

**CIHM
Microfiche
Series
(Monographs)**

**ICMH
Collection de
microfiches
(monographies)**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

© 1995

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé la meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

Coloured covers/
Couverture de couleur

Coloured pages/
Pages de couleur

Covers damaged/
Couverture endommagée

Pages damaged/
Pages endommagées

Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée

Pages restored and/or laminated/
Pages restaurées et/ou pelliculées

Cover title missing/
Le titre de couverture manque

Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées

Coloured maps/
Cartes géographiques en couleur

Pages detached/
Pages détachées

Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)

Showthrough/
Transparence

Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur

Quality of print varies/
Qualité inégale de l'impression

Bound with other material/
Relié avec d'autres documents

Continuous pagination/
Pagination continue

Tight binding may cause shadows or distortion along interior margin/
La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure

Includes index (as)/
Comprend un (des) index

Title on header taken from:/
Le titre de l'an-tête provient:

Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.

Title page of issue/
Page de titre de la livraison

Caption of issue/
Titre de départ de la livraison

Masthead/
Général (périodiques) de la livraison

Additional comments:/ Various pagfngs.
Commentaires supplémentaires:

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

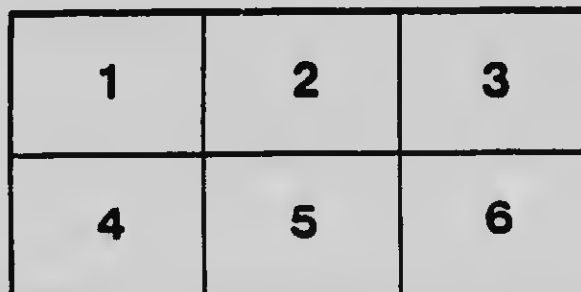
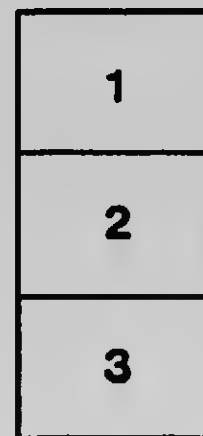
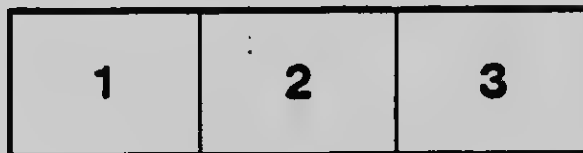
National Library of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol \rightarrow meaning "CONTINUED", or the symbol ∇ meaning "END", whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Bibliothèque nationale du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole \rightarrow signifie "A SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



4.5

2.8

2.5

5.0

5.6

3.2

2.2

6.3

7.1

3.6

8.0

9.0

10

11.2

12.5

14.3

16

18

20

22.5

25

28.2

31.5

35

39.6

45

50

56.2

63

71

80

90

100

4.0

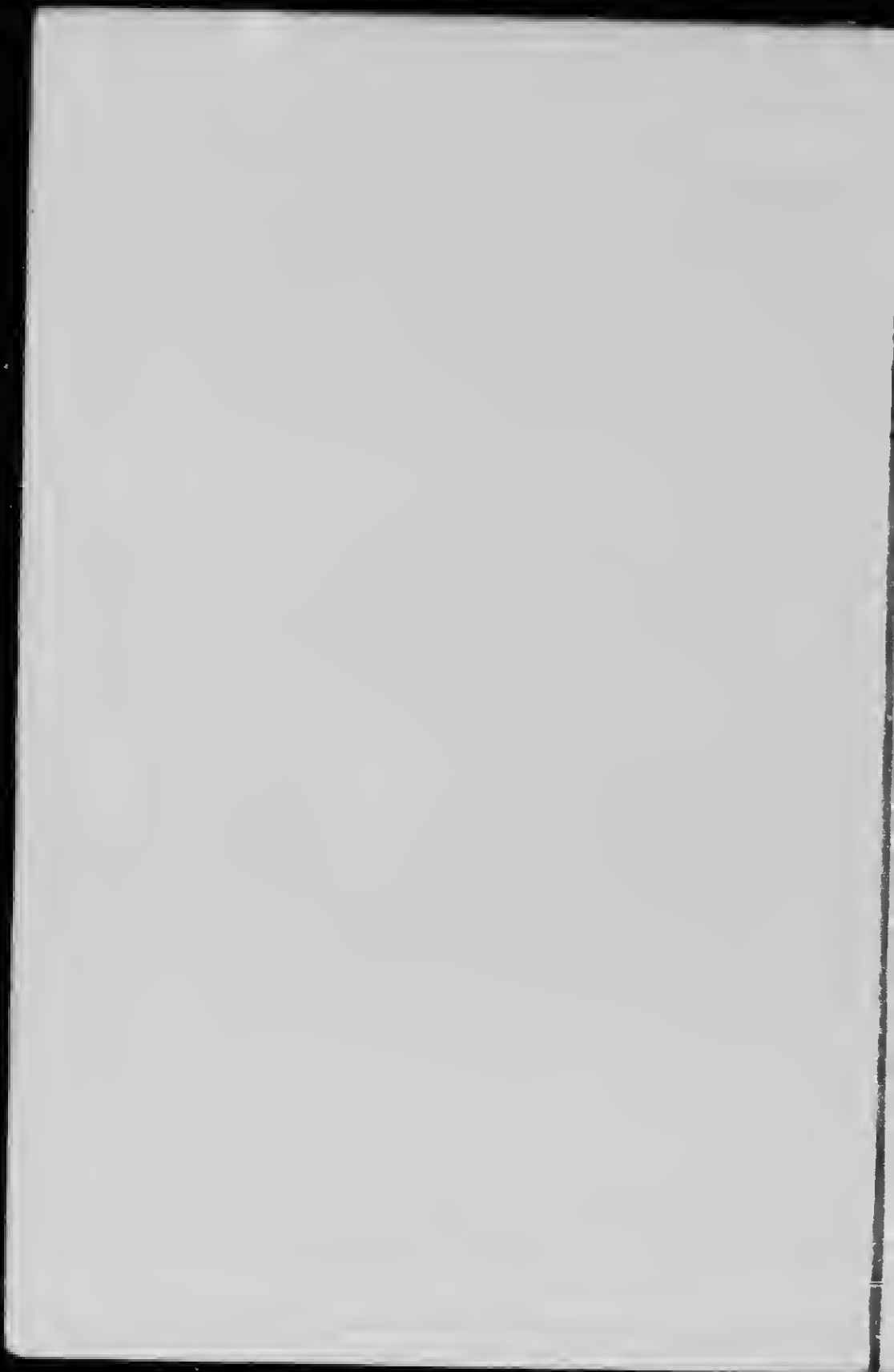
2.0

1.8



APPLIED IMAGE Inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482 - 0300 - Phone
(716) 288 - 5989 - Fax



Notable English Trials

Mrs Maybrick

**NOTABLE
ENGLISH TRIALS.**

- The Stauntons.** Edited by J. B. Atlay, B.A., Barrister-at-Law.
- Franz Muller.** Edited by H. B. Irving, M.A.(Oxon).
- Lord Lovat.** Edited by David V. Mackay, Solicitor.
- William Palmer.** Edited by Geo. H. Knott, Barrister-at-Law.
- The Annesley Case.** Edited by Andrew Lang.
- Mrs. Maybrick.** Edited by H. B. Irving, M.A.(Oxon).
- Dr. Lamson.** Edited by H. L. Adam.
- Mary Blandy.** Edited by William Roughead.
- Eugene Aram.** Edited by Eric Watson, Barrister-at-Law.





Sir William Pickford.

Trial of
Mrs. Maybrick

Edited by

H. B. Irving, M.A.(Oxon)

Author of "The Life of Judge Jeffreys," "French Criminals of the
Nineteenth Century," "Occasional Papers," etc.



TORONTO
CANADA LAW BOOK COMPANY, LIMITED

12345
1234
1234
1234

PRINTED BY
WILLIAM HODGE AND COMPANY
GLASGOW AND EDINBURGH
1912

880188

TO THE HONOURABLE
SIR WILLIAM PICKFORD,
NOW ONE OF THE JUDGES OF THE
HIGH COURT OF JUSTICE, JUNIOR COUNSEL FOR
MRS. MAYBRICK AT HER TRIAL,
THIS VOLUME IS
RESPECTFULLY DEDICATED
BY
THE EDITOR



PREFACE.

THE most complete report of Mrs. Maybrick's trial is to be found in a volume "The Necessity for Criminal Appeal as Illustrated by the Maybrick Case, and the Jurisprudence of Various Countries," edited by J. H. Levy, of the Personal Rights Association. Mr. Levy has bestowed great care in the preparation of the report of the trial, which is an outstanding feature of the book, and to his courtesy and that of his publishers, Messrs. P. S. King & Son, I am indebted for permission to make use of it in preparing the present report. Besides the trial itself, Mr. Levy's book contains a full account of the various efforts made after the trial to procure Mrs. Maybrick's release, and gives copies of many of the affidavits sworn in connection with these attempts.

Another book containing much useful and interesting information is "The Maybrick Case," a Treatise by A. W. Macdougall, barrister-at-law. The work is an earnest and elaborate plea in defence of Mrs. Maybrick's absolute innocence, not always temperate or judicial in tone.

Mrs. Maybrick's Own Story: "My Fifteen Lost Years," by Florence Elizabeth Maybrick, published after her release from prison in 1904, deals in its latter portion with some of the facts of the case.

Sir Leslie Stephen's "Life of Sir James Fitzjames Stephen," and Mr Barry O'Brien's "Life of Lord Russell, of Killowen," have been of service.

I have to thank my friends, Sir Douglas Straight, Mr. Reginald Smith, K.C., and Dr. Dawson Williams, for some helpful suggestions in the preparation of this volume. To the

PREFACE.

kindness of Sir Herbert Stephen, the Hon. Charles Russell, and Mr. Joseph Addison, I am indebted for the photographs of their fathers, who took part in the trial, and to Mrs. W. R. M'Connell for the photograph of her husband. Lastly, I would thank Mr. Justice Pickford for accepting the dedication of this book, and for kindly giving me some useful information on certain points in the case.

For obvious reasons it has been my purpose in editing this trial to give as impartial an account as possible of the facts of the case, and to abstain from comment or criticism, except where it seemed necessary or unavoidable.

CONTENTS.

Introduction,	PAGE xiii
Table of Dates,	xlv
List of Counsel,	xlvii
The Trial—	xlix

FIRST DAY—WEDNESDAY, 31ST JULY, 1889.

Mr. Addison's Opening Speech for the Prosecution,	3
---	---

Evidence for the Prosecution.

W. H. Clemmy, 24	T. S. Wokes, 52
Michael Maybrick, 24	C. Henson, 53
Dr. A. R. Hopper, 32	J. Sefton, 55
Mrs. Briggs, 39	George Smith, 55
Mrs. Hughes, 45	Thomas Lowry, 56
Edwin Maybrick, 46	Mrs. Busher, 57

SECOND DAY—THURSDAY, 1ST AUGUST, 1889.

Evidence for the Prosecution (continued).

Dr. Charles Fuller, 58	Elizabeth Brierley, 72
Christopher Robinson, 63	Mary Cadwaller, 74
Frederick E. Tozer, 63	Elizabeth Humphreys, 79
Alice Yepp, 64	Dr. Richard Humphreys, 87

THIRD DAY—FRIDAY, 2ND AUGUST, 1889.

Evidence for the Prosecution (continued).

Dr. Richard Humphreys (recalled), 99	Inspector Baxendale, 128
Dr. William Carter, 112	Edward Davies, 129
Dr. Alexander Barron, 124	Ellen Ann Gore, 141
Isaac Bryning, 127	

FOURTH DAY—SATURDAY, 3RD AUGUST, 1889.

Evidence for the Prosecution (concluded).

Helen Ann Core (recalled), 146	Alfred Schweisso, 156
Margaret Jene Callery, 151	Dr. Thomas Stevenson, 157
Nurse Wilson, 154	

Sir Charles Russell's Opening Speech for the Defence,	176
---	-----

CONTENTS.

<i>Evidence for the Defence.</i>		PAGE
Nicholas Bateson,	185	Dr. J. Drysdale, 195
R. Thompson,	187	William J. Thomson, 197
Thomas Stansell,	189	Dr. Charles Maymott Tidy, 198
Edwin Garrett Heaton,	191	

FIFTH DAY—MONDAY, 5TH AUGUST, 1889.

<i>Evidence for the Defence (concluded).</i>		
Dr. Rawdon Macnamara,	211	James Bioletti, 224
Dr. Frank Thomas Paul,	215	Edwin Maybrick (recalled), 226
Hugh Lloyd Jones,	224	Sir James Poole, 226
Mrs. Maybrick's Statement, 227
Sir Charles Russell's Closing Speech for the Defence, 229
Mr. Addison's Closing Speech for the Prosecution, 256

SIXTH DAY—TUESDAY, 6TH AUGUST, 1889.

Mr. Justice Stephen's Summing Up,	274
---	-----

SEVENTH DAY—WEDNESDAY, 7TH AUGUST, 1889.

Mr. Justice Stephen's Summing Up (concluded),	314
The Verdict,	355
The Sentence,	356

APPENDICES.

I. Passage from Mr. Justice Stephen's Charge to the Grand Jury at the Liverpool Assizes, July 26, 1889, relating to Mrs. Maybrick's Case,	359
II. Short Account of the Judge and Counsel engaged in the Maybrick Trial,	362

PAGE
95
97
98

24
26
26
71
9
8

LIST OF ILLUSTRATIONS.

Sir William Pickford,	<i>Frontispiece</i>	
Mr. John Addison, Q.C., M.P.,	<i>facing page</i>	3
Facsimile of Letter from Mrs. Maybrick to Mr. Brierley,	"	71
Mr. W. R. M'Connell,	"	87
Sir Charles Russell, Q.C., M.P.,	"	229
Mr. Justice Stephen,	"	275



TRIAL OF MRS. MAYBRICK.

INTRODUCTION.

JAMES MAYBRICK, a Liverpool cotton broker, died at his residence, Battlecrease House, Aighurth, on Saturday, the 11th of May, 1889, under mysterious circumstances. A suspicion had arisen in the minds of some of those attending on Mr. Maybrick during his illness that his wife was attempting to poison him. She was arrested after his death, and tried for his murder at the Liverpool Assizes. She was convicted and sentenced to death on the 7th of August, 1889. On the 22nd of August this sentence was commuted by the Home Secretary to one of penal servitude for life. Mrs. Maybrick served fifteen years of imprisonment, and was released on the 25th of January, 1904. The justice of Mrs. Maybrick's conviction was gravely questioned at the time, and has been the subject of criticism ever since.

Two questions are raised by a study of the facts—

1. Did James Maybrick die of poisoning by arsenic?
2. If he did, was the arsenic that killed him administered to him by his wife with intent to murder?

It is not the purpose of this Introduction to answer these questions decidedly in one sense or another, but to give as impartial an account as possible of the case, and leave it to the reader, who may study the trial itself, to form his own conclusion, if, after such study, he feels confident of being able to form any conclusion at all.

James Maybrick was fifty years old at the time of his death. His business taking him to America, he married there, in the year 1881, Florence Elizabeth Chandler, daughter of a banker of Mobile, Alabama. She was twenty-four years younger than her husband. In 1884 Mr. and Mrs. Maybrick settled in Liverpool. Two children were born to them, a boy and a girl. Before and after his marriage Maybrick had been in the habit of taking drugs, among them strychnine and arsenic, both

Trial of Mrs Maybrick.

reputed as being tonic and aphrodisiac in their effect. His habit of dosing himself was well known among his friends. But for his indulgence in this unwholesome habit, Maybrick would appear to have been an ordinarily healthy man.

Some short time before his death the domestic happiness of Maybrick and his wife had become clouded. Mrs. Maybrick had, it would seem, some ground of complaint against her husband in regard to a woman, while she herself had conceived an illicit passion for a man of the name of Brierley. It is with her abandonment to the temptation of this passion that the history of the case may be said to have begun.

