge, listening to that answer and appreciating, as I am sure he does appreciate, the great weight and importance of it, coming from Dr. Stevenson, must have himself considered how far the result of that cross-examination had modified the right of the Crown to continue the prosecution and had left it possible for a jury to be allowed with safety to consider it as still evidence upon which they might base a conviction.

But before I leave it, there is just one more observation I want to make. I put to Dr. Murray (and I attach great importance to the answers which Dr. Murray gave at the end of his examination, and when I was permitted by my Lord to put some more questions, and when, I think, one or two members of your body put questions to him), I have put to the medical witnesses, the question of how they can tell when insensibility has been sufficiently produced for the feeling of pain to disappear, and for it to be possible for the operation to be proceeded with. They say, fairly enough, that in many of the cases in which chloroform is used it is not necessary to produce entire insensibility, and the chloroform is used not altogether for that purpose, but only to dull the sense of pain; but I asked Dr. Murray, "In administering chloroform for the purpose of performing an operation, must you not try and determine the exact time when insensibility begins, that you may with safety commence the operation?" How does he do it? He touches the eye, and then he notes whether the reflex action of the muscles produces the winking movement of the eyelids. While that reflex action of the muscles exists, he does not perform the operation, because there will be pain and may be resistance; when the reflex action of the muscles has ceased, then the operation may be safely performed. But when the reflex action of the muscles has ceased no doctor can say which portion of the body, which set of muscles, has lost

the capacity for reflex action, and in which reflex action may still remain. It is not believed that reflex action of all the muscles disappears at the same time. But the answer of Dr. Murray fixed it to this knowledge by his experience, that, when the reflex action of the eyelids has disappeared, the sense of pain has practically gone; but, for all they know, the reflex action of the muscles has then disappeared, and when that reflex action of the muscles is gone, although it is possible to pour chloroform into the mouth of a person in a recumbent position and let it stay there, and although, to use Dr. Murray's words, "I think some of it would trickle down the throat," the poison would be kept in contact with the softer substance of the mouth, and that so long that, as he stated in answer to a question from one of yourselves, one would have looked for, and must have found, appearances about the mouth and upper part of the throat which were entirely absent in the case with which you have to deal.

Now, gentlemen, I hope you do not think I have kept you too long and dwelt with too much detail on this, the scientific, aspect of the case. I have striven to get rid as far as I can of the scientific terms and phrases which might convey meanings to the experienced physicians, but which would be unfamiliar to the experience of yourselves, and I may say myself. But I hope I have shown you, by tracing this process from end to end, that the difficulty is established not merely by the evidence of Dr. Stevenson, but that this difficulty is established by different testimony with regard to every step of the process which we get from the best authorities who have spoken and written on this subject, whether in England, France, or America.

And now I hope I have justified to you what I said a little while ago, that this case will be long memorable in the annals of medical jurisprudence. It is not only an accusation which is strange as viewed by the light of the previous relations existing between husband and wife, but it is an accusation against one who was, so far as we know, absolutely unstudied in the ways of medicine; who, from what she said herself (and, indeed, it is clear), knew little indeed of chloroform, the mode of its administration, and the objects that it would serve; and it is an accusation against her that she, alone in the room with her sleeping husband, has succeeded (was I not right in saying almost by inspiration?) in performing one of the most difficult and delicate operations possible to be performed, and has so succeeded that no trace, no spilling of chloroform by the nervous hand, no effects through the chloroform having been allowed to remain long in contact with the soft passages, no traces in the post-mortem condition of the body, reveal the fact that she had succeeded in doing that most difficult and delicate operation.

And so, gentlemen, I pass over the scientific aspect of the case, one, I am sure, which will not be allowed to escape your very careful attention, and one as to which I venture most respectfully to say that the result of the considerations which I have put before you (considerations in which I have striven to deal, with the most absolute fairness, with the evidence that has been given in this court)—I submit to you that the result of those considerations makes it impossible for you to return a verdict of Guilty in this case.

But now, gentlemen, I pass to the other matters with which I have to deal, and I want to make an observation or two at this point with reference to what I said a little while ago as to the possibility of the learned Attorney-General, in his reply, pointing out to you and dwelling upon topics of suspicion and of prejudice. Now, I have carefully read the note of the speech in which the learned Attorney-General opened this case, and he dealt then quite fairly—for nothing could have been more fair and temperate and careful than the opening in which he introduced to your mind the consideration of this matter, and he alluded to several smaller matters in terms which showed that they were matters which might possibly, it was thought, affect your minds, and would point in the one direction of suggesting the guilt of Mrs. Bartlett.

There were several of them. I hope I am not too confident in saying that they have absolutely disappeared under the test of cross-examination, and that there is not one of those suspicious circumstances which survives the examination which we have made. Let us take them in order.

It was pointed out to you that on the evening before her husband's death Mrs. Bartlett spoke about chloroform, and we know now from the evidence what that conversation was. On the evening of that day, after Mr. Bartlett had come back from the dentist's, Mrs. Doggett went into the room. Mr. Bartlett talked to her. Mrs. Bartlett was reading at the table, but in the conversation which ensued Mrs. Bartlett did interpose. Mr. Bartlett was talking about what had happened during that day. He had had a tooth drawn, and it is said Mrs. Bartlett asked, "Did you ever take chloroform?" of Mrs. Doggett, and Mrs. Doggett said she had taken it some years before, upon which she was asked whether it was nice, or pleasant. She was not quite sure which was the word used, but there was the impression of the question, and she answered she did not remember, it was so long ago. I dare say, gentlemen, you will have observed that that conversation was at least as likely to suggest to Mr. Bartlett the idea of himself taking chloroform as it was to be connected with any thought of murder in the mind of Mrs. Bartlett. But just let us consider when that conversation with Mrs. Doggett was. We were not given in detail or with exactness the whole course of the conversation. It was not expected that we should. We often expect far too much from witnesses when we expect from them in the witness-box the exact detail and language, the record of every conversation which, at the time it was uttered, could not suggest to them the importance which subsequent events have given to it. But we know now that on that afternoon Mr. Bartlett had been to the dentist's. We know that on the previous occasion he had had his gums treated by a local application producing cold and destroying the sense of pain when teeth were taken out, and I think, I am not quite certain, but I think he mentioned to Mrs. Doggett the fact of having his gums frozen. Whether that was so, that was the fact that he had had his gums frozen in order to prevent the sense of pain. On this occasion—that very afternoon—he had had a tooth extracted, and he had it extracted in a different way, and he had taken nitrous oxide gas, and there had been a difficulty in his taking it. Now, to the common inexperienced person nitrous oxide gas and chloroform are not very distinct. In either case there is the application of vapour—the inhalation of vapour for purposes of producing insensibility to pain. Do you think the fact that Mr. Bartlett on that evening talking to Mrs. Doggett about having his tooth out that afternoon, and having it present to his mind that he had been saved from pain by means of an anæsthetic never used with him before—do not you think it is in the highest degree probable that when Mrs. Doggett was talking to Mr. Bartlett he might have mentioned the way it was effected, and, if that was so, the most natural way of joining in the conversation would be, Did you ever have anything of the kind? Did you ever have chloroform? and the whole thing is explained. And I do beseech you, looking at the weight you are to give to the evidence as to conversations, which, as I point out, at the time they occurred the persons never imagined would have any importance at all—I beseech you to consider for yourselves what, in your judgment, would have been the reasonable and probable course of the conversation between Mrs. Bartlett and Mrs. Doggett on that evening.

Now, just let me take another thing. I shall have to point out to you by-and-by, with regard to the evidence of one of the witnesses in this case, the way in which the moment the death had occurred all sorts of accusations and suspicions were suggested. But we have from Mrs. Doggett a statement on which some emphasis has been laid in this case. Gentlemen, I beg your pardon, I have omitted one matter which comes before it in order of time,

and I will go back to it for a moment. There were two matters mentioned, also as matters of suspicion, of which the servant spoke, and which happened on the evening before the death. One was that, instead of taking, as she was told to take, the basin into the room, she was told not to come into the room again, but to leave the basin on the table outside. The other is almost too trivial to mention, but, as I have said, I must guard myself with reference to every matter of this kind—the fact that Mrs. Bartlett had not the same dress on when she awoke the servant as when the servant saw her in the evening. Let me say one word on each of those matters. The incident about the basin has absolutely disappeared, I venture to say, under the test of cross-examination, for what happened about it was this. Alice Fulcher told us that Mrs. Bartlett told her after supper to bring up a scuttle of coals and the basin, and it was at the same time she gave her the instructions about the two things. Alice Fulcher brought up the scuttle of coals, but did not bring up the basin. She took the scuttle of coals into the room at the time Mr. Bartlett was in bed. He was not in bed when the order was given, but he was in bed when she took the scuttle of coals in the room, and then Mrs. Bartlett spoke about the basin, and told her “not to bring the basin in, but to leave it outside.” There is the whole thing from beginning to end, and it is perfectly obvious that the order was given to the servant to bring up the two things; she brought up one, and took it into the room, and Mr. Bartlett was in bed, and, as we have heard, was probably trying to get some sleep, and so she told her not to bring it in, but to leave it outside, and she left it outside. There was a table outside, and on that Alice Fulcher put the basin. It was there in the morning; it was not used. It would have been used in the course of the night for beef-tea, probably, because Mrs. Bartlett kept Liebig’s extract in the room, and was in the habit of keeping a fire throughout the night and making beef-tea for her husband, but unfortunately on that night there was no occasion or opportunity for her to administer beef-tea to him.

Now, about the dress, is that to be a matter for suspicion? It is surely the most obvious thing in the world. Mrs. Bartlett had been out that day with her husband. After the illness began, when Mr. Bartlett’s bedstead was removed into the front room, Mrs. Bartlett never occupied the bed which she had previously occupied alone in the back room, but she slept upon the sofa, moved it in front of the fire, and she slept, as Dr. Leach tells us, sitting in that small chair at the bottom of her husband’s bed, or lying on the sofa. But in the evening she used to go into that back room to wash, and Alice Fulcher tells us the washing-basin was generally used late in the evening in that back room. She cannot say whether it was used on that particular evening, but at all events that was the ordinary course of things. Is it not obvious that what usually took place would take place, that Mrs. Bartlett, when her husband had gone to bed, and was settling himself for the night, would go into that room to wash before returning to her post and her place for the night? She would take off the dress in which she had been out; she would put on some dress in which she would be comfortable and easy throughout the hours of the night, and we are told by one of the witnesses that the dress she then had on was a grey, and a sort of a loose jacket with it, and Alice Fulcher said it was a lighter and looser dress than the one she had worn during the day.

Now, there are other matters on which greater stress was laid, and I ask you to consider what the real evidence with regard to them is. How about the condition of the fire? What is the evidence with regard to that? Mr. Doggett said he noticed the fire when he was called in. He noticed the fire looked as if it had been recently attended to. Mrs. Doggett comes and says the same thing. It is very remarkable about Mr. Doggett that when he was

examined first before the Coroner he did not say a syllable about the fire. It cannot have impressed itself very strongly on his mind, or he would probably have mentioned it when first examined. Until his wife had been examined, and had mentioned about the fire, Mr. Doggett (whether it occurred to him or not) had not mentioned it before the Coroner. So I asked the wife in cross-examination with regard to this condition of the fire. Dr. Leach, as you remember, did not remember anything about the fire at all. I asked the wife about the condition of the fire. Did not her answers put an end to the suggestion—the idea of anything remarkable about the fire? I asked her whether she had at any time had the sad experience of watching through the night by a sick-bed? She said she knew something of it. She admitted—as any woman would admit—that at night, especially with a patient at all suffering from sleeplessness and restlessness, it would be the most manifest duty of the person watching to pack the fire, to build it up and make it last for hours, that it might go for a sufficient number of hours without being closely attended to. Then I asked: Did not this look like a fire that had been packed and remained packed, and was then broken with a touch of the poker—just a fire well packed, and after some hours, when it was crusted over, broken up with the poker, and the hot coal prepared for immediate combustion, flames up and breaks into a good fire at once? She said yes, that was the appearance it presented; it must have been an appearance following on that. Is not that the most obvious thing in the world? Mrs. Bartlett, preparing for sleep that night, and having her husband composed and quiet for the evening, as she hopes, to get the sleep which strenuous efforts had been made to obtain for him, would pack the fire in that way, and when she came down from the servant's room, after sending her for the doctor, and calling down people to come to her in the room where her husband lay—is it not one of the most natural things to do to take up the poker and break up the fire into the condition in which it was seen?

Well now, gentlemen, there is one more matter of suspicion against Mrs. Bartlett with which it is my duty to deal, although not entirely at this point, but I mention it because it leads me to some other observations which I desire to offer very respectfully to your consideration on this subject. It is the matter alleged against Mrs. Bartlett of her having made untrue statements to Mr. Dyson with respect to Dr. Nichols and Annie Walker, and the relation which had existed between herself and them. I shall be obliged to discuss by-and-by some matters connected with Dr. Nichols and Annie Walker, although I should not pursue them to any very great length, but this brings me to the observation as to the position of Mr. Dyson.

This matter mainly depends upon the evidence, and upon the recollection, of Mr. Dyson, because it is from him that you have got the evidence that Mrs. Bartlett told him that her husband had been to Dr. Nichols; that her husband was suffering from an internal complaint; that she had administered chloroform for the purpose of soothing him in these paroxysms, and that Annie Walker was the person who had obtained the chloroform for her, and could no longer obtain it because she had gone to America. Now, in outline, as completely as I can recall it, that is the statement alleged by Mr. Dyson to have been made by her, and to have been, so the prosecution suggests, untruly made. But, gentlemen, I cannot comment upon this point of the case without remarking what I think must have at once rushed on your minds, that, if the making of an untrue statement is any evidence of guilt, it is somewhat strange that Mr. Dyson was in the witness-box. Now observe, so far from challenging in the least the course which has been taken with regard to Mr. Dyson, I accept the conclusion at which the Crown arrived, that there really was no case to be submitted to you which you could be fairly asked to consider against him. If my learned friend had thought that there had been any

such case, of course he would not have taken the course which he did take. I am not suggesting that there is. I accept—may I add that I believe?—in the correctness of the verdict which you were invited by the Crown to give, and that Mr. Dyson is free from complicity in any crime, if crime were perpetrated. But when you are being asked to deal with the case against Mrs. Bartlett, and to use against her, or to allow to be used against her, with grave effect, the untruthful statements which she has made, and which come to you upon Mr. Dyson's evidence, and as he remembers, or says he remembers, has it not occurred to you in the course of this case that if matters of this kind are to have great weight, how fortunate Mr. Dyson is that he is not standing there himself?

Now, gentlemen, I beg you to note that I do not impeach his innocence in the least. I wish that no word I may say may appear to suggest—it would not be true if it did suggest—any doubt on my mind with regard to the matter. But supposing his case were before you, what would you have? That Sunday morning he walked along the side of Tooting Common on his way to preach at a chapel, and as he went he threw from him, with the gesture which you saw him use in that box, the three or four bottles that had been in his possession. Suppose some one who knew him had seen him walking along that morning, and had seen him fling away the bottles, and had thought, "It is a little odd that the Rev. Mr. Dyson should be tossing bottles away on Tooting Common on Sunday morning," and had had the curiosity to pick up a bottle, and had found it labelled "Chloroform. Poison." Suppose it had come to light, at the first meeting of the inquest, that Mr. Dyson was an habitual visitor at the house where this death had taken place; suppose it had come to light that he had been in the habit of walking out with Mrs. Bartlett, and that she had visited him at his own lodgings; suppose it came to light that the terms on which he was dealing with Mr. and Mrs. Bartlett were terms of an exceptional character, having regard to the circumstances and relations between him and the wife; and suppose it had come out by inquiry at the chemist's—whose name is on the label—that, when Mr. Dyson asked for the chloroform, he had told him a falsehood, that he wanted it for stains on his coat—to take out stains which had come on his coat during his holiday at Poole—what would have been Mr. Dyson's position? That strange and hard man Richard Baxter used to say that he never saw a criminal going to execution without observing to himself, "There, but for the grace of God, goes Richard Baxter." I think Mr. Dyson will never in his life read the account of a trial for murder without thinking how heavily his own rash, unjustified conduct would have told against him if he had been put upon his trial.

Gentlemen, I do not use this for the purpose of suggesting—I said I was anxious not to suggest, for I do not entertain the slightest doubt as to the innocence of Mr. Dyson; but I do use it to show you that where against him, an innocent man, a falsehood told for the express purpose of getting this poison might have been proved in the witness-box, and might have been considered by the Jury with so fatal an effect, it would be hard indeed that the statement from the lips of that very man that Mrs. Bartlett told to him a story which was not wholly true, to explain her desiring to possess this chloroform through him—it would be strange indeed if that were allowed to weigh upon your minds as a serious element of suspicion against her.

Now, gentlemen, I said that I must make this observation before I dwelt upon the relations of Dr. Nichols and Annie Walker to this case. What is it that Dyson says? He says that he was told Mr. Bartlett had an internal complaint, and that he had consulted Dr. Nichols, and that that internal complaint produced paroxysms for which chloroform had been used, and that the chloroform was provided by Annie Walker, and that she had gone to

America. I suggest that it is impossible to rely upon Mr. Dyson's recollection with regard to that matter. You may have your own opinion whether upon some points in this case Mr. Dyson's evidence is readily and fully to be accepted so far as it concerns himself. I think you will have reason to see, from an observation I shall presently make, that at all events there is very strong ground for the suspicion that he has been anxious to protect himself without much regard to the actual truth in his relation to Mr. and Mrs. Bartlett. And I suggest to you that you cannot rely upon the entire accuracy of these statements. But, gentlemen, the curious thing is this: that, when one comes to look into the facts of the case, these statements are very near the truth in many respects. I do not say true as they are given by Dyson, but at all events Dr. Nichols of Fopstone Road is mentioned, and there is a Dr. Nichols of the Fopstone Road. Whether Mr. Bartlett ever saw Dr. Nichols or not, we do not know. Dr. Nichols does not know, he does not remember any such name; but he keeps no record of the names; and it was hardly necessary for me to suggest, in my questions with regard to some matters upon which Dr. Nichols might be consulted, that a person who went to an unregistered medical practitioner, to consult him with regard to his own position, would in very many cases be very unlikely to give his own name. But Mrs. Bartlett had known Mrs. Nichols, who practised at the very same place, and it was through Mrs. Nichols that Annie Walker was recommended to Mrs. Bartlett. For what reason Mrs. Nichols was consulted by Mrs. Bartlett you cannot know, for Mrs. Nichols is dead; and Dr. Nichols knows nothing whatever about the matter. Mrs. Bartlett's account you cannot hear, but the fact that Mrs. Nichols had been consulted is clear, and this also is clear—that Mr. Bartlett had in his possession this book of Dr. Nichols, to which reference has been made, and that when Annie Walker, the midwife who was recommended by Mrs. Nichols, was staying at the house in order to discharge her duties, this book was there. Before Mr. and Mrs. Bartlett it was made no secret of; it was shown to the nurse; it was talked about between them, and considered, and I shall submit to you, rightly considered, as a book the having of which, and the reading of which, involved no reproach upon anybody. Mr. Dyson says he does not remember hearing Dr. Nichols' or Mrs. Nichols' name mentioned with regard to the matter of the confinement; but he does admit something with regard to Annie Walker which, I think, is of considerable importance. Annie Walker's name was not mentioned first to him at Claverton Street when there came to be a question of obtaining chloroform. Annie Walker's name was mentioned one day when he was by the cemetery at Merton, and you cannot doubt how that mention came about. I am not sure that he admitted or recollected that at that time there was conversation about there once having been one child, or anything of that kind; but is it not perfectly obvious to you that the connection in which Annie Walker's name would be mentioned to him would be that, he and Mrs. Bartlett passing the cemetery, it might suggest to her the loss—which was a heavy loss to her at the time—the loss of all the hopes she had formed that their married life might give her a child to love and to grow up into her companionship? Here, at all events, was mentioned Annie Walker, and the mention of Annie Walker long before there was any mention of chloroform. But supposing Mrs. Bartlett did tell Mr. Dyson about Annie Walker's getting the chloroform, cannot one understand why there was some concealment and some explanation of this kind, if Mrs. Bartlett's story is to be accepted by you? And I will show you reasons by-and-by for believing that it was absolutely true. If Mrs. Bartlett's account is to be accepted, the state of things was this: that the husband who so long had been, not unkind to her, but cold, was desiring again to assert his marital rights; that he, acting quite freely, had in effect given her to Dyson, had recognized the

marriage which after his death might come to pass between these two, and had provided, as far as he could, for that contingency by making Dyson the executor of his will, by which the money was all left to Mrs. Bartlett—her statement is that, he again desiring to assert these rights, she felt, under those circumstances, that it would be a wrong to her womanhood to allow the revival of these long-ceased relations. Could she be expected to tell Mr. Dyson that? Could any woman with any delicacy at all have explained it so to Mr. Dyson? She gave him some reason for desiring to obtain chloroform, and, when you come to look at it as explained by him in answer to my cross-examination here, it is not far from the explanation which she gave afterwards to Mr. Leach. Mr. Dyson's idea, he says, was that she would sprinkle drops upon the handkerchief, and that she would use that handkerchief for the purpose of soothing Mr. Bartlett, and if that were so, and those were the words in which it was communicated, is it not perfectly intelligible that Mrs. Bartlett should desire to veil by that sort of account and explanation the real truth which she could not be expected to communicate to Mr. Dyson?

Gentlemen, I know how extraordinary are the relations which are alleged to have existed between these persons. I said before that these relations would be almost inconceivable if they were not proved. I am going to show you that they are proved, or substantially proved; and I shall show you that under Mr. Bartlett's own hand, by that letter which has been put in evidence, and which I shall ask you carefully to consider. But for a moment I am suggesting to you that this explanation by Mrs. Bartlett of the reason for which she wanted the chloroform—this veiled and hinted suggestion to Mr. Dyson, from whom she would have every reason in her delicacy for concealing the right purpose and object of her getting it—that that is by no means an untruth which should bear with it such fatal suspicion of its being an indication of a criminal purpose as would have attached to the falsehoods told by Mr. Dyson when he tried to get the chloroform, if Dyson himself were the person against whom this evidence was to be taken, and with regard to whose evidence it would be applicable.

(The Court adjourned for a short time. After the adjournment, Mr. Clarke proceeded :—)

Gentlemen, at the time the Court adjourned, I had been dealing with the question of the statements made by Mrs. Bartlett as to Dr. Nichols and Annie Walker. There is only just one word which I think I ought to say further with regard to that. I have pointed out to you that we do not know, and cannot know, what communication there may have been at some time between Mr. Bartlett and Dr. Nichols. I dare say that you will have observed that there were peculiarities about the earlier and about the later symptoms of the illness which commenced on the 9th of December which suggested to the doctor first called a cause for some of those symptoms which were not further investigated. But that Mr. Bartlett had something wrong with him no one can doubt, at all events if one accepts the evidence of Mr. Dyson. I am in this difficulty with regard to the evidence that Mr. Dyson has given. That evidence may be trusted by you entirely, or may be trusted by you in part and with certain limitations; but, with regard to the facts which do not affect his interests after the death had taken place, I suggest to you that Mr. Dyson is giving us the evidence of truth, and the only reason that I can see for doubting whether the whole of that evidence is true, in the sense that it is the whole truth, is that undoubtedly, when the death occurred, considerations came crowding upon the mind of Mr. Dyson suggesting to him injuries, in consequence of the result of that inquiry, upon his after-career which possibly affected to some extent the candour of the statements which he made with regard to anything that took place after the death. But if you believe Mr. Dyson as to facts, there was

something wrong with Mr. Bartlett. A man does not stop in the midst of his dinner, and clutch at his side, and complain of pain, unless there is some reason for it. I do not suggest to you that there was much reason for it; but what I do suggest to your consideration is this, that in the statement, possibly—probably—of its relation to the question of chloroform, which was made to Mr. Dyson by way of explanation, at all events there is a foundation of truth in a part of it.

I shall not now, and I will not at any time in this case, pursue that question as to the nature of the indications of disease that were found in Mr. Bartlett's mouth, established at the time of Dr. Leach's first examination. It is not from any scruple as to speaking of it that I hesitate to do so. Of all those maxims that have passed through the centuries, and exercised an influence on men's minds, in my judgment the most mischievous of all is that which tells men only to speak good of the dead. It has enfeebled the moral judgment of the world, and I for one will never recognize it as an authority. But those considerations have no place here, and I do not think that it is necessary I should follow into and examine the possible causes, curious though they may have been, of the condition of the mouth when Dr. Leach saw it, and of the ultimate necrosis which set in, according to Dr. Leach's account, on the 29th, 30th, and 31st of December. But the marital relations which existed between Mr. and Mrs. Bartlett are certainly matters of very serious consideration. In the first place, just let me point this out to you. Mrs. Bartlett was apparently an estimable woman. The women, few in number though they were—only two, so far as we know—who came into personal communication with her, saw nothing in her to dislike. Mrs. Matthews was her friend; and Mr. and Mrs. Matthews were the persons, the only persons, who visited Mr. and Mrs. Bartlett in their home. But she had made one other friend. By the introduction of Mrs. Nichols, she made the personal acquaintance of Annie Walker; and Annie Walker, who has spent with her four weeks before her confinement, and spent with her those other three weeks when the disappointed mother—the mother without a child—was gradually recovering strength from the painful illness which had tried and torn her—Mrs. Walker had undoubtedly conceived for her an affectionate friendship, and the poor woman, so to speak, in the solitude of her life had taken to her friendship this hired companion of her hours of suffering; and from time to time Annie Walker went to see her, and gave her portrait to her, and seems to have been attracted by her character and her disposition. At all events, there was nothing in her or about her that alienated a woman's affection from her, and prevented that affection becoming habitual and constant.

Now, the question of the marital relations of Mr. and Mrs. Bartlett is remarkable, and is a very curious question, and it is one which connects itself, in my judgment, very much with this woman. And I venture to say that, looking at all the circumstances of the case, I am glad that statement was brought out by Mr. Dyson with regard to Dr. Nichols and Annie Walker. For if it had not been for that statement, although I feel that it may prejudice her case before you, and that it will be used to show—and it is the only instance in the case in which her statements diverge from the truth—although it will be used to show there was that divergence, I am glad that it was brought out, for that connection with Dr. Nichols and his wife directly bears upon the extraordinary moral relations of Mr. and Mrs. Bartlett. Gentlemen, those moral relations were so strange that it is only upon the most conclusive evidence that one would accept it. I am not prepared to admit that they are relations unparalleled in the experience of one's life. There are many cases where, for different reasons, either in the husband or in the wife, the sacred relationship of marriage becomes simply a companionship of love, of confidence, and of mutual help;

and there have been many cases—and, so long as our nature is subject to the ailments which afflict it, there will be many cases—where a wife or a husband has been called upon to bear a burden for years of the companionship of married life with the denial of its entire happiness and enjoyment; and hundreds and thousands of men and women have gone forward on that life, and have borne it as Christians may bear it, and with a resignation which after a time would become even ease. But in this case I quite agree it is so exceptional a relation that you need very strong evidence of its existence; and I look to see what evidence there is in this case with regard to that matter. That Mr. Bartlett himself was a man of strange ideas does not depend, in this case, upon one witness. I call your attention to a most singular fact. In the first sentence of that statement that was made by Mrs. Bartlett on the 26th of January to Dr. Leach she said that her husband was a man of strange ideas—who had an idea, when he married her, that a man might have two wives, one for service and the other for companionship; and it is a strange thing that, curiously enough, there are two witnesses who corroborated that specific statement. I do not rest upon the evidence of Mr. Dyson. If that stood alone, I agree it would not be so material. But the other witness is a witness from whom a single word of evidence in favour of Mrs. Bartlett is a treasure beyond price to the Counsel who defends her. It is that witness whose sordid and vengeful malice nourished the idea of murder, suggested it at the first moment, dwelt upon it, worked to establish it; that is the witness who did not shrink from coming into that witness-box, and repeating, against the widow of his dead son, the foul slander from which that son protected her while he was here. He it is from whom I get the acknowledgment; and he says, "I remember once he told me that a man might have two wives," and he spoke of it. How came he to remember it? He tried to weaken its force, to destroy its effect, by putting in the observation, "I heard a man say yesterday that he would like forty," and a laugh was caused, as possibly he expected. But the observation of which he spoke about his son, the observation as to a man having two wives, is an observation which had fixed itself upon his recollection, and he admitted that when I put it to him; and the very same observation as to the two wives was made by Mr. Dyson. When Mr. Dyson gave his evidence in the box, and spoke of that observation, and I was cross-examining about it, do you remember the question that my Lord put upon his evidence? "Was it said jocosely or seriously?" Mr. Dyson used a strange expression; and his answer to that question was, that at first it was put tentatively, and afterwards repeated more seriously; and Mr. Bartlett, if you can accept Mr. Dyson's evidence, and according to that evidence, did ask, as a serious question, of this minister of the Gospel, who was visiting at his house, whether it was consistent with the teaching of God's Word that a man should have two wives? Gentlemen, that was exactly what was said by Mrs. Bartlett in her statement to Dr. Leach. There may be this question about it, and I pressed Mr. Dyson on the point—"Did you understand that he meant two wives, each of whom was to enjoy the full companionship and personal affection of the husband?" Mr. Dyson put that aside: "Oh, he never mentioned it with regard to himself; it was a general observation." But do you believe that Mr. Bartlett, speaking to a man whom then he knew only as the minister of a place of Christian worship, to which he himself went, that he seriously suggested to him that a man should be allowed to have two wives in the full sense of the term?

There may be an explanation, and I confess that I think it is found in this book. I have had occasion, of course, to examine this book in the course of the trial; it is not for me to say what opinion or judgment I have formed about it. I shall only be entitled to read the book itself to you; but we are not

unacquainted in our criminal procedure with the publication of works which have had for their vicious object the spreading about to the public of explanations of the way in which physical passion may be gratified without the risk of responsibility being incurred. This book, whatever it may be, is no book of that kind. So far from that being so, I asked Annie Walker, (and I am very anxious not to transgress my right in the matter), whether she had read the book, and whether there was anything immoral or improper in it, and she said there was nothing of the kind. I asked Dr. Nichols, when he was called, whether the statement in the preface, that he tried to make this as well as his other books good and useful, the books true in science and pure in morals, and contributing to the highest state of humanity, was true, and he said it was, and there was no suggestion to him at all of any observation conflicting with it. So far from this book being an immoral book, it contains counsels of perfection too high for the ordinary life of men and women. It lays down the rule that it is only for the continuation of the species that the indulgence of sexual passion is permissible; that the moment that indulgence is supposed to have resulted in a natural and legitimate consequence, from that moment the wife is sacred from the husband until the time of the nursing of the child has expired. I do not discuss these doctrines; I have nothing to do with them; their truth, their application, is indifferent to me; but the book, such as it is, is a book which, so far from lending itself to the lower influences and the lower passions of men, is a book which endeavours to restrict, to guide, and to limit the indulgence of those passions according to rules which, in their strictness, would be almost impossible to ordinary human nature, but which undoubtedly are compatible, as the sentence in this book which I before read pointed out, are compatible with the lives of a very large number of men amongst us. I will read no passage from this book which I have not read before; but you will remember that I read a passage as to the one way which the danger and responsibility of child-birth could be naturally and effectually prevented, and that was *abstinence*; (and here is the importance of it, it belonged to, and was habitually considered and talked about in Mrs. Walker's presence by Mr. Bartlett, as well as by his wife) that is, "to refrain from the sexual act. It is easily done by most women, and by many men. In every civilized community thousands live in celibacy, many from necessity, many from choice. In Catholic countries the whole priesthood and great numbers of religious of both sexes take vows of perpetual chastity. This practice has existed for at least sixteen centuries."

Gentlemen, you can easily imagine that I do not desire in this place, and in these surroundings, to enter into these questions in this book. I have anxiously thought how far I was entitled to limit my observations with regard to it, and I hope my Lord, who no doubt has seriously considered the aspect of this case, will not think that I have transgressed the limits which I have imposed upon myself in discussing it; but the importance of it is not in the teaching of the book; the importance of it is that this book is found in the possession of people with regard to whom there is so much other evidence as to the relation in which they lived. The great improbability of the account which has been given as to their lives has of course struck you all. I have more than once referred to it, but just let us see what the facts are about which there can be no dispute. And I was going to say providentially, and I do not see why I should shrink from the word "providentially," for Mrs. Bartlett's protection there has been preserved one letter the importance of which in this case, I think, it is impossible to overrate. It is the letter about whose authorship there is no doubt, as to the occasion for the reading of which we have clear evidence, and which remains to-day in the handwriting of her dead husband. Then Mr. Dyson is called. I do not know if you thought, or that my Lord

thought, he dealt quite fairly with some of my questions. It occurred to me, but I think it is a matter for your judgment entirely, that, when he came to the question of the relations between himself and Mrs. Bartlett, he was anxious as far as possible to escape from the admission of the relation that he had been in, and the position he held, and the same lack of courage, to put it mildly, which led him to try and get from her possession the poetry which he had written and given to her, and which her husband had seen, led him to try and tone down as much as he could the relations existing between them. But you remember the mode in which he gave his answer to the first important question carrying him back irresistibly to the earlier period of the strange relationship between himself and Mrs. Bartlett. He described that in October, at Claverton Street, when paying there one of his frequent visits, Mr. Bartlett had found some fault with his wife and scolded her, and Mr. Dyson said, in substance, these words, for I do not pretend to recite them with verbal accuracy, "When she comes under my care," or, "I have charge of her, I will do so and so." Of course it strikes every one at once that could not be the first observation—a man does not go to a friend's house to see a friend and his wife, and say, "When your wife is under my care, I will do" this, that, or the other. It irresistibly carried him back to the earlier time, and he was forced back step by step; he was brought back to the month of September, and to the conversation that took place with Mr. Bartlett when he came back from Dover and came and called on Dyson. Now, that conversation was a remarkable one, strange and unexplained, but it is in evidence before you on oath as part of the evidence upon which you are to decide this case, and the conversation was this:—Mr. Dyson told Mr. Bartlett that he was feeling uneasy, that he had conceived an affection for Mrs. Bartlett which interfered with his work, and that he thought it would be better that he should discontinue the visits. He had at that time spoken to Mrs. Bartlett of that affection, and so he told the husband; and instead of the husband resenting it, as you would expect, the husband not only did not resent it, but he indorsed it; he gave it his sanction, his consent and approval; and from that day to the day of his death he, the husband, cherished and nurtured, as far as he could, the opportunities of communication and of growing affection between his wife and the young Wesleyan minister. It is a strange story. If it rested alone upon the evidence given after the husband is dead you might doubt it; but it does not. We have got three documents, which are of considerable importance, with regard to it. On the 3rd of September, Mr. Bartlett made his will at Herne Hill. Now, observe, there was no question of anybody influencing him in making that will; he was not with his wife, he was not with Mr. Dyson; he signed it at his place of business at Herne Hill; it was witnessed by the two assistants in the shop, who came up and saw him write his name to it. There can be no suggestion of any influence that anybody exercised on him with regard to that. How did that alter the disposition of his property? Until that time, so far as the evidence goes, it was believed his will had left Mrs. Bartlett his property upon the condition that she should not marry again—that it had been one of those wicked wills which men are making every day, and with which they are outraging the feelings of the wife they leave behind. But on the 3rd of September he altered it, and, instead of leaving it to her only in case she did not get married, he left it to her absolutely, and he appointed as one executor of that will the Rev. George Dyson.

But now, gentlemen, early in September the interview took place between these two men, and the young Wesleyan minister told the husband of the love which he had conceived for the wife, and of which he had assured her. There are two documents more. There is the document—the letter written by Mr. Dyson to Mr. Bartlett on the 21st of September, and there is the

answer of Mr. Dyson to Mr. Bartlett on the 23rd. Now, gentlemen, nothing can exceed in this case, having regard to this part of the question with which you have to deal, the importance of that letter from Mr. Bartlett. Let me read it to you, and let me ask you to listen to it, having present to your minds the statement that has been made by Mr. Dyson with regard to the communication that he made to Mr. Bartlett. "DEAR GEORGE,—Permit me to say that I feel great pleasure in thus addressing you for the first time." That letter shows that shortly before that letter the relationship of the parties had changed, and that Mr. Dyson had been admitted to a confidence and intimacy which had not been given to him before. "To me it is a privilege to think that I am allowed to feel towards you as a brother, and I hope our friendship may ripen as time goes on, without anything to mar its future brightness." Now listen to this, gentlemen: "Would that I could find words to express my thankfulness to you for the very loving letter you sent Adelaide to-day." Now, when you consider that letter, and consider that it is written by a husband to another man, and that in that sentence he mentions his wife by her Christian name, you have gone a very long way indeed to confirm the statement which is made as to their relations. A "loving letter" written to Adelaide! Why did he speak of her as Adelaide to another man? Why did he write to express thankfulness to another man for having written that letter to his wife? A loving letter to his wife! There is, so far as I can see, no conceivable explanation of it but this—that the relations between his wife and himself were not the relations of marriage in its deepest and its closest ties, but that they were such relations that he could quietly, calmly, without any pang of jealousy, look upon the rising and growth of an affectionate attachment between that wife and another man. Hear how he goes on: "The very loving letter you sent Adelaide to-day. It would have done anybody good to see her overflowing with joy as she read it whilst walking along the street, and afterwards as she read it to me."

Gentlemen, there must be something exceptional, something extraordinary, something very difficult to believe about the story that was given to you of the marital relations of these persons; there is nothing more remarkable than the fact which is shown in that sentence of that letter that the husband should write in thankfulness to another man for that letter that comes—the loving letter—so loving that Adelaide overflows with joy as she reads it when she walks along the street, and afterwards when she reads it to her husband. If that sentence stood alone, if there were no corroboration of it either by Mr. Dyson, no statement made to Dr. Leach by Mrs. Bartlett—I say that sentence alone is capable of no explanation whatever save this, that the marital relations between Mr. and Mrs. Bartlett were relations of a strange and unusual character, relations which allowed the husband to speak of another man with regard to his wife, and of his wife's affection for another man, and I say that can only be explained by the suggestion that husband and wife were to each other loving and faithful companions, but companions and nothing more. "I felt my heart going out to you. I long to tell you how proud I felt at the thought I should soon be able to clasp the hand of the man who from his heart could pen such noble thoughts. Who can help loving you. I felt that I must say to you two words, 'Thank you'; and my desire to do so is my excuse for troubling you with this. Looking towards the future with joyfulness, I am yours affectionately, EDWIN." Of all the strange things that this Court has heard, and the multitude of cases which have here been tried, involving the closest and deepest relationship of lives, nothing stranger has ever been read than that letter, where "yours affectionately, Edwin," is with humble and apologetic humility thanking the man who had written a loving letter to the wife which made her overflow with joy as she read it to her husband. That letter is the key of the whole case. Without it, it might not be possible to

believe the statement that Mrs. Bartlett made as to their marital relations ; with it, I venture to say it is impossible to disbelieve that statement and to suggest an intelligible explanation of the words and phrases that that letter contains.

Now, gentlemen, there are two other matters before I pass to their marital relations. One is a little matter that has arisen to-day. Of all the learned Counsel who have appeared in this case on the part of the prosecution there is not one whose diligence has so exacting an effect as my learned friend Mr. Poland, and nothing whatever will be lost or forgotten when that scrutinizing and all-remembering intellect is brought to bear upon it. And this morning Alice Fulcher was recalled, and Mrs. Doggett was recalled, for the purpose of giving you some information as to the habits of life at Claverton Street. I have already commented, and the observation my Lord was good enough to make upon it entirely answered the part of the comment, upon the way in which the witnesses were asked were they living as man and wife—a phrase which may imply a good deal, and the value of the answer to which depends absolutely on the means of observation, and the reason for observation, of the witnesses. But I am very grateful to my learned friend for the scrupulous care with which every item of evidence is brought before you, for the evidence brought before you this morning has established a very remarkable thing with regard to the lives of these people. When they went to take these rooms at Claverton Street, Mr. Bartlett was in good health, but it was stipulated when they went there that they should have two beds, and it was only because Mrs. Doggett could not go to the Stores for two or three days to order it, and then that the Stores took two or three days to send it home—it was only owing to that that a week elapsed during which there was only one bed in that room. And as soon as could be that second bed was supplied to the back room, and from that time both those beds were used. It is not so very remarkable even in our own, but it is much less common in this country than in countries not far off, where the use of two beds is frequent. But there it is, and as far as it goes it gives support to the statement you have heard as to their marital relations. The statement, you observe, relates to matters so absolutely private that it is impossible to suspect you would ever get very much evidence to support it.

But there is another point to which I attach a great deal of importance, and that is given in the evidence of Dr. Leach. Dr. Leach, in the witness-box, was a self-conscious witness, and undoubtedly Dr. Leach was very anxious as to his own appearance before the world, and to protect himself from misunderstanding and from complaint in the matter. Gentlemen, I own I feel a great deal of sympathy for Dr. Leach ; to a man like him, carrying on an ordinary practice in a place where he may not be too much known, and going through the daily round of the ordinary general medical practitioner's life, it is an appalling thing to have suddenly thrust into his life all the responsibility, and public responsibility, of a case like this. He is confronted with medical problems which perplex men who have spent years in that special study. He is called upon, in the fierce light of public observation, to recount, to explain, to give statements as to fact, and to vindicate medical opinion in a way which would test the capacity and the nerve of the ablest and best men in his profession. And I must say for Dr. Leach that, apart from that question of self-consciousness, I think he has been most anxious to give full information to the Jury and to the Coroner when he was called as to all that he had observed with regard to this matter. And in the witness-box, it is for you to judge whether he did not seem to you, under that crust and appearance of self-consciousness, at all events most anxious to bring to his evidence and to the answers which he gave to questions in examination and cross-examination the honest desire to tell you, without favour on one side or the other, what it was he had observed in this case. Well, now, Dr. Leach, before he was

first examined before the Coroner, asked Mrs. Bartlett to tell him what had happened on that evening, and she gave to him an account over which at this moment I need not travel, but which was absolutely identical with the account which she gave to other people. Of all the events of that night, so far as they referred to the finding of her husband, and the condition in which he was, the matter which awoke her, and so on, she has given four accounts. She gave an account to Mr. Doggett; she gave an account to Dr. Leach; she gave another to Mrs. Matthews; she gave another to Mr. Dyson. Those four witnesses have, here in court, repeated the accounts she gave, and there is absolutely no difference of any material character—no difference, I mean, except in just the merest form of words, between the accounts she gave on those four different occasions. That was before Dr. Leach was first examined, but at a later time another statement was made to him by Mrs. Bartlett. It was on the 26th of January. He had seen her twice in the interval, on the 14th and on the 18th, and on those occasions she had consulted him, not with reference to the inquest, or these matters at all, but with regard to her own private condition of health. On the 26th of January he had a conversation with her, and there was a matter about this conversation which I brought out in cross-examination, and the full bearing of which I do not suppose was obvious at the moment that I was making the cross-examination. That statement was never intended for a public statement. In this country a doctor has no privilege. There is one country at least in civilized Europe where the privilege of the doctor is recognized, and where he is not called upon—just as we do not call upon a solicitor—he is not called on to reveal what has taken place in consultation. Gentlemen, in this case Dr. Leach seems to have thought that he would not be called upon, and could not be called upon, to state what was then said. The first time he had asked for a statement to enable him to give his evidence before the Coroner; the second time he receives the deepest and most delicate confidence of Mrs. Bartlett, and it was so impressed on his mind that that confidence was given to him in his character of a physician that when before the Coroner he struggled to escape from the necessity of giving in evidence the statement which had so been made. Gentlemen, I think you will follow me when I say that that fact is a very material one for my case. That statement was never made for the public ear. She never knew that those words then spoken would go upon the Coroner's deposition, and be published to all the world. They contain her statement made to the physician to whose skill she herself had applied for her own personal necessities, and I claim for that statement this: it was not a statement offered to an accusing world as an explanation of circumstances which had cast suspicion upon her, it was a private communication of the most private matter to the physician in whose skill she was trusting for her own treatment, and it was a statement which comes to you in such circumstances as to bear with it almost the irresistible presumption that that statement is true.

Now, what is that statement? I need not read it to you in detail—I am speaking in your correction, and in the correction of those that heard it, and, if I do not read all that document in detail, I will carefully give as far as I can its exact effect. It began by a statement made to Dr. Leach with regard to the marital relations between her and her husband. How was that statement brought about? Gentlemen, at that moment nothing had been said by her as to her having possession of chloroform, but curiously enough, in a way which is absolutely inconsistent with any consciousness of guilt, she had been discussing and refuting, to use Dr. Leach's own remarkable word, refuting the suggestion that had been made as to the other causes of death. On the 26th, Dr. Leach says to her: "I have good news for you, Mrs. Bartlett; they say that chloroform is supposed to be the cause of your husband's death." And he says—you will observe he had heard before about the relatives, and the

suspicious that they entertained—"It is fortunate enough for you that it was not prussic acid, or some matter of that kind, because then it is possible, although he might have taken it himself, strong suspicion would have attached to you," upon which she gives this answer; she says, "I wish it had been anything but chloroform." Why? Then comes the answer: "What I have to tell you now requires a preface," and then, to her thinking in the absolute secrecy of a confidence between herself and her medical man, she goes on to give him this account of their marital relations. A strange account. She says: "I was very young, and when I married my husband he had the idea that a man should have two wives, one for companionship and the other for use, and it was for companionship that he chose me." She says: "I was so young I did not understand the contract I was making." And that is true, for nearly three years after she was married the greater part of her time was spent at a boarding-school or one of the convent schools of Belgium. She said: "I did not understand the contract when I made it, but I was loyal to it. For six years that contract was kept between us, and then there came to my heart the wish that I too might be a mother, and have a child at my knee to love me, and on my entreaty my husband broke through the contract that had been made, once, and once only." And there is a strong light upon this from that book of Dr. Nichols', a book in which he speaks of the proper and moral condition of men and women after conception has once taken place—"Once, and once only," she says, "I was admitted to my husband's love, and when the months had gone by, instead of the child there came the weeks of agony, and of life nearly lost in the labour-struggle, and from that time my hope and wish for a child went, and we resumed our old relations."

Now, gentlemen, the circumstances under which that communication was made were circumstances which, in my contention before you, give it the sanction of truth. But there is another remarkable thing which is stated by Dr. Leach. He went to work—I do not complain of him; I think, looking at it, he was right in this, that, when he found how important these matters were getting, he should sit down quietly at home, undisturbed by the clash and wrangle of examination and cross-examination at the inquest and the trial, that he should set down on paper, so far as he, quietly thinking, could remember, the statements that had been made. But, gentlemen, what was the impression on his mind? He wrote that down, and he says after the passage which I have paraphrased, although correctly paraphrased I believe, "I personally was to some extent cognizant of the facts up to this point before the 26th; they had been partly told me, partly implied, and partly gathered from observation. The rest was nearly all new." Gentlemen, I tried with great care—I think you will bear me out—to sift that statement, and to see how far it was observation, how far it was information, that had given him knowledge of these facts, and we do get this from him, that when she made that statement to him it did not strike him as being an extraordinary and unbelievable thing, but the relations which he had seen existing between her and her husband, the way in which they spoke to each other, the habitual tone of their companionship, came back to his mind as to some extent supporting that statement. Now, gentlemen, I can go no farther than that. There is no more evidence to support it. It is amazing that there should be so much, for in this case, where marriage itself has become a platonic relation, I do not imagine that others visiting at the house, simply meeting the husband and wife, would guess, or have any means of knowing, what the real state of things was. But what I point out is this: so far as there is any evidence at all in the case, it goes to support that statement. The statement itself is one made in circumstances—circumstances of confidence with Dr. Leach—which removed Mrs. Bartlett from attempting an untruth—gave her no object for inventing a story; and that statement, so far as the

other evidence in the case is concerned, is supported by that evidence, and not contradicted by it. I do not pause to speak of the trivial nature of that conversation in the cab as they were going to the dentist; there, again, is a suggested contradiction, and, in the course of a case like this, little matters toss up to the surface and disappear, and that, I think, disappeared when Dr. Leach said that Mrs. Bartlett was always trying to be cheerful and keep up her husband's spirits, and in conversation and other ways would make suggestions that would lighten the burden on him—the burden of anxiety, and no doubt at that moment the apprehension of pain, for an operation was going to be performed.

But now, gentlemen, there is a word I ought to say here. I have called your attention to the circumstances in which that statement was made, and I should not make another comment on it but for the extraordinary way in which my learned friend Mr. Poland insisted on examining Marshall, the police constable, as to the fact that Mrs. Bartlett was not called to give evidence as a witness before the Coroner. I may say at once it was not Mrs. Bartlett's act, and could not be on Mrs. Bartlett's election. I have been greatly assisted in this case by my friends Mr. Mead and Mr. Beal, and my friend Mr. Mead will be the first to agree with me in the observation I am about to make, that I think Mrs. Bartlett is greatly indebted, and I know that I myself am greatly indebted, to the judgment and ability with which Mr. Beal discharged the anxious and onerous duties that fell on him in representing her at the inquiry before the Coroner and before the Magistrate. If there had been a question as to whether Mrs. Bartlett should be called as a witness or not, I know him well enough to know that he accepted, as I in a similar situation would accept, the full responsibility of the course that was taken; and my learned friend the Attorney-General, I thought, had relieved me from any question of that kind at all when he told you in his opening that no prejudice or inference was to be drawn against Mrs. Bartlett from the fact that she was not called as a witness at the inquest. But I go farther. Dr. Leach had given at the inquest a kind of statement that she had made to him, and my point to you is this: If that statement had been made at the inquest—had been made for the purpose of diverting suspicion from herself, and of justifying her acts in circumstances which otherwise would have looked and told heavily against her—it might have been the subject of suspicion. But Mrs. Bartlett had confided to her doctor that most strange and delicate explanation of the relations with regard to herself and her husband. He had given it in evidence, and there was nothing for her to add. She made that statement to Dr. Leach on January 26; she stands by that statement now; there was nothing for her to add; no reason for her to have gone into the witness-box and exposed herself to cross-examination (I was going to use an epithet about it, but I refrain) of the solicitor whom Mr. Bartlett, senior, had employed at that inquest. It would have been to expose herself to a trial as severe and terrible as a woman could ever have undergone, and would have added nothing to the statement she had already made, and which, through Dr. Leach's lips, had been put on the public record, of her share in the transaction.

Now, gentlemen, I pause for a very short time to call your attention to the history of the illness, because my learned friend the Attorney-General, in opening this case, suggested that there were only three alternative explanations of his death: either that the man took the chloroform by accident, or, said my learned friend, he took it with a suicidal intent, or he took it by being administered to him by another person with the intent to murder.

Gentlemen, I have called your attention fully, I hope not too fully, to the medical questions which have arisen in this case, and which affect the

third of these theories—namely, murder; but, with regard to the others, I have a word or two to say; but the matter is reduced to the idea of suicide, accidental taking, or murder.

Gentlemen, you have heard from Dr. Tidy that of the cases of death from the administration of liquid chloroform that are recorded, by far the larger proportion and the overwhelming majority are cases of suicide. So that suicide is by far the most common of the causes of death from liquid chloroform. Gentlemen, let me make this observation to you before I enter upon the consideration of the history of that illness; it is not for you to decide whether Mr. Bartlett committed suicide, or whether he was murdered. That is not the question that is put to you; there being two alternatives, you are not to call upon the defendant here to establish before you that Mr. Bartlett committed suicide. No such burden falls upon those who represent the defendant. The prosecution have got to establish before you beyond reasonable doubt that he was murdered, and murdered by the hands of the defendant here; and that is the matter to which I have to address myself. But, when we have to consider this question of the probabilities of the case, we start thus: Dr. Tidy, who knows the history of all these cases, says that, apart from the evidence, the enormous preponderance of probability would be on the side of suicide. Well, let us examine what the condition of things was during the illness.

Now, gentlemen, I am not going day by day through the record of those days, but as one's mind goes back over the evidence that has been given, and traces the salient points in the history of the illness, there are matters which it is not undesirable to call to your attention. The first point I should like to put before you is this—that you have as complete and exact a record of all that took place during that illness as probably a jury ever had in a case of this kind; and it is by no means unimportant. From the 9th of December to the 31st of December this illness was running its course, and during the whole of that time Mrs. Bartlett was under the immediate inspecting eye, and under to some extent the hostile inspection, of those who have been called as witnesses before you. Under whose eye was this illness running its course? She wrote every day to Mr. Baxter, or nearly every day. Her husband's heart was in his business work; he was a man of whom we hear that, when they were staying at Dover, he would get up at three in the morning to catch the boat-train and come up to London, go to Herne Hill, attend to his business, and go back to Dover so late at night that he did not get back to his wife sometimes till ten o'clock, so that he would sometimes only spend five or six hours practically out of the twenty-four in her company. And when his illness began, the first thing he told the doctor was that he had been overworked both physically and mentally; and the first advice which the doctor gave him was this—that he should abstain altogether from all talk and all thought of business, and keep his mind to different subjects for a time.

Well, gentlemen, every day the prisoner wrote to Mr. Baxter, just to say how her husband was getting on, and from time to time Mr. Baxter came to visit at the house, and he visited at the house so late as the last three days before the death, when he brought the mango chutnee, or something that has been mentioned in the course of the case. Immediately after the illness began she called in another witness, Dr. Leach. He knew nothing of them; he was a perfect stranger. The great advantage was, with regard to him, that he lived close by, and that he could come in constantly to attend upon her husband; and Dr. Leach has told you that he never could have wished for a more attentive, a more faithful, or a more affectionate nurse than she proved herself to be during all the period of that illness. She had one failing, and only one—her memory was not very good; but she kept a record from hour to hour of the little incidents of the day and of the invalid's condition, and

she kept that record for the doctor to see. She tried to cheer her husband from time to time; she talked of going away; she did all she could to raise his drooping spirits; she provided for the doctor every sort of information that he could possibly want, in order that, by testing the contents of the stomach when those had been rejected, he might be able to understand exactly the course of the trouble and the course of the treatment. Dr. Leach was there, not daily only, but two or three times a day, on many of the days during that period; and Dr. Leach had arranged, on the night of the 31st, that he was to come again on the morning of the 1st in order to visit Mr. Bartlett; so that, from the beginning to the end, she was under his independent judgment.