On Thursday, the 21st of March, 1889, Mrs. Maybrick, having previously engaged rooms for "Mr. and Mrs. Thomas Maybrick," left Liverpool for Flatman's hotel, London. From the 22nd to the 24th of March she and Brierley stayed there as man and wife. They left the hotel on the 24th, and Mrs. Maybrick went to the house of some friends until her return to Liverpool on the 28th. On the following day she went with her husband to the Grand National Steeplechase. There she met Brierley, and in consequence of something that occurred on that occasion, on Mrs. Maybrick's return home a violent quarrel took place between her and her husband, in the course of which he gave her a black eye. Mrs. Maybrick threatened to leave the house, but was persuaded, for the sake of her children, to remain. There was some talk of a separation, but finally, by the intervention of the family doctor, the husband and wife were reconciled, and Maybrick paid some debts which his wife had incurred without his knowledge.

On two occasions in April Maybrick, who was always morbidly anxious about his health, consulted his brother Michael's doctor in London. Dr. Fuller found him nervous and apprehensive of paralysis, but, in fact, only suffering from indigestion. Nothing was said in the course of consultation as to Maybrick's habit of taking arsenic, and no arsenic was contained in the three prescriptions given him by Dr. Fuller. Maybrick returned to Liverpool on the 22nd April. Dr. Fuller's prescriptions were made up for Maybrick in Liverpool, but on April the 26th he received from London a bottle of medicine in a card-board box.

Introduction.

On or about April the 23rd or 24th Mrs. Maybrick bought a dozen fly papers from a chemist in Aighurth. She said that the flies were troublesome in her kitchen. She paid for the papers, but did not take them with her, leaving them to be sent home by the chemist's boy. On the 28th Mrs. Maybrick bought another two dozen fly-papers and a cosmetic lotion from a chemist in the neighbourhood of Aighurth, with whom she had a running account. She paid for the papers and took them with her, but not the lotion. All these fly-papers contained arsenic. At some date about this time, the 23rd or 24th, Mrs. Maybrick was seen by two of her servants soaking these fly-papers in a basin of water in the bedroom occupied by her husband and herself. She said afterwards that her object in doing this was to extract the arsenic from the papers for use as a cosmetic. Mr. Davies, the analyst, stated in evidence at the trial that one of these fly-papers contained rather more than two grains of arsenic. Dr. Coates, who analysed these papers after the trial, reduced this quantity by a half. By soaking one of them in water for an hour, Mr. Davies said at the trial that he obtained three-quarters of a grain of arsenic. Mr. Clayton, who analysed similar papers in 1890, obtained rather over a grain after soaking them in water for twenty-four hours.*

The last illness of James Maybrick was said to have commenced on the 27th of April. That morning he had an attack of vomiting which he attributed to an overdose of strychnine contained in some medicine he had received from London. He then went to the Wirral races, where he would seem to have got wet, and afterwards dined with friends. He complained that during dinner his hand had been so unsteady that he had upset some wine. On the next day, Sunday, the 28th, Maybrick was attacked by illness. Mrs. Maybrick gave him some

* The important point would be how much arsenic could be extracted from each paper. Experiments made in the case, *R. v. Seddon*, Central Criminal Court, March, 1912, showed that the actual boiling of the paper in water extracted almost the whole of the arsenic, whereas soaking in cold water for several hours would only extract a relatively small portion of the arsenic, e.g., $\frac{1}{2}$ (evidence of Dr. Willcox). The analysis of the fly-papers in this case showed that the paper was saturated with solution of arsenic to which was added an infusion of quassia and sugar, and a little brown colouring matter. Thus a watery extract from a fly-paper would be of the colour of tea, and would have a bitter taste. In the *Seddon* case 201

Trial of Mrs Maybrick.

mustard and water as an emetic to get rid of some brandy which he had taken during the morning. He saw Dr. Humphreys, and complained of his chest and heart, and feared paralysis. The doctor attributed the symptoms of the previous day to an overdose of strychnine which he knew had been prescribed for Meybrick by Dr. Fuller. Mrs. Maybrick had told him some time in March that her husband was in the habit of taking a white powder which she thought was strychnine. Early in the same month she had written to Maybrick's brother Michael, saying she had found a white powder that her husband had been taking, which might account for the pains in his head. When his brother mentioned this to him in London, Maybrick, who seems to have been secretive about his habit of dosing himself, said, "Whoever told you that! It is a damned lie!" In the evening Maybrick was better. The next day, the 30th, Dr. Humphreys saw him again, and came to the conclusion that he was a chronic dyspeptic. He put him on a diet and prescribed for him, and on the 1st of May found him so much better that it was thought unnecessary that he should call again. On the night of the 30th of April Mrs. Maybrick went with her brother-in-law, Mr. Edwin Maybrick, to a fancy dress ball. She said that it was as a cosmetic to be used on this occasion that she had procured arsenic from the fly-papers.

On the 1st of May Maybrick went down to his office, taking with him some Berry's revelenta, prepared by the cook, in a brown jug given her by Mrs. Maybrick. He was at the office again on the 2nd and 3rd. On the first two of these days he

grains of arsenic were found in the body of the victim, Miss Barrow. Arsenic in varying quantities was found in the stomach, liver, intestines, muscles, kidneys, spleen, lungs, heart, brain, and nails. Arsenic was also present in the skin and hair. Miss Barrow was taken ill about September the 1st, 1910, with symptoms of vomiting, diarrhoea, and abdominal pain, which continued more or less until death took place on September the 14th. It was hardly disputed in the case that the deceased must have had a fairly large and fatal dose of arsenic, probably from 10 to 15 grains, administered to her within three days of her death. Unless the poison had been administered within a short period from death, it would have been eliminated from the stomach and intestines by the vomiting and diarrhoea which occurred. As it was $\frac{1}{2}$ of a grain of arsenic was present in the stomach and intestines of the deceased after death. In all probability the whole of Miss Barrow's illness was due to arsenical poisoning, though it was suggested by the defence that in the early stages of it she was suffering from summer diarrhoea. The presence of arsenic in a large relative amount in the hair, skin, and nails of the deceased suggests that other doses than the fatal one had been given her during the course of her illness. The man Seddon was convicted of murder, and executed.

Introduction.

had taken his lunch with him to the office, and had complained of sickness there, due, he thought, to some inferior sherry put into the revalenta. Late on the night of the 3rd, Dr. Humphreys was sent for, and found Mayhrick suffering from great pain in the legs, extending from the hip to the knee. He had had a Turkish bath during the afternoon, and had been sick twice since then. Dr. Humphreys gave him a morphia suppository. Mrs. Mayhrick told Alice Yapp, her children's nurse, that Dr. Humphreys attributed her husband's illness to liver. "But," she added, "all doctors are fools; they say that because it covers a multitude of sins." On the 4th the pain had gone, but the vomiting continued. This Dr. Humphreys attributed to the morphia. Mayhrick complained of thirst, but the doctor advised him not to drink anything, but to relieve his thirst by using a gargle or putting a damp cloth to his mouth. On the 5th, though still vomiting or "hawking," Mayhrick seemed better. On the 6th his condition remained about the same. Dr. Humphreys stopped his taking Valentine's meat juice, which had made him sick, and prescribed for him Fowler's solution of arsenic, of which Mayhrick took in all three doses, amounting to about 1-250th of a grain. The same evening Dr. Humphreys applied a blister to the patient's stomach, which gave him great relief. On Tuesday, the 7th of May, at Mrs. Mayhrick's suggestion, another doctor, Dr. Carter, was called in, and Mrs. Mayhrick telegraphed for a nurse. Dr. Carter judged the patient to be suffering from acute dyspepsia, due possibly to some irritant present in the stomach, and prescribed some sedative medicinae. On Wednesday morning Dr. Humphreys, who the previous evening had formed a more hopeful prognosis and looked forward to a near recovery, found his patient's condition about the same.

This Wednesday, the 8th of May, is an important day in the history of the case. It was on this day that suspicions were first aroused in the minds of those attending on Mayhrick that his wife was responsible for his illness. That morning Alice Yapp, the nurse, informed Mrs. Briggs and Mrs. Hughes, two friends of the Mayhicks, of the soaking of the fly-papers. Thereupon Mrs. Briggs telegraphed to Mayhrick's brother Michael, in London, "Come at once; strange things going on here," and repeated to the brother Edwin, who was living in the house,

Trial of Mrs Maybrick.

Alice Yapp's statement. When Nurse Gore, who had been sent for to attend the patient, arrived at half-past two that afternoon, Mr. Edwin Maybrick instructed her that no one except the nurses was to be allowed to attend on his brother. At three o'clock the same afternoon Mrs. Maybrick gave Alice Yapp a letter to post addressed, "A. Brierley, Esq.," at an address in Liverpool. Instead of posting it Alice Yapp opened the letter, and at five o'clock handed it to Mr. Edwin Maybrick. This letter and Alice Yapp's previous statement were communicated to Mr. Michael Maybrick, who arrived that evening. The following day he saw Drs. Humphreys and Carter. He imparted to them his suspicions, telling them of Mrs. Maybrick's infidelity to her husband as revealed by her letter, and of her purchase of fly-papers.

Mrs. Maybrick's letter to Brierley, opened by Alice Yapp, was written in answer to one received from him on May the 6th; it had come under cover. In it Brierley expresses apprehension lest Maybrick should be trying by means of advertisement to discover what had occurred during their visit to London; he says he is going away, and hopes to see Mrs. Maybrick again in the autumn; he cannot trust himself to write about "this unhappy business," but hopes later on to be able to show her that he does not deserve "the strictures" contained in her last two letters. In the course of her reply Mrs. Maybrick wrote—"Since my return I have been nursing Maybrick night and day. *He is sick unto death.* The doctors held a consultation yesterday, and now all depends on how long his strength will hold out." She tells her lover that he need have no fear of discovery, as Maybrick knows nothing, and begs him not to leave England till he has seen her once again. The warmth of Mrs. Maybrick's letter is in contrast with the lukewarmness of Brierley's.

On the morning of the 9th of May Mrs. Maybrick, who was ignorant of the discovery of her letter to Brierley, said to Alice Yapp—"Do you know that I am blamed for this?" The nurse asked, "For what?" "For Maybrick's illness," she replied, and added that she had done her best to carry out Dr. Humphreys' instructions. That day Maybrick's condition was less favourable; he was suffering from diarrhoea and

Introduction.

tenesmus, or straining. During the day a bottle of brandy, a bottle of Neave's food, and some of the feces and urine of the patient were taken away and afterwards examined by the doctors for arsenic, but none was found. That night occurred the incident of the meat juice.

Nurse Gore came on duty at eleven o'clock. About midnight she gave Maybrick some Valentine's meat juice, which she took from a fresh bottle given her the night before by Mr. Edwin Maybrick. Shortly after, Mrs. Maybrick entered the room, took this bottle of meat juice from the chest of drawers, and carried it with her into the dressing-room opening out of Maybrick's bedroom, in which she was then sleeping. She closed the door after her. She then came back and asked the nurse to fetch some ice to cool the water for bathing Maybrick's head. While speaking she placed the bottle on the table in a manner which, in the nurse's opinion, was "surreptitious." The nurse did not leave the room. Mrs. Maybrick then returned to the dressing-room, but, when her husband awoke later, came back into the bedroom, and moved the meat juice from the table to the washstand. This bottle of meat juice and another bottle of brandy were given to the doctors on the 10th for analysis. No arsenic was found in the brandy, but half a grain was found in the meat juice.

On Friday, the 10th of May, Mr. Michael Maybrick saw Mrs. Maybrick changing as he thought some medicine from a small bottle to a larger. He asked, "Florrie, how dare you tamper with the medicine?" Mrs. Maybrick said there was so much sediment in the small bottle that its contents had to be put into a larger one in order to be properly shaken up. The contents of the small bottle were afterwards analysed, but no arsenic was found. When, the same day, Nurse Callery was offering Maybrick some medicine, Mrs. Maybrick tried to persuade her husband to take it. He said to her, "You have given me the wrong medicine again." Mrs. Maybrick replied, "What are you talking about? You never had wrong medicine." About six o'clock in the evening one of the nurses heard Maybrick say to his wife, who was in the room, "Oh, Bunny, Bunny, how could you do it? I did not think it of you!" He said it three times, and Mrs. Maybrick replied,

Trial of Mrs Maybrick.

"You silly old darling, don't trouble your head about things." She also told him that she could not tell him what was the matter with him, or the cause of his illness.

The same day Maybrick became much worse. That night his relations were warned of the seriousness of his condition. On the Saturday morning the doctors gave up all hope of saving his life, and at half-past eight in the evening he died. Mrs. Maybrick, some hours before her husband's death, had fallen into a swoon, in which she remained for twenty-four hours. She continued ill in bed until she was taken to Walton Jail on the 18th of May.

Shortly before and after Maybrick's death a search was made in the house. The object of this search was undoubtedly to look for proof of Mrs. Maybrick's guilt, which, since the incident of the meat juice, was more or less assumed by Maybrick's brothers, by Mrs. Briggs, and some of the servants. Alice Yapp found in the tray of a trunk belonging to Mrs. Maybrick a sealed package labelled "Arsenic—Poison for cats," and a chocolate box containing two hottles, and a piece of handkerchief which she said was Mrs. Maybrick's. On the day following Maybrick's death Mrs. Briggs found in the dressing-room two hathoxes belonging to Maybrick. In the first was a small wooden box containing three bottles, and on the top of the box a bottle of Valentine's meat juice; and in the second box a glass with milk in it and a rag. Weighable arsenic was found in the three hottles, in the glass, and on the rag, and traces of arsenic on the handkerchief, and in the pocket of a dressing-gown worn by Mrs. Maybrick. Arsenic was found in minute quantities in two jars of sediment, one from the closet and one from the area. A very considerable quantity of arsenic was contained in the packet marked "Poison for cats." Arsenic was found in a hottle of aperient mixture made up from Dr. Fuller's prescription by a Liverpool firm of chemists, and in a hottle of Price's glycerine. It would not be incorrect to say that, taking all the articles found in the house, there was discovered in them arsenic sufficient in quantity to poison fifty people, assuming two grains to be a fatal dose. But how this considerable quantity of arsenic had got where it was there was no evidence to show. Some twenty bottles or packets of drugs were taken from Maybrick's office.

Introduction.

None of them was found to contain arsenic, but, in the jug in which Meybrick had brought his lunch from home, and in the pan and basin in which it had been warmed, traces of arsenic were found.

On the 13th of May Drs. Humphreys, Carter, and Berron held a post-mortem on the body of Maybrick. From the appearances they formed the opinion that death was due to inflammation of the stomach and bowels set up by some irritant poison. The intestines, the contents of the stomach, and the liver were taken out and placed in sealed jars. On the following day, the 14th, Superintendent Bryning, of the County police, went into the room in which Mrs. Maybrick was lying and told her that she was in custody on suspicion of having caused her husband's death. Later in the day Mrs. Briggs told her of the arsenic which had been found in the meat juice. Mrs. Maybrick was about to make some reply when the policeman, who had been placed on guard outside the door, put a stop to the conversation. The same day Mrs. Maybrick told Mrs. Briggs that she had no money whatever for stamps or telegrams, and so was unable to communicate with her friends. Mrs. Briggs "in sarcasm" suggested that she should write and ask Brierley for money. Mrs. Maybrick took the suggestion seriously, and then she wrote to Brierley. She said that she was in fearful trouble, in custody, without friends, and begged him to send her some money: "Your last letter is in the hands of the police. Appearances may be against me, but, before God, I swear I am innocent." This letter, which Mrs. Briggs told Mrs. Maybrick she must hand to the police, did not reach its destination.

The coroner's inquest was opened on the 14th of May, and, after formal identification of the body, adjourned until the 28th. On the 18th the magistrate had visited Mrs. Maybrick in her bedroom, and formally opened an investigation, at the conclusion of which he had ordered her to be removed to Walton Jail, where she was placed in the hospital. At the resumed inquest on the 28th Mrs. Maybrick was represented by Mr. William Pickford, barrister, now one of the judges of the King's Bench. At this hearing the evidence of the nurses and servants, and the chemists as to the purchase of the fly-papers, was heard, and that of a Mrs. Samuelson.

Trial of Mrs Maybrick.

This lady, who was not called before the magistrates nor at the trial, owing, it was said, to her disappearance, stated that Mrs. Maybrick had told her about a fortnight before the Grand National that she hated her husband. Mrs. Maybrick's account of this incident, which occurred in a hotel at Birkdale, represented it as arising out of a remark made by Mrs. Samuelson to her husband during a game of cards. In course of a dispute with her husband Mrs. Samuelson said "I hate you!" whereupon Mrs. Maybrick had said, "You must not take serious notice of that; I often say I hate Jim."

The case was adjourned until the 5th of June. On the 30th of May Maybrick's body had been exhumed and portions of it removed for further analysis. The case had by this time greatly excited the public mind. The air was filled with rumours and stories of various kinds, for some of which the local newspapers were responsible. At the inquest on the 5th and 6th of June evidence was given for the first time as to the cause of Maybrick's death. The doctors attending on Maybrick were called. As a result of the examination of the portions of Maybrick's body taken for analysis Mr. Davies, the analyst, stated that he had found arsenic in the liver and traces of arsenic in the kidneys and intestines, in all about one-tenth of a grain. In none of the other organs examined—stomach, spleen, heart, or lungs—nor in the bile, nor in the bedding by exudation from the body, was any trace of arsenic discovered. The coroner's jury found unanimously that Maybrick had died from the administration of an irritant poison—by thirteen to one that the poison had been administered by Mrs. Maybrick—and twelve were of opinion that it had been administered with the intention of taking away life. These findings amounted to a verdict of wilful murder against Mrs. Maybrick, who was committed by the coroner to take her trial at the next Liverpool Assizes.

The magisterial hearing commenced on the 13th of June, and ended the following day. With the exception of Mrs. Samuelson, whose evidence was alluded to in Superintendent Bryning's opening, but who was not called, the witnesses heard were the same as those examined at the inquest. At the conclusion of the first day's proceedings Mrs. Maybrick was loudly hissed by a number of women as she left the Court. When, on the

Introduction.

14th, the evidence for the prosecution had been completed, Mr. Pickford asked the bench whether they had made up their minds to send the case to a jury, as, if so, he did not propose to trouble them with an address. After a brief consultation the magistrates said that they thought the case one that must be decided by a jury. Mr. Pickford therefore reserved his defence. On Mrs. Mayhrick being formally charged, Mr. Pickford said to her, "Do not speak; I will reply for you. I reserve my defence." Such was the usual course adopted by counsel when magistrates had decided to commit, and, in a case as complicated as Mrs. Mayhrick's was likely to be, to have presented part of it before the magistrates might have proved afterwards embarrassing to the leader to whom it had been decided to entrust the case. It will be noted that, in reply to some comments by the judge in his charge to the jury at the trial, Mr. Pickford took entire responsibility for reserving the whole of the defence. Mrs. Mayhrick was then committed for trial.

The question of removing Mrs. Mayhrick's trial to London was anxiously considered by her advisers. The extraordinary excitement the case had aroused in Liverpool, the rumour and speculation to which it had given rise, and the local associations of the Mayhricks, were matters to be weighed carefully by those conducting her defence. Mrs. Mayhrick herself, according to a letter of the 28th of June written to her mother, was in favour of removal. "I sincerely hope the Cleavers (her solicitors) will arrange for my trial to take place in London. I shall receive an impartial verdict there, which I cannot expect from a jury in Liverpool, whose minds have come to a 'moral conviction' *en attendant* which must influence their decision to a certain extent. The tittle-tattle of servants, the public, friends, and enemies, and from a thousand hy-currents, besides their personal feeling for Jim, must leave their traces and prejudice their minds, no matter what the defence is." Her advisers, however, decided that it was the stronger and wiser course to face a trial in Liverpool, that the feeling against Mrs. Mayhrick was not so strong as had been supposed, and Mrs. Mayhrick accepted their decision. The leading brief for her defence was accepted by Sir Charles Russell, Q.C., M.P.

The Assizes were opened on the 26th of July, on which day

Trial of Mrs Maybrick.

Mr. Justice Stephen, to whom was assigned the criminal business, charged the grand jury. His charge has been criticised on the ground that he laid undue weight on Mrs. Maybrick's intrigue with Brierley as a motive likely to induce her to murder her husband. His exact words in dealing with this part of the case were—"But certainly if she stood in these relations to him (Brierley), I hardly know how to put it otherwise than this, that, if a woman does carry on an adulterous intrigue with another man, it may supply every sort of motive—that of saving her own reputation; that of breaking through the connection which, under such circumstances, one would think would be dreadfully painful to the party to it. It certainly may quite supply—I won't go further—a very strong motive why she should wish to get rid of her husband." The Judge called the attention of the grand jury to the purchase of fly-papers by Mrs. Maybrick, to her letter to Brierley, in which she described her husband as "aick unto death," to the presence of arsenic in his body, and in the articles found in the house, and to the fact that she had nursed him during the greater part of his illness. The grand jury returned a true bill, and the trial was fixed for Wednesday, the 31st of July. In the then excited state of the public mind it was unfortunate that, after the date of the trial had been decided, to a barrister who applied to him to fix a day for another case which was to follow that of Mrs. Maybrick, Mr. Justice Stephen said, possibly in a spirit of grim humour, "But Sir Charles Russell may plead guilty." Such a remark, made at such a time, and coming from the bench, was likely to be misconstrued by many into a hint of judicial opinion on the merits of the case.

Sir James Fitzjames Stephen, who presided at Mrs. Maybrick's trial, was at that time, apart from his judicial eminence, one of the most distinguished occupants of the bench. Not only as the historian of our criminal law and one of the authors of the Indian Code, but as a well-known writer on literary, historical, and philosophical subjects, Sir James Stephen had acquired a high reputation as a historian and a critic. His "Liberty, Equality, and Fraternity," his defence of Sir Elijah Impey against the unjust strictures of Macaulay, his contributions to the *Saturday Review* were all works of intellectual power, of a strong and vigorous character, impressive by their grasp of

Introduction.

fact and downright logical force. As a judge Sir James Stephen was considered to be at his best in a criminal court; of nice legal subtleties and fine distinctions his mind was apt to be impatient. It is impossible for the historian of the Meybrick case to ignore the statement, frequently made, that at the time of her trial the Judge's mind was suffering from the early attacks of an insidious disease which, two years later, compelled Sir James Stephen to retire from the bench. The Judge had had a slight stroke of paralysis at Derby in 1885, and been obliged to give up work for a time. Whether on his return to work his mind had entirely recovered its former vigour, or was suffering a gradual loss of strength, is a matter that need not be discussed. But those familiar with the Judge's powers during his earlier years on the bench may well doubt, in reading the report of Mrs. Maybrick's trial, whether those powers were as conspicuous and effective in the trial of her case as they would have been had it taken place some few years before. Of the Judge's scrupulous anxiety to be fair, just, and considerate towards the prisoner no impartial reader can doubt.

Mr. John Addison, Q.C., M.P., led for the prosecution. Mr. Addison was one of the leaders of the Northern Circuit, Recorder of Preston, and Conservative member of Parliament for Ashton-under-Lyne; he was afterwards a County Court judge. With him were Mr. W. R. M'Connell and Mr. Thomas Swift, instructed by the Treasury. Mr. M'Connell, one of the leading juniors of the circuit, was afterwards Chairman of the County of London Sessions, in succession to Sir Peter Edlin. An exceedingly popular member of the bar, he was a merciful and painstaking judge.

It was of no small advantage to Mrs. Maybrick that her defence had been entrusted to Sir Charles Russell. Russell may be said at this time to have been at the zenith of his career as an advocate, in the opinion of many the foremost advocate of his day, though it was not in the criminal courts that his most signal triumphs had been won. In Gladstone's short-lived Administration in 1886 he had been appointed Attorney-General, the first Roman Catholic to hold that office since the Reformation. In the April preceding Mrs. Meybrick's trial he had concluded his speech before the Parnell Commission in defence of the members of the Irish party, the greatest

Trial of Mrs Maybrick.

achievement of his forensic career. Those who have criticised the entire effectiveness of Russell's defence of Mrs. Maybrick must bear in mind the fact that the undertaking of her case came to him after the strain and stress of a task of unexampled magnitude, such as has seldom, if ever, fallen to the lot of an advocate, the defence not only of an accused client, but of the conduct of a political party through years of struggle and agitation. Sir Henry Lucy, who met Russell in Liverpool the morning on which Mrs. Maybrick's trial opened, says that he told him that he was confident of his client's acquittal. As junior Russell had the assistance of Mr. (now Mr. Justice) Pickford.

By a coincidence Mr. M'Connell and Mr. Pickford had been concerned together in the trial in 1884 of the women Flanagan and Higgins, who had been tried in Liverpool for poisoning by arsenic a number of persons. Mr. M'Connell had appeared for the prosecution, led by Mr. Aspinall, Q.C., then Recorder of Liverpool, and Mr. Shee, afterwards Q.C. and Recorder of Liverpool; Mr. Pickford had defended the prisoners at the request of the judge, Mr. Justice Butt. A remark made in court, overheard and repeated to the prosecution, gave to the police the clue that it was from certain "infallible fly-papers" that the prisoners had procured arsenic. Similar papers were brought and submitted to Dr. Campbell Brown for analysis. There were also submitted to him some fluff from the corners of the prisoners' pockets, and a hottle found on Mrs. Flanagan, to the outside of which some brownish substance was adhering. The analysis showed that arsenic could be obtained from the fly-papers by soaking, and that the fluff and the brown substance contained fibres of brown paper similar to that used in fly-papers, and also traces of arsenic. In 1873 Sir Charles (then Mr.) Russell had prosecuted at Durham Mary Ann Cotton, who had poisoned many persons by arsenic extracted from a mixture of soft soap and arsenic used to kill vermin.

The jury that tried Mrs. Maybrick was a Lancashire, and not a Liverpool, jury, as has been incorrectly stated. According to a statement made by the clerk of Mr. Bigham, Q.C., now Lord Mersey, who was in Liverpool during the trial, the precautions for secluding the jury during its progress were scandalously neglected. They would appear to have spent some

Introduction.

of their time in the public billiard-room of a well-known hotel, mixing freely with the ordinary frequenters.

The first part of the trial was taken up with the evidence as to the circumstances of Maybrick's death, when those facts already recapitulated were sworn to by the various witnesses, whose testimony and cross-examination are given fully in the report of the trial. How far their evidence proved conclusively the felonious administration of arsenic to Maybrick by his wife is a matter on which the reader must form his own judgment.

Then followed the medical witnesses. Of these the protagonists were, for the Crown, Dr. (afterwards Sir) Thomas Stevenson, the Government analyst, and for the defence Dr. Charles Tidy, of the London Hospital. It was not the first time these gentlemen had been opposed to each other in the witness-box. Both sides admitted that Maybrick had died of gastro-enteritis. But they disputed as to whether that disease had been set up by arsenic administered in poisonous doses between the 27th of April and the 8th of May, or by impure food, or by a chill contracted by Maybrick at the Wirral races. Any one of these conditions might have caused the disease. Admitting the highest computation, that of Dr. Stevenson, it was agreed by both sides that the amount of arsenic found in Maybrick's body was less than half a grain. Was that small quantity of arsenic the remains of a fatal dose or doses, administered to Maybrick by his wife between these two dates, or was it what might have been reasonably expected to have been found in the body of a habitual taker of that drug? Another

* In the 1883 edition of Taylor's "Medical Jurisprudence," edited by Dr. Stevenson (vol. I., p. 277), occurs the following passage on the subject of the quantity of arsenic found in a body. "It need hardly be observed that the quantity of arsenic found in the stomach or other organs can convey no accurate idea of the quantity actually taken by the deceased, since more or less of the poison may have been removed by violent vomiting or purging, as well as by absorption and elimination. A large quantity found in the stomach indicates a large dose; but the finding of a small quantity does not prove that the dose actually taken was small. Notwithstanding these very obvious causes for a removal of the poison from the body, there is a prejudice that the chemical evidence is defective, unless the quantity found is sufficient to cause death. The value of chemical evidence does not always depend on the discovery of any particular quantity of poison in the stomach, but the evidence of its presence should be clear, distinct, conclusive, and satisfactory. At the same time a reasonable objection may be taken to a dogmatic reliance upon the alleged discovery in a dead body of minute fractional portions of a grain."

Trial of Mrs Maybrick.

and equally important question was whether Maybrick had shown in the course of his illness the distinctive symptoms caused by arsenical poisoning. These are violent purging, violent sickness, acute pain in the pit of the stomach, cramps in the calves of the legs, and the presence, after death, of petechiæ, or small blood spots, on the membranes of the stomach. Of these symptoms only great sickness and some abdominal pain were present in marked and unmistakable form during Maybrick's illness. The judge put it fairly in his summing up when he said, "There is an absence of the characteristic symptoms which are necessary to establish the arsenical state of this man's body." Dr. Stevenson, called for the prosecution, said that such symptoms were, however, "very anomalous," and that he had "no doubt that Maybrick had died from the effects of a poisonous dose of arsenic." Dr. Tidy and Dr. Macnamara, of the Lock Hospital, Dublin, called for the defence, were as positive that the absence of so many of these symptoms completely negated the suggestion of death from arsenical poisoning. Sir Charles Russell, in dealing with this aspect of the case—the strong differences on these points between the doctors called by either side, their "contrariety of opinion"—submitted to the jury that they had "no safe resting-place on which they could securely and satisfactorily justify to themselves a finding that this was a death due to arsenical poisoning."

For the defence Sir Charles Russell called three witnesses from America, who deposed to Maybrick's habit of taking arsenic while in that country, and a chemist in Liverpool, who, from a photograph, identified Maybrick as a gentleman to whom he had frequently supplied a pick-me-up containing arsenic for eighteen months previous to April, 1888, in doses increasing from four to seven drops two to five times a day, or the equivalent to nearly one-third of a grain of white arsenic per day.* This chemist's name was Edwin Garnett Heaton, and his place of business at the time of this gentleman's visits Exchange Street East, Liverpool. In the police list of hottles found in Maybrick's office is one described as "Spirits

* The official pharmacopœia solutions of arsenic contain 1 per cent. of arsenic.

Introduction.

of sal volatile—Edwin G. Easton, Exchange Street East, Liverpool. Contents—light-coloured liquid." This circumstance may have escaped the notice of Sir Charles Russell, suggesting, as it does, some corroboration of Heaton's evidence, if, as is more than likely, the police in their list had given the name on the bottle incorrectly. The evidence of a hairdresser was called as to the use of arsenic in toilet preparations, and of a chemist as to the purchase of fly-papers by ladies at times "when no flies were about." Sir James Poole, an ex-Mayor of Liverpool, said that Maybrick had admitted to him that he was in the habit of taking "poisonous medicines," to which Sir James had replied, "How horrid! Don't you know, my dear friend, that the more you take of these things the more you require, and you will go on till they carry you off"—a wholesome but seemingly unavailing caution.

At the close of his opening speech on Saturday, the 3rd of August, Sir Charles Russell told the judge that it was the wish of Mrs. Maybrick, expressed before the inquest, to make a statement, and he now asked that she should be allowed to do so. The Judge assented, but said that he could not allow it to be written, though it might be made from notes. Sir Charles said he should offer evidence that Mrs. Maybrick had made this statement before any evidence had been given at the inquest. It was agreed that Mrs. Maybrick should make her statement at the close of the case for the defence, and that in the meantime she should have no communication with any one outside. The Court then adjourned until Monday, the 5th.

When on that day the evidence for the defence had concluded, Sir Charles Russell asked his client whether it was still her wish to make a statement; she said, "Yes." Her statement resolved itself into an explanation of her part of her purchase of fly-papers and the incident of the meat juice.