But, gentlemen, there was another thing she knew, and her husband knew, that there was one member of his family who looked upon her with jealousy, suspicion, and dislike—there was one member of the family who used to visit at that house—it was the father, who had been promised a home for life, and who, for reasons which you can well imagine, had not been allowed to continue an inmate of that home. He was the one member of the family who visited at the house, and on the 18th of December, in consequence of what the father had said, Dr. Leach was asked to find another physician. The father had said, according to himself, that he would like to send down a physician. Well, that was very kind of him, for his money was obtained from the son, and he would have sent down a physician at the son's expense; but his statement that he would like to send down a physician was repeated to the husband, and the husband, with an anxious desire to save his wife from any chance of that terrible suspicion which now, in spite of all his care, has fallen upon her, and which has condemned her to the agony of this trial—the husband speaks to the medical man, and tells him that the family have not liked her, and had not understood her; that, if the illness goes on and he does not get better, the family may say that she was poisoning him; and so he asked Dr. Leach to find some stranger, upon whom no suspicion could fall, with whom there could be no fear at all of his absolute *bona fides*, and to call him in and let him see the case. The husband says, "I will not be treated by him. You alone," he says to Dr. Leach, "shall treat me, but, for my wife's protection, call in a doctor to see me once, and let him express his opinion, and be able to express an opinion if need be;" and so, on the 19th of December, Dr. Dudley was called in, and that absolute independent judgment we have; and that independent judgment was intended for the good purpose of shielding the wife against that malice which he knew existed, and which would suggest in any case that there had been foul play. But she was under the inspection of the father-in-law himself. He has been called into the witness-box, and he has told you what he had to say. He complained, or suggested rather, that there should be another doctor; he complained with regard to the nursing, and suggested that there should be another nurse. Another nurse! Why? The man who was ill, and who was tended thus by his wife, as Dr. Leach tells you—I think it was Dr. Leach—would not have listened to the suggestion of another nurse. Dr. Leach did suggest another nurse afterwards—but for what reason? Not because there was a failure of care in the loving wife who was tending her sick husband, but because that love had carried her to a devotion which was telling upon her health—because night after night, for thirteen or fourteen nights, she had spent the restless and broken hours of the night, sitting by and watching over her husband, and because the doctor feared, not that the patient would be neglected, but that the nurse would break down under the strain. But Mr. Bartlett cherished his suspicions; he complained that he was kept away. He was one of the first persons to be communicated with. When the death took place it was not to Mr. Dyson that she telegraphed. She wrote to Mr. Dyson, just as she

wrote to Mr. Wood, the other executor; but the three telegrams that were sent off that morning were sent to Mrs. Matthews, to Mr. Baxter, and to Mr. Bartlett. Mr. Bartlett did not get that telegram until a little later. He had heard from Mr. Baxter, before he got his own telegram, that the death had taken place, and he rushed off to the place where his son was lying dead; he went up to the bed where his son was lying, and smelt at his lips for prussic acid. Why? Because that preconceived idea—that idea against which the husband had tried to shield her—was in his mind; and he was smelling there at his dead son's mouth with the idea that he should find something to implicate and to blame in that death the daughter-in-law whom he had always disliked, and against whom the husband knew that he bore a revengeful feeling. That is not all. He smells for the prussic acid; he turns to the doctor, and says, "We cannot let this pass—there must be an examination—we cannot let this pass. I will not have a doctor from the neighbourhood, or one connected with the case. I insist that some independent doctor shall come down to test the cause of death." And it does not stop there. He goes and finds a solicitor, and he takes a solicitor down to Somerset House to inspect the will, which he hopes to upset. He comes here—and I describe not, because you saw it, his conduct when the will was put before him, and he was asked about the signature; and he does not scruple now—now that the wife has no husband to protect her—he does not scruple now to tell you—now from the witness-box—that the foul accusation that he made against her seven years ago—for which he had then in writing expressed the greatest penitence—as to which he then confessed that it was an absolutely unfounded slander on his part—he does not scruple now to repeat that slander, and to stand by its truth, and to persist in the odious accusation which he desires to revive after these years against the reputation of one of his own sons and the honour of the widow of the son who kept him. Gentlemen, this was the sort of watching under which this illness passed—this was the sort of test that has been applied to her conduct. There was no resource of suspicion, dislike, and malignity which has not been given to the conduct of this case—for that witness instructed the solicitor to cross-examine the witnesses at the inquest.

Now then, gentlemen, that was the illness passing under that scrutiny, and subject to that construction, and what was the history of that illness? I will take this as rapidly as I can. On the 10th, Dr. Leach was called in, and there was something very remarkable about Mr. Bartlett's condition. It was not so much that physical mischief was betrayed in the frame and condition of the man, but he was hypochondriacal, he complained of suffering from great sleeplessness, he was depressed in spirit, and when his mouth was looked at there was a very curious result impressed upon the doctor's mind. The condition of the gums, and the characteristic blue line, told Dr. Leach that there had been mercury taken. We know not what had produced this result, which might be produced either by large quantities of mercury, or might be produced by a small quantity of mercury administered in the case of a patient who had a peculiar idiosyncrasy for that drug. But there it was, and, whatever the cause of it, it so impressed itself on Dr. Leach's mind that he waited until Mrs. Bartlett was out of the room, and then he asked Mr. Bartlett, "Have you been taking any medicines?" The answer was "No," and Dr. Leach had recorded the impression which was then on his mind—namely, that Mr. Bartlett had been to some quack, who, for real or supposed syphilis, had administered mercury, which had produced this result. It was absolutely denied by Mr. Bartlett. He explained it afterwards as being caused—and certainly it was a very odd explanation—he explained it as being caused by a pill that he picked out of a box of sample pills. It is a curious thing for a man to take a pill in that way, and one is not surprised that Dr. Leach did not readily accept this explanation; and hence

the suspicion in his mind that there was some other explanation of the matter. But the symptoms of gastritis or dyspepsia that existed on the 10th of December disappeared to some extent under Dr. Leach's treatment; and undoubtedly when Dr. Dudley was called in on the 19th of December, the physical condition of Mr. Bartlett had greatly improved.

Well, gentlemen, but there was a very curious relapse, in this sense. Dr. Leach has said that things got better—a good deal better—from the 19th, I think, until the 24th or 25th. But he used this expression: "On the 26th the appearance of the lumbricoid worm upset everything again," and we know from the evidence that the appearance of that worm had very seriously affected the spirits and the mind of Mr. Bartlett. We have got the evidence of Mr. Dyson, who returned on the 26th of December, and who, on the 26th and 27th, visited at the house, and he describes Mr. Bartlett as being at that time in a very depressed condition. The improvement which had taken place during the earlier days of the illness had been an improvement of physical symptoms, but there had been no great improvement in mental condition, because, if you will remember, when Dr. Dudley tried to describe the condition Mr. Bartlett was in on the 19th, he described him, I think, as restless, disinclined to move, disinclined even to open his eyes, looking at him through half-closed eyelids, and altogether in a condition which, if it were not physically one of a serious character, was at all events one which, as far as one can see, mentally and morally was a condition of great depression. But the condition was enormously increased in its gravity when you come to the 26th of December.

Let us just see what happened on that day. The lumbricoid worm made its appearance, and Dr. Leach says the man was greatly alarmed and troubled about that worm. Some vermifuge was given, santonine was given, to treat this. What is Dr. Leach's statement on that treatment? That if vermifuge was given, and was not speedily removed by purgatives from the system, the effect on the mind and spirits would be very serious indeed—so serious that Dr. Leach says, "I have experienced them myself, and I wish nobody to experience for themselves those serious consequences." What was the effect? The santonine was administered, and Dr. Leach made every effort to relieve the bowels and exclude the vermifuge. What was the effect? None whatever. The drug remained in the system, and its effect must have been very great. He had had two purgative draughts and two globules of croton oil, and exactly the same sort of thing was observed with regard to those purgatives as Dr. Leach had observed as to the sedatives. Something was given him to procure sleep. It had no effect at all; he was as restless as ever. Croton oil was administered—a remedy so strong that one would have supposed it would have produced immediate evacuation with considerable looseness; and this amazing patient said to Dr. Leach that it was very comforting, that he felt very comfortable, and he was very glad to have it. But it had no effect. He had taken these things into the stomach, and no effect was produced; he had hot tea and coffee, that were used to try and give them efficiency, in vain. At last Dr. Leach galvanizes the abdomen, still all in vein; and Dr. Leach says, "I gave it up in despair;" and on that day, the 26th, having exhausted all the means he had adopted to remove this vermifuge, which was absolutely necessary, Dr. Leach went away. He comes again, I think, in a day or two. But just let me remind you of another thing. Dr. Leach said he should not come and see him again, and he tells you there was no real reason, in his judgment, for coming to see this man constantly, but whenever he suggested that he would not come, Mr. Bartlett was distressed; and he says on that day Mr. Bartlett seemed distressed at his threat not to come. On the 27th he had a somewhat better day, I suppose. Dr. Leach says, "On the 27th he obtained some relief," and undoubtedly if, after all

the accumulation of remedies, he did get relief, the probability is it was a relief of that kind which left him in a very low and depressed condition. Then two days pass. He got relief on the 27th, and on the 29th a fresh trouble comes. He had been twice to the dentist's already. He had had removed from his jaw a number of roots of teeth, and he had also had removed a number of stumps which were left, and had been sawn off, and now on the 29th, Dr. Leach says, "The jaw symptoms became alarming." Gentlemen, that word has been used by Dr. Leach over and over again. When they came afterwards to examine the jaw, it turned out that the necrosis was of a superficial and not of a very important character; but on the 29th, the 30th, and the 31st Dr. Leach says those symptoms were alarming. Now, gentlemen, what does that mean, or what would it mean to him? We know that Mr. Bartlett knew it, and I will tell you why; necrosis had been discussed between Dr. Leach and Mrs. Bartlett before the visit to the dentist on the 31st; and so nervous was Mr. Bartlett with regard to a matter of this kind that Dr. Leach endeavoured to spare him the horror and dread of going to the dentist by not telling him anything about it till arrangements had been made and they were ready to go. Then he did go. Before that time there had been a conversation about necrosis.

The next piece of evidence is of enormous importance—it is the evidence of Mr. Roberts, the dentist—because he says, when the operation had been performed, as we know it to have been with some difficulty under nitrous oxide gas, double the usual time being taken in the operation—he said it was mentioned before him that necrosis was setting in. What would that mean to him, "Necrosis was setting in"? "Necrosis" is a word of itself suggestive of most unpleasant imaginations; it means death; and in its adopted form of city of the dead, Necropolis, has probably become familiar to people who would not attach any meaning to the word otherwise—it means death of the structure, whatever it is. Necrosis of the jaw means the death of the bone, coming usually, as the witness told you, either from syphilis, or from an administration of mercury, whether syphilis be present or not. Sometimes it may be checked, sometimes only involving a purely superficial injury; the bone may be removed; but sometimes, as the doctor told you, involving grave effects to the bone, until the bone structure itself of the jaw has to be interfered with and removed, and occasionally involving, if it progresses, consequences which are actually fatal to life.

It is true, when his body was examined after death, necrosis was found to be limited, and of a superficial character. On the 31st, it is true, Mr. Roberts did not attribute the most serious aspect to the presence of necrosis; but on that day, in Mr. Bartlett's presence, it was said necrosis was setting in; and such an intimation coming to a man who had gone through the illness which has been detailed to you in evidence, and which I have but sketched in the merest outline, would necessarily and severely affect his spirits.

Now one has come to the evening on which this happened. We have got the account of that evening. The supper went up, the oysters and the mango chutnee and so on, and it was partaken of by Mr. Bartlett. The conversation with Mrs. Doggett; then the servant takes in the coals and says "Good-night," and goes downstairs at, I think, about half-past eleven. Twenty-five minutes past eleven she goes downstairs—I am not quite sure about the exact time—it may be twenty-five minutes past eleven, or at twenty-five minutes to twelve, she takes in the coals, is told, as Mr. Bartlett is in bed, that she is to put the basin outside, and there the evidence of eye-witnesses stops. The next time that other persons, Mr. and Mrs. Doggett and the doctor, go into that room, Mr. Bartlett is dead. Now, gentlemen, just let me ask you to consider the statement that Mrs. Bartlett has made with regard to that matter. Let us consider what would, in the ordinary course of things, happen after that.

Observe, the day is over. Mrs. Bartlett has no friends with her with whom she is going to say farewell to the old year and exchange congratulations on the birth of the new one. She is alone with her husband in that front room. In the ordinary course of things, now that he has gone to bed, she would make up the fire for the night, she would go into the back room and wash according to her usual wont, and she would change the dress she had worn during the day for that lighter and looser dress she was going to wear through the hours of the night. Then, in the ordinary course of things, she would come back to her place at the foot of his bed, and there settle to sleep. If the statement of Mrs. Bartlett be, as I suggest to you it is, the true statement of all that she can speak to as having taken place on that night, what was it that happened? I have called your attention to the circumstances in which that statement was made to Dr. Leach; I have called your attention to the first part of it, and his comment upon it. Now let me call your attention to the statement which she made as to that night.

She told him that she had felt it a duty to her womanhood to resist the resumption by her husband of the marital rights so long abandoned; she told him she had prepared herself to resist, and to assist herself in her resistance to that attempt by supplying herself with chloroform. Nobody who ever knew anything about the use of chloroform would have dreamed of doing such a thing as that. Mr. Dyson and Mrs. Bartlett were probably equally ignorant of the effects of chloroform, and of the way in which chloroform could have been used. But then she said this. She told Dr. Leach that she possessed herself of a bottle of chloroform, and secretly resolved that, in the event of her husband approaching her, "she would put some of the chloroform on to a handkerchief and wave it in his face, believing thereby to make him lie down again to sleep, as often as the occasion required. I congratulated her on not having to try the experiment, saying that its accomplishment would have been impossible, and in the scramble the bottle would probably have capsized." "She said, never having kept anything from her husband, the presence of that bottle in her drawer troubled her mind, and she felt she would do a very wrong thing if she really used it, so determined to tell her husband and make a clean breast of it; so, on the last night of the year, she sat down and broached the subject to him while he was lying in bed. She told him to what extremes she was driven, and gave the bottle into his hands. They talked affectionately about their relations one with the other for a short time, and he seemed much grieved. She told me no details of their conversation, but I gather it was not a long one, for he soon turned round and pretended to sleep or to sulk. Then, soon after midnight, she fell asleep, and once waking, heard her husband breathing in a peculiar manner, but her suspicions were in no way aroused. She next awoke, probably an hour or two later, with a cramped feeling of her left arm, the one round his foot; she saw he was lying on his face; she got up to turn him into a more comfortable position, and was greatly alarmed at his condition; she rubbed his chest with brandy." Now, that statement, made in the circumstances I have suggested to you, gives it a great probability of its being the absolutely true account. Is it a possible account? Why, the facts that we know fit in with that statement in a way which I venture to submit to you makes the account which I gather from that statement, and from the facts given in evidence, not merely the most probable, but almost the certain, history of the transactions of that night. Observe those curious relations that had been set up between them. The husband who was to succeed him had been in fact, with his assent, selected. Mr. Bartlett had so behaved as in fact to have given or dedicated his wife for the future to Mr. Dyson. Then he desires to re-assume his rights, but is resisted; and on this night, when he has suffered during the day, when he has undergone this operation, and must undoubtedly have

suffered from his condition, he is told by her, substantially, that the consent which he has given with regard to Dyson's relations is treated by her as an irrevocable decision, that to her he has ceased to enjoy the rights that a husband may exercise, that she has taken him at his word, that written word, in fact, which I have read you in that letter, and that, from this time afterwards, co-partnership must remain co-partnership, and shall never be allowed again to pass into the associations of marriage. He was grieved, he appeared very grieved, and he turned over.

Suppose you now sketch in imagination what took place. Suppose she left the room as usual to wash, and he had placed on the mantel-piece this bottle of chloroform. There was a wine-glass there, that wine-glass was found afterwards, and while she was away it was perfectly easy for him without leaving his bed, lifting himself only upon his elbow, to pour into this wine-glass the less than half a wine-glass of chloroform which may have constituted that fatal dose, having poured that into the wine-glass, having replaced the bottle, then to have taken it off. If he swallowed it in that way, and swallowed it up quickly, there would not be, as there were not, appearances of long exposure of the softer substances of the mouth and throat to the chloroform. Having drunk it, he re-assumes his recumbent position, the chloroform passes down his throat and reaches the stomach. There is no difficulty, nothing unreasonable, nothing extraordinary, as tested by the cases which have been quoted here; within two or three minutes after that he might be passing into a state of coma, that might have been when she came back, or when she awoke, because how can she tell if this was done when she was absent from the room, or while she was dozing at the foot of his bed? There might have been when she awoke or when she came back this stertorous breathing, which is one of the signs of having taken chloroform, and which, if she had been a murderess, she never would have mentioned as she did mention it to the man to whom she was giving the account; there may have been this breathing which did attract her attention, and was mentioned by her when telling it. Then she herself goes to sleep, and her husband's coma deepens into insensibility, and insensibility passes into death. There has been before the death just the turn upon the pillow, the turn into the uncomfortable attitude described with the head turned over on the pillow, but except that there has not been, nor would science predict or expect to find, any other disturbance or convulsion. And then the hours go by. She has heard them, happier than she, in the other part of the house speaking to each other of the brighter hopes of the new year that is beginning, but the first thing she awakens to in that new year is the sad consciousness that the husband who might not have fully deserved the love that he received, but who, at all events, had treated her with affection, with confidence, with the desire to protect her, she awakens to find that husband apparently cold and dead. She springs to his side; there is close to the end of the mantel-piece, for we know it, this wine-glass from which he has taken that fatal draught, the woman's instinct is at once to administer brandy in hopes to restore him to himself. She pours into the glass some brandy and tries to pour it down his throat, I am not sure she does much; with shaking hand she spills some brandy on his chest which the doctor smells afterwards; she tries to rub his chest with a little brandy. It is no use; she puts back on the mantel-piece, where it was found when they came into the room, this wine-glass with the brandy in it, a wine-glass which only contained brandy; there was no admixture of chloroform with it, but a wine-glass which her husband had used for chloroform it well may be. Mr. Doggett, on first going in and smelling the glass, may have detected the odour of chloroform about it, though it was only brandy it contained. All we know is the glass was there, we know that that part of the mantel-piece was within his reach. If you believe—

and how dare you reject the statement which she in those circumstances made as to what took place on that night?—accept that statement, the whole history is clear. There was no scientific miracle worked by the grocer's wife under circumstances where it could not have been worked by the most experienced doctor who ever gave himself to the study of this unalterable matter. There was unhappily the putting within the reach of a man who was broken by illness, and upon whom there had come this disappointment, and absolute and final severance of the effectual marriage tie between himself and his wife—there was the putting within his reach of the poison which he might have used, and which he probably did use, but there was nothing more, and from that moment there was not a word of hers, there was not an action, not a look, which was not the look, or the word, or the action of the loving wife who had nursed him through his illness to this point, and who now found him suddenly gone for ever. She rushes upstairs, she calls the servant, she bids her go and fetch the doctor as soon as she can; not content with that, she arouses the people in the house in the hope that they may give some help, and then she breaks the fire, and she waits till help comes, and the first who comes in to whom she can ask the question, and on whose judgment she relies, the doctor, she says, "Doctor, is he really dead?" and the doctor goes to the bedside and looks, and feels, makes his examination, and tells her he is really dead; and then the widow bursts into a passion of tears, and, when that passion of tears has subsided, she is the first person to ask the doctor, "What can he have died of?" She was anxious to have the mystery solved. The doctor says, "I do not know; I think a small bloodvessel may have broken, but I cannot tell; there must be a post-mortem examination." A post-mortem examination she does not shrink from. She said, "Must there be an inquest?" as almost every one has said when death in sudden form has come and stricken down the dear one. Must this be open to public investigation—must all this be gone through? The inquest she shrinks from, but the post-mortem she of all people is the one most anxious to have. She desires not only to have the post-mortem examination, but to have it as promptly as possible, and to have it conducted by the highest skill. "Spare no expense." "Cannot he come to day?"

Why, gentlemen, "Squire's Companion" has been produced, from which it is said she would know about chloroform. It tells you nothing but that chloroform is volatile. If there had been the smallest knowledge or idea in her mind of chloroform having produced the effect, and of her being blamed, the delay in the post-mortem examination would have been delightful to her, a relief. But she must have it. She chafed and was restless in the idea that for one hour this mystery should be left unsolved. "Spare no expense; fetch any one," she suggested. "What could it be?" The doctor says, "Can it be prussic acid?"—"No." "Could it be any other poison?"—"There was no other poison he could get without my knowing it." "Could it be anything else—opium?"—"I am so glad I did not give him the pills;" and she goes to the cupboard and takes out the two pills from the box and shows them to Dr. Leach, and she has not given them to him. And from beginning to end her every action and word and thought appears to be the act and word and thought of a woman who is chafing under the cruel uncertainty: What can it be that has suddenly robbed her of her husband?

There is another suggestion made about the death. I am not sure if at that moment, or, if not then, afterwards, the doctor suggested chlorodyne—it was afterwards, after the post-mortem examination; but on that morning she was combating the idea of poisoning.

Mr. JUSTICE WILLS.—It was then, Mr. Clarke.

Mr. Clarke.—I am obliged to your Lordship. It emphasizes what I said; I am glad. There was a bottle of chlorodyne on the mantel-piece. To show how little you can rely on the evidence of witnesses as to what they found

at that particular time, you know Doggett swore he made a careful examination of the room, and there was no bottle on the mantel-piece, and Dr. Leach as distinctly swore there was a small bottle containing chlorodyne. Dr. Leach suggested, "Could he have died of chlorodyne?"

Gentlemen, if there had been any thought in her mind of guilt of this death, she would have sprung at the idea. How could she tell the difference between chloroform and chlorodyne—the difference there might be in post-mortem appearances? But when the doctor suggested chlorodyne, she would not have it—the last thing in the world. "Chlorodyne! No, he never swallowed it." "If he took it into his mouth he might have swallowed it?" "No, it is impossible," she said; "he only used a little chlorodyne to rub his gums with; he could not have swallowed enough for that purpose;" and there ends the interview. She has demanded that immediate examination which, if she had been guilty, she might have known would be the surest way of finding out her own guilt. She has repudiated and refuted the suggestion of the doctor with regard to other modes of death which would have freed her from any imputation.

But, gentlemen, what happens afterwards? She sends immediately for Mrs. Matthews, for Mr. Bartlett, and for Mr. Baxter. Mrs. Matthews is an old friend. Mrs. Matthews comes and spends the day with her. There is no attempt to get into solitude in order that she may run no risk of letting out to others that terrible secret of a crime. She is with the people she has been in the habit of meeting. She spends the day with Mrs. Matthews. On the following day, the Saturday, the post-mortem examination takes place. Now observe, was there in her mind on that day of the post-mortem examination any doubt, any anxiety, as to her being incriminated? What did she do? The post-mortem examination took place. The doctor communicated to her that there had been a smell of chloroform, and he told her at the same time, on the Saturday, that he believed that the doctors were wrong, and that it was not chloroform, but chlorodyne. But what was her act? That bottle of chloroform was at that moment in the drawer in that room—in one of those rooms; but what was her behaviour after the post-mortem examination? She did not go and touch the drawer. She did not suggest that she should be allowed to take anything away. She took her keys from her pocket. She gave them to Dr. Leach to go and fetch the drawer, and he brought the drawer. She took from it the hat she was to go away in. He took the drawer, and put it in its place; and, except the hat she wore to go away, the only other thing she took away was the cloak, the cloak which she was actually willing to go without, about which that witness Bartlett said, "I will be responsible for the cloak," and he felt whether there were pockets in it, and whether anything was being taken away in those pockets, before he gave her the cloak. In the hat and cloak she went away from the house. It was suggested that the keys should be given to her solicitor. That was resisted; they were not given; they were given into the impartial hands of Dr. Leach; and away she went from that house. And it was not until days after, when Dr. Leach said that the Coroner's officer—Mr. Dyson gave it in evidence—had got all he wanted from the rooms, it was not until after that she went back to the rooms and took away this bottle of chloroform. Then she threw it away.

Gentlemen, it is true she threw the bottle of chloroform away, just as Dyson threw away the bottles from which he had taken the chloroform; but she did not throw away that bottle of chloroform until three days after Dyson had thrown away those bottles; and before she threw away that bottle of chloroform there had occurred that remarkable conversation between her and Dyson with regard to which Mrs. Matthews spoke. Gentlemen, on Monday, the 4th of January, there was that conversation, there was the con-

versation between them, and when Mrs. Matthews went into the room she heard Dyson say, "You told me that Edwin would die soon;" she heard her deny it, and then she saw him bow down on the piano and go out, saying, "I am a ruined man." He had been at that interview bothering her about a piece of paper—what piece of paper? Why should he bother her about that piece of paper? It was a piece of paper on which he had written some verses to her which I suppose he thought were in tone and character inconsistent with his position, and verses which he did not wish to have come before the public eye, and therefore at that visit, when she was under the grief of that awful calamity which had come upon her three days before, he was bothering her to return his wretched verses to him. For what purpose? In order that he could get rid of them, and that they should not rise up in public witness against him. You will decide whether or not his answer to the question as to whether he had not required to have all his letters back again was true. It is a trifle—she was angry on the 4th about his bothering about a piece of paper with verses on it at such a time as that; but she behaved to him far better than he behaved to her—she did keep his verses for him, she gave him those verses on Saturday, the 9th of January, and when she was in confidence telling Dr. Leach the story of that night, and Dr. Leach asked her, "Who got the chloroform for you?" she did not tell him; she did not bring Dyson or bring his name into this controversy, but she gave him back his verses; and since then she has never had a conversation with him; since then the only time during which she has heard the voice which had become familiar to her during those months has been the time when she heard it from the witness-box against her when she stands upon trial for her life. But upon that 9th of February one thing happened; it was from her lips that the first challenge came to him, or to any one, to accuse her of this crime. He got his miserable paper on the 9th of February, and then he was satisfied. He got rid of the bottles, and his verses had disappeared, and he, I suppose, felt himself a little safer; but then he says something about the chloroform, and she turned on him angrily and said, "Do not mince matters; say, if you want to say it, that I gave him the chloroform." Gentlemen, apart from all the scientific aspects of the case, apart from all the matters I have discussed, I am sorry at such length, and I desire not to occupy your time unnecessarily on this—apart from all the scientific difficulties there stands that fact, that from the moment of that death every word and act and look of hers has been the word and act and look of a woman conscious of her innocence, though shrinking, and naturally shrinking, from the suspicion which at last she saw would gather with awful force and strength around her. Every word and look and action has been the word and look and action of innocence. The first challenge to the world to bring this charge came from her lips.

I have now, I think—I hope I have—to the best of my ability dealt with the topics in this case, and to you the responsibility will shortly pass. I do not desire to touch you or to influence your judgment by anything more than by a reasonable and fair appeal to you as to the conclusions formed on the evidence before you, but it has not been possible for me to discharge during these days the duty which I have been honoured to bear without a deepening feeling of the intensest interest in the result of this case.

This woman has not had the happiest of lives. She has been described to you as one who had no friends. She found a friend in Mrs. Matthews, she found another friend in continuing the acquaintance of the nurse who was called before you, but beyond that we know of no friends, and the habits of her husband's life left her much alone. There is no hint of misconduct or wrong upon her part at any time of this association of husband and wife except the trivial and malignant invention of that witness who came first.

She had no friends in the sense that has been mentioned, but she had one friend—her husband. He did stand by her, strange as his ideas may have been, disordered, as it would seem from some things that have been said, as his intellect in some respects must have been. Witness the statements that were made by him, for instance, to Dr. Leach. Yet still in his strange way he stood by her and he protected her. He was affectionate in manner, and, when her reputation was assailed, he defended it as only the husband could defend it. And to her at this moment it may seem most strange that he to whom she had given this persistent affection, even during the years of such a life, should be the one of whose foul murder she now stands accused. And if he himself could know what passed among us here, how strange, how sorrowful, it might seem to him, how strange that such an accusation should have been formulated and tried in court in spite of the efforts which he endeavoured to make to prevent it; the precautions which perhaps, by his own rash and despairing act, he too completely defeated.