In regard to the first she had, she said, lost or mislaid in April a prescription for a face wash which she had been in the habit of using, given her by a Dr. Gregg, of Brooklyn, containing arsenic. As at the time of her husband's illness she was suffering from a slight eruption on the face, she had wanted to get rid of it before the fall on the 30th of that month, and had heard from friends that a solution of arsenic could be

Trial of Mrs Maybrick.

obtained from fly-papers. With that purpose she had bought and soaked the papers. According to an affidavit sworn by her mother, the Baroness de Roques, and submitted to Mr. Asquith in 1894, the Baroness had, in 1890, found in a Bible belonging to Mrs. Maybrick, and given up to her solicitors by Maybrick's brothers after his death, a prescription for a face wash, written by a Dr. Bay, of New York. This prescription is undated, and contains arsenic. It is signed "Bay, 69 W. 23rd Street," and on the back of it is the printed label of a New York pharmacy. From a certified copy in a Parisian chemist's book this prescription was made up in Paris on the 17th of July, 1878. Neither on the prescription itself nor in the chemist's book appears the name of the person for whom the prescription had been written by Dr. Bay.

As to the presence of arsenic in the meat juice, Mrs. Maybrick's explanation was that at her husband's request she had put into the meat juice a powder which he had implored her to give him.

Mrs. Maybrick concluded her statement by saying that "a perfect reconciliation" had taken place between her and her husband before his death, that she had made a "full and free" confession to him, and had received his "entire forgiveness" for the "fearful wrong" she had done him. In a signed note at the end of "Her Own Story," published after her release from prison, Mrs. Maybrick gives a rather unexpected sense to her confession of guilt to her husband. It had not been apparently a confession of her intimacy with Brierley. She writes—"The motive (*i.e.*, to get rid of her husband), however regarded, was surely no incentive to murder, as inasmuch as if I wanted to be free there was sufficient evidence in my possession, in the nature of infidelity and cruelty, to secure a divorce, and it was with regard to steps in that direction that I had already taken that I made confession to my husband after our reconciliation, and to which I referred as to the 'wrong' I had done him, because of the publicity and ruin to his business it involved." In this note Mrs. Maybrick states further that the expression "sick unto death," underlined in her letter to Brierley of the 8th of May, is "an American colloquialism, especially of the South, and commonly employed with reference to any illness at all serious,"

Introduction.

and that, though the doctors may not at that date have considered Maybrick's illness likely to prove fatal, Mrs. Briggs, Nursa Gore, Mr. Michael Maybrick, and the patient himself considered the illness very serious.

At the conclusion of Mrs. Maybrick's statement Sir Charles Russell said he wished to call two witnesses to whom Mrs. Maybrick had made a similar statement before the inquest. When Sir Charles had told the Judge on the Saturday that he proposed to call evidence to this effect, the Judge had made no comment. Now Mr. Justice Stephen said that, very painful to him though it was, he could not allow such evidence to be given; he could not, he said, go beyond what the law allowed.

That Mrs. Maybrick was wise in making any statement no one would assert. She gained nothing by it. In the then unsatisfactory state of the law as to a prisoner's right to make any statement in court by way of evidence, such a course was bound to be very hazardous, the more so as the statement was made at the very close of her case immediately before the concluding address of counsel. Any corroboration it might have received was then inadmissible; cross-examination of any kind was out of the question. As it was, Mr. Addison criticised with some severity this "carefully prepared" statement. He asked why, in purchasing the fly papers to procure arsenic for cosmetic purposes, the prisoner had not given the chemists from whom she bought them the true reason, and, in regard to her giving her husband the powder in the meat juice, knowing the seriousness of his illness, why had she not told the doctors at the time what she had done? The Judge, in summing up, commented on the fact that, though the substance of this statement must have been known for some time to her advisers, they had called no evidence in the course of the case to substantiate any of the facts asserted in it, and the circumstance that Sir Charles Russell in his concluding speech had taken so little notice of his client's statement was, he said, a matter of "fair observation."

The making of Mrs. Maybrick's statement was a mistake, one for which her counsel were responsible, in the sense that it was made with their consent, and would not have been made had they forbidden it. It was felt that matters had been proved in the course of the trial which called for explanation,

Trial of Mrs Maybrick.

and that, if such explanation were not given, the Judge might have commented on the fact that it was known that he would have allowed the prisoner to give an explanation if she could have done so. The law did not then, as it does to-day, invite a prisoner to give evidence; he or she gave it by permission of the Judge alone, and under conditions very unsatisfactory for testing its reliability. Mrs. Maybrick volunteered her evidence, at her peril, and the result was all that might have been feared by her advisers.

In the final speeches of counsel it is noticeable that Sir Charles Russell dwelt with great force on the contrariety of the medical evidence and the failure of the prosecution to fix with certainty the cause of death; while Mr. Addison, for the prosecution, dealt with the medical evidence very briefly in his address, and devoted most of his attention to the evidence that Mrs. Maybrick had administered arsenic to her husband. If, however, Sir Charles Russell was right, and the cause of death in grave doubt, then Mrs. Maybrick was clearly entitled to a verdict of acquittal on the charge against her, that of wilful murder.

The summing up of Mr. Justice Stephen lasted two days. It is anxious and painstaking, indeed over-anxious. At times the Judge seems almost over-weighted by the gravity and difficulties of the case. His grasp of the case is by no means sure, and there are errors in dates and facts and in the recapitulation of the evidence that would hardly have been expected in a Judge of Sir James Stephen's experience. The earlier part of the charge, occupying the first day and a portion of the second, dealt with the conflict of medical testimony, and, on the whole, may be said to have been favourable to the prisoner. The second and concluding portion, dealing with the facts given in evidence as to the conduct of Mrs. Maybrick, her motive, and actions, was distinctly unfavourable. In linking the two portions of the case together the Judge said—"There are three or four circumstances in the case which are circumstances of very grave suspicion indeed; and when you find a case in which this dreadful accusation is made, and is accompanied by circumstances which, apart from the physical, chemical, and medical aspects of the case, are of such a character as are likely to

Introduction.

produce suspicion, you must consider how far they corroborate the other evidence that has been given. . . . Supposing you find a man dying of arsenic, and it is proved that a person put arsenic in his plate, and if he gives an explanation that you do not consider satisfactory, that is a very strong question to be considered." But the Judge did not, in his concluding words to the jury, revert to what the earlier portion of his charge had suggested, that there was serious doubt as to whether Maybrick had died of arsenic at all. He had, however, told the jury at its commencement, "It is a necessary step, and it is essential to this charge, that the man died of poison, and the poison suggested is arsenic. This is the question you have to consider, and it must be the foundation of a judgment unfavourable to the prisoner that he died of arsenic."

After an absence of nearly three-quarters of an hour, the jury found Mrs. Maybrick guilty of murder. The Judge, without expressing any concurrence in the verdict, sentenced her to death.* As he left St. George's Hall, Mr. Justice Stephen was the object of a hostile demonstration from the large crowd who had been awaiting the result of the trial.

The verdict was received by the public at large with considerable astonishment. The *Times* of the following day wrote—"It is useless to disguise the fact that the public are not thoroughly convinced of the prisoner's guilt. It has been noticed by them that the doctors differed beyond all hope of

* In the following passage from Sir James Stephen's "General View of the Criminal Law of England" (1890), p. 173, he alludes to the case of Mrs. Maybrick. In writing on the question of criminal appeal he says, "In the course of the last five years (January, 1885, to September, 1889) 1216 criminal cases came before me. . . . Practically one out of a thousand cases proved to be a case of false conviction. In twenty-eight of these references have been made to the Home Office. In one case only was a convict pardoned on the ground of his innocence. He was convicted of a burglary, and the mistress of the house came out of her room, met the burglar, and swore to the prisoner as the man. It was afterwards discovered that she was mistaken in his identity, though there were some other suspicious circumstances in the case. One of the cases was that of Mrs. Maybrick, which attracted so much attention in the Summer Circuit of 1889. I mention it not in order to say anything about it, but merely in order to remark that it was the only case in which there could be any doubt about the facts. In the remaining twenty-six cases there was more or less of a question as to the severity of the punishment inflicted, but little as to the facts. There was one famous case in which a certain number of newspapers made a great noise, but the prisoner made a full confession before his execution. He was a man called Lipski, a Polish Jew."

Trial of Mrs Maybrick.

agreement as to the cause of death." Petitions for reprieve poured in on the Home Office from all parts of the kingdom, the signatures to which were said to amount to nearly half a million. Among them were petitions from members of the Liverpool Exchange, and a number of medical practitioners in that city. These latter based their action on the ground that the symptoms of arsenical poisoning during life and after death were insufficient, that only the discovery of arsenic in the viscera suggested such a cause of death, and that the quantity of arsenic found in the viscera was less than in any previous case. The *Times* and most of the leading papers were inundated with correspondence from doctors, lawyers, arsenic-takers, and friends and acquaintances of the deceased. Perhaps one of the most sensible communications came from Mr. Auberon Herbert, who, in a letter to the *Times*, asked whether it was necessary to inquire what irritant in the way of food may have set up gastro-enteritis in Maybrick, when the sick man's stomach had for some days been used as "a druggists' waste-pipe" for such a variety of drugs as strychnine, arsenic, jahorandi, cascara, henbane, morphia, prussic acid, papaine, iridin, and all the many other medicines that had been administered to the unfortunate patient in the course of his illness. In the same newspaper Mr. (now Lord Justice) Fletcher-Moulton, Q.C., wrote that the evidence for the prosecution had failed to negative the explanation that "Maybrick's death had been due to natural causes operating upon a system in which a long course of arsenic-taking had developed a predisposition to gastro-enteritis."

Meetings in favour of Mrs. Maybrick were held in London and Liverpool; a petition in her favour was signed by a number of members of Parliament; and petitions were addressed direct to the Queen and to the Prince and Princess of Wales.

Mr. Cleaver, Mrs. Maybrick's solicitor, forwarded an affidavit of his own to the Home Secretary, in which he stated that on the 23rd of May, before any evidence had been given at the inquest, Mrs. Maybrick had told him that she had mentioned to both Dr. Humphreys and Mr. Michael Maybrick the fact that her husband was in the habit of taking white powder, and she had gone on to say, "At the time he was in a white packet

Introduction.

containing his powder was on the table by the bed—certainly from the Sunday to the Thursday—an ordinary packet, tied with string, open at the end. When the nurse came I cleared it of all the medicines on it, leaving the photos., books, &c., and took them to another table. As well as I remember, about 5 p.m. on Thursday he asked me for some of his powder. I told him the nurse would not permit me, and he suggested putting it into something he was taking. He was taking beef juice and milk. The milk jug was big, and so I took the beef juice into the dressing-room. There was very little powder in the packet, about as much as would lie on a three-penny bit; I put it all in. He pointed where the powder was among the books on the table. I threw the paper in which the powder was on the ground, and it should be there now if not removed." Mr. Cleaver stated that these words of Mrs. Maybrick were a "transcript verbatim" of his original note. Mr. Davies, the analyst, had given in evidence that the arsenic found in the meat juice had been put in in solution. If that were so—and his evidence was not quite positive on the point—either Mrs. Maybrick in her statement was telling an untruth, or the powder contained some other drug than arsenic, strychnine perhaps. But it is a well-known fact, recorded in all the authoritative text-books, that cold water dissolves about $\frac{1}{2}$ grain to 1 grain of arsenic per ounce (see Dixon Mann, "Forensic Medicine and Toxicology," p. 454, 4th edition). Hence it is quite possible that one $\frac{1}{2}$ of a grain of arsenic added in the solid form to a bottle of Valentine's meat juice would completely dissolve, a fact confirmatory of Mrs. Maybrick's statement. It may be well here to state that, though no question was raised at the trial by either the prosecution or the defence as to the identity of this particular bottle of meat juice, some doubt was raised on the point after the trial. There were apparently three bottles of Valentine's meat juice present in the house. One purchased on the 4th of May by Dr. Humphreys, some of which was given to Maybrick, but its use discontinued on account of his sickness; a second fresh bottle opened by Nurse Gore, and said to have been tampered with by Mrs. Maybrick; and a third found at Battlecrease House by Inspector Baxendale on the 18th of May. Of these three the two

Trial of Mrs Maybrick.

last were given to Mr. Davies, the analyst; but the first had seemingly disappeared. No arsenic was found in the third bottle.

Another affidavit forwarded at this time to the Home Secretary was that of a Mr. Morden Rigg, who had known Maybrick in America as a man always worrying about his health, and taking all sorts of medicines. At Wirral races, on the 27th of April, Maybrick had told Mr. and Mrs. Rigg, who were present, that he had that morning taken an overdose of strychnine. To Captain Irving, of the "Germanic," who dined with the Maybricks about the same date, Maybrick made a similar statement. In an affidavit, Brierley, who had attended as a witness hut had not been called, at the trial of Mrs. Maybrick stated that he had known the Maybricks for some two years, that he had never been improperly intimate with Mrs. Maybrick except at Flatman's hotel in March, that they had then parted abruptly on the understanding that they were never to meet again except in public, and that he believed that her intimacy with him was Mrs. Maybrick's only act of infidelity towards her husband.

On his return to London from Liverpool, Mr. Justice Stephen had a long interview with the Home Secretary. That office was held at the time by Mr. Henry Matthews, Q.C., M.P. (now Viscount Llandaff), who, before taking office under Lord Salisbury, had had a distinguished career at the bar. On the 16th another conference, lasting four hours, was held, at which the Lord Chancellor, Lord Halsbury, was present. Among other witnesses Dr. Tidy was summoned.

In the *Lancet* of the 17th appeared a long article highly unfavourable to Mrs. Maybrick. *The British Medical Journal* of the 10th had contained an article hardly less unfavourable. In their issue of the 17th they published letters from seven professors of medical jurisprudence in different parts of the country, whose opinion they had asked on the justice of the conviction; of these, four supported and three dissented from the verdict. In the same issue, the Liverpool correspondent of the newspaper sent a long article pointing out the "striking anomalies" in the case, which removed it from the category of those in which there is no room for doubt.

Introduction.

Further prolonged conferences were held between the Home Secretary and Mr. Justice Stephen on the 20th and 21st, at the second of which Mr. Addison was present. Sir Charles Russell, who was in Homburg, took no part in these conferences. But immediately after the trial he had sent a printed memorandum to the Home Secretary in which he pointed out that, though the means of poisoning her husband were undoubtedly within reach of Mrs. Maybrick, there was no direct evidence of her having administered arsenic to him, that the symptoms were agreed by all to be those of gastro-enteritis, but that, while some witnesses attributed the disease to arsenical poisoning, there was a strong body of evidence that it was not so.

The gallows had already been erected in Walton jail, within hearing of Mrs. Maybrick, when, on the 22nd of August, the Home Secretary's decision was announced. It ran as follows:—

“ The Home Secretary, after fullest consideration, and after taking the best legal and medical advice that could be obtained, has advised Her Majesty to respite the capital sentence on Florence Maybrick, and to commute the punishment to penal servitude for life, inasmuch as, although the evidence leads clearly to the conclusion that the prisoner administered and attempted to administer arsenic to her husband with intent to murder, yet it does not wholly exclude a reasonable doubt whether his death was in fact caused by the administration of arsenic.

“ This decision is understood not to imply the slightest reflection on the able and experienced practitioners who gave evidence, or on the tribunal by which the prisoner was tried.

“ We understand the course adopted has the concurrence of the learned judge.”

In commenting on this decision the following day, the *Times* said, “ The case against Mrs. Maybrick was and remains a case of terribly strong suspicion, but suspicion which, after all is said, just misses moral certainty.” The jury, it added, might have found a verdict of unsuccessful attempt to murder, if it had been put to them, but, as it was not suggested to them, could hardly have been expected to do so. Its criticism of the Home Secretary's finding is amiably cynical—“ It makes things

Trial of Mrs Maybrick.

comfortable all round"—presumably even, though in a strictly limited degree, for Mrs. Maybrick, who, in the words of Sir Charles Russell, "was to suffer imprisonment on the assumption of Mr. Matthews that she had committed an offence, for which she was never tried by the constitutional authority, and of which she has never been adjudged guilty."

In 1891 an opportunity occurred which might conceivably have been used to re-open the whole facts of Mrs. Maybrick's case. Mr. Cleaver, Mrs. Maybrick's solicitor, as assignee of a policy of insurance for £2000 on the life of James Maybrick, executed in favour of his wife, brought an action to recover that sum from the Mutual Reserve Fund Life Association. Had the case come to trial before a jury, and had Mrs. Maybrick gone into the witness-box, it would have been legally permissible on the issue to have raised afresh the question of her guilt or innocence, and to have gone once again into the facts of her case. As it was, the case was decided on a question of law, raised by the pleadings, when it was held by the Court of Appeal that Mr. Cleaver as Mrs. Maybrick's assignee had not made out his claim. The case is reported in the Law Reports, Q.B.D. 1892.

In 1892, when, by a change of Government, Mr. Asquith succeeded Mr. Matthews at the Home Office, a determined attempt was made to procure the release of Mrs. Maybrick. An elaborate brief was prepared by Messrs. Lumley & Lumley, solicitors, setting forth in full detail all possible points in Mrs. Maybrick's favour, alleging serious misdirection on many points of evidence by the Judge, and emphasising the medical disagreement in the case. The conclusions submitted were—

That there was no conclusive evidence that Mr. Maybrick died from other than natural causes.

That there was no conclusive evidence that he died from arsenical poisoning.

That there was no evidence that the prisoner administered or attempted to administer poison to him.

That there was no evidence that the prisoner, if she did administer or attempt to administer arsenic, did so with intent to murder.

Introduction.

That the Judge, in summing up, placed himself in a position where his mind was open to the influence of public discussion and prejudice, to which was probably attributable the evident change in his summing up between the first and second days; and he also assumed facts against the prisoner which were not proved.

That the jury were allowed to separate and frequent places of public resort and entertainment during such summing up.

That the verdict was against the weight of evidence.

That the jury did not give the prisoner the benefit of the doubt suggested by the disagreement of expert witnesses on a material issue in the case.

That the Home Secretary should have remitted the entire sentence by reason of his being satisfied that there existed a measurable doubt of her guilt which, had it been taken into consideration at the time, would have entitled her to an acquittal.

This brief was submitted to four eminent counsel with a view to an opinion as to the possibility under English law of obtaining a new trial. In an opinion signed by Sir Charles Russell, Sir Harry Poland, Mr. Fletcher-Moulton, Q.C., and Mr. Reginald Smith, Q.C., these gentlemen wrote—"In English criminal procedure there is no possibility of procuring a re-bearing in the case of felony, where the verdict has been found by a properly constituted jury upon an indictment which is correct in form. This rule is absolute, unless circumstances have transpired, and have been entered upon the record, which, when there appearing, would invalidate the tribunal and reduce the trial to a nullity by reason of its not having been before a properly constituted tribunal. None of the matters proposed to be proved go this length." But, these gentlemen added, had a Court of Criminal Appeal existed, these would have been matters for its grave consideration.

Messrs. Lumley's brief was forwarded, through the United States Ambassador, Mr. Lincoln, to Mr. Blaine, then the American Secretary of State. Mr. Blaine replied that, since through her English marriage Mrs. Mayhew had lost her American citizenship, he could not act officially in the matter.

Trial of Mrs Maybrick.

On the subject of her marriage he wrote—"That she may have been influenced by the foolish ambition of many American girls for a foreign marriage, and have descended from her own rank to that of her husband's family, which seems to have been somewhat vulgar, must be forgiven to her youth, since she was only eighteen at the time of her marriage." He then went on to say, with greater relevance, that there was a strong belief among American lawyers in the illegality of her imprisonment, and urged the Ambassador to do what he individually could "for the relief of an American woman helplessly enduring a great wrong." A petition from America, signed by Mr. Blaine, Cardinal Gibbons, the Vice-President, some of the Federal Ministers, and certain officers of high rank in the army, was sent to Mr. Matthews shortly before the change of Ministry, asking for Mrs. Maybrick's release on the ground that "the conduct of her trial had resulted in a profound impression of a miscarriage of justice."

On Mr. Asquith's accession to office a petition, signed by over 3000 persons, praying for a public inquiry into the case, was presented to him, but their prayer was not granted.

In 1894 a fresh body of evidence was submitted to Mr. Asquith in the form of affidavits. Three affidavits from Mrs. Maybrick's mother, the Baroness de Roques, her servant, and a solicitor's clerk in Paris, described the finding of Dr. Bay, of New York's, prescription for a face wash and its making up by a Parisian chemist in 1878, as already narrated.

An interesting affidavit was that of Mr. Valentine Blake, the son of an Irish baronet. Mr. Blake had assisted a Mr. W. B. Nation in developing a process by which rhea grass, or ramie, could be used as a substitute for cotton. This result was achieved by the use of chemicals, among them arsenic. In January, 1889, Mr. Nation sent Mr. Blake to see Mr. James Maybrick, a Liverpool cotton broker, with a view to his assistance in placing the perfected ramie on the Liverpool market as a substitute for cotton. In the course of interviews Maybrick asked Mr. Blake, as a matter of business, what chemicals were used in perfecting the fabric, and Mr. Blake told him that arsenic was one of them. In course of further conversation Maybrick asked Mr. Blake if he had heard of

Introduction.

the Styrian peasants, who were well known arsenic takers and throve on it, and mentioned De Quincey's "Confessions of an Opium-eater." Mr. Blake expressed astonishment at De Quincey having been able to take as much as 900 drops of laudanum in a day. Maybrick said that arsenic was much the same to him, it was "meat and liquor to him." "I don't tell everybody," he said, "I take it when I can get it, but the doctors won't put any into my medicine except now and then; that only tantalises me." Finally Maybrick asked Mr. Blake to get him some arsenic, as he found a difficulty in obtaining it in Liverpool. Mr. Blake agreed to give Maybrick what arsenic he had, in return for Maybrick's help in pushing the ramie product. In February Mr. Blake saw Maybrick again, and gave him about 150 grains, some "white" and some "black" arsenic, in three separate paper packets. At the time of the trial Mr. Blake wrote to Mrs. Maybrick's solicitor giving this information, but received no reply to his letter. As he was at that time greatly concerned over the loss of his son at sea, he did not pursue the matter further. Seeing in the newspaper in 1894 that the case had been reopened, he communicated with Mr. Harris, who was then acting for Mrs. Maybrick and her mother. Mr. Nation corroborated by affidavit Mr. Blake's statements as to his association with him in business and his visit to Maybrick in Liverpool.

Mr. Blake's affidavit is of interest as going some way to explain possibly the large quantity of arsenic, some "black" arsenic, that is arsenic mixed with charcoal, and some white arsenic in solution, found in Maybrick's house. There seems no reason on the face of it to doubt the truth of the facts stated by Mr. Blake. It becomes an interesting question whether the very large quantity of arsenic, undoubtedly found in Maybrick's house after his death, had been procured by Maybrick in order to gratify his liking for arsenic as a drug, or by Mrs. Maybrick for the purpose of a face wash or the murder of her husband. Unless the arsenic was placed there by some other person, there are no other ways of accounting for its presence. There is no evidence of Mrs. Maybrick having procured such a considerable quantity of arsenic. If Mr. Blake's affidavit be correct, there is some evidence of its

Trial of Mrs Maybrick.

having been procured by Maybrick. If Mrs. Maybrick knew of the presence of so much arsenic in the house, why was it necessary for her to purchase fly-papers?

Another affidavit sent to Mr. Asquith was that of Mr. John Fleming, of Halifax, ~~Ontario~~, master mariner. He had known Maybrick in Norfolk, Virginia, somewhere between 1882 and 1884. He stated that he had seen Maybrick, at his office, put some grey powder into some food which he was cooking. Maybrick said to him, "You would be horrified, I dare say, if you knew what this (powder) is—it is arsenic." Mr. Fleming expressed astonishment. Maybrick said, "We all take some poison more or less; for instance, I am now taking arsenic enough to kill you. I take this arsenic once in a while because I find it strengthens me." Mr. Fleming said that since then he had frequently seen Maybrick putting a similar powder into his food. At the time of Mrs. Maybrick's trial Mr. Fleming was in the Dutch East Indies.

Neither with Mr. Asquith, however, nor with his successor, Sir Matthew White Ridley, were the efforts of Mrs. Maybrick's supporters successful. But one man continued unremitting in his efforts to procure her release—that man was Sir Charles Russell. Shortly after he became Lord Chief Justice of England, in 1895, Lord Russell wrote to Mrs. Maybrick in reply to a letter which she had sent him—"I beg to assure you that I have never relaxed my efforts, where any suitable opportunity offered, to urge that your release ought to be granted. I feel as strongly as I have felt from the first that you ought never to have been convicted, and this opinion I have clearly expressed to Mr. Asquith, but I am sorry to say hitherto without effect. Rest assured that I shall renew my representations to the incoming Home Secretary, whoever he may be, as soon as the Government is formed and the Home Secretary in a position to deal with such matters."

In accordance with his promise, as soon as Sir M. W. Ridley had succeeded Mr. Asquith at the Home Office, Lord Russell wrote strongly urging Mrs. Maybrick's release. "The foundation," he wrote, "on which the whole case for the Crown rested was rotten, for *there was in fact no murder*; on the contrary, the deceased had died from natural causes." This, he said,

Introduction.

was the stress of the argument, but had the case been one of an attempt to murder, then the fact that the alleged circumstances pointing to a guilty intent on Mrs. Mayhrick's part "were capable in part of being explained, in part of being minimised, and in part of being attacked as unrelially vouched, cannot, I think, be doubted by any one who has with a critical eye scanned the evidence." If, added Lord Russell, he were called upon to advise, as head of the Criminal Judicature of this country, "I should advise you that Florence Mayhrick ought to be allowed to go free."

In 1898 Lord Russell wrote again to the Home Secretary. The case, he said, reflected discredit on the administration of the criminal law—"I think my protest ought to be attended to at last." He pointed out that Mrs. Mayhrick had now served a period of imprisonment four times as long as the minimum punishment fixed by law for the commission of a crime of which she had never been convicted. His protest was ineffectual. In 1900, the year of his death, Lord Russell, who was then on circuit, visited Mrs. Mayhrick in Aylesbury Prison, and spent a short time alone with her in her cell. He wrote to the Home Secretary telling him that he had seen "the wretched woman, looking wretched, although I believe she is not ill in the ordinary sense." He went on to repeat his objections to Mr. Matthews' original decision, and commented on the fact that Mr. Justice Stephen, in his charge, had failed to give due weight to the entirely reliable evidence of Sir James Poole as to Mayhrick's habit of dosing himself, which might well have accounted for the infinitesimal quantity of arsenic found in the body.

Whether Lord Russell believed in the complete innocence of Mrs. Mayhrick has been made the subject of some not very profitable discussion. Whatever his actual belief, it is unlikely, having regard to the traditions of his profession and his professional connection with the case as Mrs. Mayhrick's advocate, that he would have given expression to such a belief one way or the other. In 1911 the question was raised by some comments of Mr. G. R. Sims in the *Referee* newspaper on the case. Dr. Forbes Winslow wrote stating that Lord Russell had always believed in Mrs. Mayhrick's innocence. In reply, the late Sir George Lewis, a personal friend of Russell's, wrote to

Trial of Mrs Maybrick.

the *Referee* on the 1st of May, "In justice to a great advocate and a great judge, permit me to say that I had many conversations in connection with this case with Sir Charles Russell both before and subsequent to the trial, and that at no time did he suggest that Mrs. Maybrick was innocent. His contention always was that the quantity of poison found in her husband's body was not sufficient to cause his death, and for that reason alone she ought not to have been convicted, notwithstanding the evidence of her purchase and possession of the poison, which the jury decided she administered, and which they were satisfied was sufficient to have caused her husband's death."

The latter part of Sir George Lewis' letter does not altogether coincide with Lord Russell's letter to the Home Secretary in 1892, quoted above. In that he says that, apart from the medical question, the alleged circumstances showing Mrs. Maybrick's guilt of an intent to murder were such as could have been successfully explained, minimised, or attacked. In the course of a case tried before Lord Russell as Chief Justice, *Monson v. Tussaud*, an action for libel brought by a man of the name of Monson against Madame Tussaud's for placing a figure of him in the ante-room of the Chamber of Horrors, the name of Mrs. Maybrick was mentioned. Lord Russell, in alluding to her case, said, "a woman who, in the opinion of some of those who had most knowledge of the facts, should not have been convicted."

Mrs. Maybrick, having served fifteen years' imprisonment in Woking and Aylesbury Prisons, was released from the latter in January, 1904. Shortly after her release she left England for America.

In spite of the strong arguments of Lord Esher, then Master of the Rolls, Lord Fitzgerald, and others, the Maybrick case did not lead immediately to the institution of a Court of Criminal Appeal. It required the additional impetus of the Beck case, some fifteen years later, to bring about the establishment of such a Court.

Leading Dates in the Maybrick Case.

- 1881.—James Maybrick marries Florence Elizabeth Chandler in America.
- 1884.—Mr. and Mrs. Maybrick settle in Liverpool.
- March 22nd to 24th, 1889.—Mrs. Maybrick spends two days and nights with Brierley at Flatman's Hotel in London.
- March 28th.—Mrs. Maybrick returns to Liverpool.
- March 29th.—Mr. and Mrs. Maybrick and Brierley are at the Grand National Steeplechase. On returning home there is a violent quarrel between Maybrick and his wife.
- March 30th.—Dr. Hopper effects a reconciliation between Mr. and Mrs. Maybrick.
- April 14th and 20th.—Maybrick consults Dr. Fuller in London.
- April 22nd.—Maybrick returns to Liverpool.
- April 23rd or 24th (about).—Mrs. Maybrick buys fly-papers from Wokes, and is seen soaking them in water by her servants.
- April 26th.—Maybrick receives by post bottle of medicine from London.
- April 27th.—Maybrick taken ill. He goes to Wirral Races.
- April 28th.—Dr. Humphreys called in.
- April 29th.—Mrs. Maybrick buys fly-papers from Hanson.
- April 30th.—Fancy Dress Ball attended by Mrs. Maybrick.
- May 1st and 2nd.—Maybrick takes lunch at his office, prepared at home.
- May 3rd.—Maybrick ill again. Dr. Humphreys sent for.
- May 6th.—Brierley writes to Mrs. Maybrick telling her he is leaving England for a few weeks.
- May 7th.—Dr. Carter called in.
- May 8th.—Alice Yapp makes a communication to Mrs. Briggs. Mr. Michael Maybrick sent for from London.
- Alice Yapp opens Mrs. Maybrick's letter to Brierley, in which she writes that her husband is "*sick unto death.*"
- May 9th.—Mr. Michael Maybrick communicates his suspicions to Drs. Carter and Humphreys.
- Nurse Gore arrives. Incident of the meat-juice.
- May 11th.—Maybrick dies.

Trial of Mrs Maybrick.

- May 13th.—Post-mortem on Maybrick.
- May 14th.—Mrs. Maybrick placed under arrest. Mrs. Maybrick's second letter to Brierley. Inquest opened.
- May 18th.—Magisterial investigation opened in Mrs. Maybrick's bedroom. She is removed to Walton Jail.
- May 28th.—Inquest resumed.
- May 30th.—Maybrick's body exhumed.
- June 6th.—At resumed inquest Mr. Davies, analyst, gives evidence of discovery of arsenic in Maybrick's body. Coroner's jury return verdict of wilful murder against Mrs. Maybrick.
- June 14th.—Magisterial hearing concluded. Mrs. Maybrick committed for trial.
- July 26th.—Mr. Justice Stephen charges Grand Jury at Liverpool Assizes. True bill returned.
- July 31st.—Trial of Mrs. Maybrick commences.
- August 7th.—Mrs. Maybrick convicted of murder and sentenced to death.
- August 22nd.—The Home Secretary commutes her sentence to one of penal servitude for life.
- January 25th, 1904.—Mrs. Maybrick released from Aylesbury Prison.

THE TRIAL.

LIVERPOOL SUMMER ASSIZES,
Wednesday, 31st July, 1889.

Judge—

SIR JAMES FITZJAMES STEPHEN, K.C.S.I., one of
the Judges of the Queen's Bench Division of the
High Court of Justice.

Counsel for the Crown—

Mr. JOHN ADDISON, Q.C., M.P.

Mr. W. R. M'CONNELL.

Mr. THOMAS SWIFT.