Gentlemen, that husband too has gone, but she is not left without a friend; she will find that friend here to-day in the spirit which guides your judgment and clears your eyes upon this case. It is a great responsibility for men to be called suddenly from their business and their pleasures, and to be shut off as you have been from the ordinary habits of your life, to decide upon issues of life and death. There are trivial incidents sometimes about the conduct of every case, but we, the ministers of the law, are ministers of justice, and I believe that, as a case like this goes on from day to day, there comes into your hearts a deep desire which is in itself a prayer that the spirit of justice may be among us, and may guide and strengthen each one to fulfil his part. That invocation is never in vain. The spirit of justice is in this court to-day to comfort and protect her in the hour of her utmost need. It has strengthened, I hope, my voice; it will, I trust, clear your eyes and guide your judgment. It will speak in calm and measured tones when my Lord deals with the evidence which aroused suspicion, and also with the evidence which I hope and believe has demolished and destroyed that suspicion, and that spirit will speak in firm and unflinching voice when your verdict tells to the whole world that in your judgment Adelaide Bartlett is Not Guilty.

SIXTH DAY'S PROCEEDINGS.

SATURDAY, APRIL 17, 1886.

Mr. Clarke.—My Lord, before my learned friend the Attorney-General begins his reply, I wish to mention one matter, which I regret did escape my attention in addressing the Jury, but I hope it is a matter that has not escaped your Lordship's recollection or that of the Jury—as to the relation of the conversation said to have taken place with Mrs. Doggett, and with relation to the question of motive; and I would desire to say that there is an entire absence of motive. I should say that Mrs. Bartlett's money had been in the business; that she was entirely dependent upon her husband's income; that they were aware that Dyson's means were scanty; and also that she had been given to understand by Mr. Dyson, according to his belief at the time, that no marriage could take place for two years.

The Attorney-General.—May it please your Lordship, Gentlemen of the Jury,—With reference to the statement which my learned friend has just made, I would call your attention to the fact, as it has been mentioned, that there is no evidence that Mrs. Bartlett ever had a penny of money, or brought any—

thing to her husband; and that the facts, so far as they make any disclosure on the subject, seem to point rather in the opposite direction. So far as regards this lady's previous history we have not heard anything. He sends her to school for some time; and, except as my learned friend made the suggestion from his instructions, there is no evidence to suggest, much less to show, that this lady brought one penny of money—

Mr. *Clarke*.—It is her statement; her statement is in evidence.

The *Attorney-General*.—Oh yes. I say, except her statement to which you refer, there is no evidence, in fact, of anything of the kind.

Gentlemen, in endeavouring to do my duty respecting this case, I shall endeavour to observe two rules. I shall not appeal to passion or to prejudice, but I shall feel it to be my duty to put together the facts of the case, as far as I am able to do, in the most forcible, but I hope in a perfectly fair, manner, because, in my view of the duty of those who represent the Crown on these occasions—the Crown being the public, the interests at stake being the interests of society and of justice—in my view, while it is not right to struggle for a verdict, as in a civil court, it is the duty of those representing the Crown to see that there is put before the Jury, who have to decide upon the question of guilt or of innocence, the full strength and bearing of the case with which they have to deal.

My learned friend, I will not say made a complaint, but suggested that the *Attorney-General* should not claim his right, which comes down to him from olden times, of having the last word in a case of this kind. I will merely observe in reference to that matter that, although that claimed right may undoubtedly seem anomalous, it could not have been allowed to continue to this day if, at all events in recent times, there was any suggestion that it had been abused. But I beg leave to add to that, that if ever there was a case in which it was proper that that right should be exercised, it is a case like the present, and for this reason: upon the occurrence of the death of her husband, Mrs. Bartlett gave no explanation before the Coroner's Jury. I am not mentioning that in order that you may draw an inference to her prejudice. Probably she was acting under the advice of Counsel, and did not even stop to inquire whether that advice was well judged or not. The first, if it could be so called, the first attempt at explanation is at the interview on the 26th of January, to her friend Dr. Leach, who takes down from her the statement the greater part of which has been read to you in the course of this case, but which statement contains no suggestion of explanation upon her part of how this tragedy—her husband's death—was brought about. And it is not, in truth, given until my learned friend, speaking no doubt upon his instructions, in a few sentences addressed to the serious part of the case, presented to you what he conceives to be a plausible theory as to the way in which this man compassed his own death. Nay, more, I might observe that of late it has been the habit of Judges to allow prisoners, in addition to availing themselves of the benefit of defence by Counsel—to allow prisoners to make their own supplementary statements; and I have no doubt that, if my friend had thought fit to make such application before the point at which we have now arrived, my Lord would have done that which Judges do in these circumstances. And therefore it is, gentlemen, I think you will see—and I apologize for dwelling even for this moment on the topic—therefore it is that I think this a case where, if, at the last moment, there is anything like an explanation, Counsel for the Crown should have an opportunity of discussing that in the presence of my Lord, who will have to direct the Jury as to the facts of this case.

There are one or two introductory matters which I must refer to. My learned friend says this is the first case of suggested death by the use of the irritant poison, chloroform.

Mr. Clarke.—Liquid.

The Attorney-General.—In a liquid form. The Counsel who defended Palmer might have said the same of strychnine; the Counsel who defended Lamson might have said the same of aconitine; it is no answer, it has no weight, to suggest this is a medium for destroying human life of which there is no prior recorded usage. The question in this case is, has the evidence been reasonable—has the evidence with reasonable certainty brought home to your minds that here there was criminal use of chloroform, and that that criminal use was by the prisoner at the bar? One other introductory point to which my learned friend adverted, and I come to the substance of this case. My learned friend was good enough to express his approval, and, knowing the value of my friend's opinion and his capacity as a lawyer, I am not surprised he did so, of the course that, after very careful and anxious consideration, my learned friend and myself thought right to take with reference to Mr. Dyson. And my learned friend was good enough to state that he agrees that there was no case proper to be presented to you against Mr. Dyson. But he pressed that circumstance with a good deal of rhetorical ingenuity in favour of the prisoner at the bar, and said, "If no criminal intent is to be drawn against Mr. Dyson because of the mis-statements he made when he got the chloroform, and no criminal inference is to be drawn against him because he threw away the bottles of chloroform in secret, then no criminal inference is to be drawn against her." Let me ask you to consider for a moment, does my friend fairly complete the parallel? If, in addition to Mr. Dyson having done those things, which are suspicious, but suspicious only, it could be shown that Mr. Dyson had the possession, and that he alone had the possession, of the poison which caused the death, that he alone, if it was intentionally and criminally used, could have been the person to use it, then he alone was the person who could have given explanation, if explanation were to be given consistently with innocence, as to how it came to be administered, then indeed the antecedent circumstances of possession and concealment would have accumulative force. At least it would be for the Jury to say whether it had not accumulative force pointing to the conclusion of guilt.

One other word. My learned friend thought it was right for him to make an attack upon the father of the dead man. Gentlemen, I think some allowance must be made for that father. He came to the conclusion, a conclusion which the facts have made but too apparent, that this was not, as Dr. Leach at first suggested, a death from natural causes; he came to the conclusion that this was a death from unnatural causes, and he was right; his suspicions further pointed to death from unnatural causes brought into operation by criminal means. That question, of course, is undeterminable, and must remain undeterminable, until your verdict has been pronounced. But when my learned friend goes on to attack the father of the deceased, and to point to his evidence in the witness-box as evidence of the malign feelings that he entertains towards the prisoner, it is but fair to remind you that it was upon cross-examination, and not by any voluntary statement of the witness, that Mr. Bartlett, the father, referred to the antecedent charge that he had made against the prisoner in the dock, and for which he apologized in writing. But my learned friend, I think, for the moment forgot that letter written on the Sunday night on the illness of his son by Adelaide Bartlett, in which she says: "DEAR MR. BARTLETT,—I hear that you are a little disturbed because Edwin has been too ill to see you. I wish, if possible, to be friends with you, but you must place yourself on the same footing as other people—that is to say, you are welcome here when I invite you, and at no other time." That is to say, he might not come to see his son, who is ill, except at the time it pleased her to permit him. "You seem to forget that I have not been to bed for thirteen days, and am consequently too tired to talk to visitors." As we know, the illness began

on the 10th, and this letter was written on the 23rd. "I am sorry to speak so plainly. I wish you distinctly to understand that I have neither forgotten nor forgiven the past. Edwin will be pleased to see you on Monday evening any time after six o'clock."

Now, gentlemen, when he was examined, he was asked to what that referred, and at first you will recollect he declined to make any reference to it. It was only when the matter persisted in, it was, so to say, brought in in cross-examination, he stated that opinion—into the justice, or otherwise, of which I do not stop to inquire—namely, his belief in the accusation which had originally been made, although he had undoubtedly unequivocally and absolutely withdrawn it.

But, gentlemen, those are, after all, small matters. I come to the real question in this case. At a quarter-past four on the morning of the 1st of January, Dr. Leach finds the deceased, his patient, at 85 Claverton Street, and forming the best opinion he can think that death must have taken place about three hours previously; that brings us back to half-past one o'clock in the morning. We have it proved, in the statement which the prisoner made, that before the prisoner composed herself to sleep on that night she had heard downstairs the kindly New Year's greeting between friends, and in her statement to Dr. Leach she makes some reference, I think, to the same incident. Therefore we have got the important part of this inquiry to which your attention must now be addressed practically confined to what took place in that period, probably not exceeding an hour and a half, if it amounted to so much. However, inquiry has established that the dead man met his death by the effects of an irritant poison introduced into his stomach, and the question in the case—and the only question in the case—is, How came that there? It is not suggested—I followed my friend's able speech with the attention which it certainly deserved, and I noticed that my learned friend did not suggest the question of accident; nor could he. He confined his case to suggesting the difficulties in the way of the administering of this irritant poison by any one else, and marshalled his facts and arguments in support of one suggestion, and one suggestion only—suicide, deliberate suicide, on the part of the deceased.

Now, gentlemen, let me remind you that this is one of those cases in which you can never have—the nature of the thing forbids it—proof to demonstration of the crime committed. In a case of poisoning, those who are endeavouring to find a clue to the truth, and to follow that clue to the end until it legitimately leads to the guilt or innocence of the accused, must, so to speak, grope in the dark. Murders by poison are not committed, like crimes of sudden passion, often in the light of day. They are necessarily mysterious and hidden in their operation. Gentlemen, it seems to be necessary in order that you may follow, not only my learned friend's line of defence, but in order that you may appreciate its true weight, and in order also that you may follow the points to which I respectfully call your attention, it is necessary that I should say a word or two, and only a word or two, descriptive of the antecedent history of these persons.

The prisoner at the bar was born in 1855. She was some years younger, therefore, but with no marked disparity, however, than her husband. She was married in 1875. Therefore, she was, at the date of her marriage, between nineteen and twenty years of age. She told, indeed, in what I must ask leave to characterize as that extraordinary statement to Dr. Leach—she told him, indeed, that she was married at sixteen.

Mr. Clarke.—No; he said he was not sure.

The Attorney-General.—Yes; I have it before me.

Mr. Clarke.—He said, in cross-examination, he was not sure.

The Attorney-General.—Very well; he took it down at the time—

Mr. Clarke.—No.

The *Attorney-General*.—I was going to say he took it down at the time when he alleges the matter was fresh in his memory.

Mr. JUSTICE WILLS.—He put it down.

The *Attorney-General*.—Yes.

Mr. JUSTICE WILLS.—I thought you meant he took it down.

The *Attorney-General*.—No.

Mr. JUSTICE WILLS.—He put it down on the 4th of February.

The *Attorney-General*.—On the 4th of February he took it down; he said he took it down when it was fresh in his memory, but he says he is not quite certain if she said she was married at the age of sixteen; but he then at a later stage begins by stating, "At the age of sixteen she was selected by him in the former capacity," and then he said, "I did not know what she meant, that 'I was married at sixteen,' or thereabouts." But the suggestion is in relation to that under-statement of age, that she did not understand in its fulness the nature of the marriage contract into which she was entering, and the obligations it imposed and the rights it gave. You must deal with a suggestion of that kind, and I ask you whether it is reasonable to give effect to such a suggestion as that?

The deceased man seems to have wished to improve her education, which was apparently somewhat defective, and, as has been shown, in the interval of the vacations, at which she was not at school, he and his wife cohabited; and their ordinary relations, so far as observers and friends could judge, were those of man and wife. And, finally, we take up the story of their life with her coming, I think for the first time, in 1877 to live with her husband at the shop in Station Road, Herne Hill. Then in the next year (1878) was that distressing incident in which the father-in-law of the prisoner played the part of accuser, and for which he afterwards in an unqualified and absolute manner apologized. Then next in order of date is the event of the birth of a child, about Christmas of 1881. Then my learned friend made some observations, in referring to that incident, the justice of which, the probability of which, you must judge. It is alleged that at that time, and previous to that time, she had conceived a desire to be a mother, and that she had submitted to one, only one, act of sexual intercourse as between her and her husband.

Gentlemen, this part of the case, in my judgment, is important to be considered. If you believe, as men of common-sense, the story which without any corroboration, as I think I can show you, she told to Dr. Leach of those unutterably unnatural relations between herself and her husband, it may go some way to account for what is otherwise unaccountable; but, if you cannot accept that statement, regarded fairly and justly, but always by the light of common-sense, your rejection does not stop in its effect merely by cutting out of the story so much of the statement which is so repugnant, and which is so much rejected. One act of coition in order to gratify her desire to have a child! How did she know—how could she know—that one act of coition would place her in the position to count with certainty or probability on the fruition of her hopes? Does it suggest itself as possible to be accepted as the truth? Yet that is the statement:—married in 1875; that in ten years of married life there was one act of sexual intercourse between man and wife, and one act of sexual intercourse only. The birth of that stillborn child—that dead child—seems to have been a source of great physical anguish and trial to her, and she seems to have then expressed the resolution that she would not have any more children. Her desire to be a mother, to have a child of the marriage (as my learned friend touchingly expressed it) at her knee, to grow up and be a comfort to her, and to be a thing which she could cherish, and round which the best feelings of her nature might cling and cluster, seems to have soon disappeared from her mind; but the language she used to

Annie Walker was consistent only with the desire to avoid child-bearing. It does not necessarily point to a cessation of marital intercourse; and there is one fact proved in this case—I mean the fact of what was found in the clothes of the dead man at No. 85 Claverton Street—which at least suggests the probability that, while there may have been sexual intercourse, means were resorted to to prevent any conception from the act of coition.

But take the whole of the story—the whole of the evidence given on that part of the case, and up to the date that, in October 1885, they came to live on the first floor of 85 Claverton Street. Is there one scintilla of evidence to support the suggestion that Mr. and Mrs. Bartlett were living upon any other than the ordinary terms of husband and wife? So far as I know—and, if I am wrong, I of course will only be too glad to be corrected and put right—up to that time there is not even the suggestion that they had separate beds. There is no suggestion at any time that they had separate rooms; and so far as I know—and again I say that, if I am wrong, I shall be glad to be put right—there is not up to the month of October, when they went to No. 85 Claverton Street, the slightest suggestion that they did not habitually sleep in the same bed. At 85 Claverton Street, unquestionably, for the first week they continued to sleep in the same bed, but that was because, apparently, the landlady, Mrs. Doggett, with whom a stipulation had been made that a second bed should be bought, delayed somewhat in buying it, and apparently after that date up to the 10th of December they used the same room, sleeping, however, in separate beds.

Why, gentlemen, if during their whole married life they had been using the same room and occupying separate beds, that certainly would have gone but a little way to suggest that there was not the habitual and ordinary intercourse between man and wife. You know that is the habit of many persons in different classes of life, although no doubt in what are called the lower classes it is rare and uncommon. After the 10th of December, when that illness begins, the deceased's bed was moved into the drawing-room, and she, Mrs. Bartlett, occupied principally the sofa, which was wheeled before the fire, and at times slept in the arm-chair which has been referred to.

But now I get to that part of the story, and I do not wish to come back to the story of their relations. Early in 1885 Mr. and Mrs. Bartlett make the acquaintance of Mr. George Dyson. What is the character of the acquaintance between those three persons? What were the relations they in truth stood towards one another? What were the relations between the prisoner at the bar and George Dyson? We probably cannot be certain that we have got before us fully and completely reliable data upon which to form a completely reliable opinion. Some things, however, are quite clear. It is quite clear that George Dyson was received upon terms of close intimacy, and I will say dangerous intimacy, by Mrs. Bartlett and by Mrs. Bartlett's husband. There is no doubt that she was interested in him and that he probably thought he was equally interested in her; but it is fair to the prisoner to say, it is fair to Dyson to say, that whatever may have been their terms, and their expectations of what was possible in the future, there does not seem to be any just ground for asserting that she was unfaithful to her dead husband, and that Dyson had, in that particular at least, abused the friendship and confidence which the dead man had shown him. I am sorry to say that, as I gather the tenor of my learned friend's argument, it pointed in a very different direction. My learned friend's argument, as I understood it, was in effect this: that the dead man saw a growing affection and admiration between George Dyson and his wife; that he recognized the fact that it was a growing friendship and admiration which in the future, and in the possible event of his death, was to culminate in a closer and nearer relation—that is to say, in the relation of man and wife; and that he had so far contemplated the possibility

of his own prior death—he, a man but a few years the senior of either—as to have, in that extraordinary language which Mrs. Bartlett used to Dr. Leach, made over in reversion his living wife to a man whose friendship he was then cultivating. The sequence of that argument—and I must come back to this point later—the sequence of that argument is that this compliant husband, who had in this way made over his wife as the future wife of his friend George Dyson, finally, when he was told by his wife, “You have made me over to Dyson; it is unfair to him that you should exercise your rights as a husband”—her husband turns on his pillow, and does an act which removes the only obstacle which stands in the way of the union which he, the dead man, while living had contemplated.

My learned friend has spoken of what he described as the devotion of the prisoner at the bar. I shall have a word or two to say on that; but it is certainly, I think, you will feel—I think my learned friend must have felt—the sad necessity of this case, and the sad necessity of her defence, that she should, by the mouth of her Counsel, be obliged to cast this grievous stigma, this damning slur, on the memory of her dead husband. Is there, outside her statement, anything in the case to warrant that stigma with which the memory of the dead man is to be branded? We are referred to two letters.

Mr. Clarke.—What stigma?

The Attorney-General.—My learned friend asks me what stigma? The stigma that the living husband, with obligations and with rights, caused those obligations and rights to be forgotten; he entered into a compact by which, in the event of his death, his wife was handed over to the embraces of another man, and that he stood by complacently agreeing. Does the correspondence warrant that stigma? I will read the two letters—the two principal ones referred to. One is in September 1885; it is from Bartlett to Dyson:—“DEAR GEORGE,—Permit me to say I feel great pleasure in thus addressing you for the first time. To me it is a privilege to think that I am allowed to feel towards you as a brother, and I hope our friendship may ripen as time goes on, without anything to mar its future brightness. Would that I could find words to express my thankfulness to you for the very loving letter you sent Adelaide to-day. It would have done anybody good to see her overflowing with joy as she read it whilst walking along the street, and afterwards, as she read it to me, I felt my heart going out to you. I long to tell you how proud I felt at the thought I should soon be able to clasp the hand of the man who from his heart could pen such noble thoughts. Who could help loving you? I felt that I must say to you two words, ‘Thank you,’ and my desire to do so is my excuse for troubling you with this. Looking towards the future with joyfulness, I am yours affectionately, EDWIN.” What is the answer? “September 23, 1885. MY DEAR EDWIN,—Thank you very much for the brotherly letter you sent me yesterday. I am sure I respond from my heart to your wish that our friendship may ripen with the lapse of time, and I do so with confidence, for I feel that our friendship is founded on a firm abiding basis—trust and esteem. I have from a boy been ever longing for the confidence and trust of others. I have never been so perfectly happy as when in possession of this. It is in this respect, among many others, that you have shown yourself a true friend. You have thanked me and now I thank you. Yet I ought to confess that I read your warm and generous letter with a kind of half fear—a fear lest you should ever be disappointed in me and find me a far more prosy, matter-of-fact creature than you expect. Thank you, moreover, for the telegram; it was very considerate to send it. I am looking forward with much pleasure to next week. Thus far I have been able to stave off any work, and trust to be able to keep it clear. Dear old Dover, it will ever possess a pleasant memory for me in my mind

and a warm place in my heart.—With very kind regards, believe me yours affectionately, GEORGE.” Is there anything in this letter to suggest, I mean reasonably to suggest—recollect, we have now got within three weeks, less than three weeks, in fact, of the termination of this sad story of the last days of Edwin Bartlett’s life—is there anything to suggest, in the light of common-sense, any state of things except this: that Dyson, a man of education, as he has told you, probably a man of some literary ability, had become interested in Mr. and Mrs. Bartlett, particularly Mrs. Bartlett, and that they, particularly Mrs. Bartlett, had become interested in him? Is there anything in that letter to suggest that there was anything in any letter to either one or the other of those—any feeling other than a feeling of mutual respect and admiration, with one exception—and that is the statement which, I understand, my learned friend—I may be wrong—accepted from Mr. Dyson as the witness of truth—when Mr. Dyson went to Mr. Bartlett and said to him, straightforwardly, that he found he was becoming interested in Mrs. Bartlett, and suggested whether it was prudent that their intimacy should continue? Mr. Bartlett had confidence, apparently, in Dyson, and apparently had confidence also in his wife.

Now, gentlemen, nothing, I think, took place which it is important to call your attention to until September, the same month that I have mentioned, when the deceased man made his will, and by that will he shows his confidence in Dyson, for he makes Dyson one of his executors, and he shows his confidence and affection for his wife, because she is the person benefited under that will.

Now we come to the story of the illness beginning on the 10th of December. What was that illness? Of course my learned friend exerted his ingenuity and his ability, and most properly so, to present the story of that illness to you in a grave and serious aspect; but does it truly and properly bear that complexion? What is the worst that has been said of it? He was found to be suffering from sub-acute gastritis. Well, gentlemen, that sounds very formidable, just as ecchymosis of the visual organ sounds appalling; but just as the one means a black eye, so does the other mean an attack of indigestion. From that, and that only, was he suffering; for that, and that only, was he treated until the appearance of the worm, which, of course, Dr. Leach is too sensible a man to attach serious importance to; and the only apparent difficulty in the treatment, according to Dr. Leach’s experience, was that the bowels of his patient were apparently obstinately costive. He is suffering from his teeth, and pays several visits to the dentist, and gets relief; and it stands on the evidence of Dr. Leach that on the 25th or 26th of December, I forget which, he was in exceptionally good spirits; and on the 31st of December he was also in very good spirits. “I cannot say good,” said Dr. Leach, but said, “I must qualify it for this reason, that on the 25th and 26th he was in exceptionally good spirits.” On the 31st of December he pays another visit to the dentist.

I said in opening this case, and I repeat it, that there is no ground for suggesting that Mrs. Bartlett has, so far as can be judged, failed in her attention to her husband; but you must be good enough to bear in mind, in that connection, that if you should come to the conclusion, after patiently hearing the case, as you have done, that there was the criminal resolve in her mind, and that criminal resolve had taken a definite shape on the 28th or 29th of December, when she requested chloroform to be bought, you would expect the conduct of a person who had formed such a design to be such as not to attract observation, or to suggest any apparent want of affection and change of feeling in relation to the person as to whom she had conceived the criminal intent. I will ask you whether—I say no more than that—whether that scene to which Dr. Leach has spoken in the cab on the way to the dentist’s, under circumstances not particularly romantic, or suggestive of the expression of romantic feeling, on the way to the dentist’s to get out another stump, or

two or three stumps, she expressed her wish they might be married over again, her married life had been so completely happy, and it is suggested, and very likely, if the scene described took place, he honestly joined in the expression of the same sentiment. Well, gentlemen, on that night of the 31st of December, he retires to bed, so far as one can judge, with but little to complain of. He was so well in his general health that the doctor said it was really unnecessary for him to keep attending him from day to day. He had eaten a hearty dinner of jugged hare; he had eaten a hearty supper of oysters; he had even ordered of the servant what he would eat for breakfast next morning. It was intended that he should in a day or two (I do not know exactly that the day was fixed), but it was contemplated, at all events, that he should soon go to the seaside for a change; and it was suggested that the doctor should go with him, and the wife who was spoiling him should not come: and that was the condition of things up to the last moment when the servant closes the door on them in that front room and is told by the prisoner that she need not come unless she is called for. But something had taken place before that. On the 27th of December she asked Dyson to get her chloroform. He tries to get her—and even does get for her a considerable quantity of chloroform. I won't stop to inquire whether it is possible to suppose that Dyson, even if he desired to invent, could have invented that statement which the prisoner is supposed to have made to him about Dr. Nichols, of Fopstone Road, or about Annie Walker, now in America, who had previously got the prisoner the chloroform she needed, or about the story of its being wanted for external application, because Edwin was suffering from an internal affliction. I do not stop to inquire into the details of this statement. And, even if you see any ground for supposing that Dyson could have invented that matter, some excuse ought to be given, some reason ought to be given. You cannot doubt some reason was given. She obtains the chloroform, and why does she obtain it? That she knew, or said she knew, something about medicines, and something about poisons, seems to be clear from her own statement, if it be reliable, for Dyson thought she had a medicine-chest.

Mr. *Clarke*.—There was not a syllable about poisons.

The *Attorney-General*.—I beg your pardon—that she had “Squire's Companion,” which spoke of chloroform, and which speaks of it as an irritant poison.

Mr. *Clarke*.—Where is the book?

The *Attorney-General*.—Whether the book does or does not—and you can, if I am wrong, look at it—whether it speaks of it as poison, or whether it does not speak of it as poison, the chloroform is labelled “Poison,” as you have heard. The chemist sells it properly so labelled, because it is in fact an irritant poison. I am asking you to ask yourselves this question, because it seems to me, with great deference, to be important: Why did she want it then? For what did she want it then? The statement is—and the only statement, I pray you to bear in mind—that she had had no act of intercourse with her husband during the whole of her married life but one, which resulted in the birth of a stillborn child; that when he was beginning to get better, about the 16th of December, he began to show signs of returning passion and desire to have intercourse with her again. Is that likely? Is it likely that passion which, according to her statement, had lain dormant for all those years—ten of married life, with that one single act excepted—should in this conjunction of circumstances, and at this time, be again aroused within him? He then lying upon his sickbed—he then being, on that 27th of December, treated as an invalid, although not suffering from a serious illness—why was it, how came it, that at this time this passion manifested itself, and how came it that that was the first time that it manifested itself? And how came it, further, that the necessity for attempting to meet and to repel the

assertion upon his part of a legitimate right—to which it would be her duty, if it were asserted, to submit—how came it that it occurred to her, as a potent means of resisting the exercise of that right on his part, that she should sprinkle chloroform upon a handkerchief, and, when he was seeking to approach her, wave it over his head? Gentlemen, if you can accept that statement or that explanation, by all means accept it. Nay, I will go further. If you do not feel compelled, by the exercise of your common-sense and your judgment—if you do not feel compelled by the exercise of that common-sense which in the ordinary affairs of life would govern and control all your views to reject it, by all means give fair effect to it. But now I come to the matter in hand still more closely. I reminded you that the doctor has sworn that, at half-past four he judged, forming the best opinion that he can, that Edwin Bartlett had been dead three hours, which brings the period of his death to about half-past one. I reminded you that, upon the statement of the prisoner herself, she had not gone to rest until after midnight on that night, for she heard the people of the house exchanging kindly New Year's greetings; and therefore the period of time is reduced to a period at the most of an hour and a half; and probably it is reduced to a period even less than that in which the administration in some way or other, or the acceptance in some way or other of this poison took place, and in which it worked its fatal result, because, as you have heard from the medical evidence (which is in agreement on this point, whatever differences may exist in it upon others) that it is not infrequent that a considerable time elapses, even after a considerable and a fatally strong dose, before death ensues.