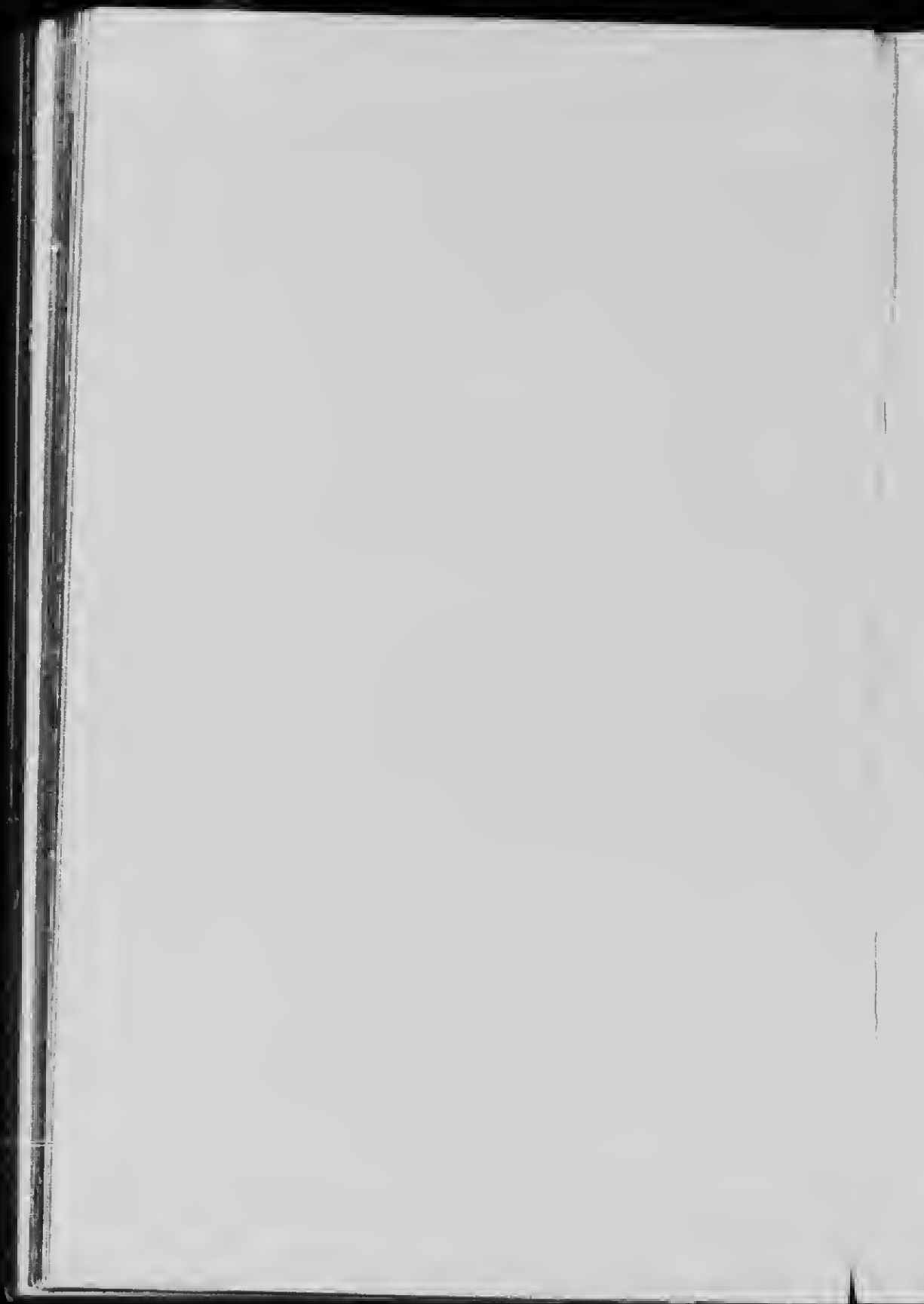
Instructed on behalf of the Treasury by Messrs. Eaton
& Swift.

Counsel for the Prisoner—

Sir CHARLES RUSSELL, Q.C., M.P.

Mr. WILLIAM PICKFORD.

Instructed by Messrs. Cleaver, Holden & Co.





Mr. John Addison, Q.C., M.P.

1875

Opening Speech for the Prosecution.

FLORENCE ELIZABETH MAYBRICK, aged twenty-six, was indicted for having, at Garston, on the 11th of May, feloniously, wilfully, and of her malice aforethought, killed and murdered one James Maybrick.

On being called upon the prisoner pleaded not guilty. The following jury was empanelled and sworn:—

Thomas Wainwright, Plumber, 32 Neville Street, Southport (foreman).

T. Ball, Plumber, Ormskirk.

A. Harrison, Woodturner, Bootle.

W. Walmsley, Provision Dealer, North Meols.

W. H. Gaskell, Plumber, North Meols.

J. Taylor, Farmer, Melling.

G. H. Welsby, Grocer, St. Helens.

R. G. Brook, Ironmonger, St. Helens.

J. W. Sutton, Milliner, North Meols.

J. Tyrer, Painter, Wigan.

J. Bryers, Farmer, Scarth Hill, Bickerstaffe.

J. Thierens, Baker, Ormskirk.

Opening Speech for the Prosecution.

Mr. ANNISON—May it please your lordship—Gentlemen of the jury, it is my duty, in conjunction with my learned friends, to lay before you evidence in support of the indictment you have just heard read, and to make a statement to you from that evidence in regard to the facts upon which they rely on behalf of the prosecution. Each and every one of you know that the charge against the prisoner at the bar is that she murdered her husband by administering to him doses of arsenic, and it would be idle in me to suppose that each and every one of you do not know some of the circumstances of the case either by means of the Press or in other ways, and that probably you have discussed the matter, but I know equally well that now—

Mr Addison

Sir CHARLES RUSSELL leaned across and whispered to Mr. Addison, who, nodding assent, said—It has been suggested to me, and probably it is right, that, except the scientific witnesses, all the witnesses be requested to leave the Court.

Mr. JUSTICE STEPHEN—I understand that all arrangements have been made for their comfort.

[The witnesses then withdrew with the exception of the first witness, Mr. Michael Maybrick, who was allowed to remain.]

Mr. ANDISON—I was saying, when I corrected myself, as it were, that it would be idle in me to suppose that each and every one of you were not acquainted to a very considerable

Trial of Mrs Maybrick.

Mr Addison degree with the facts of the case, either from seeing the case, or hearing it, or reading of it in the public prints; but I know perfectly well that now you have ceased to be irresponsible members of the community, and are a jury who are sworn to decide the case according to law between the prisoner and the Crown, you will have no difficulty whatever in dismissing from your minds all that you have so heard and seen. Ever the statement I am about to make to you is only intended to enable you—and I hope it may enable you—the more readily to know the evidence we are going to call, and to follow it when we call it. There is no other fact whatsoever. It is upon the evidence, and upon the evidence alone, and upon the impression that it makes upon your minds, who are the true judges of this case, that the issue must depend. The prosecution have a simple duty to perform. We have by means of that evidence to produce in your minds a firm and clear conviction that this woman is guilty. If when you have heard the evidence, when you have heard it sifted and criticised and analysed by my friend Sir Charles Russell; when you have heard other evidence called by him to vary and contradict it; if at the end of the patient attention you give to this evidence you find your minds in doubt and hesitation, or even discussion amongst yourselves that you are not able to remove, then we shall have failed in the duty incumbent upon us, and in what we are bound to do before we can ask your verdict for the Crown. We shall have failed in that, and it will be undoubtedly your duty to give the benefit of this strong hesitation and doubt to the prisoner at the bar.

With these hardly necessary words of introduction, let me tell you what the facts are, as upon my present information I understand them. James Maybrick, the husband of this woman, whose death she is charged with causing, belonged to a Liverpool family and was a native of Liverpool. He was in the cotton business either as a broker or as a merchant, and in the earlier part of his career seems to have been called a good deal to America, his business connection being between America and Liverpool, and it was in this way, in 1881, and either in America or in coming home from America, he made the acquaintance of the prisoner at the bar, who is of American family and by birth an American, and they were married in London in July, 1881. For some time after their marriage he still was taken a good deal away to America; but, about four or five years ago, he settled, so to speak, permanently in Liverpool, carrying on his business entirely here, and having an office in the Knowsley Buildings, which is somewhere off Tithebarn Street. Of the marriage there were two children; there is a boy of seven years of age and there is a girl of three years of age. After settling permanently in Liverpool he lived somewhere in the neighbourhood, but

Opening Speech for the Prosecution.

about some two or three years ago he went to live with his wife and family at a place called Battlecrease House, which is a place at Aighurth or Garston, or in the neighbourhood of Aighurth. From and at the beginning of this year and during the last year he lived there with his wife and two children, and the remainder of his household, consisting of four of a family and servants. There was a nurse who had lived longer with, and was more connected with, the master and mistress than any of the other servants, by name Alice Yapp. There was a housemaid of the name of Brierley, a cook of the name of Humphreys, and a housemaid waitress of the name of Cadwallader. These four servants, with the master and mistress and two children, constituted the inmates of Battlecrease House. At the time of his death Mr. Maybrick was a man of about forty-nine or fifty years of age. His wife was younger, being somewhere between twenty-seven and thirty years of age. I do not accurately know what her age was, but she was about that. I do not think I need call your attention to anything particular in their mode of living up to this time.

Mr. Maybrick was a man who, so far as his friends and relations knew, was a strong and healthy man, going regularly to his office every day, as a cotton broker in Liverpool. There was no doubt that though he was a man generally spoken of as a healthy man, he was a man who complained very much about his liver and nerves. He used often to complain of being out of sorts; and, from 1881, Dr. Hopper, of Rodney Street, who was the medical attendant of the family, prescribed for him from time to time. Mr. Maybrick complained of pains in the head and of numbness in his limbs. This numbness he seems to have complained of more than once, and he seemed to have a sort of dread that it would lead to paralysis. Dr. Hopper seems to have treated him as a little short-hipped, as it was called in these matters, and gave him occasionally medicines, such as were given to people of sedentary habits, and out of sorts. Mr. Maybrick had three brothers—Mr. Michael Maybrick, who, I believe, was and is a distinguished musician in London; there is a brother Thomas, a shipping agent, carrying on his business in Manchester; and Edwin, who is a cotton merchant in Liverpool, living in Rodney Street, but who passes half his time in America—dividing his time between Liverpool and America. Dr. Hopper will tell you how from time to time he used to give Mr. Maybrick nervo tonics, having the usual ingredients of such tonics, and including nux vomica and homœopathic doses of strychnine and medicine of that kind, and will further tell you that, with the exception of that, he never knew Mr. Maybrick to be ill during the eight years since the marriage. His brothers, all three, speak of him as a healthy and strong man; and in addition to them you will have before

Trial of Mrs Maybrick.

Mr Addison you the two clerks in the office. One (Smith, the book-keeper) had been with him about four years, and he will tell you that he occasionally complained of his liver, and discussed homoeopathy. Lowry, the other man in the office, will speak to the same effect; and you will find that he was undoubtedly one of those men who, as people suffering in this way often are, was fond of discussing his ailments very freely, and listening to other people as to what they did with their ailments in adopting pills and doses, and often attended very much to the recommendations they would make. I have tried to tell you all that he ever suffered from, as far as we know, apart from that which we are going to investigate. With regard to the servants who lived in the house, including the nurse, they knew nothing about these matters. They considered their master a healthy and strong man, going regularly to his office—a regular condition of things up to the end of last year and the beginning of this, to which I need not now go back.

The first date in connection with this case to which we may have to draw your attention is the 16th March in this year, and all through this case, when you are watching the evidence, I should ask you, as a very convenient note to yourselves, to follow closely, as it were, the different occurrences that occurred from time to time. Upon the 16th March, Mrs. Maybrick had to telegraph to London to a hotel in Henrietta Street, Cavendish Square, for a sitting-room and bedroom. You will have before you the letters which she wrote, and which will be put in evidence. The effect of them is this—On the 16th March she telegraphed for a sitting-room and bedroom at this private hotel. Having received no answer, she wrote again to the landlord, and told him that the rooms were engaged for Mrs. Maybrick, of Manchester, and she wrote again as to details as to the sort of dinner which “Mr. and Mrs. Maybrick” would like to have, saying that her “sister-in-law” was inexperienced in such matters. On the 18th March (Monday) she wrote again to this hotel, saying that Mr. and Mrs. Maybrick would arrive on the 21st (Thursday), that her sister-in-law would stay there a week—from the 21st to the 28th—and that “she was not particular as to price.” You have her then writing these letters from the 16th to the 18th March, engaging this sitting-room and bedroom for her “sister-in-law.” On the 21st March (Thursday) she left Battlecrease House to go to London. You will find that in the evidence which occurs later on, and the reason she gave her husband for going to London was that she had an aunt who was going to undergo an operation under the care of Sir James Paget, and the aunt wanted her niece—that was herself—to be present, and she was going to London for a week for this purpose. This she told the nurse Yapp, and her letters were to be directed to the Grand Hotel, London. Having done that,

Opening Speech for the Prosecution.

she went straight to London to this place. She arrived there on Thursday, the 21st of last March, at about one o'clock; and at about half-past six a gentleman, whose name we do not know, but who never appears again as far as we know anything about him in this case, came and fetched her. And they went away together in a cab, and at eleven at night, when the waiter went to bed, he saw they had not returned. That was on the 21st. But, however that may be, the next morning she was undoubtedly at breakfast with a Liverpool gentleman, a cotton broker, living in Huskisson Street here, whose name cannot possibly be kept out of the case, a gentleman named Brierley. She was found with him on Friday, the 22nd, and on Saturday, the 23rd. They lived there together as man and wife, slept together, and went out together; and on the Sunday—you will remember she took rooms for a week—about one o'clock they unexpectedly left together, he paying the bill. Gentlemen, what she did for the rest of the week until Thursday, the 28th, when she was timed to come home, I do not know. But on the 28th of March (Thursday), exactly a week after she had gone away to London, she returned to Battlecrease House.

The next day, the 29th of March, the Grand National was run near Liverpool, and both she and her husband went there. He came back at seven o'clock at night, and it was evident to his servants that there had been a quarrel between them. She followed ten minutes after him. He began nursing the youngest child, without speaking to her or she to him. Presently a cab was sent for, as if she was going away; and then the servants heard him say, "Such a scandal as this will be all over Liverpool to-morrow." She went down to the hall with her hat on, apparently waiting for the cab; and then he was heard to say, "If you once leave this house, you will never enter it again." A sort of quarrel was going on, but the nurse put her arm round the prisoner's waist and coaxed her upstairs; and, as the prisoner and her husband were evidently not on speaking terms, she made up a bed for her in the dressing-room, which adjoins the bedroom, where she slept that night.

On the Saturday, the 30th March, early in the morning, Mrs. Mayhrick went to see an old friend of the family, Mrs. Briggs, who had known them both since they were married. Mrs. Mayhrick went undoubtedly with the intention of getting a separation from her husband. She complained to Mrs. Briggs, and said that her husband had complained of her because at the Grand National Meeting, in spite of his orders, she had left the carriage to go with Mr. Brierley. She said, further, that she had quarrelled with her husband, and that he had hit her on the eye and had given her a black eye. Mrs. Briggs did what she could to settle matters. The two went to Dr.

Trial of Mrs Maybrick.

Mr Addison Hopper, and the prisoner there repeated what she had told Mrs. Briggs. He persuaded her not to try a separation, but she said she could not bear her husband to come near her. They afterwards went to Mrs. Briggs' solicitor, and there there was a similar conversation, after which the prisoner and Mrs. Briggs went to the post office, and there the former desired to have a separate letter box. She afterwards returned home, and Dr. Hopper a short time afterwards, acting both in his capacity of medical adviser and as a friend of the family, came up to try to make peace. He heard from Mr. Maybrick what his complaints were, and then he went to Mrs. Maybrick, and they discussed the case together, the husband at the time making a complaint of her going off with Brierley at the Grand National against his wishes. That was all the husband knew about the matter. At that time the prisoner owed £1200, and Dr. Hopper, acting as the peacemaker, succeeded, so far as he could judge, in making matters up between them, Mr. Maybrick undertaking to pay off those debts; and from that passed on the 1st of April between Mr. and Mrs. Maybrick and the doctor, the latter was led to infer that the quarrel had been made up.