Now, gentlemen, what are the theories and what are the suggestions that have to be dealt with now? I have pointed out that there is no suggestion, and there could be no suggestion, of accident in the matter. I remind you that death must have been caused, and could only have been caused, either by the intentional administration, or by the intentional suicide, by the taking of this poisonous irritant.

Now, there are two ways in which it may have been administered. The one which was suggested by the medical evidence before the Magistrate at the police-court was that the administration down the throat might have been preceded by a state of insensibility produced by inhalation—a state of insensibility total or partial. With that my learned friend has dealt, and dealt in great length. It is not for the prosecution to suggest theories, or to ask the Jury to accept theories. It is for the prosecution to see that the full facts of the case are before the Jury, to point to the result which seems to them to be fairly the result deducible from those facts, and to leave the Jury to apply their own judgments as to what is the theory upon which this result of guilt, if it were guilt, should be based.

I took the liberty of suggesting to my learned friend yesterday, at the adjournment, that there was of course another possible view of the administration of this poisonous irritant. But my learned friend, in his discretion, did not think it necessary to deal with it, and I shall merely utter a sentence about it, and leave you to deal with it. For I do not conceal from myself, I do not desire to conceal from myself—on the contrary, I wish to make it apparent to you—that, whatever theory is suggested in this case as to the mode in which the poison got into the stomach of the dead man, about every theory there is a difficulty. But there are, in the case of the suggested theory of suicide, difficulties which, it is my submission to you, are insuperable. The suggestion which I ventured to make was this: that, in addition to the possibility of the prisoner having administered chloroform while the man was lying on his back, and with his mouth open, in a state of partial or total insensibility, there was another way—that, if the draught had been handed to him in a glass, and given to him as if for an ordinary purpose, with

drops of chloroform in it, and water or some other thing, to drink, then it was conceivable that the dying man would have gulped it down, believing in its innocence, and not suspecting that the prisoner had administered something which was wrong and injurious.

Mr. Clarke.—My Lord, it is with great reluctance, but I feel bound to interpose at this point. I protest against any such suggestion being put forward, for the first time, at this stage of the case, when it was not even hinted by the learned Counsel for the prosecution in his opening, or in the examination of any of the witnesses. My Lord, it is the fact that yesterday the learned Attorney-General, at the adjournment, told me that he thought that the case was open to that suggestion. That was when I was in the middle of my speech, when I had dealt with, and had finally left, the medical evidence in regard to this case. I founded my comments and my cross-examination on the passage in my learned friend's opening, in which he said: "There remains only one other mode (apart from the one pointed out) by which it could have been taken. You will say that, if it was administered by a third person, the physical effect would be the same; and you will be quite right, provided the administration into the stomach was not preceded by an external application by which the person was lulled into a state of stupor." But I really do not recognize any private communication in the course of this case as a matter with which I have to deal; and I do respectfully protest that this suggestion ought not to be made in substitution of the original suggestion that has been made.

The Attorney-General.—I am not making any suggestion, or any substitution of any suggestion; but when my learned friend is erecting one theory—namely, the theory of suicide—I am entitled—nay, I will not put it so low as that—I am bound, as I think, to submit any theory which would point in a more probable direction, and which would go to negative the suggestion which my learned friend would make. I was adding to my comment at the moment when my learned friend interposed, that I do not suggest that that theory is one which is free from difficulties either. It is not; because it will immediately have occurred to you that the theory that it was administered by the hand of the prisoner, and that it was taken by the deceased man in confidence and gulped down, might possibly have removed some difficulties, but it would not have removed all, because he would be conscious of the presence in his stomach of an irritant poison, or at all events of the presence of something in his stomach which was causing him pain and anguish, the result of which would probably have been violent exclamations and violent physical effort on his part. I am not, therefore, at all putting it forward to you as a theory which is free from difficulties, but I do put it forward as a theory to which the medical evidence mainly was addressed; and I do put it forward also as a theory which presents difficulties which are nothing, or which sink into insignificance, as compared with those difficulties which meet one upon the theory that under these circumstances this man deliberately did an act to take away his own life. My learned friend, indeed, in his speech seemed to me rather to have had present to his mind the other theory which I have suggested, although he did not think it right to deal with it, even when I spoke to him on the matter, because my learned friend said in his opening that chloroform could not be poured down a person's throat unless he or she, being unwilling, had been rendered practically insensible before.

Mr. Clarke.—I think that was by way of reference, and in fact it was almost a quotation from my learned friend's own speech.

The Attorney-General.—So much the better.

Mr. Clarke.—It begins, "My learned friend said in his opening." Those were my words.

The Attorney-General.—Quite right. I say it shows that my learned

friend appreciated that when I was speaking of the administration, first by the preliminary step of inhalation causing insensibility, and then followed by the conveyance into the stomach, of the chloroform—that my learned friend had in his mind, as I had apparently in my mind, the case of the patient being unwilling, and therefore that I was contemplating the case where the patient—the dead man—had the glass handed to him, and gulped it down willingly and in confidence, believing that it did not contain anything poisonous or noxious.

Gentlemen, in reference to the theory as to which the medical men have spoken, let us examine it for a moment or two, and only for a moment or two. They say, in relation to that question, that causing insensibility to a person asleep is possible, although attended with some difficulty. But does it follow in this case, if that course was followed at all, that the attempt to render insensible the deceased man even began when he was asleep? Why may it not have preceded that stage? If that was the difficulty, the difficulty as to causing insensibility by inhalation by a man who is asleep disappears. Then comes the second point. My learned friend's argument is this: that the evidence shows that, in a position such as I have described, a state of insensibility is reached which is accompanied by contraction of the muscles, and probably a contraction of the jaws. My learned friend will remember that the evidence did not point to that as an invariable accompaniment at all; and in the next place that they spoke of that as not being a constant accompaniment of the administration of chloroform by inhalation. It is true they went on to say, and it is quite right that that should be considered fairly and fully by you, that in that condition which I have suggested, and assuming that no difficulty of contraction was to be got over, that the administration into the gullet was a matter of some difficulty—"delicacy," I think, is the word used; it might be said, I should have supposed, that a medical man desiring to perform this operation would do so so as to run no risk to the person to whom he administered the chloroform. But, gentlemen, considerations of delicacy have no place in the consideration of Counsel in judging of the probability of the thing being done, if you should, in view of the whole of the facts, after carefully weighing them, come to the conclusion that the object of the person administering was not that it should be performed with surgical delicacy, but that it should be effective for the only purpose which, according to the criminal intent, it supposes it could be effective. Gentlemen, we start from this fact: death caused by the introduction into the stomach of an irritant poison. How did it get there? is the sole question in that case. It is not suggested, and could not be suggested in any view of the case, and my learned friend saw the difficulty of arguing it upon that suggestion, that it could have got there accidentally. Then it is reduced to the two points of whether the man did it himself with a suicidal intent, or whether some one else did it with criminal intent. If some one else did it with a criminal intent, that some one else can be no one but the prisoner at the bar. Now, did he do it with suicidal intent? Everything seems against such a theory. He was prosperous in business. He had apparently known no illness until the 10th of December. By the 25th of December he had practically regained his health, and was in exceptionally good spirits, and on the 31st of December he was also in good spirits, and, if that statement in the cab is to be relied upon, he was on good terms with himself, and on good terms with his wife, while his arrangements of that night, and his arrangements for the next morning, and his contemplated arrangements in reference to his leaving town for a change of air, all point—you must say whether they do not conclusively point—to a man who then felt the enjoyment of life, and you must say whether these facts do not conclusively negative the probability—I would almost say the possibility—of a sudden idea of interfering

with his own life. One can understand, indeed, if some appalling misfortune had come upon him, if some extraordinary revelation of horror had been made to him, that, in sudden disgust of life, he might resort to the weak and criminal resource of ending it by his own hand. But is there anything of that kind here? Again we have only the statement which the prisoner made on that 26th of January to Dr. Leach. What is that statement? That having, through the instrumentality of Mr. Dyson, procured this large quantity of chloroform upon the 28th of December, she does nothing with it. She mentions its possession to no one. She says nothing about it to Dr. Leach. She says nothing about it to her husband, but that on the 31st of December she says she could not have a secret from Edwin; she tells Edwin why she had got it. She tells him the purpose for which she intended to use it—namely, to resist the embraces of her husband; and she says to him, "It is an offence to my womanhood; nay, it is an injury to Mr. Dyson, to whom you have made me over."

Mr. *Clarke*.—She does not say that exactly.

The *Attorney-General*.—I do not pretend to use the exact words, but it is the substance which I am seeking to convey. I do not care for the exact expression—"You have given me over to Mr. Dyson; it is not fair that you, my living husband"—as to whom, looking at the ordinary duration of human life, it is fair to say that he might have looked forward to twenty or thirty years of life—"it is not fair that you should approach me; should you live to be seventy years of age, during the whole of that intervening period you are to be debarred all exercise in my regard, the exercise of which it is my wifely duty to submit to." Does your common-sense—can your common-sense—accept that suggestion? But what follows upon that? Is there expostulation? Is there angry remonstrance? No suggestion of the kind; but the husband turns upon his pillow, is sullen, and sulks, or appears to sulk; and it is suggested that she leaves the room, and she comes back, and notices him breathing; she composes herself to sleep in the chair at the foot of his bed, with her left hand and arm upon his clothes. The suggestion is that, in that short interval of absence from the room, he had done the act which had for its result to deprive him of his life. Can that be accepted as the explanation? Let me follow this out a little closely. What does it suppose? What does it necessarily involve? If he takes the bottle, and out of the bottle directly he takes a fatal dose, is it to be supposed he had sufficient consciousness and self-control to have repressed in that awful moment a cry of anguish and despair? Is he supposed to have had sufficient control to have re-stoppered the bottle and put it back upon the mantel-piece? Or is it supposed—which I understood to be rather my friend's suggestion—that in the very brief interval of absence of his wife, he stretches from the bed, or gets from the bed, and takes the bottle, and takes a wine-glass, fills the wine-glass with a necessary quantity, re-stoppers the bottle, puts the bottle back upon the mantel-piece, gets back into bed, takes the wine-glassful of chloroform, and puts the wine-glass, I know not where? Is that possible? Is it probable? Well, but we are only at the very beginning of the difficulty in testing this theory. Is it conceivable that if he had availed himself, as it is the suggestion, of her absence from the room for the space of what he could not count upon being more than a few minutes—

Mr. *Clarke*.—Why not?

The *Attorney-General*.—My learned friend asks me why not? I am dealing with the theory which is put forward—which I understood to be the theory—that she had temporarily left the room for the purpose of preparing herself for rest for the night.

Mr. *Clarke*.—She absolutely went into the other room to wash and change her dress for the night, as was usual.

The *Attorney-General*.—I assumed that to be my learned friend's theory and was doing so, and supposed he could not count upon her absence from the room beyond a few minutes—I care not whether it was three, or five, or ten, or fifteen—for this purpose it matters not. She then is supposed to have come back. And recollect, this theory falls to pieces and crumbles up on examination, unless you are also prepared to believe that when she comes back—the man having taken the fatal dose—she has meanwhile heard no sign, no utterance of pain or distress, that when she comes back she finds him apparently tranquilly sleeping in his bed in such a condition that she, the anxious, the affectionate wife, is able to compose herself at the foot of the bed, and to go to sleep.

Gentlemen, it is my duty, but it is not a pleasant one, to put these facts strongly before you. Again I say, we are only at the beginning of this difficulty in testing this theory. The theory is that he has, in one or other of the ways which I have mentioned, administered to himself this poison. The theory involves the presence of that bottle of chloroform, according to the suggestion made, upon the mantel-shelf. I will pursue this story in order to test it with reference to that point. What became of the bottle of chloroform? I do not stop to dwell upon—they are too insignificant, in view of the wider considerations which rush upon one's mind—the suggestions of change of dress, which may be extensive as my learned friend says, as I do not stop to dwell upon the statement of Doggett or of others. The fire had been carefully attended to, which is too insignificant also to dwell upon—but before the servant is called, before the house is roused, before the doctor comes, that bottle of chloroform has been removed. By whom? When? Why? You, gentlemen, will gravely ask yourselves these questions. For this is at least clear, that when the doctor comes and finds the patient whom he had left the day before practically in good health, when he comes and finds him dead, and when he sees nothing to account for his death upon the surface of things, he, as he swears, made an examination to see whether there was anything in the room which could in any way afford a clue to the cause of death. He made an examination, of course, much more exact, as you would expect a medical man in such circumstances would do, than Doggett did. Whatever may be said of Dr. Leach's evidence, this seems to be clear: that he swore—and you will probably think him reliable—that he searched the room upon that occasion, the mantel-shelf, and the stand, and the other parts of the room, and he swears there was no bottle of chloroform there.

Gentlemen, it may be possibly suggested that, if this lady had indeed done this criminal thing, she would have left the bottle of chloroform, and probably have put it in close proximity to the deceased in order to suggest the possibility of his having used it. If it had been so left, gentlemen, other suggestions, I think, of a cogent kind might be made. But if you have had any experience of, or in your observation in life have watched the history of crime, you will find that it constantly occurs, as if by the operation of a mysterious Providence, that plans of a criminal character, carried out with firmness, and apparently thought out to results intended to shield from the consequences of guilt, have failed because of some short-sighted omission which the criminal has made. But again, gentlemen, we are at the beginning of grave difficulties in consideration of this theory. When Dr. Leach comes, he puts to her pointedly and strongly, not then only, but on subsequent days: Could he have taken poison? Was there anything he could have taken? She says, "No," and it is not, gentlemen, until the 26th of January that to Dr. Leach she gives the detailed and circumstantial account which you are asked to accept, and in which she explains the possession of chloroform upon her part. By themselves, if you have to take account of these single things, each one by itself, indeed, the demand for the chloroform, and the reasons, the

untrue reasons, given for wanting it, each one by itself is not very cogent; but when you have circumstance after circumstance gathering accumulative force as they are massed together, and when you support them by the fact—the admitted fact, I may say—of a death from an unnatural cause, and that unnatural cause the presence of chloroform evidenced in excessive doses in the man's stomach, and when the circumstances of the case negative, as we say, *a priori*, the probability of this man contemplating suicide in the circumstances in which he was, with years of life and prosperity before him—when those circumstances negative the probability of his contemplating the suicidal act of interfering with his own life—when you have all those circumstances leading up to, and when the suggestion is made of suicide, when the suggestion is made of the mode of suicide, and the circumstances of suicide do not bear the test of critical examination in all its phases, then you must ask yourselves:—Are these circumstances reasonably consistent with innocence on the part of the person who alone, if it was administered by anybody else, was, or could be, the person who administered it?

Again let me remind you, as I took the liberty of doing at the outset, that in this class of cases you cannot expect demonstration. Crimes of this kind are not performed in the light of day. The steps leading to the consummation of guilt are not perpetrated step by step under the eyes of living witnesses. It would be deplorable indeed if, when direct evidence or proof to demonstration is not forthcoming, juries were to shrink from doing their duty in fixing guilt where guilt lies if, in their opinion, with reasonable cogency and certainty, the conclusion is forced upon their minds that guilt does lie upon the person against whom the crime is charged.

Gentlemen, a little more. It will be said: Oh, but if this lady was on these terms of affection towards her husband, if she was the devoted wife which the evidence suggests she was, what possible motive can she have had? Gentlemen, this is a matter which again you are the judges of. Short of the suggestion of criminal guilt as between her and Dyson, short of the charge of actual unfaithfulness to her husband, is there no evidence pointing to the probability of what was the actual state of feeling between Mr. Dyson and her? That she had become interested in Dyson is manifest; that she was a woman of stronger will and firmer purpose than Dyson is, I think, manifest; for while he, in the face of this death, was appalled, and when it was suggested that chloroform was the cause of death, he saw the risk that he ran, and the culpable part that he had played, although unwittingly, and he wishes to, and, in fact, he does confess, to Mrs. Matthews his part in it, and afterwards before the Coroner. She, you will remember, makes a statement to him showing that she at least was resolute: "If you don't incriminate me, I won't incriminate you;" or, I believe the converse is the way it was put: "I won't incriminate you if you don't incriminate yourself;" she was firm to the purpose. He was not conscious of having been a party to any possible criminal use of this chloroform, but she knew the injurious effect of the fact that he had procured it for her, and procured it from three different chemists; and on the very day of her husband's death, in addition to the cheque, she presents him with her husband's watch, and says that Edwin told her to give it to him. When did he tell her? Under what circumstances did he tell her? What shadow of evidence is there to suggest that, at any time before the 31st of December, this man had contemplated anything but a life of ordinary duration, such as his age and circumstances would suggest as probable? It is true, if you are to believe some of the witnesses, she had suggested something of the very kind. She had suggested an internal affliction—paroxysms of pain; and Mrs. Matthews overheard a conversation in which Dyson had charged her with having stated to him that Edwin would die sooner, or would die earlier.

Mr. Clarke.—“That he would not live long” was the expression.

The *Attorney-General*.—I am much obliged to my learned friend: that Edwin would not live long—meaning his condition. Do not the facts point to some such relation between Dyson and her as that which I have suggested to you? One cannot but see, looking to his physical condition, the state of his gums, the state of his teeth, the offensively fetid breath which is spoken of, that her husband may have become personally distasteful to her; that she had begun to see in Dyson a man of superior education, although apparently of no physical attractions; a man with whom her husband unfavourably compared; may she not have felt—did she not feel then this feeling growing upon her? And when she knew—I am not now suggesting motive—that the will had been made in the September previously by which she was benefited, that the will was free from the restriction which was supposed to have existed in the earlier will—namely, that she did not receive the benefit merely during her widowhood, but was absolutely the beneficiary under the second will—in this condition of things the evil comes into her mind to avail herself of this illness, and of the presence there of a medical man, who arrived on the 10th of December, and who was a stranger to her, and a stranger to him, and as to whom I think one may safely say he would hardly be described as a strong-headed man; this chain of circumstances occurred to her as one in which she might take advantage of the opportunity of ridding herself of a husband who had become distasteful to her, and for whom she had ceased to care, that she might clear the way to a union with the man for whom she had of late conceived admiration and apparently affection.

But, gentlemen, it is no part of the necessity of the case to establish the motive, although I admit the importance of it, or the exact motive. The question of motive undoubtedly is important, or the absence of motive undoubtedly is important; but if the facts of the case lead you to the conclusion, step by step, that you must reject the other theories of the mode in which this chloroform was administered, and if the logic of the facts drives you to the conclusion with practically irresistible force that it must have been administered with criminal intent by some one, then the fact that you will not be able to satisfy yourselves about the strength or even about the character of the motive, cannot, I am afraid, relieve you from the responsibility which rests upon you of giving effect by your verdict to the view which you take of the criminal responsibility of the person charged.

Gentlemen, very early after this death there was a suggestion of chloroform—I think as early or earlier than the 6th; the exact date is not material. But she takes away the chloroform. She makes away with it. I want to ask you again, how is that consistent with innocent thought; how is it consistent with innocent act in the matter? Above all, and this idea I wish to emphasize, or rather wish you to emphasize—above all, if she, for she must have known, believed that the theory of suicide, which is suggested so forcibly and so ably by my learned friend, was the explanation of the cause, how came it that not even in that intimate communication to Dr. Leach, which Dr. Leach so sympathetically received, is there a suggestion on her part as to how the thing could occur? If this was present to her as the mode in which the thing did occur, how comes it that she takes such pains apparently to remove from the room that which would have needed some explanation, and to remove from the house at a later date that which, so far from being proof of her guilt, would have built up the story which would account for her innocence? All these are circumstances, gentlemen, with which you must deal. I have done my duty, with the assistance of my learned friends, in putting the case before you, and in endeavouring to urge upon your attention the points which seem to be worthy of that attention.

My learned friend Mr. Clarke was good enough to say that I opened this

case fairly and moderately. Gentlemen, I said then, and I repeat now, that it is not, and never ought to be, in a criminal case, a struggle, a personal struggle, for a verdict—to that I subscribe, but I do not subscribe to this—that the prosecuting Counsel discharge their duty unless they fully and strongly, but always fairly, put before the Jury all the matters which in their judgment, and according to their experience, ought to inform the mind of the tribunal which will ultimately have to decide the question. Gentlemen, that done, our task and our responsibility end.

My learned friend has said that the spirit of justice in the jury-box will be the friend and the protector of the prisoner at the bar. Gentlemen, let me say the spirit of justice, and whose friend it is to be proved to be, depend upon the antecedent question which is not yet determined—Is there guilt here, or is there innocence here? The spirit of justice, if there be guilt, cannot be invoked to conjure up doubts or to protect a criminal. The spirit of justice, even as Justice is blind, so ought Justice to be deaf to appeals, to prejudice, or to passion. Justice is open to the impression of the truth. The truth is the point to which your attention is to be drawn, and upon which it is to be fixed. The law requires that you should give—and it rightly requires that you should give—the benefit of any fair and reasonable doubt which, upon the facts, remains in your minds. I ask you to give the benefit of that doubt, if that doubt does remain, but it must be a doubt which would operate upon your minds in the ordinary important affairs of life, and it is not to be a doubt which you may or must conjure up for the sake of having a doubt. It must be a doubt which presents itself to your minds as reasoning men anxious to discharge your duty between the prisoner and the public—the Crown, whom we represent—a doubt which you cannot overcome. Apply your minds, I pray you, gentlemen, in that spirit; consider and weigh the facts of the case in that spirit; and if you come to the conclusion that still a doubt of the nature that I have mentioned remains, in God's name give this woman the benefit of that doubt. But if, after you have heard my Lord, and you have retired from that box, and find yourselves face to face with the responsibility of the duty that devolves upon you, and the conviction is borne in upon your mind that you cannot receive this theory of suicide; if the conviction remains in your mind, although you may not be able to state with accuracy to your own satisfaction the exact methods or means by which it is accomplished, that guilt lies at this woman's door, then I ask you, by the duty you owe to your oaths, and to the country which you represent, not to shrink from the responsibility which in that event will be cast upon you.

Mr. Clarke.—Before your Lordship begins, a communication has been made to me by Annie Walker, or from Annie Walker, who was called as a witness; and we have, of course, had no communication with her. I don't know whether your Lordship, before beginning to sum up, would ask Annie Walker one question with regard to anything she knew as to the single act—your Lordship will know what I mean; she was attending at the confinement—if your Lordship thinks it right to ask the question as to whether, at that time, she became aware of that matter. I say no more.

Mr. Wright.—Whatever course your Lordship thinks right and fair to be taken in the matter. I do not mind what the point is or what the question is—anything that can elucidate the truth.

MR. JUSTICE WILLS.—It is very late, but I think one should never shut out anything that may be material. Let Annie Walker step up.

ANNIE WALKER recalled.

MR. JUSTICE WILLS.—Will you put your question, Mr. Clarke?

Mr. Clarke.—If your Lordship pleases. Annie Walker, at the time you

nursed Mrs. Bartlett in her confinement, did you become aware from anything she said to you with regard to its having been the result of a single act?—

A. Yes, sir.

Mr. JUSTICE WILLS.—What was it?—A. That it happened only once—on a Sunday afternoon.

Q. She said so?—A. Both of them; that there was always some preventive used.

Q. What?—A. That there was always some preventive used.

Q. On Sunday afternoon, I think you said?—A. But that once.

Q. Did you say Sunday?—A. Yes; on a Sunday afternoon.

Q. You say you had that from both of them?—A. Both of them.

THE SUMMING UP.

Mr. JUSTICE WILLS.—Gentlemen of the Jury, before I address myself to the complicated facts of this difficult case, I should like, on public grounds, to say one word about a matter to which a good deal of reference has been made in the addresses both of the learned Counsel for the defence and of the learned Attorney-General, and that is as to the exercise by the Attorney-General of his undoubted right of reply in this case; and I refer to that which has but a small bearing upon the result, because I am always anxious that no erroneous impression should go forth as to the spirit in which justice is administered in this country. A rule has existed for a very great number of years back—I cannot tell you when exactly it arose, but it has been for generations the established practice, that where the Attorney-General or the Solicitor-General, representing the Crown is personally present, conducting the business of the country on behalf of the Crown, the Attorney-General or Solicitor-General or the Counsel associated with him may exercise a right which belongs to no one else—namely, of claiming a reply, although no evidence be given on behalf of the prisoner. It is, as has been said, in a certain sense an anomaly, but a great many things in our legal system are more or less tinged with anomaly; and the fact that it exists at the present day must be taken, I think, as an evidence that it has been found to work well, and that on grounds of public advantage it is desirable to retain it, or else it would very soon be abolished. Probably, there was a danger of the right being strained too far, because at no very distant period it was the habit of Counsel who were instructed by the Treasury, although the Attorney-General or Solicitor-General might not have been present, to claim, and exercise, this right. I have exercised it myself when I was at the Bar under these circumstances. And it was felt that there might be a danger of that practice degenerating into an abuse when the Treasury had taken upon itself so important a part of the criminal work of the country as it has done of late years by replacing the Public Prosecutor. I myself was present at a council of the Judges at which it was determined that for the future the right should be claimed and exercised only by the direct representatives of the Crown—that is, in cases in which the Attorney-General or Solicitor-General is or has been personally present conducting the case on the part of the Crown. Gentlemen, under these circumstances it was felt that there should be no attempt to tamper with the right which has existed for so long, when exercised by or under the sanction of the highest legal officers of the Crown, under sanctions and circumstances such as make it certain that it will not be abused. At times it may be exercised, and ought to be exercised, in the public interests, and the learned Attorney-General in this case has no more right, as representing the Crown, to make a present of that prerogative, which is vested in him for no personal purpose or private ends, but simply for the public advantage, than I should have to dispense with the usual marks of outward respect which are paid

to Judges, many of which by a man of simple habits and careless so far as he is personally concerned about such matters, might very well be forgotten or overlooked. Such things are vested in the officers of justice for public purposes. Those to whom they are entrusted must keep undiminished the power and authority of the office they exercise, and hand them down unimpaired by any acts of their own.

I have thought it right to say thus much because it is eminently undesirable that it should be supposed that in matters of this kind the law is harsh or unreasonable, or that due consideration has not been given by those who are concerned in the administration of justice to the exercise, and to the limitations in the exercise, of a prerogative of this kind.

Gentlemen, let me, before I refer more in detail to the facts of this case, also make one comment upon the course which the Crown have pursued here in presenting no evidence against Mr. Dyson, and offering him here as a witness instead of treating him as a prisoner on his trial. I think, gentlemen, that the interests of the prisoner now under trial, at all events, have not suffered by that course. The advisers of the Crown, having the best means of judging, and having very often in matters of this kind the means of exercising a judgment on more or less reliable materials beyond those which come before the Court, approach such a question with the deepest sense of duty and responsibility. The matter is in the hands, in this case, of the highest representative of the learning and the knowledge and the judgment of the Bar; and the advisers of the Crown, approaching it undoubtedly in a spirit of unflinching justice, and nothing else, have come to the conclusion that it was not proper to present the case of Mr. Dyson as one deserving investigation before you, and, they having done so, this case must be conducted—as far as any observations which I have to offer upon it are concerned—upon the principle that Mr. Dyson is innocent. No one who has been present throughout this investigation can doubt that, if Mr. Dyson had stood in that dock, he would have had a good deal to get rid of, and a good deal to get rid of which, had it been given in evidence—and, in my judgment, it must have been given in evidence—against this prisoner, would have told with more or less fatal effect against her as well as against him. I refer to the circumstances of uncommon suspicion under which he made the purchase of the chloroform. Now all that is gone as against the prisoner at the bar, and she is relieved from the stress of considerations which, if you had been told to neglect, you would have been incapable of neglecting, and which, in my opinion, must have been before you even if the case had proceeded against this prisoner alone without Mr. Dyson standing by her side in the dock. Gentlemen, I need not tell you that before this case came into court I had well considered the matter, and I had come to the conclusion that the circumstances attending the purchase of the chloroform by him could not have been excluded even in the consideration of the case against this prisoner; and if Mr. Dyson had not been relieved from suspicion by the action of the Crown, there would have been a state of circumstances given in evidence that, as it turns out, ought not to weigh against her, but which, though we had talked about them and attempted to explain them away till midnight, you would never have been able to discard, which, without the emphatic and absolute acquittal of Mr. Dyson by those best able to form a judgment upon his share in the transaction, must have affected the whole atmosphere of this case. And, inasmuch as this case must now be looked at, from beginning to end, from the point of view that he is innocent of any malpractice tending to the death of this unfortunate man—inasmuch as his entire innocence is to be accepted, no merely as an intellectual exercise, but as the fact which is to dictate the attitude of mind in which we approach the case, I cannot help thinking that so far from the course which the Crown have pursued in this matter having been of any disadvantage

to the prisoner now on her trial, it has been an immense gain to her. It has had this further advantage, that Mr. Dyson has been subjected to cross-examination, that Mr. Dyson has been seen in the witness-box, and that we—that is to say, you and I—whose arduous task it is now to approach the investigation of this difficult and, in some sense, mysterious case, are not fettered by any difficulty which necessarily and inevitably stood in the way of the learned Counsel for the prisoner in dealing with Mr. Dyson's evidence; and we may take so much of it as we feel it safe to rely upon, and we may reject so much as we should not choose to act upon in the serious concerns of our own lives.

Gentlemen, to what extent that limitation ought to go I shall have the opportunity of observing hereafter; but I do feel anxious to give this preliminary expression of my opinion with regard to a matter as to which, upon the first day of this trial, my opinion was more or less invited, but about which necessarily I forbore to express an opinion until the whole course of the case should have been run. I am now in a far better position than I could then be to form a judgment as to the effect of such a step upon the course of justice and the fate of the person who has such supreme interests at stake in this matter. I have the satisfaction of feeling that the step which has been taken, and which, as I pointed out then, was within the undoubted competence of the Crown, has not only conduced to the ends of justice, but has been of great advantage to the prisoner at the bar.

Now, gentlemen, the history of these people whose lives we have more or less to consider, and the death of one of whom forms the immediate subject of our inquiry, begins with the year 1875, when at the age of between nineteen and twenty this woman was married to Mr. Bartlett. She was a Frenchwoman, or a foreigner at all events, and she seems to have been imperfectly educated, for after her marriage, although at the age of twenty, which is an age at which the formal instruction of women has generally ceased, she was sent to school, first in England, and then in Belgium, and for two or three years she saw her husband but occasionally, when he went over to visit her, or when her holidays gave her the leisure of joining and associating with him.

In 1878 they were living at Station Road, Herne Hill, for a considerable time, and there the father, upon the death of his wife, went to join them. He had not been long with them before they quarrelled, and a deep-seated quarrel no one can doubt took place then, which has left its traces in considerable animosity, I think I am right in saying, on both sides. Towards the close of last December, the prisoner wrote to him in language which unmistakably stamps her feelings towards him. She wished him to know that she had neither forgiven nor forgotten the past. He certainly has, and had, no good-will towards her, because, without going further than is necessary into matters of this kind which have but a remote bearing on this case, there is something that calls to one's lips unbidden the name of Judas in the kiss with which he parted from his daughter-in-law on the 1st of January—when he was undoubtedly entertaining suspicions that she had taken away the life of his son. But fortunately, as it seems to me, very little indeed depends upon the evidence of the senior Bartlett, and with the sole observation which Mr. Clarke made yesterday, and to the benefit of which his client is certainly entitled—that from the hour of his appearance on the scene after his son's death, she must be regarded as having lived under the observation of keen and suspicious eyes—with that remark I really think I may dismiss him from the scene, and shall have no occasion further to refer to him.

I do not pause to inquire even into the merits of the dispute of 1878, save to say this, that I view with the natural instinct of a trained lawyer—and that is synonymous with saying with the instincts of a man trained to try and get at the truth—I view with the natural instincts of a lawyer the

statements of a man who says, "I put my hand to a document which I now say was false," and I prefer to accept the document rather than the statement of its falsehood.

Gentlemen, in 1878 or 1879 Mr. Bartlett would seem to have had a little discomfort with his teeth. It is possible that may have a bearing upon the matters connected with his later illness. The father said they were all running into one another, which, I suppose, means this, that there was some carious and unhealthy inflammation. This led to their being sawn off—a most exceptional treatment, I should suppose—and from that time he seems to have used false teeth. In 1880 he insured his life, and was then in excellent health, and was accepted as a first-class life by the insurance office. In 1881 a child was born—begotten under circumstances certainly remarkable, and as to which the evidence we have heard to-day is, to my mind, of very considerable importance in trying to ascertain the truth in this case.

I will not conceal from you, gentlemen, that at a very early period of my own study of this case—for, of course, I had to study it through the depositions, before I came into this court—I was struck by a fact which is scarcely mentioned in these depositions, and of which, but for a memorandum accompanying the exhibits which were laid before the Coroner, I should have known nothing—possibly you would have known nothing—that is, that, after this man's death, French letters were found in his pockets; and I thought that before this trial was over it would turn out to have an important bearing upon the case. It is an unpleasant subject. The case is full of unpleasant subjects. There is another unpleasant subject which cannot be dismissed either, because, unless we understand who and what these people were, and unless we divest them and their doings of false and meretricious romance, we shall have no chance of exercising an unbiassed judgment. There was a very unpleasant book that formed one of the articles of his domestic furniture. Whatever shame may attend the possession and the reading of such books should not fall too heavily upon the wife. One can scarcely think that in any decent household, and with any decent husband, such books would be put before the wife; and, if this was part of his daily food, it is no wonder she should partake of it. Apparently there are people who can read these books and see no shame in them. Annie Walker, who saw it, seems a respectable woman, and she says there is not a word immoral or improper in the book from the beginning to the end. Gentlemen, it has been my unpleasant duty to look at this book. I entertain myself an entirely different opinion, and there is one passage, notably, which instructs the ladies and gentlemen of our land, to whom this book's outpouring of impurity is supposed to be addressed, in the last invented means of procuring abortion; and yet we are invited to look upon this book as an effusion of purity, and an honest attempt to help people in the conduct of their lives.

Gentlemen, if I thought that the strictures I am compelled to make on this book would tell materially against the woman in the dock, I should say much less about it, but I cannot, sitting here—I cannot have such garbage passed under my eyes and then allow it to go forth that an English Judge concurs in the view that it is a specimen of pure and healthy literature. It is one of those books, in my judgment, which, under the garb of ostentatious purity, obtains entrance, probably, into many a household from which it would be otherwise certain to be banished. It scatters its poison and does its mischief. The women of the present day are used to strange things—things which would have startled us in the time of my boyhood; and it is such reading as this that helps to unsex them, and to bring them to a place like this day after day to listen willingly to details which, even to men of mature life, like yourselves and myself, and to men like myself unwillingly steeped in the

experience of criminal courts and in knowledge which untainted men would gladly dispense with, are distasteful and disgusting.

Gentlemen, if you care to verify what I say, I have put down upon a piece of paper references to passages met with in my inspection of this book, which, in my judgment, not only justify me in expressing myself with regard to it in language such as this, but compel me to do so. To my thinking, it should excite a feeling of pity for the unhappy woman, made in early life the companion of a man who could throw such literature in her way, and encourage her to read it. She must have got rid of much of a woman's natural instincts before she could lend it to her friend Mr. Matthews—to a man. It excites a pity that I can scarcely venture to indulge in, because we have sterner matters here to deal with than pity, and one must reject all influences and all thoughts which could tend to disturb the judgment or to ruffle the calm of intellectual inquiry. Oddly enough, when the copy was handed up to me, it opened of itself at the passage to which Mr. Clarke referred. It is true that the passage, which at the first moment I thought was of the usual character, recommends abstinence as the only means of preventing the natural results of married life. I thought, gentlemen, though I should not have said so but for what happened this morning—I thought it would be strange if, whatever the suggestion was, the desired result should be brought about in *that* fashion ended there. One has learnt to-day what is the natural and to be expected consequence of indulgence in literature of that kind.

Now, gentlemen, in 1885 these people, who, with all the vulgar facts now known, which make it impossible to hold up this man as more than a Joseph, and to treat him as the hero of an absurd romance, and capable of an almost superhuman self-restraint, still were living, after their fashion, happily and contented together—there is one unbroken chain of evidence that they were happy together—and between whom, except upon one occasion, with regard to the father, no quarrel seems to have come—had the great misfortune to make the acquaintance of the Rev. George Dyson. I say, the misfortune—and I am justified in saying so—because, even upon the theory which was so eloquently put before you yesterday by Mr. Clarke of the last moments of this unhappy man, it was the shadow of the Rev. George Dyson that had fallen on his path. But for that acquaintance, they would have continued probably to this hour to be living happily and comfortably together. And whatever you may think—and I earnestly press upon you, with your whole minds and wills, to approach this case with the conviction, and to act upon that conviction throughout, that Mr. Dyson is guiltless of any complicity in murder or designs of murder—whatever you may think of his innocence in this respect, it is not a pleasant spectacle that of a Christian minister entering into this unwholesome discussion about the two wives, one for companionship and one for service—joining in it apparently with little touch of those sentiments which you would naturally expect such matters to arouse in the breast of a Christian minister—gradually becoming the intimate friend of both husband and wife; according to his own account, before there had been a shadow of a justification for it or a hint by the husband that it was welcome, addressing to the wife the words of unhallowed and unchristian admiration; steadily taking advantage of the husband's weakness, increasing the frequency of his visits, and kissing, according to himself, in the presence, and according to himself also, in the absence of the husband, the wife; under the guise of giving lessons (as to which, however, there is scarcely a trace of corroborative evidence), passing hour after hour—twice, three times, or four times a week—with the woman; letting her sit at his knee on the ground and with her head reclining on his lap, and justifying all this to himself by the miserable pretext that he was listening to the maudlin nonsense of the husband, and accepting his invitation to succeed him when he should be no more.

Gentlemen, if such talk did take place in the presence of the Rev. George Dyson, the Rev. George Dyson should have put his foot down upon it and stamped it out. You cannot doubt—and I grieve to have to point it out to you, because it is one of the material circumstances in this case that can never be thrown out of it from beginning to end—you cannot doubt, because you have it on the statement of the wife as well as on the statement of the Rev. George Dyson, and they both agree to this—that they got to that state of intimacy when in some fashion or other the possible death of the husband and the possibility of Dyson succeeding him were matters of familiar discussion.

Gentlemen, when a young wife and a younger male friend get to discussing, whether in the presence of the husband or out of his presence, the probability of his decease within a measurable time, and the possibility of the friend succeeding to that husband's place, according to all ordinary experience of human life that husband's life is not one that an insurance office would like to take at any premium. Gentlemen, I cannot forbear to make these observations. They arise upon the case, and they ought to be made, and it is part of my duty—its painful nature no one feels more keenly than I do—but I cannot discharge the duty which I am put here to discharge, and fail to point that out to you. Whatever may become of the case by your verdict, no human being can say that the actors in such a drama as this, when the very thing had occurred which had been the subject of discussion between them, and had occurred under very suspicious circumstances—no human being can say that either of them has any cause of complaint if grievous suspicions are entertained that he or she, or both of them, has had a hand in it. And as far as those suspicions are concerned, one must not be too hard upon the father, because sometimes there is an instinct as to things of this kind, and sometimes people who would be puzzled to give an account of their reasons are not entirely without justification in their suspicions.

Now, gentlemen, on the 3rd of September 1885 the late Mr. Bartlett made his will, and by that will he left all his property to his wife absolutely. The will was a natural and a proper one, and, in my judgment, a much better one than the one which he had made before, because I agree entirely with one passage, as I do with many others, in the remarkable display of forensic eloquence and power to which we listened yesterday, and which was as distinguished for the fairness with which the subjects were dealt with, and the evidence treated, as for its power and ability—I agree with Mr. Clarke that, where a man who has a young wife and has no children, and has no particular reason for leaving his property away from her, makes her enjoyment of life or even her means of subsistence dependent upon the condition that she should remain a widow for ever, it is a cruel will. I agree with Mr. Clarke that the will which he made in 1885 was a much better one than its predecessor; and I think that no shadow of distrust ought to rest upon her because, in the course of 1885, or whenever it was that Annie Walker was visiting, she commented, in the presence of her husband, upon the harshness of such a will, and remonstrated, or said something by way of remonstrance against it. I think the later will was a wise, a good, and a proper will in every respect, and it was a natural thing to name as executor of that will a gentleman in whose ministrations he professed to have found, and I dare say with perfect genuineness said that he had found, great comfort both to himself and his wife. I cannot go further. I cannot see that in the fact of his making Mr. Dyson his executor there is any trace of a suggestion that he thought that he himself was not likely long to survive the making of that will; I cannot understand that. I made my will when I was a young man, and I should have been surprised if, because I selected my executor, it was to be suggested that I thought he was likely necessarily to outlive myself, or

that there was anything more in it than an indication of the confidence reposed by the writer of the will in the person so named.

Well, they go to Dover, and they spend a month at Dover, and during that month at Dover Mr. Bartlett must have very severely taxed his physical energy. He seems to have been a man, if you accept the father's statement—and I do not see any particular reason for doubting it—who was engrossed in business. He had been very successful. Shop after shop had been added to the list of his acquisitions; such a man would naturally take a keen interest in business, and he emphasized it by putting a strain upon his physical powers under which it was not unnatural that they should break down. You hear how he used to start at three o'clock in the morning, take the boat-train, and come back at nine or ten at night. Flesh and blood won't stand that. In the course of that month at Dover, Mr. Dyson visited them; and, according to Mr. Dyson, Bartlett visited him at Putney. With regard to everything that Mr. Dyson has said, both about the extent of his own relation with Mrs. Bartlett and about the extent of the knowledge of the husband of how far those relations had gone or were likely to go, I must put it to you, as men of the world, as men of experience, and as men exercising sound judgment, whether you can place more than a very slender faith in Mr. Dyson's statement. Mr. Dyson had to make the best for himself of his relations—which from any point of view, as described by himself, were discreditable to him, discreditable to Mr. Bartlett, discreditable to Mrs. Bartlett—and a large part of his statements, although they came to us to-day in the witness-box out of his mouth, are nothing but repetitions of statements to which he had already committed himself in his evidence before the Coroner. At the time he gave that evidence, there can be no doubt that the Rev. George Dyson entertained very serious fears that his own life was in danger; and I should think there can be very little doubt on the part of anybody who has seen him here, that there is one person in this world that the Rev. George Dyson was determined should suffer as little as possible by this history—that is, the Rev. George Dyson himself. And therefore you cannot give yourselves over with unlimited confidence to statements which he has made of any kind; and wherever you find that they touch upon things which affect himself, I should think you would say you would have to exercise great reserve in accepting them.

Now, he tells a story as to which I do not know what you may say about this part of it. I confess to my mind it presents some features of almost revolting improbability. He says Mr. Bartlett came down to see him at Putney. "I told him I was growing too fond of his wife." I do not mean that "too fond" was his expression; but I am translating what he said into something like plain and intelligible language—"I told him I was getting too fond of his wife." A young unmarried man thrown in the fashion in which he was into the company of a young married woman would be likely enough to be getting too fond of her. He said to the husband, "It distracts me; I cannot attend to my duties; do you not think it had better cease?" He also told him, as he says, that he had addressed to his wife words which she should not have heard from her minister.

Now, gentlemen, the Rev. George Dyson would have you believe that, after that explicit statement, Mr. Bartlett invited him to continue his intimacy with both of them. If there is anything in the atmosphere of this case which ought to make one part with the ordinary faculties which God has given us, and by which alone we can hope to test the truth of stories which are placed before us, by all means accept that statement. Am I putting it too strongly when I say you must part with a good many of them before you can accept it?

It is said that two letters have passed which indicate that something of this kind had taken place. Gentlemen, you have heard them read this morn-

ing. Are they of that extravagant character? They do use strong terms, and terms which are not usual—at least they are not usual among educated people brought up in the ways of speech to which I am accustomed. One difficulty I feel in dealing with this case, and a difficulty which never must be absent from your minds, is that the ways and thoughts of these people are very different from ours. I have passed a large part of my professional life in seeing quarrels and litigations—and those are the occasions upon which unvarnished human nature crops up to the surface—in a district in which a great deal of these more emotional forms of religious belief and action exists; and I am more prepared perhaps than many persons would be for the odd mixture which we have here of religion and coarseness—the things told to Annie Walker about the sexual relations between the parties, and the fervent religious exultation roused by Mr. Dyson's services. Still, it is difficult to put oneself quite in the position of these people; and one always runs a great risk if one judges from one's own standpoint other people whose ways and thoughts are quite different. You must beware of that danger. But, after all, can you find in these letters anything of the extraordinary nature which Mr. Clarke claims for them? "DEAR GEORGE" (you know the intimacy had gone some distance, and it looks as if that was the first time he was addressed as "George"),—"Permit me to say I feel great pleasure in thus addressing you for the first time." It is in evidence that they called him "Georgius Rex," and looked up to him, and were proud of his friendship. They felt him, it is evident, to be a little above them in education and social standing, notwithstanding his want of means. "Permit me to say I feel great pleasure in thus addressing you for the first time. To me it is a privilege to think that I am allowed to feel towards you as a brother, and hope our friendship may ripen as time goes on, without anything to mar its future brightness." There is absolutely nothing there, except a tendency to a little over-sentimentality—some people, perhaps, might be inclined to say it was getting towards maudlin—that is the extent of it. Now we come to a little more: "Would that I could find words to express my thankfulness to you for the very loving letter you sent Adelaide to-day. It would have done anybody good to see her overflowing with joy as she read it whilst walking along the street, and afterwards, as she read it to me, I felt my heart going out to you. I long to tell you how proud I felt at the thought I should soon be able to clasp the hand of the man who, from his heart, could pen such noble thoughts. Who can help loving you?"

Mr. Dyson gives his explanation of these expressions. It comes, indeed, from Mr. Dyson; receive it with all qualification and all suspicion, but, after all said and done, does it, or does it not, in your judgment, adequately explain this language? Mr. Dyson says, "He had talked to me about his wife, and he said that she had benefited by my ministrations, and he showed me one of her highly devotional letters, and he seemed as if he would be glad if I could bring her back into the same line of thought and devotion, and so on. It was a letter of that character I wrote to her." Now, which is the more probable—that that was so, or that this was a letter which was founded upon the desire of the husband that Dyson should look on his wife in a manner that no husband except Mr. Bartlett ever could be content with? You must judge for yourselves. I do not mean to detract from the powerful and able observations which Mr. Clarke made to you; they must be considered by you along with, and side by side with, these observations of mine; those observations would present a different view. "I felt that I must say to you two words, 'Thank you,' and my desire to do so is my excuse for troubling you with this. Looking towards the future with joyfulness." I can see nothing very suggestive—nothing very exceptional. Here is a man who says, "I am allowed to address you for the first time by your

Christian name, on terms of close intimacy; I hope nothing will mar our future or prevent its being delightful. I hope nothing will come between us, and I look forward to the future with joy." I dare say a good many of us, if writing the same thought, would say "with pleasure," but does that shade of difference of expression, especially when used by a person who was certainly familiar with a mode of life and a mode of expression in which strong and fervent language is frequent, imply anything so very extraordinary? I confess, whatever that letter might be taken to mean standing by itself, when I come to view Mr. Dyson's answer to it I find it difficult to see in the correspondence anything much above the common prose level. Is it possible that this really stamps the commencement of a new phase of life, in which this woman had been in some mysterious way consecrated as the object of his special personal interest in a sense and under conditions probably without a precedent in human experience? Here it is:—"Thank you very much for the brotherly letter you sent me yesterday. I am sure I respond from my heart to your wish that our friendship may ripen with the lapse of time, and I do so with confidence, for I feel that our friendship is founded on a firm, abiding basis—trust and esteem." It is not "you and I have some mysterious relationship to the same lady;" that is not the centre of interest—the centre of common interest is trust and esteem. "I have, from a boy, been ever longing for the confidence and trust of others. I have never been so perfectly happy as when in possession of this. It is in this respect, among many others, that you have shown yourself a true friend. You have thanked me, and now I thank you; yet I ought to confess that I read your warm and generous letter with a kind of half fear—a fear lest you should ever be disappointed in me, and find me a far more prosy, matter-of-fact creature than you expect." What is there there? "You expect too much of me; you look forward to our future intercourse. I am afraid you make too much of me. I am a mere matter-of-fact person." He goes on—"Thank you, moreover, for the telegram; it was very considerate to send it. I am looking forward with much pleasure to next week. Thus far I have been able to stave off any work, and trust to be able to keep it clear. Dear old Dover. It will ever possess a pleasant memory for me in my mind, and a warm place in my heart." I don't know how it strikes you, but is there anything about a mystic union—such as nobody ever heard of before—between two persons, one unmarried and one married, with the consent, sanction, and approval of the husband?

Now, gentlemen, we come to Claverton Street, and there, according to Mr. Dyson—the probable or possible death of Bartlett formed the subject of conversation between the prisoner and himself. Again I say, receive what he says with becoming caution, not to say mistrust. But, except for mere accident of time and place, she is at one with him, because she told Mrs. Matthews at a later period that Mr. Dyson would not believe her that Edwin was likely to die soon, or not to live long—the exact phraseology is unimportant. Mr. Dyson says that this topic formed the subject of conversation soon after they went to Claverton Street, and he says it was referred to from time to time, and he says, "I could not say exactly when it was; all I can say is, at my first visit to Claverton Street it was referred to, and referred to more than once afterwards." If this were true, Mr. Dyson's account of what followed sounds probable enough. Mr. Dyson says, "I could not understand it, and I asked her what was her reason for supposing that Edwin would die soon, and then I was told this story about the internal complaint, about which he was so sensitive that it should not be mentioned to him, and for which he had seen Dr. Leach; this gradually led up to a series of conversations which culminated some time or other in the mention of chloroform—chloroform to be used when he was violent or in a paroxysm." If you believe that, it is a

serious circumstance in this case, because the story is all moonshine—and it seems to me very difficult to doubt, seeing what Mrs. Matthews afterwards overheard, and what Mrs. Bartlett afterwards said to Mrs. Matthews, that for some reason or other the subject of Edwin's possible decease was talked of. And I mean his decease at a not very remote period, because, of course, if it was talked of in any other sense, there is nothing in it at all. If you only talk of your death as a thing which may happen, and of which nobody can say whether it will be to-night or twenty years hence, there is nothing remarkable about it. But that does not seem to have been at all the character of the conversation. And one thing I have watched, from beginning to the end of this case, with anxious care, I assure you, and that has been to see whether any sort of reasonable foundation had been established for the notion that Edwin's life was not likely to be lasting. You have attended to this case with as much care, I am sure, and under as much sense of responsibility, as myself. My responsibility is great from any point of view, and I feel it the more because it is, in my opinion, no part of a judge's duty to make his summing-up a wholly colourless thing. It is not my theory of judicial responsibility, and not one on which I propose to act in this case. I feel you have the right to call on me to give you the help of a trained mind, and of the experience which years, many years, spent in investigating difficult questions of fact of one kind and another cannot have failed to give.

Now, gentlemen, what foundation is there for this? One must go into this with minuteness and some care. Baxter had known him for thirteen years, and had never known a case of serious illness.

Mr. *Clarke*.—I hope your Lordship will not think I am improperly interrupting. I will remind your Lordship that no evidence was given, except by Dyson, that Mrs. Bartlett ever said he was likely to die soon. Mrs. Matthews says she overheard the statement made by—

Mr. JUSTICE WILLS.—After that “How did you come to tell Dyson such a lie?” and Mrs. Bartlett said Dyson “would not believe what I had told him, that Edwin was likely to die soon.”

Mr. *Clarke*.—Your Lordship has got into one note the answer to two questions. She said he did not believe her when she told him the truth. Then the witness was asked what was the truth, and she said, “Her husband was going to die soon,” and your Lordship immediately put this question in these words, “Had anything passed between you and her to indicate what you were talking about?” and the witness answered, “No.”

Mr. JUSTICE WILLS.—I am very much obliged to you, Mr. Clarke, and I hope if you think I am going wrong you will tell me; I know you will not interrupt unnecessarily. But, gentlemen, I will give it you: “On the 11th of January I had a conversation with her. I asked her why she had told Mr. Dyson all those lies. I had not told her what Dyson had said.” You know pretty well what Dyson had told Mrs. Matthews. We are left to guess; we do not know exactly, but you may guess very nearly what it must have been from what followed. “She said he had bothered her so; he did not believe her when she told him the truth—that Edwin was going to die soon, and she said he did think so latterly.” Now, gentlemen, if you think there is any doubt of that, of course you will not accept it on the evidence of Dyson alone, because Dyson, as I told you, had got a story to tell before the Coroner, and Dyson was very determined, whatever happened, that he should run no unnecessary risk, and I should think he was perfectly careless how much he put on this woman, and how little he left on his own shoulders. Now, this conversation with Mrs. Matthews that I have read was on the 11th of January. I will read it again to fix it on your mind: “I asked her why she told Mr. Dyson all those lies.” We know what that relates to; it relates to this:

that Dyson had told her at Dr. Leach's when, on the 6th of January, they were waiting for her while she was in—

Mr. Clarke.—There is no such evidence, my Lord.

Mr. JUSTICE WILLS.—Do listen to me. Mrs. Matthews had had a conversation with Dyson, Dr. Leach had gone in with Mrs. Bartlett; Dyson and Mrs. Matthews were left outside, they were left in the waiting-room, and Mrs. Matthews said, "We were in there together, and we had a conversation," and then it must have been he told her something, I am not saying what, because we can only guess what it was, but Dyson says he mentioned chloroform on that occasion. Mrs. Matthews must have heard something, because she said, "Why did you tell him all those lies?" Now, we know both of them knew that some lies had been told. She said he had bothered her so, he did not believe her when she told him the truth—namely, that Edwin was going to die soon, and so she told him a lie. "I said I did not know that Edwin thought he was going to die soon; she said he did think so latterly; she said she had had the chloroform to soothe Edwin, but she had never used it." If you think that that does not point in the direction of confirmation of Dyson's story, of course you will reject Dyson's story, because you will never think of accepting his uncorroborated evidence on a point on which it is of vital consequence to him to exculpate himself and as to which he cares nothing how much difficulty and danger he throws on another person. If you doubt that a conversation of this kind had taken place, of course it must be discarded as an element in the case. That is for you to judge. You have heard the evidence; it is for you to judge whether the right complexion has been put on it or not.