Now, gentlemen, that brings us up to the end of March; and the next date to which I am desired to direct your attention is about a fortnight after the Grand National—that is, on Saturday, the 13th April. On this Saturday Mr. Maybrick went up to London to consult with his brother (Mr. Michael Maybrick). His chief object in going up apparently was to make arrangements in connection with money matters. He had promised, as I told you, a fortnight previously that he would pay the debts his wife had contracted with certain moneylenders, and one of them was in London. This was his principal object apparently in going up to consult his brother. But in addition to this, he made certain complaints to his brother about not feeling well, which made his brother suggest, on Sunday, the 14th of April, that he should consult Dr. Fuller, who was Mr. Michael Maybrick's doctor. Accordingly, on Sunday, the 14th, he went and consulted Dr. Fuller. To Dr. Fuller he complained of pains in the head and numbness, matters which undoubtedly at that time, rightly or wrongly, probably rightly, Dr. Fuller attributed to dyspepsia. He was a man with whom there was nothing wrong organically of any kind, and Dr. Fuller seems to have made him a great deal more cheerful by telling him so. According to the doctor's opinion, and from what he had seen and heard, he was a man apt to make a great deal out of trifling matters. The doctor gave him a prescription, which, in the course of this case, will be laid before you, which was in the nature of a tonic, and in which there was no arsenic of any kind. Dr. Fuller will tell you that at that time Mr. James Maybrick was a healthy and a strong man, and when he gave him the

Opening Speech for the Prosecution.

prescription he told him to come again on the next Sunday, the 21st, to see him. Undoubtedly the numhness and the pains in the head would not be accounted for in the way in which Dr. Fuller described the case. Although numhness is one of the symptoms which occur in cases of poisoning by arsenio, it is also common in other cases where weakening of the nerves produces numhness, and the doctor merely supposed he was dyspeptic, and treated him in this way. This was on the 14th, remember, of April, and on the 15th, having only gone away for the week-end, Mr. Mayhrick returned, apparently better.

And it is at this stage that I must call attention to this fact. On that very 14th, when he was consulting Dr. Fuller and his brother in the way I have told you, Mrs. Mayhrick received a letter from a friend in London. Whatever the facts which are stated in that letter, they would be no evidence at all against the prisoner at the bar, and it is not for that purpose that we put it in, or intend to put it in. It is rather that you may know what was being said of her and what was upon her mind upon that 14th of April (Sunday) when her husband was in London. Probably on that date she received the letter, because it is dated the 13th of April, from Kensington Palace Gardens Terrace. This is the very date upon which Mr. James Mayhrick went to London, and the letter would be received in the ordinary course on Sunday. This letter reads:—

MY DEAR FLORIE,—In the first place, I should wish to say that when I received your mother's letter last Monday I was quite satisfied with the explanation she gave, and the reasons of your letters being returned here, and to your friend's name not being on the books of the Grand Hotel. You can't understand the state of anxiety we were in about you on this day fortnight.

That day fortnight, if it was exactly that day fortnight, would be Saturday, the 29th March, the very day after she returned.

You left us for home on Thursday, and the inference would be that when you left you warned your servants of your coming, and that they would not forward any more letters. Those that arrived on Thursday might be accounted for, but they came on Friday and Saturday morning, and letters written to you were returned here. What could we think but that you were not at home? Kate was going away, and we had no way of relieving our anxiety. I suggested that you might have returned to your hotel, and Harriet went there, and asked if you were there. She found that you had not been staying there. This added more perplexity to our feelings, and there was nothing I could think of but to write to your mother. Happily she was able to say that she had heard of you twice since your return here, and therefore had no anxiety. It was only at her special request that I told her afterwards the cause of our alarm. This you see was caused by the serious misunderstanding. The forwarding of the letters was quite an innocent thing. When you were with your friend it did not matter where you were living, but you expressly stated that it was at the Grand Hotel, and this want of accuracy, you see, misled us. We are plain people,

Trial of Mrs Maybrick.

Mr Addison and accustomed to believe what is told us. I had no unkindly feeling in writing to your mother. I am sorry if it has in any way vexed you. I am sorry about your little girl.—I am, dear Florie, yours truly,
MARGARET BAILLIE.

I make no comment on that letter, because the facts to which it refers are not in the least evidence. The only importance as regards a letter of that kind is to show what was going on at the time, and what effect it might have upon the state of mind of the prisoner on the date of the 14th.

The next date I will call your attention to is one which is apparently not accurately fixed, but it is a period which began on the 15th and ended on the 20th; it may be open to be varied or altered when you hear the story detailed, or in cross-examination—as I understand from the 15th to the 20th April, and particularly, for reasons which I will give you presently, and somewhere before the 20th, or somewhere about that day, in that week, about the time, no doubt, Mrs. Maybrick went to a chemist, and a chemist who lived in her own neighbourhood, and who keeps the post office at Aighurth or Gareton, and she then asked him for one dozen of fly-papers, giving as a reason for wanting them that the flies had begun to be troublesome in the kitchen. Generally these fly-papers contained each of them from 2 to 2½ or 3 grains of arsenic. She got them on a date which is described by the servants as being somewhere about three weeks after the day of the Grand National, and some time before the master was taken ill, which would be somewhere about the 20th April. After getting these fly-papers, the housemaid, Brierley, was doing Mrs. Maybrick's bedroom, and was attracted by the appearance of the basin, which had a towel over it. She removed this, and found another basin, also covered with a towel, and in it were some fly-papers, which were soaking in water. She was so struck by this that she called the attention of Nurse Yapp to it. Next day pieces of fly-papers were noticed by Brierley upon the top of the slop basin. But with that exception they were never seen in the house or heard of again. So far as the servants knew there were no flies in the kitchen, and to their knowledge no fly-papers were brought into the house at all. If you find there is no trace of these, it is for you to say for what purpose these fly-papers were bought.

It was just about that date—the 20th April—that Mr. Maybrick went again to London, as he told Dr. Fuller the week before he would do. He went to London and saw Dr. Fuller, who varied his prescriptions to a small extent, and on the 22nd Mr. Maybrick came back again. Having done so, he went with Dr. Fuller's prescriptions to Messrs. Clay & Abraham, who are chemists in Castle Street, and they made up two prescriptions. You will hear what these prescriptions were, and

Opening Speech for the Prosecution.

this, at least, will be a matter requiring your attention—that whereas one prescription made up in this manner contained no arsenic, that (one of these bottles was kept in the office, and afterwards, when an investigation was made, it was found in the condition in which it was made up) the second bottle, which he got from the same firm, was afterwards found to contain arsenic. That brings us up to the 24th of April, and I will call your attention in the order in which they occur to these different events which took place between the 27th April and the 11th May—because it is between these dates that occurred the serious illness that ended in the death of Mr. Mayhrick on the 11th May. Before I put these events to you let me make a few remarks upon the general nature of arsenic and its effects. They will be spoken to by a very eminent Liverpool chemist, Mr. Davies, and by Dr. Stevenson, who is the physician to Guy's Hospital, and an eminent chemist in London, of whom, no doubt, some of you have heard. All I need tell you about arsenic just now is this. It is, as you all know, a mineral poison. It is taken sometimes as a solid powder and sometimes in solution. A single deadly dose—that is to say, a dose of arsenic which is capable of killing a man by one administration, would be a dose of at least 2 grains and upwards. That would take away life in the course of about twelve hours. If it were dissolved, and it would take a wineglassful of water to dissolve it, half an hour would elapse before any effect would be produced. The symptoms that usually accompany a dose of that kind are nausea, a sinking, and, in addition to that, there usually is purging and vomiting to a very excessive degree. But the vomiting, unlike all other vomiting, is accompanied by no sort of relief whatever. There are burning pains in the throat and in the stomach, and great irritation of the stomach is apt usually to produce a tenderness, which is discovered outside on pressure. There is also cramp of the thighs and of the stomach. There is a furred tongue, intense thirst, and from the condition of the intestines there is tenesmus—that is to say, a great straining in those parts, and a desire to evacuate, without any relief whatever being the result. Any one of these symptoms taken by itself might be produced from other causes; but taken together they would indicate an irritant poison, such as arsenic. The same symptoms are produced by what may be called smaller doses. If you administer a dose of arsenic less than a fatal dose, one of three-quarters of a grain, or half a grain, twice a day, the same symptoms will be produced. But in the course of twelve hours or a couple of days the patient will get better. But if before he gets better he goes on repeating the dose before there is a complete recovery, then in the course of time he will die. Another word on this subject. It is not a cumulative poison when taken in these small doses.

Mr Addison

Trial of Mrs Maybrick.

Mr Addison It does not collect in the system in the same way, for instance, that lead does; on the contrary, it rapidly passes away, and it is the arsenic which passes away which kills, and not that which remains, and this makes it one of the most dangerous of poisons, inasmuch as in small doses it produces symptoms which, unless they are taken together, may not be recognised as being peculiar to arsenic, and producing these effects death results. It is especially the case when taken in the liquid form in small doses that after a dose has been administered for a day or two, excepting in the liver, you do not find extensive traces of arsenic. That may be taken shortly as a popular knowledge of the subject, and it is necessary that I should explain it.

I come now to the 24th of April, when deceased went to Clay & Abraham to get his medicina made up. It was on the 27th of April that the first illness occurred, which was caused by arsenic. On the 27th April the Wirral races were run, and on that morning, as Mr. Maybrick went downstairs he seems to have complained of numbness in his limbs, and Humphreys, the cook, to whom he spoke, said he was sick before he went to business that morning. On that morning, between ten and eleven o'clock, Mrs. Maybrick said to the nurse Yapp that the deceased had taken an overdose of the medicine which was prescribed by the doctor in London, that he had been sick, and was in great pain. As a matter of fact, we know from what he said afterwards that he was in great pain, and when he was dining afterwards his condition was such as to lead to the supposition that he had been drinking. The illness he had that day was attributed to an overdose of medicine, but the doctor will tell you there was nothing put in the medicine to make him ill at all, but arsenic was afterwards found in the medicine. The next day was Sunday, 28th April; at that time undoubtedly he was very ill, and the consequence was that Dr. Humphreys, a local doctor who had attended some of the children, was seen, and he will tell you that Mrs. Maybrick told him she attributed the illness to some bad brandy which her husband had at the races, and for which she gave him an emetic. The cook, Humphreys, heard the deceased vomiting very badly, and the same night, between nine and ten o'clock, Dr. Humphreys was sent for again in a hurry. The master was ill again, and ill with symptoms which Dr. Humphreys attributed to dyspepsia. On the Monday he was still in bed, but he seemed at that time a great deal better, the sickness seemed to have gone, and the pains seemed to have disappeared, and what he seemed to have had worse on Monday was a furred tongue. He seemed so much better that the doctor prescribed a diet for him. Now, if the illness was attributed to arsenic, it might have been caused by a small dose or by several small doses. On the Monday, when he was still in bed under the doctor, Mrs. Maybrick went to

Opening Speech for the Prosecution.

another chemist in Cressington, and she got from this chemist **Mr Addison** two dozen fly-papers, with the same compound of arsenic, containing $1\frac{1}{2}$ grains in each fly-paper. These fly-papers were never seen by any one in the house; no use was ever made of them, as you will be told by all the surviving inmates. One cannot help making the boldest statement of fact, that it is an extraordinary thing that on the Monday, when her husband was just recovering, she should have bought these fly-papers. One asks what she wanted them for, and what became of them? On the 30th April the deceased was so much better that he was able to go down to business at his office; and on the 1st May he took some prepared food which was brought to the office in a brown jug by his brother, Mr. Edwin Maybrick, who received it from Mrs. Maybrick, who prepared it. On the Wednesday Dr. Humphreys came again, and saw the deceased after business hours, and, as I understand, a great improvement had taken place. That was on the Wednesday night. On the Thursday, 2nd May, lunch—I think beef tea—he took down himself. It was prepared in the house, and given to him by his wife. On both days he took lunch. On the 1st you will hear what it was. I did not notice on the 1st, as far as I have been able equitably to make out from the different statements, that he was anything but well, and certainly in the evening he was a great deal better. On the 2nd he felt very ill after his lunch.

Mr. JUSTICE STEPHEN—Did they say what he had for lunch?

Mr. ADDISON—My lord, I think it was beef tea, but I may be wrong. He complained next day. However, it was something prepared in the house, and given to him by his wife, which he took down with him. That is on the Thursday, the 2nd May. After lunch he was undoubtedly taken ill. He came back, and he complained of being ill, and on the Friday morning the charwoman did with the jug what she had done on Thursday morning. He had some lunch on the Wednesday, and the jug was cleaned on Friday. Only the charwoman cleaned the jug in which he had had his lunch on the Thursday, the 2nd. In cleaning the jug she was not very careful in going into all the nooks and corners. She cleaned the jug, but did not manage so as to scrape the inside matter in the jug. In that corner, when afterwards examined by Mr. Davies, the chemist, you will find that arsenic had undoubtedly been. Having been taken ill on the Thursday after lunch, as he explained to Dr. Humphreys the next morning, Dr. Humphreys was sent for at ten o'clock, and the symptoms explained to him. He stated that he had not been well since the day before. At that time he was actually ill in bed. He was lying on his bed, and said, "I have been sick again." The nurse remarked to Dr. Humphreys that it was very curious that he should be sick again, and suggested that a second doctor had better be sent

Trial of Mrs Maybrick.

Mr Addison for. Mrs. Maybrick, however, said that he had no necessity for it. He had had a good nursing, and doctors were all fools, or something to that effect, which does not matter much to this case. At the time she said there was no necessity for a second opinion. He himself said he would like to have a Turkish bath, and he went on the Friday night, and undoubtedly had a Turkish bath. At twelve o'clock at night, however—midnight—Dr. Humphreys was called.

Mr. JUSTICE STEPHEN—Friday, the 3rd May

Mr. Annison—Yes; I thank his lordship for the remark. I have myself been careful in laying this case before you to draw your attention to the dates, and to occurrences which took place on each one of those dates, because I think that it is very important that you should do it to rightly understand the case. Friday was the 3rd of May, and on Friday, when they sent for Dr. Humphreys at ten o'clock in the morning, he complained that he had not been well since his lunch on the Thursday before. After the Turkish bath, Dr. Humphreys was summoned at midnight, and then Mr. Maybrick complained for the first time of deep-seated pains. He complained very much, and Dr. Hopper thought it was something consistent with sciatica, pains in the thighs and hips, which will be described by the doctor. He complained to the doctor that he had been sick twice, and he attributed it to some inferior sherry he had taken. At that time there were indications of straining of the rectum, and an application of morphia for those parts was given to him to allay that straining, and the great pain he was suffering from. That was on the night of Friday, the 3rd May, and the next, Saturday, Mr. Maybrick was still in bed; on Saturday, in fact, he was a great deal worse. He was so sick he could retain nothing at all; he could eat nothing, and Mrs. Maybrick, who was attending on him at that time, was directed to apply some particles of ice to his mouth. Some stock soup was also made in the kitchen, strengthened with some beef essence and some ingredients of that kind. She was told that day to apply—and to this I will have particularly to draw your attention—to apply moistened handkerchiefs to his mouth, and Mrs. Maybrick gave directions that no medicine was to be given to her husband unless she had seen it. That was on the 4th May, and undoubtedly on that date Mr. Maybrick was very ill indeed. The next day was Sunday, the 5th May, and on that day Mr. Maybrick was in bed all day. He was vomiting, and complained very much of pains in the throat, and Mr. Edwin Maybrick and the doctor stayed in the house. Mr. Maybrick was given some soda and milk, but this he vomited back, after, as Mr. Edwin Maybrick would say, some medicine had been given to him by Mrs. Maybrick. The doctor then recommended that some beef essence, which is highly recommended, should be

Opening Speech for the Prosecution.

given to him. This was Valentine's beef essence or juice. Mr Addison
She said that he was very ill, that he had taken another dose of that horrid medicine from London, that it had made him very ill, and if he had taken much more of it he would have been a dead man. That is very remarkable in view of what had been put into the medicine on that very day. Well, gentlemen, on Monday, the 6th of May, he was still in bed. He complained that his mouth was very offensive, though nothing was perceived of it in his breath by the doctor. His throat distressed him very much—a feeling as of hairs in it. He complained that the beef extract ordered him always made him sick. So strongly did he complain of this that the doctor recommended that Brand's beef tea should be given him instead. There was a great straining about the rectum, for which on Monday, the 6th May, the doctor advised a blister. In addition to that he ordered a drug containing a small portion of arsenical liquor. I think there were five draughts of it, each containing a tablespoonful, but that did him no good, and the remainder was thrown away. I will now call your attention, gentlemen, to this fact, that Valentine's meat juice, of which, after taking it, he always complained about being sick—undoubtedly in that meat juice arsenic was found.