Now, Baxter said he never knew this man except as a strong man; that he had one illness before of a very trivial character, and that that was all he had known of him in the way of illness during the thirteen years he had been acquainted with him. This illness does not seem to have been of a very serious character—it was a very disagreeable one, no doubt; the man overstrained himself, and overworked himself. He had taken those extravagant journeys from Dover, day after day and week after week, and done himself injury by it, and he broke down, and there were symptoms of mercurial poisoning, and of course it is quite possible when you find the way in which this man went about with French letters in his pocket, that that mercurial poisoning, and that necrosis of the jaw, may have a very different explanation from that of Dr. Leach. Indeed, to me it seems an extravagant notion of his that the disease of the bone of the jaw could be due to an oversized blue pill picked out of a sample-box, and it is possible that he was a man suffering from syphilis. The course of that illness certainly did not point to approaching death, and, although he was sleepless, wretched, morbid, hypochondriacal, presenting the symptoms of a nervous breakdown, the illness had run its course; and as to that there is a strange concurrence of testimony. The doctor tells him on the 19th he had nothing to do except to go out. Dr. Leach told him he should discontinue attendance, and that it was a ridiculous idea about his dying soon. It is very likely that a man of that kind would say, as Dyson said he said to him, "Can a man feel so ill as this and recover?" Very likely he talked of his death, but not as a man does who is, or feels himself, in real danger. Dr. Leach said, "I always ridiculed the idea," and the last three or four days of his life it is scarcely possible he can have supposed that there was any danger of any sort or kind to his life. According to Mrs. Matthews, Mrs. Bartlett told her that Edwin did think latterly that he was going to die. But he does not seem to have thought so on the last day of his existence. Anything more unlike the conduct of a dying man it is impossible to conceive. On the 31st of December he ate heartily of jugged hare, so heartily Mrs. Bartlett tells Mrs. Doggett that she thought he would eat three

dinners. He went and had a tooth out, and then that evening he was better than usual, and he expressed himself in a way which certainly did not look like the thought of a man to whom early death was present. He ordered a large haddock for breakfast in the morning, and told the servant—the last thing he said to her—that the very thoughts of it would make him get up an hour earlier that he might enjoy his breakfast. And on the 28th he told his father, and on another day close to the day of his death he told Dyson, that he was going to Bournemouth shortly, and it seems that Dr. Leach had promised to take him down to Bournemouth, and place him there under the care of a doctor.

Now, gentlemen, assume if you will that this talk of Edwin's dying was very late in his illness, and not, as Dyson says, soon after they went to Claverton Street. Surely the passage I have read from Mrs. Matthews' evidence shows that some such conversation did take place between Dyson and her, and shows that Dyson was reluctant to believe that he was ill to the death, and shows that she was urging him to believe it, and told him some lie or other in order to account for the fact that she represented her husband as likely to die. Dyson says the particular lie was that he had an internal complaint, and that Dr. Nichols said he would not live another twelve months. But I would rather not rest on anything Dyson has said unless corroborated by other people, and if I had to form an opinion of this case I would not form it on uncorroborated statements of Dyson, and I would reject them unless there was a violent probability in their favour.

Now we come to the most critical time in the whole history. I have stated to you one side of the question up to that night. Let me now put before you the other, and it is one I dwell on with much more pleasure, and one I know that has not been absent from your minds in considering this question, for it is one of the strongest circumstances in favour of the prisoner, and one to the full benefit of which she is well entitled. Every piece of evidence we have throughout the case points to the conduct of a devoted wife, and I must say everything given in evidence seems to me perfectly natural. I can detect no trace of anything that does not look like the natural, spontaneous flow of affection and of unusual devotion. During the three weeks preceding this critical time, she had scarcely had her clothes off; and a most unpleasant illness it must have been. You have heard the sort of state he was in—his wretched hypochondriacal melancholy; and if any of you have had any experience of that kind, you will know the tax there must be on any one attending upon such a man. He had all the irritability and all the moral disturbance which attend such a condition. Perhaps, gentlemen, I have had unusual opportunities of knowing myself what that means, because it was my unhappy fate at one period of my life for twelve months together never to have one tolerable night's rest; and I know, as no human being who has not gone through it can know, the misery of that state of things and the discomfort the patient must bring on all those about him. But she seems to have been entirely true to her trust and her duty. She performed the most disagreeable duties, keeping the man's stools and urine for the doctor to see, and doing everything with patience and devotion. That must never be lost sight of in this case, and that ought to stand her in the fullest stead. I have been myself unable, as I say, to see any trace of anything like acting in the matter; and I can see no trace, no legitimate trace, of anything which should tend towards suspicion, either in the possession of books about poisoning, or conversations about poison—a class of evidence which it is very rarely that a case of this kind wants. And if I put the truth faithfully before you as to the circumstances which have told against her, and have helped to bring her to this pass where dreadful suspicion has fallen on her, and naturally fallen on her, it is equally my

duty, and far more my pleasure, to point out those circumstances which, as I say, must never be lost sight of, and as to which I hope you will not attach the less importance, because necessarily they take me less time to deal with, and therefore, in one sense, are passed off more lightly, than the opposing considerations. Certainly I have no disposition to extenuate their importance or take away from the great force that they ought to have when you consider the difficult question you have to answer. She was perfectly devoted, perfectly affectionate, perfectly natural in her conduct. Extending as the evidence on this point does over a great number of years, and coming from many different sources, it is entitled to the greatest weight. Gentlemen, I have summed up this part of the case in a few words, but I hope in words which will be thought even by those representing the prisoner adequate to the occasion.

That being the state of things, we come to the night of the 31st December. There is absolutely nothing, in my judgment, either in the few words spoken about chloroform (which came in very naturally after the operation he had undergone), or in the trivial directions given for the night, which affords ground for suspicion. Ten o'clock comes. She and her husband were left alone, and all we know about what passed there in the interval between ten and four is from herself, and she has said that up to twelve o'clock she was awake, and sometime after twelve she says she went to sleep. At four o'clock in the morning she awoke, and then this man had been dead two or three hours. Now, what he died of seems to me to be no mystery; and although the medical evidence occupied a long time—necessarily a long time—and was a most important part of this investigation, yet all of it that is worthy of consideration may be really summarized in half a dozen sentences, or very little more. There is cogent evidence that this man died from swallowing chloroform. How much we cannot tell; all we know is, it was a fatal dose. There is, as it seems to me, and I shall point out by-and-by that is a fact that helps her, not that tells against her—there is, in my judgment, strong evidence that that chloroform, that fatal dose, was at some time or other in the glass which was afterwards found on the mantel-piece, and it seems to me very difficult to escape from the conclusion, whichever way it makes, that the chloroform which caused the man's death somehow found its way into the glass, and somehow from the glass into his stomach. There is also strong reason to think, from the medical testimony, that the chloroform, although it may have been swallowed when he was not recumbent, worked its serious and fatal effect while he was lying down. How much, or how little, he swallowed we cannot tell, and no human being can ever know. The statistics are not sufficiently extensive, the knowledge on the subject is not sufficiently accurate, and how much or how little will constitute a fatal dose is a matter on which we can only speculate. It seems that, under circumstances the precise nature of which is unascertained, a much smaller dose will do it than the writers have recorded in most instances, and very likely a smaller dose might do it than is recorded in any instance. As far as I remember, the smallest recorded dose which is supposed to have killed a person is either two ounces or one ounce and a half. That was the American case—the case of a person who died—a very remarkable case, because, if that case had not happened, death from so small a dose would have been supposed to be almost impossible. That was the case of a young man who took chloroform—committed suicide; he was insensible in three minutes, and died in an hour; and one can understand, I think, that very large doses are apt to defeat their own ends if taken with suicidal intent, because they make the patient sick, and then the stuff is got rid of. Much more than that as to the cause of death the evidence does not tell us, except this, that, if you are to act on the original theory of the prosecution, another difficulty arises. I suppose that, notwithstanding the slight discussion which the Attorney-General started

this morning as to some other probability, you will refuse to take (as I should refuse) into your own mind at the last hour any but the supposition on which this battle has been fought, if I may use an expression which might to some minds convey the notion of a spirit very different from that in which this case has been conducted. I do not suppose you will consent to approach this subject as against the prisoner from any other hypothesis than that originally put forward, that to which all the medical evidence was directed, and on which alone the examination and cross-examination of the medical witnesses who have thrown all the light they can on the subject has been conducted, and therefore I say nothing more about that suggestion which fell from the learned Attorney-General this morning, except that I ask you, in the name of justice, to refuse, as I do, to have anything to do with it at the last hour of the investigation. This much more, then, we have, gentlemen—and it is the sum of all the evidence as to partial insensibility and the swallowing of chloroform by a person in that state—the attempt would be surrounded by so many difficulties, and open to so many chances of failure, that no skilled man would venture upon it unless he were a madman. But I am bound also to say this, that the observation would have far greater weight if we were dealing with the case of a person possessed of minute and technical knowledge, and aware of its difficulties. Everybody knows that "Fools rush in where angels fear to tread," and the ignorant and presumptuous will sometimes attempt that which no human being who understood the conditions of the problem would think of trying, and will sometimes blunder into success. But, if she did succeed in that fashion, it is not too much to say it was a most extraordinary piece—I was going to say of good, but I had better say—of cruel fortune, because the conditions and chances are all against it. And that really seems to me about all we can learn from the medical testimony as to this part of the case. The fact undoubtedly has an important bearing on the case, though not so important as if we were dealing with the case of a Lamson or a Palmer. I could not help thinking, when the learned Attorney-General mentioned them, that the parallel was not a fair one, because they were people who had studied these things and were fully aware of everything done, said, and written with regard to the occult poisons they used, and it occurred to me at the time that, when the proper occasion came, I must call your attention to that difference, and not allow you to pursue that parallel in the case of this prisoner, because it would be a most disastrous parallel for her. On the other hand, it constantly happens that facts cut both ways, and so here the very ignorance of the prisoner in this matter diminishes, but does not take away altogether, the strength of the observation that, if this be a case of murder, an experiment has been successfully attempted which not one of those eminent physiologists and chloroformists called before you (if you can imagine that the foul fiend had put it into their hearts to commit murder) would have dreamed of attempting, because they would know that the chances of failure (not chances of detection merely, but chances of actual failure) were so preponderating. There seems to be a double difficulty. In the first place, no living adult person has yet been experimented upon to whom chloroform has been successfully administered so as to produce anæsthesia during sleep; in the second place, if that difficulty be overcome, the chances are that the power of swallowing would be gone.

These eminent medical men, however, tell us that they believe, nevertheless, in the possibility of such administration, and that extended experience will justify their belief; but up to the present time a boy of fifteen or sixteen is the oldest person to whom chloroform has been administered during sleep, although it has been tried, as Dr. Tidy has told you, under circumstances of exceptional facility. It is only in a few cases of boys under sixteen years of age that the attempt has been successful. And, supposing that initial difficulty got over,

there is a great difficulty in choosing the right moment for the rest of the operation, for the interval is very short during which alone it is possible. The right moment must be hit, or else the anæsthesia will be carried so far that the power of using the muscles which must be used in swallowing will be gone. And therefore it must be by a lucky concatenation of circumstances, all contributing to one end, that this thing must be done if it is to be done at all, and that is one of the great difficulties—and a very formidable one—in the way of the theory of murder.

The learned Attorney-General said, rightly, in my judgment, that no hypothesis can be put that is not attended with difficulties so great that, if it stood by itself and apart from surrounding circumstances, one would say it could hardly be true, and yet we know that Bartlett's death *was* caused by swallowing liquid chloroform, and therefore it must have been caused by chloroform either criminally administered to him or not criminally administered to him. There is no escaping from this dilemma. If you take the evidence on either head alone, you would say the thing could not be done. Yet it *has* been done, and one of the two impossible theories must be right. You, therefore, will have to choose between the two theories, unless, indeed, you are really unable to do so. If, not merely avoiding a disagreeable conclusion because it costs effort, but honestly and after every effort to arrive at a definite conclusion, you are compelled in the end to say, "We cannot decide this question," then the case for the Crown is not made out.

Now, gentlemen, I must trouble you with some further remarks as to perhaps the material element of this case, and one which undoubtedly, in my opinion, presses more strongly than almost any other against the prisoner, and that is the history of that chloroform bottle. Let me say this before I approach it, that, putting for a moment out of sight the theory of criminal administration and admitting the possibility of non-criminal administration, a possibility has occurred to me which I confess I am surprised has not occurred to others also. It may be that it has been prompted and brought home to me by that experience of my own life to which I referred a few minutes ago, and which is one of the sources of accumulated experience which is for what it is worth at your service just as much as any other piece of information which I have gathered in my life. I know what none of these gentlemen probably do know. And we are now dealing merely with a speculation, dealing with that which is within the knowledge of no one, for on the theory of non-criminal administration the prisoner knows no more about it than any one else. Her conduct afterwards, and her conduct before, may or may not be such as to urge you powerfully to think that it was criminal; but, assuming that it was non-criminal, she *can* throw no light on it, and therefore we are in the region of speculation, where my speculation is as good as my friend Mr. Clarke's, or Dr. Leach's, or anybody else's, and I know what possibly nobody else concerned in this trial knows as I do—the craving for that which will secure sleep which people who are suffering from sleeplessness undergo; and I know the uncommon strength of mind, will, and resolution which it takes to resist that impulse. Fortunately for myself, I soon became aware that one had better undergo any misery than resort to the fatal practice of taking narcotics, but it takes a very strong-minded man to come to that decision, and to act upon it, because the sufferings of that state of mind are greater than any person who has not gone through such an experience can imagine.

Now, assume for a moment, and before coming to the very serious question how that bottle of chloroform could have got within his reach, that it could have got innocently within his reach, and that he knew it was there. We have heard that morphia had been injected, and that morphia had failed. He had tried chloral hydrate, and what I should venture, notwithstanding Dr.

Leach's opposite opinion, to say would be a pretty stiff dose. He had tried chlorodyne. Those things had all failed. It does strike me as a thing not only possible, but scarcely improbable, that a restless man, eager and anxious for sleep, and with that craving for the means of procuring sleep which seizes on the sleepless—it does strike me as possible that he might get hold of the bottle and pour some into a glass and drink it. It does strike me as possible that a man doing that in the dark might not be very nice about the quantity, and might pour more in than he intended to pour. Now, assuming—I hope I have not gone out of the way to make this suggestion, but it seems to me that, assuming the possibility of non-criminal administration, we have a more reasonable explanation than that of suicide which the learned Counsel was instructed to present to you; and I make this suggestion the more readily, and the more do I feel it my duty to make it, because it will be my bounden duty to point out by-and-by how almost absolutely absurd to me seems the notion of suicide under the circumstances suggested in the defence of the learned Counsel. Of course, if the explanation, whether of the one kind or the other, rested upon anything that had come from her mouth, and as to which she had, or ought to have had, the means of knowledge, it would be against her if she had failed and it were proposed to substitute something else for her explanation. But, seeing that we are dealing now with what is pure speculation, her speculation, supposing she is not a guilty woman, is no better or worse than anybody else's; and Dr. Leach's is no better or worse than anybody else's; and mine is no better or worse than anybody else's—except as in so far to your judgment and experience the one or the other may seem the more rational and the more consistent with probability.

All this, however, leaves still behind the question which I am now going to approach—to my mind, by far the most important part of this inquiry—and that is, what is the history of that chloroform bottle? You know Dyson undoubtedly procured the chloroform in driblets. Dyson had his own motives for wishing to keep that matter secret. I cannot tell what they were; I can only speculate. He said he thought the chemist would not believe that the person for whom he was going to get it would be a proper person to be entrusted with it because she would not be likely to have the proper medical knowledge. It is quite possible by that time the Rev. George Dyson may have had the thought of his spiritual superintendent before his mind, and was conscious that things had gone quite far enough between himself and Mrs. Bartlett, and it is quite possible that he thought the less he said about Mrs. Bartlett's connection with anything he was doing the better. I mean, he may have had this kind of feeling quite apart from any notion of his being mixed up with any criminal use of chloroform, because we must put any notion of that sort out of sight once for all. We are not going to let the Crown transfer a man from the dock to the witness-box for the purpose of letting him give evidence, and then, for the purpose of making a case against the prisoner, to admit the faintest suspicion of anything beyond folly, though folly carried to a perilous extent, in Mr. Dyson's conduct. But Dyson procured the chloroform, and he said he handed it to her on the Thames Embankment. Here, again, you know, I should be very sorry to form any conclusion in my own mind adverse to Mrs. Bartlett on the suspicion that it was really handed to her on the Thames Embankment. I do not see any reason for believing it to be true because it suits the Rev. George Dyson to say so. The Rev. George Dyson had to make out the best case he could for himself about the chloroform, and he told the story not for the first time when he came before you in the witness-box, but he had pinned himself to everything that was essential in it when he had a very strong suspicion that there was a fatal entanglement gathering round himself, and wished at any cost to extricate himself from its folds, and I can see in his

conduct no trace of any chivalry which would induce him to suffer any possible chance against himself for the sake of not making things worse against Mrs. Bartlett. He did afford the means of testing that part of his story, which was an important one, because, if he did give it to her on the Embankment, it was a circumstance of undoubted suspicion, one calculated to raise suspicion in everybody's mind, though a suspicion which we must discard in this case, because it would be a suspicion that would implicate him in a kind of criminality which we are bound to discard. But there was a means of testing the truth of that statement. He said that a person named Hackett was at Bartlett's when he was calling there, and before he and Mrs. Bartlett strolled on to the Embankment, and that he was not there when he came back again. Hackett has not been called, and this is not a case where anything that could be got at should be left out; and I should therefore discard everything about this part of his story, except the fact that chloroform in a bottle was handed to her—a bottle something like the six-ounce bottle produced before us—a bottle of about this size (*pointing to a bottle*), because there were about five or six ounces altogether put into it; therefore it must have been somewhere about that size.

Now, if that chloroform were administered to Bartlett non-criminally—and I use that phrase purposely in order to include every variety of suicide and accident, and every other case for which the prisoner would not be responsible—if that were administered to him non-criminally, it is very difficult to deal with it on any other supposition than that the bottle must have found its way to the mantel-piece, as, indeed, she says it did, and then from the mantel-piece to that glass where the smell was afterwards perceived. A very strong fact in her favour, to my mind—I say it at once, but I will recur to it afterwards—is that there had been no attempt to clean out that glass. It is a fact which strikes my own mind as one of considerable weight, and one that ought not to be lost sight of. Assume, therefore—I am still keeping to the theory of non-criminal administration—that the bottle must have been, as she says it was, on the chimney-piece in the course of the evening before she settled off to sleep, and that he took the chloroform. I see no difficulty if it were so taken—accidentally, so far as she was concerned—in supposing that he could have so far lifted himself up as to have taken it without disturbing her, whether he was bent on suicide, or bent, more probably as it seems to me, on allaying his restless craving for sleep. I see no difficulty in understanding that he could raise himself up sufficiently without disturbing the sleeper at the foot of his bed. But, then, if anything is proved in this case, it is proved, so far as human proof can go, that soon after four o'clock in the morning that bottle was not there. I put aside as of inferior weight the evidence of Doggett, because his search was not exhaustive; he missed the bottle of chlorodyne which was on the other side of the room; but Dr. Leach searched and did not see it. The glass which must have been made use of in connection with it was still in its proper place, and was found by Doggett; he smelt it; he sniffed at it; and he gave that piece of evidence which, I think, is an important piece of evidence in her favour—he smelt the smell of paregoric or ether. It had brandy in it, no doubt, but the smell was, beyond all doubt, the smell of the chloroform—that smell lingered about it. It is true that crime is seldom armed at all points; its designs generally break down at some place where you least expect it; but if that woman's hand poured that chloroform out of that glass into that man's throat, she must have been strangely constituted, according to the instincts of criminals in general, if she was not possessed with the desire of obliterating the traces of what had been in the glass.

And it is not as if there could be any suggestion of a formed design in her mind to allow death by chloroform to be attributed to accidental adminis-

tration. It is clear that from no point of view was that her plan, and therefore you cannot suggest this was a clever thought, that it would be better to let the smell linger there in order that the notion might gather ground that he had taken it accidentally. If any such notion as that had been in her mind, she would not have lingered twenty-six days before giving vent to it. And she never did give vent to it, and therefore you cannot get rid in that way of the fact; and it does seem to me strangely unlike the conduct of any criminal in any case of which I have had experience to betray no anxiety to get rid of every trace of the actual method in which administration had taken place.

That is in her favour—very much in her favour. On the other hand, you know it is difficult beyond measure to account for the disappearance of that bottle if all was right; if all was wrong, one can understand it. There were drawers in the room behind, and there was her pocket. We can never know for certain in which of those two places it was. A sort of curious fatuity seems to have hung over the case at its earlier stages. The Coroner's officer—a grown-up policeman—who was sent there on the 4th of January to aid in the discovery of truth, went away from that house without taking the ordinary precaution of searching the drawers, and therefore we shall never know for certain, because we have nothing to guide us but her statement, whether the way in which that bottle got out of the house was that it was in her pocket on the 1st of January, or that she had put it into the drawer on that night or on the morning of the 1st of January, and before she called the people up, and left it there until the seals were taken off the room.

Now, you know, gentlemen, if that man took that poison non-criminally, the bottle must have been on the mantel-shelf, and it must have been on the mantel-shelf at a tolerably late period of the night. What is the fact? That about half-past four in the morning that bottle had disappeared, and all we know for certain of it is that it was never seen again.

With regard to Dr. Leach, I desire to speak of his evidence with every respect which a sense of duty will allow me. I am sorry for him to have been placed in a position of exceptional difficulty, and one must make great allowance for a man who is evidently possessed of a self-consciousness that not even the solemnity of this inquiry could still for a moment, and which undoubtedly detracts from the value of his evidence, because one never knew where facts ended and inferences began, and one never knew when one was getting the unvarnished efforts of memory or the impressions of a not very strong-headed man painfully haunted by the idea that he is the central personage in a drama of surpassing interest. It is one of the great difficulties, one of the circumstances which has made this investigation exceptionally difficult, that, for reasons of a kind very different from those which apply to Dyson, you cannot trust, without correcting it by your own judgment, the impressions or statements of Dr. Leach. But I have no doubt whatever that Dr. Leach means to tell the truth; I do not suppose anybody in this court thinks he means to do otherwise; and without attributing to him the genius of a detective in a French novel, and without supposing that he is gifted with anything beyond an average degree of human intelligence, surely his instinct must have told him, when that man was lying dead before him mysteriously from some cause that he knew nothing to suggest, and when he could find nothing to account for the death—surely he must have been strangely constituted if he did not feel it to be one of his first duties to ascertain with care whether there was anything close at hand, or under the touch of immediate observation, which could account for this dreadful mystery. And if there is one thing that Dr. Leach is clear about, it is that he did look for bottles; he found the chlorodyne, which had escaped the observation of Mr. Doggett; and if there is one thing he is clear about, it is that this bottle was not there.

Gentlemen, what had become of it? The only account we have respecting it is that given by Mrs. Bartlett herself on the 26th of January, when, according to Dr. Leach, she told him that she put it in the drawer in the other room some hours later than his visit—she believed about breakfast-time. But where was it in the meantime? Why on earth should it be gone from that mantel-piece, and gone from any place where it could be readily found? Now, gentlemen, I watched with more care and more anxiety yesterday the learned Counsel's address on this point than I did on any other. He could not give any satisfactory explanation. Gentlemen, I should be unworthy to sit here—I should be useless for the purpose for which I have been appointed, if I did not make this observation to you. I am well aware whither it points, and I am well aware of the momentous character of this part of the inquiry, but it is a question which you have to face; you will have to ask yourselves, when you retire to that room, what happened to that bottle? Gentlemen, I can give you no help. All we know is that which I have stated; to which must be added that to Dr. Leach—I suppose on the occasion when she made the statement that he afterwards reduced into writing in the sensational document we have heard so much of—she said it had been on the mantel-piece. That is to say, that it was on the chimney-piece either when he made his search or when he was sent for, and he says: "I cannot tell which, but I can hardly think she said it was there when I was there, because she knew that I had looked for everything."

Now, gentlemen, if it had been moved from the mantel-piece, or wherever else it was standing, there was but one person who could do that; and, if so, you have this most remarkable conversation carried on between Dr. Leach and that person, who must have had that chloroform bottle in her possession at the very time it was taking place. "I discussed," said Dr. Leach, "the various alkaloids, and I said, 'This little bottle of chlorodyne, how did he come to have this?'" "Oh," she says, "he washed his teeth with it at night." "Then he may have swallowed some of it." "He could not have done that, because he only put it on his gums." "Well, then," says Dr. Leach, "if that is so, we ought to find traces of it, he must have spat it out;" "and I went and looked," he said, using an unnecessary periphrasis to describe the chamber-pot, and he did not find it there. Chlorodyne and chloroform are things that smell more or less alike, so much alike that Dr. Leach himself said of the chloroform in the stomach, "Well, they must have mistaken chlorodyne for chloroform." How strange, when there was this anxious discussion to ascertain the cause of death, how strange that the person who had a large bottle of fatal stuff closely resembling in properties and smell the chlorodyne under discussion, should have said nothing about it. Of course, gentlemen—I may say this in anticipation, though it will come more naturally later—if you can accept the explanation given to Dr. Leach on the 26th, there is a reason for it, because if you can accept that account there are certain principles of modesty and reserve and delicacy which might very well have prevented any woman, except under extreme necessity, telling the story which was detailed to Dr. Leach. And, as it seems to me, a vast deal in this case must depend, after all is said and done, on what you think of that story; because, admit its possible truth, and it equally explains away the false statements said to have been made to Mr. Dyson when he was asked to procure chloroform. There would be the same reason in both cases for suppressing the real purpose for which it was obtained, and the same reason for assigning some motive other than the true one.

Well, now, on this same 1st of January we come again to a circumstance which is much pleasanter for me to dwell upon; it is undoubtedly a most extraordinary piece of conduct if this woman was guilty of administering chloroform to this man. Who was it who pressed for the immediate post-mortem examination? You know there is no doubt about this; it does not

depend on Dr. Leach's anxiety to construct a drama which shall look as if it came out of a sensational novel, or upon anything except perfectly satisfactory testimony. Dr. Leach's telegrams to Dr. Green are the most conclusive proof that she was anxious, and that that anxiety was acted on, to procure the immediate examination of the body. Now, grant that she knew nothing about chloroform, grant that she might know little about its medical properties, there are very few men and women so ignorant in this country as not to know that an immediate examination would increase the chances of detection. We are not dealing with the case of an ignorant or stupid person, but of a person of considerable education, and I should think of considerable intelligence. Few guilty persons would show an anxiety to precipitate an examination of that kind. It is common enough, when the thing is inevitable, to offer no difficulties and to throw no obstacles in the way, because many persons are intelligent enough to know that, when it comes to that point, the best thing they can do is to act like honest people. But it would have been so easy to say, without exciting the smallest suspicion, "Cannot you leave it till to-morrow?" or say, "You can have it as soon as you like; but I should think the day after to-morrow would do." And no human being would have thought of suspecting anything because that line was taken. But there is nothing of the kind; it is her active interference which precipitates the post-mortem examination. And it is a fact of extreme gravity and importance, to the full benefit of which, in this time of difficulty, she is entitled, and if words of mine can add anything to the weight of the powerful observations made by Mr. Clarke yesterday upon this point, they shall not be wanting. I wish to give my emphatic expression of cordial agreement with all that he said upon that subject. It was not her fault, and it was not her doing, that that man's body was not opened and examined within a very few hours after his death; and I cannot persuade myself that, however little she may have known about chloroform—it is plain, if her statement to Dr. Leach is to be taken as an expression of how much she knew, that it was very little—there is any person of average intelligence, of her time of life, in this country who does not know that a post-mortem examination, in a case of this kind, is worth double or treble as much if performed a few hours after death as it is worth if delayed any considerable time. This, therefore, is a point of extreme importance in her favour.

(The Court adjourned for a short time.)

Gentlemen of the Jury, I had got to the very important point when the post-mortem was decided upon. The next day the post-mortem took place, and the post-mortem disclosed the fact that there were grounds for suspecting that chloroform was the cause of death. Those grounds were communicated to Mrs. Bartlett; and shortly afterwards the resolution was announced to seal up the rooms, and to treat the place as in the possession of the officers of justice. And then Mrs. Bartlett offered her keys to Dr. Leach, and told him to look in the drawer or drawers for her hat, and he brought the drawer to her. She has said since that at that time the bottle of chloroform was in the chest of drawers. There were two drawers; you remember Dr. Leach said so. In the second of them he did not look. As I have pointed out before, of the history of that bottle we have no trace. We have no evidence except Mrs. Bartlett's own statement. She went away from the house; she left her bag behind her, and everything else; and she left with the kiss of her husband's father on her cheek—a kiss which, I think, might well have been spared, seeing that he was at the same moment searching her pockets, and feeling her cloak, to see whether she took anything away with her. At all events, that conduct of his prevents the suspicion of her having taken anything away with her on that occasion which was not already in her pocket. As I

pointed out, that bottle may have been either in the drawer or in her pocket, and where exactly it was no human being can tell.

That night Mr. Dyson took her to Mrs. Matthews's, and, according to Mr. Dyson, some conversation took place on the way about the chloroform; and I can hardly help thinking that some conversation of that kind must have taken place, and for this reason—Mr. Dyson knew that he had bought chloroform, and had handed chloroform to her, and he knew that the smell of chloroform had been detected in the contents of this man's stomach; and Mr. Dyson, whatever he is, is no fool, and he must have put this and that together, and he must have begun already to feel uneasy about his own share in the transaction. He had his own special reasons for being uneasy, for there is no reason to suppose that at that time she knew he had told lies to procure the chloroform; he had talked about the chloroform, but there is no reason to suppose that she knew how he had procured it; therefore it was natural enough that Mr. Dyson should have had with her some such conversation as he alleges. I do not dwell upon what he said, or what he says she said in reply, because we are more or less getting evidence from a tainted source, from a man who, when he gave his account, was wanting to relieve himself from any suspicion in the matter. But we do know this—so great was his uneasiness that on the Sunday morning, as he went to his church, he sanctified the Sabbath by throwing away these bottles in the place he afterwards pointed out to a police-constable, and where a bottle was found. There is no doubt about his telling the truth upon this point. On the 4th, Monday morning, he was early at Dr. Leach's, and was inquiring of him, we do not know exactly what, but it was no doubt something more about the post-mortem and the appearances of the deceased. He went from there to Mrs. Matthews's, to see Mrs. Bartlett; and there took place that remarkable scene which has been alluded to more than once. He was engaged in conversation alone with Mrs. Bartlett when Mrs. Matthews came in. She found Mrs. Bartlett, the prisoner, in a state of excitement and, as she says, stamping about the floor, and she had heard the stamping before she had come in. She asked what it meant, and, after a considerable time, Mrs. Bartlett said it was over a piece of paper or a piece of poetry which Mr. Dyson had been troubling her about. Mrs. Matthews left the room, but she came in again, and she came in at a very critical point in the conversation, where Mr. Dyson was saying, "But did not you tell me that Edwin was not likely to live long?" Whereupon the prisoner said, "No, I did not." And thereupon Mr. Dyson said, "Oh, my God!" and bowed his head on the piano. Now, I feel a very strong conviction myself that we do not know the whole of the story, and do not know precisely what did pass on that occasion to lead up to this exclamation—because I cannot understand the connection between the denial on her part that she had told him that Edwin was not likely to live long, and this expression of his, "Oh, my God!" We want the key to it; perhaps it does not suit Mr. Dyson's purpose to give it us. But it is plain that at that time Mr. Dyson was challenging her with having told him that her husband was not likely to live long, and that she denied it; and then Mrs. Matthews advised Mr. Dyson to leave, and as he left the room he said, "I am a ruined man!" I have no doubt that the account of that interview given by Mrs. Matthews had a very material effect upon the decision that was come to by the Attorney-General, and the Counsel associated with him, in determining to offer no evidence against Mr. Dyson, because undoubtedly the tenor of it is greatly in his favour upon the critical point which they had to consider in determining whether they would proceed further against him or not.

He returned the same evening, and on that occasion, according to himself—and looking here again at a subsequent part of the case, I think there is no reason to doubt that he is telling the truth—he expressed his determination to

make a clean breast of it, and to tell the share that he had had in procuring this drug. On the 4th, the Coroner's officer took possession of the bottles which had been sealed up, including no less than thirty-six bottles of Dr. Leach's stuff which this unhappy man had taken, and carried them off to the analyst, Dr. Stevenson. He there left the matter, making no search, and so depriving us of the advantage of knowing what the contents of the room were at that time. The next day Mr. Dyson and the prisoner do not seem to have met, and nothing seems to have taken place of any importance.

On Wednesday, the 6th, Mr. Dyson went in the morning with some letters which Mr. Wood had given him to take to Mrs. Bartlett—some letters of the deceased's—and Mrs. Matthews, Mrs. Bartlett, and Mr. Dyson went together to Victoria Station, and before three o'clock in the afternoon they were with Dr. Leach. Dr. Leach saw Mrs. Bartlett, and had a long interview with her. Mrs. Matthews says that she and Mr. Dyson were left alone for about an hour. In the course of that interview Dr. Leach pressed Mrs. Bartlett to account for the period which elapsed between the time she and her husband went to rest and the time when Dr. Leach was summoned in the morning; and Dr. Leach, who was more full of his own impressions than anything else which he had to tell us about, says that he thought the account satisfactory; but he cannot tell us one single word of what it was. I see no reason to suppose that it was anything more than what she had told him before. Then they went home; she had had her keys returned to her; the servant says she visited the rooms; and she herself told both Mrs. Matthews and Dr. Leach that upon that occasion, on the way home to Herne Hill, where she was stopping with Mrs. Matthews, she took advantage of the opportunity the railway journey afforded her to pour out the chloroform and get rid of it, and that then she threw the bottle away into a pond on the Common, and, having done that, returned home. And that is the whole of the information we possess as to what became of the bottle. It undoubtedly never was seen by any one else after the night when this fatal occurrence took place. That same evening of the 6th, Mr. Dyson fixed the position by announcing to Mr. Matthews his intention of making a clean breast of the whole affair at the inquest. Mr. Matthews said, what was not, I think, at all unnatural under the circumstances, "Wait. The contents of the stomach have gone to be analyzed; wait and see if there is any necessity for you to make any further disclosure; see what the cause of death is, and hold your peace for the present."

On Thursday, the 7th, the inquest took place. Not very much evidence was given then, and it was adjourned for four weeks, until the 4th of February, to await the result of the analyst's examination, and on that occasion Mr. Dyson dined with the prisoner at a confectioner's, and, as he says, they had a talk in which he persisted in his determination to inform the Coroner and the world generally of his share in the purchase of this chloroform. And I suppose it is probable that he did so; what he did agrees with what he says, and everything seems to bear it out. Friday, the 8th, was the day of the funeral, and on Saturday, the 9th, in the afternoon, Mr. Dyson, Mrs. Matthews, and Mrs. Bartlett went home together from Mr. Matthews's business premises in the City, and then it was that Mr. Dyson's last conversation with Mrs. Bartlett took place. Mr. Dyson did not like the turn things were taking, and he kept harping upon this purchase of the chloroform. As I pointed out before, he had undoubtedly special reasons of his own for feeling great anxiety, because he would have been a fool indeed if he had not been conscious that the falsehoods he had told when he was procuring the chloroform would be very likely to tell with fatal effect against him should any serious case be made out against Mrs. Bartlett. And then he said, "Suppose it was found out that he died from the effects of chloroform, and suppose it was found out that I gave you the chloroform?" Then she said, with every appearance of honest

indignation—there is no doubt about that—“Well, you may as well say at once, if you mean it, that I gave him the chloroform; say so, if you think so, and do not mince matters.” And then he said, “I am not prepared to go that length; but supposing it were so—putting it hypothetically—my position would be a very serious one, and I should be a ruined man.” Then they parted, and had nothing more to do with one another.

You remember, gentlemen, that the inquest was adjourned till the 4th of February. On the 11th January that conversation took place with Mrs. Matthews which I have already read twice to you, where Mrs. Matthews said, “Why did you tell Mr. Dyson these lies?” and the prisoner said, “Well, I could not get him to believe what was the truth—namely, that Edwin was likely to die soon; and so I told him the lies.” Mrs. Matthews said, “I did not know that Edwin thought he was going to die soon.” She said, “The fact of the matter is, he thought so latterly.”

Then on the 20th of January the prisoner had a conversation with Mr. and Mrs. Matthews, in which she told them Dr. Leach had told her chloroform could not have been inhaled. He seems always to have been arguing the matter out when he met her instead of contenting himself with facts—telling her chloroform could not have been given by inhalation, because of this, that, and the other—the post-mortem appearances and so forth—and she retailed this conversation with Dr. Leach to Mrs. Matthews.

The next date we have is the 26th of January, when the analysis had taken place, and was substantially completed. Something of what the chemists had to say had leaked out. It had come to Dr. Leach's ears, and he said to her, “I have got some good news for you; it is fortunate that no prussic acid has been discovered, because I must tell you that, if it were otherwise, there are people who would seriously accuse you of having poisoned him.” Very likely he was thinking of the father's suspicions. He added that it was not prussic acid, but chloroform, that had been discovered; whereupon she said, “Well, I wish it had been anything else.” Then she proceeded to tell him this extraordinary story—which I hardly need read at length again, because it must be for ever fixed in your memory—about the platonic union between herself and her husband, broken only by this solitary act of coition, which occurred on the Sunday afternoon, and resulted in the child, which died at its birth.

Between her and Dr. Leach we get this story about the mystic union—about her being a wife and no wife; and undoubtedly, if you believe that, you may believe as a part of the story the alleged intention to wave the chloroform in the husband's face and so produce a cessation of his urgency. I do not know what you think of the evidence you heard this morning. It is difficult after that to elevate these people into the hero and heroine of an extraordinary sensational romance. It looks much more as if we had two persons to deal with abundantly vulgar and commonplace in their habits and ways of life. After that disclosure, how can you for a moment follow in the track of Dr. Leach and believe that there was anything about this man to justify you in looking upon him as the extraordinary creature, almost belonging to another world, that Dr. Leach talks about, or to make it likely that the relations of this man and this woman were such as were never heard of before? When Dr. Leach's grounds come to be examined, they turn out to be none. Dr. Leach is one of those persons who likes to see a long way into a milestone. Apparently he is tickled with a story of romance and sensational incident, and he says to you, “Oh, I wish you could see the pictures that I have before my mind's eye! I wish you could see this man, and see these things which I saw but cannot communicate, which made it apparent to me that he might have had this non-sexual connection with the wife he had lived with and slept with in the same bed for so many years!”

Well, gentlemen, I do not know—I may be wrong in looking at the things

of life from the common points of view, and one must try to avoid that error if there really is anything extremely exceptional in the case; but when I read, two or three weeks ago, that French letters had been found in this man's possession, I had a strong suspicion that, before the case was over, they would throw some light upon the matter. I little anticipated what it would be. It did occur to me that this story told to Dr. Leach was the poeticized version of the use of these French letters, further it did occur to me—and I was prepared to put it before you as a thing to be taken into your consideration—that the pocket of a man's trousers was not the place in which he would keep these articles for *domestic* use, and that they might point to something else in Mr. Bartlett's habits; but what we have heard to-day, if it is true—and what earthly reason is there to doubt its truth?—shows that if these things were destined for external use, as they very likely may have been, they were also used at home. And then what becomes of this morbid romance about the non-sexual connection, and what becomes of the man with such exalted ideas about matrimony that he thought the wife whom he elected for his companion too sacred to be touched? The whole foundation for that baseless illusion is swept away by the one sentence which you heard in the witness-box to-day. I am sorry to say it, gentlemen, but, unless I do, how can I discharge the duty that falls upon me of administering even-handed justice, careless as to results, or at least only thinking about results in so far as they tend to make me careful beyond measure of every step in the process by which they are arrived at? How can I let this vital part of the story pass without this criticism? And if the one little grain of truth which is generally to be found in any romance, in any story of falsehood, be found in these articles and in the use habitually made of them between husband and wife, what becomes of the whole story of the use for which the chloroform was wanted? Does not it go by the board? I know not how to look at it from any other point of view, and, if that story be exploded, what, after all, are you left to face? Chloroform procured for an unexplained and an inexplicable purpose; death by chloroform; the bottle disappearing, and, by the statement of this woman herself, emptied and thrown away by her; and when at last the state of things has been set up which renders it no longer possible to keep silence, an explanation given, which is a tissue of romance such as, if the evidence of Annie Walker be accepted, could deceive no one but the ecstatic person to whom it was originally detailed.

Gentlemen, this is the stress of the case against Mrs. Bartlett. I am anxious not to make too much of this disappearance of the bottle. The conduct of people who once suppose that a state of circumstances has arisen, or is going to arise, which may place them under suspicion, is apt to be the same whether they are guilty or innocent, because, when once such a state of things is set up, the same class of motives may operate with the innocent as with the guilty, and I am always myself careful to point out to a jury—careful to mark, in the exercise of my own judgment—the moment at which that kind of influence arises, because I am satisfied, from long experience, that the stress which is put upon subsequent conduct is oftentimes unduly great. And therefore, take all that has been said and can be said about the disappearance of the bottle, and about the lack of satisfactory explanation, with every grain of allowance of that kind; but after all you are faced with these facts, which there is no getting out of:—Chloroform handed to her; chloroform in her possession; chloroform killing the man; the bottle of chloroform disappearing, and no account of it save the one we have been discussing. That account, no doubt, is extremely material if you can believe it, because it would dispose of every circumstance of suspicion as to the purchase of the chloroform and as to the subsequent silence about it; but it is for you to say whether you can possibly, consistently with your oaths and consistently with your consciences, accept it, or whether you must not look at it as the expression, in adorned and imagina-

tive language, of the simple and vulgar fact that they had come to the determination to have no more children, and that their intercourse from that time forward was upon that footing—either by the occupation of separate beds as in Claverton Street, or by the other means which I will not characterize—and whether, in that event, the statement made to Dr. Leach is anything more than an amplified and etherealized version of that vulgar fact.

Gentlemen, if you think you ought not to believe it—if, in the face of Almighty God, before whom we are performing this solemn duty, you feel that you cannot do so, you must not flinch from the consequences. Give to the prisoner the full advantage of those circumstances of exceptional weight to which I have drawn your attention, and which I will not recapitulate—not because I wish you not to give them their full effect, but because I know they are present to your minds. Give her the full benefit of all such considerations. But remember, after all, we are dealing with the case of a married woman who had fallen into a perilous friendship with a man who was not her husband, whose husband could have been, in the latter portion of his life, no attractive object, either mentally or physically, and as to the most important circumstances connected with whose disappearance from this world the only explanation you have been enabled to get is one which, as it seems to me, cannot stand in the presence of these vulgar facts.

If you think it can stand, by all means take a different view. I am not the Jury; you are the Jury. The last thing that would ever occur to my mind would be to feel a sense of embarrassment or annoyance, or a shadow of regret, if you were able to take a different view of facts from those which present themselves to my mind. Upon some points I am sure we shall be agreed—upon all those which I have pointed out as making in this woman's favour—such, for instance, as her own conduct and the difficulty of the operation involved in the theory of murder. Strong they are, undoubtedly. Upon all these, I am sure you agree with me in what I have said. If you think, as to other matters upon which it has been my sacred duty, in the interests of society and of justice, to point out considerations of a different aspect, that you ought to differ from me, if you think I have strained them, if you think I have not made sufficient allowance for phases of life which I have not understood, if you think that anywhere or in any way I have erred on the side of severity, the last thing that would occur to my mind would be to feel any tinge of regret that you should have done so. But you must do your duty; and if you think that, after all said and done, the facts are too cogent, and that, when you come to balance the probabilities and the improbabilities, your minds are really in no suspense—in no such doubt as would induce you, in the serious and grave transactions of your own lives, to pause or hesitate—then it would be your bounden duty to act upon your convictions, however painful the consequences may be. If your state of mind should fall short of that; if either you can concur in the emphatic appeal by the learned Counsel for the defence to acquit his client because you believe her innocent, or if, falling short of that state of mind, you still are unable, after facing the question like men, and after looking at these difficulties from all sides, to make up your minds, and you remain in a state of honest and conscientious doubt, why, then, in that case also, the prisoner would be entitled to her acquittal.

Gentlemen, my task is done. I can add nothing, I think, to the observations which I have felt it my duty to lay before you to assist you in this matter. It is not by minute attention to every triviality that a question of this kind can be decided. One must, after all, investigate this as one should investigate every other case, upon the broad lines of the well-known principles of human nature, upon the broad lines of the common play of human passions and affections, and upon the broad lines of manly, honest, good sense; and if any other lines than these be followed, whether it be in one direction or the other, an

irreparable mischief will be done to society and to the country and the life of which we form a part.

Gentlemen, I now dismiss you to your task. Should there be any of these documents that you may wish to consult, you will tell me, and they shall be handed to you. I imagine that the matters which rest upon them are so completely on the fringe of this case, and have so infinitely little weight in comparison with the momentous questions to which the latter portion of my address to you has been directed, that in all probability you will scarcely care to see them. They are at your disposal if you wish it. And now, gentlemen, be pleased to retire to perform your task in this difficult and anxious business.

The Jury retired to consider their verdict at seven minutes to three. They returned into Court at five minutes to four.

Mr. JUSTICE WILLS.—Gentlemen, you have asked me two questions on matters of fact, and I thought it more proper that my answers should be given in public.

The first question you have asked me is, what the evidence is as to the time Mr. and Mrs. Doggett went to bed on the 1st of January. I should say, from my recollection, there is no evidence of the time they went to bed on the night of the 31st, though the servant went to bed after midnight. I shall be corrected if I am wrong, but I think there is no evidence of the time when Mr. and Mrs. Doggett went to bed.

The second question is, whether Dr. Leach searched one drawer or two. What he specifically said was, that he did not search the second drawer, but the first drawer he brought in unsearched, bodily, and then Mrs. Bartlett took her hat out of it. The second drawer he did not open.

Mr. *Poland*.—Mr. and Mrs. Doggett are here, my Lord, if you wish to ask them.

Mr. JUSTICE WILLS.—I can ask them the question, certainly. One of them will do. Mr. Doggett, what time did you go to bed on the night of the 31st of December?

The *Foreman*.—Or the morning of the 1st?

Mr. *Doggett*.—Between twenty-five minutes and half-past twelve, my Lord, as near as I can fix it. It was quite twenty minutes, and past—twenty-five.

Mr. JUSTICE WILLS.—Those are the answers, gentlemen. Do you wish to retire again?

The *Foreman*.—Yes, my Lord.

The Jury again retired at ten minutes past four. They returned into Court at five o'clock.

The *Clerk of the Court*.—Gentlemen, have you agreed upon your verdict?

The *Foreman*.—We have.

The *Clerk of the Court*.—Do you find the prisoner, Adelaide Bartlett, Guilty or Not Guilty?

The *Foreman*.—We have well considered the evidence, and, although we think grave suspicion is attached to the prisoner, we do not think there is sufficient evidence to show how or by whom the chloroform was administered.

The *Clerk of the Court*.—Then you say that the prisoner is Not Guilty, gentlemen?

The *Foreman*.—NOT GUILTY.

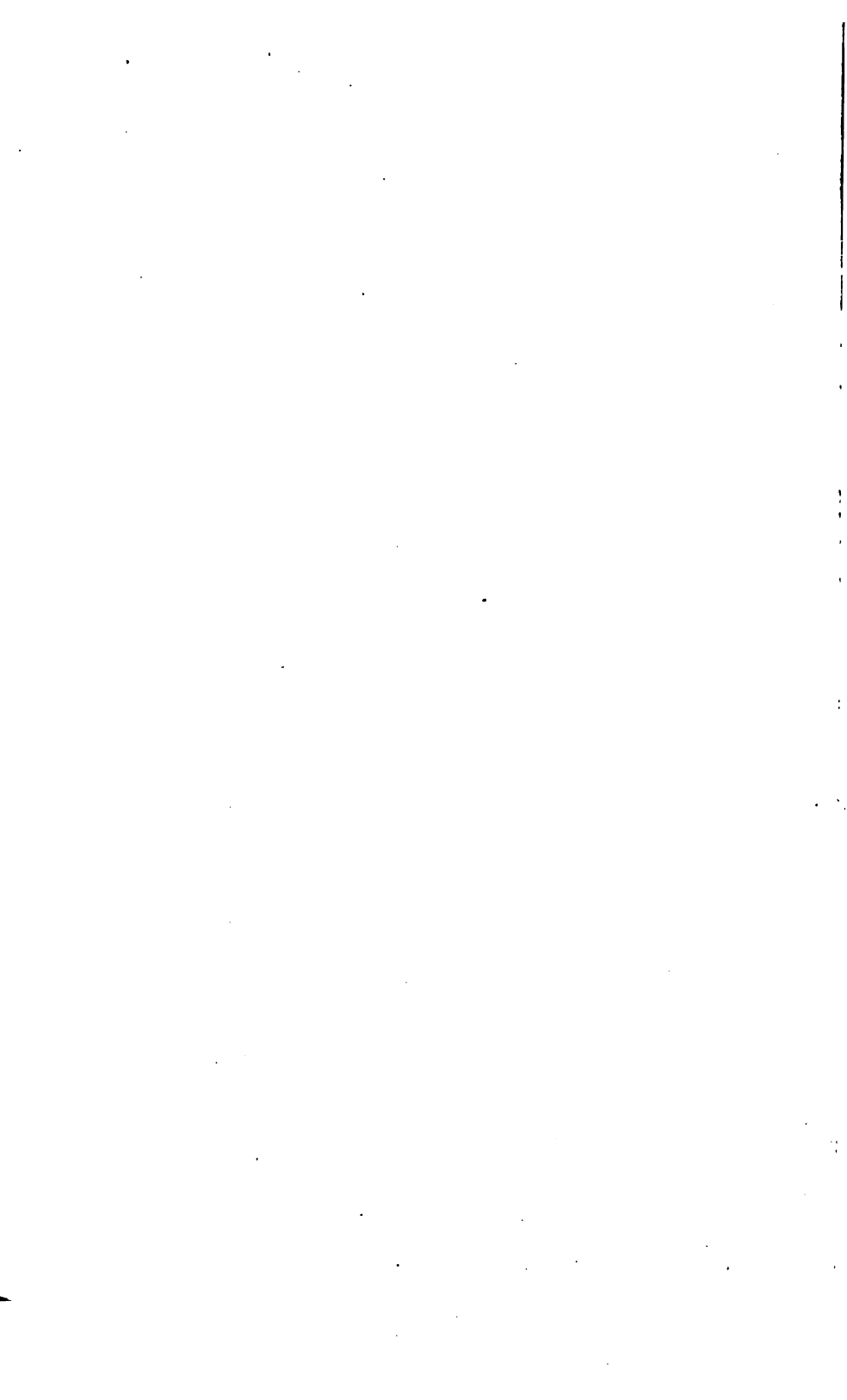
(At the announcement of the verdict there was immense cheering in the Court and outside.)

Mr. JUSTICE WILLS.—This conduct is an outrage. A court of justice is not to be turned into a theatre by such indecent exhibitions.

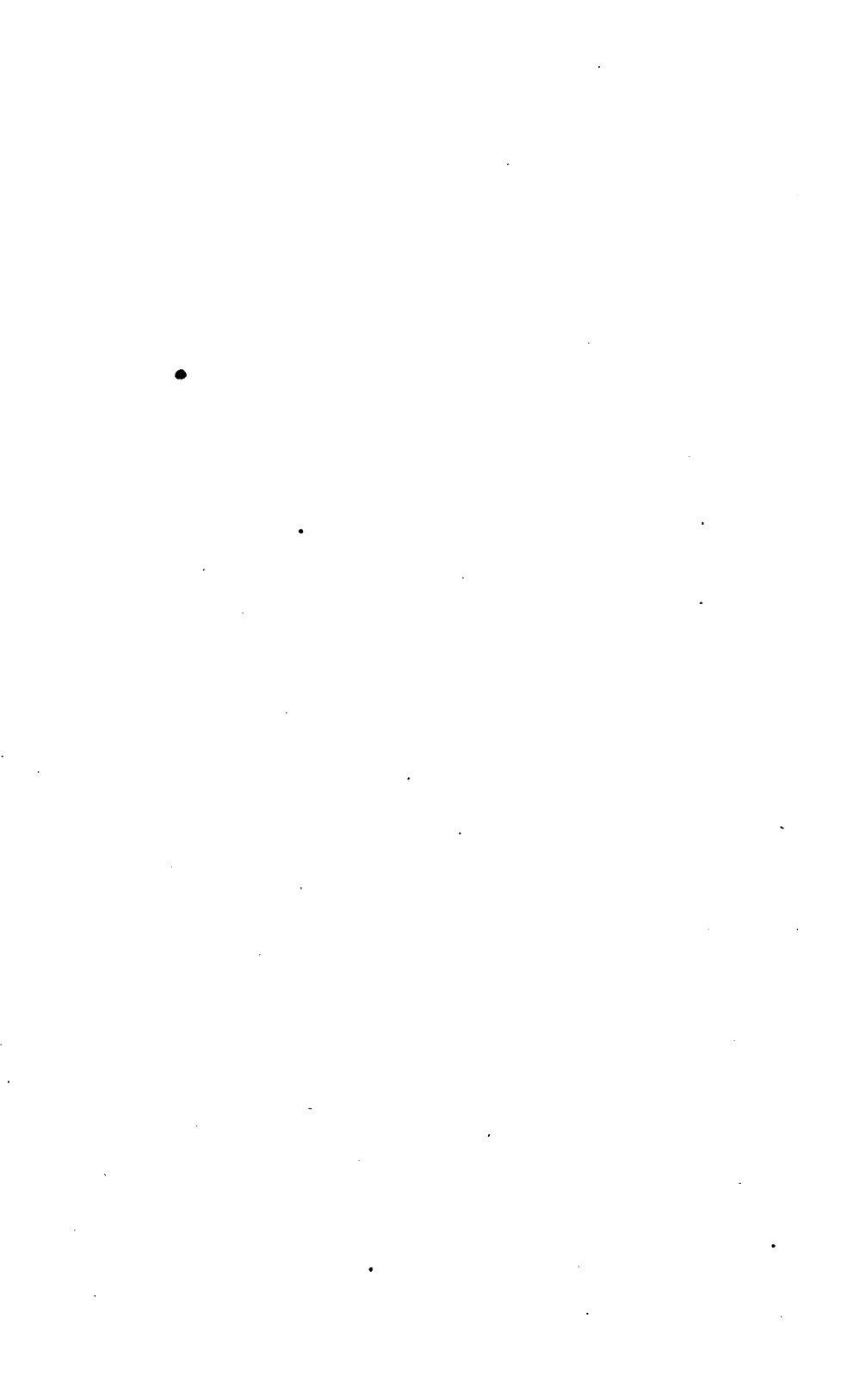
Gentlemen, it only remains for me to express my grateful sense of the undivided attention which you have given to this case, and the cheerfulness

with which you have submitted to inevitable privation and the disturbance of your usual habits and family intercourse.

I hope we shall not be insulted again by an exhibition of the character just witnessed, which is disgraceful to those who take part in it, and who forget that the occasion is the most solemn upon which men can be called on to perform a public duty, when I add that it is permitted to me to give practical effect to my sense of the recognition due to your services by directing that, for five years to come, each one of you shall be free from the obligation of serving again.







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