Sir CHARLES RUSSELL—No, no.

Mr. ADDISON—I am sorry to see that my friend, who is anxiously watching this case, says that what I state is not absolutely correct. But I am told that a bottle was analysed, and that in it arsenic was found. That, of course, is a matter of evidence which I can only state if I have gathered it correctly. This is the state of things upon the Monday. We now come to Tuesday, the 7th of May. On Tuesday again he seemed a little better of his sickness. These fluctuations are important matters for you to consider in connection with the way we suggest arsenic was administered. He was better of his sickness, but complained of his throat to his brother Edwin, who did not like his looks, and did not think he was better. The effect of this was that on Tuesday, 7th May, for the first time Mr. Edwin Maybrick suggested that Dr. Carter, of Rodney Street, should be called in, and at half-past five the same day Dr. Carter came to consult with the local practitioner, Dr. Humphreys. Now, when Dr. Carter came deceased complained to the doctor that he had had vomiting and diarrhoea for some days. He said there was a pain in his throat as if a hair was there. He complained also of intense thirst, and when the doctor looked at his throat it was red, dry, and glazed, and although he was in a weak condition he seemed to be very restless under the bedclothes. Dr. Carter looked at these symptoms together, and attributed them to acute dyspepsia and acute inflammation of the stomach. Mrs. Maybrick asked

Trial of Mrs Maybrick.

Mr Addison whether the restlessness was due to his eating and drinking during his bachelorhood, but Dr Carter said this would not account for it at all. On the Tuesday Nurse Yapp noticed Mrs. Maybrick pouring from one bottle into another, but although she had an opportunity to manipulate the medicines I do not say that anything follows from it. The pouring from one bottle to another may have been a perfectly innocent act. I do not attach any importance to it. I only suggest it to you as showing that she was, so to speak, regulating his medicines up to the 7th of May, when Dr. Carter was called in. That brings us to the 8th of May. I remember that Dr. Carter was not coming back until the Thursday. It will be for you to bear in mind that according to both doctors the deceased was suffering from acute dyspepsia on the 7th of May, that being the result of their consultation. On the 8th Dr. Humphreys came, and it appeared that the patient had passed a very poor night. At the same time he said there was no sickness, which seemed to have passed away, and he thought the medicine he had taken had relieved his throat a little. But when Mrs. Briggs entered, and saw him suffering from these recurring symptoms, she thought it right to send for a sick nurse, and at the same time she despatched a telegram to London for Mr. Michael Maybrick, asking him to come at once to Liverpool. A nurse named Gore arrived about a quarter past two on the Wednesday afternoon, and a quarter of an hour after she gave him some medicine Mrs. Maybrick handed her to give to her husband. At that time Mrs. Briggs fully believed that he would get better, although he was in a condition on the 8th in which he could not get in or out of bed without assistance. That was the state of things at three in the afternoon, which it will be important for you to bear in mind, in conjunction with his wife's acts. About three o'clock Mrs. Maybrick gave Nurse Yapp a letter, telling her that she wanted it posted by the 3.45 post. The nurse took the letter, and will give you a reason why she opened it. But whether that be the true and just reason—viz., that she let it fall in the mud and opened it, or whether she was animated by curiosity or suspicion, or whatever other motive, it will not be very important to inquire. As a matter of fact, she not only opened the letter, but it is produced before you to-day, because later on in the day, at 5.30, she gave it to Edwin Maybrick. That letter will be for you to consider. But she received on the Monday before, the 6th of May, a letter from Brierley, which had crossed the letter she wrote to him on the 8th. Indeed, before the latter date she had written at least two letters to Brierley, and now, that you may understand what was going on between them and what was in her mind, I will read you the letter of the

Opening Speech for the Prosecution.

6th of May, which Brierley had written to her. There is no **Mr Addison** date, but clearly it was written on that date. It is as follows:—

MY DEAR FLORIE,—I suppose now you have gone I am safe in writing to you. I don't quite understand what you mean in your last about explaining my line of action. You know I could not write, and was willing to meet you, although it would have been very dangerous. Most certainly your telegram yesterday was a staggerer, and it looks as if the result was certain, but as yet I cannot find an advertisement in any London paper.

Now it is quite clear that this refers to certain investigations which might lead to the discovery of what had passed between them in London.

I should like to see you, but at present dare not move, and we had better perhaps not meet until late in the autumn. I am going to try and get away in about a fortnight. I think I shall take a round trip to the Mediterranean, which will take six or seven weeks, unless you wish me to stay in England. Supposing the rooms are found, I think both you and I would be better away, as the man's memory would be doubted after three months. I will write and tell you when I go. I cannot trust myself at present to write about my feelings on this unhappy business, but I do hope that some time hence I shall be able to show you that I do not quite deserve the strictures contained in your last two letters. I went to the D. and D., and, of course, heard some tales, but myself knew nothing about anything. And now, dear, "Good-bye," hoping we shall meet in the autumn. I will write to you about sending letters just before I go.

A. B.

To that she wrote a letter which was intercepted by Nurse Yapp. It was as follows:—

Wednesday.

DEAREST,—Your letter under cover to John K. came to hand just after I had written to you on Monday. I did not expect to hear from you so soon, and had delayed in giving him the necessary instructions. Since my return I have been nursing M. day and night. *He is sick unto death.* The doctors held a consultation yesterday, and now all depends upon how long his strength will hold out. Both my brothers-in-law are here, and we are terribly anxious. I cannot answer your letter fully to-day, my darling, but relieve your mind of *all fear of discovery now and in the future.* M. has been delirious since Sunday, and I know now that *he is perfectly ignorant of everything, even of the name of the street, and also that he has not been making any inquiries whatever.* The tale he told me was a pure fabrication, and only intended to frighten the truth out of me. In fact he believes my statement, although he will not admit it. You need not therefore go abroad on that account, dearest; but, in any case, please don't leave England until *I have seen you once again.* You must feel that those two letters of mine were written under circumstances which must even excuse their injustice in your eyes. Do you suppose that I could act as I am doing if I really felt and meant what I inferred then? If you wish to write to me about anything do so now, as all the letters pass through my hands at present. Excuse this scrawl, my own darling, but I dare not leave the room for a moment, and I do not know when I shall be able to write to you again.—In haste, yours ever,

(Signed)

FLORIE.

That letter was given to Mr. Edwin Mayhrick at 5.30.

Trial of Mrs Maybrick.

Mr Addison At 6.30 the same day Nurse Gore noticed that a tumbler, a medicine glass, was gone, and Mrs. Maybrick put some medicine into it, and said it must be put in a tumbler of cold water—it must have so much water or it would burn his throat. Nurse Gore did not administer that medicine at all. She said she wanted the glass for some other purpose, and for that reason, and that, I take it, only, she threw the medicine into the sink in the housemaid's closet. Whether from that cause or some other—it is not fair to trace it to any particular cause—but undoubtedly in the sink of the housemaid's closet there were traces of arsenic found. The 9th of May was Thursday. Nurse Gore had been on duty a long time on Thursday, and at eleven o'clock the institution sent another nurse, named Callery, who relieved Nurse Gore. Dr. Carter, head physician, came on the afternoon of the 9th, when Nurse Callery was there. On Tuesday both doctors could only attribute the symptoms of Mr. Maybrick to acute dyspepsia, but on Thursday there came on with increased violence during the night a symptom which at once attracted the marked attention of Dr. Carter. He found this tetanus, this straining and retching, was very painful and persistent, and he then for the first time seems to have come to the conclusion that they showed a symptom which in acute dyspepsia would not account for, and there was then a strong presumption that the symptoms were those, and those only, of an irritant poison. That went on during the day on Thursday, and at eleven o'clock at night Nurse Gore returned. She had been away for twelve hours, from eleven o'clock in the day. A circumstance occurred then to which I am compelled to ask your careful attention, being one of the serious features in the case. When Nurse Gore returned she opened a bottle of Valentine's juice essence. The other bottle had been discontinued since the Monday before, and this was substituted. On Thursday Nurse Gore opened a fresh bottle, which she had previously got from Mr. Edwin Meyrick. Mrs. Maybrick, after it had been opened, said he had had that before, and somehow it had always made him ill. That was true, and for that reason the medicine had been discontinued on the Monday. However, the nurse opened it, and having done so, she saw Mrs. Maybrick take that bottle into the dressing-room, which leads out of the bedroom, and she was away for about two minutes. After she came back Mrs. Meyrick addressed herself to Nurse Gore, and told her to leave the room for some time. She would not go, and did not leave the room. Thereupon the nurse will tell you she saw Mrs. Maybrick in a sort of concealed manner, as if she were desirous not to be seen, take the bottle she had taken into the dressing-room and put it on the table, and afterwards, when the patient awakened, she saw her

Opening Speech for the Prosecution.

move it from the table and put it on the washstand. On the next day, Friday, the 10th May, Nurse Gore was relieved by another nurse, Callery, to whom she pointed out this bottle, on which she had kept her eye the whole time, and gave her certain instructions upon it, and Nurse Callery ultimately gave it up to Michael Mayhrick. On the Friday Mr. Mayhrick thought he was himself a little better, but it was evident that he was a great deal worse. He had pains in his throat and in his abdomen, and he said to his wife, in the presence of Nurse Callery, "Don't give me the wrong medicine again," to which Mrs. Mayhrick answered, "What are you talking about? You never had the wrong medicine." About two or three o'clock Mrs. Mayhrick was noticed apparently changing the medicine from one bottle to another. This was a most serious department of the case, as it was suggested that she might, if she liked, alter the medicine. At half-past four Dr. Carter came, and at a quarter to five Nurse Wilson came to relieve Nurse Callery. Wilson heard Mr. Mayhrick say, "Oh, Bunny, Bunny, how could you do it! I did not think it of you." That was a somewhat ambiguous expression, and the prosecution would not attach more importance to it than it was worth. But now Dr. Carter, who had been there that afternoon, had received from Michael Mayhrick a bottle of Valentine's juice, which he took home. That night and next morning he examined it, and both examinations showed that arsenic had been put into it. The accurate examination afterwards by Mr. Davies showed that in that bottle there was half a grain of arsenic. If that was so, it is very serious from both points of view, because it leads to a very strong conclusion that she had put arsenic into this medicine. And it does more; because if half a grain of arsenic was put into it, and no more, it showed that he was being poisoned by doses repeatedly administered. Half a grain of arsenic administered about twice a day would produce these illnesses, with all their variations, of which you have heard. So serious was the patient's condition, that Dr. Carter came about half-past twelve next day, which was Saturday the 11th of May. On that morning it was clear to everybody that Mr. Mayhrick was dying, and his children were brought to him. He could take nothing in the way of nourishment. The doctors were with him when he died, about half-past eight in the evening. Now, gentlemen, you must watch the evidence carefully. On Friday he had had meat juice, part of which he did not take. Arsenic was found in the jug containing it, as also in the closet, or rather the mere trace of arsenic. Now, directly he was dead (on Saturday, the 11th of May), Michael Mayhrick directed the nurse and the housemaid to look and see what they could find. In a closet they found a

Trial of Mrs Maybrick.

Mr Addison box containing children's clothes; they found a chocolate box, in which there was a parcel labelled "Arsenic—Poison," and written after it the words "for cats." Thara was also a handkerchief found, a matter to which I must direct your special attention, for in it arseuic was found. On the next day, Mr. Edwin Maybrick, Mr. Michael Maybrick, and the two Briggses, who, as I hava said, wera old friends of the family, made a further search, and they then found in the dressing-room two hat boxes containing hats belonging to Mrs. Maybrick.

[Sir CHARLES RUSSELL leaned across to Mr. Addison and corrected him in regard to that matter.]

Mr. ADDISON—I understand it is not as I had said—they contained men's hats; but at the top of one of these boxes was found a hottla of Valentine's meat essence containing arsenic.

[Mr. M'CONNELL upon this assartion whisperad a correction to his leader in regard to tha mattar.]

Mr. ADDISON—It may be as my learned friend says; there was ona bottle not sufficiently identified, hut the bottle found at tha top of the box with Valentine's meat essence did not contain arsenic. Anything I have said contrary to that will rather clear up the mnatter which wanted clearing up, that whan Mr. Maybrick complained to Humphrays that Valentine's meat atrnct mada him ill—well, I would rather wait until I hear tha evidenca, because I am not clear on the point. However that may be, this bottla of Valentina's extract was found at tha top of tha box, and there werc also found three other bottles, each of them containing arsenic in tha process of solution—that is, being converted into a liquid form. One hottle contained a strong solution of nrsenic, with several grains in a solid form in the hottle; another hottle contained several grains solid and also n strong solution; and a third bottla contained 15 or 20 grains solid arsenic, but only two drops of the solution. In each of these threa hottles there was arsenic in different stages of solution. In tha second hathox there was found a tumbler which contained a fluid resembling milk, and in that tumbler was a piece of a hand-karchief soaking. In this tumbler were found 20 grains of arsenic. Undoubtedly that was nn important point, because you will remember it has been suggested that at an early stage of Mr. Maybrick's complaint a handkerchief was placed over his mouth. Well, later on in June, tha dressing-gown which Mrs. Mayhrick had worn during the illness was examined, and in the pocket of tha gown and in a pocket handkerchief traces of arsenic wera found to an extent which will ba spoken of hy Dr. Stevenson and Mr. Davies. This brings me to

Opening Speech for the Prosecution.

Sunday, 12th May. On the next day, Monday, the 13th, **Mr Addison** there was a post-mortem and an analysis of some of the viscera. The general result was this—it was found that all the organs of the deceased man were healthy. The intestines and bowels were very much irritated, and traces of arsenic were discovered. The stomach was in a state of acute inflammation, such as is produced by an irritant poison. The kidneys showed traces of arsenic, and in the liver undoubtedly arsenic was found in a weighable quantity. Undoubtedly the result of the examination is this, that all the doctors will say, having regard to the post-mortem and the symptoms he showed in his illness, that they have no doubt Mr. Maybrick died from the administration of arsenic. Dr. Stevenson and Mr. Daviea, who have had large experience in these matters, will tell you, if there were repeated doses of arsenic, such as the history of this case would seem to indicate, and if for a day or two before he died no arsenic was given to him, that is precisely a case in which they would expect to find the body of Mr. Maybrick in the condition they describe, because it is not the arsenic which is found in the system which kills, but the arsenic which kills is that which has passed away. Now, on the 14th of May, Mrs. Maybrick was in custody in her own house. She at that time wanted some money to pay for telegrams and stamps, and Mrs. Briggs, who was there, said, "Perhaps Mr. Brierley will help you." In which sense she used the words she will explain herself. Thereupon prisoner wrote a letter to Mr. Brierley. She was then in custody and in trouble, and her husband had died in this terrible way on the Saturday before. She said in this communication to Brierley—

BATTLECREASE HOUSE, AIOBURTH.

I am writing to you to give to me every assistance in your power in my present fearful trouble. I am in custody, without any of my family with me, and without money. I have cabled to my solicitor in New York to come here at once. In the meantime, send some money for present needs. The truth is known about my visit to London. Your last letter is in the hands of the police. Appearances may be against me, but before God I swear I am innocent.

FLORENCE E. MAYBRICK.

Gentlemen, we know the relations that existed between her and Brierley, and we know the correspondence that went on between them whilst her husband was on his sick bed; and I do not know that the fact of her applying to Brierley for assistance when the suggestion is made to her adds really very much to our knowledge of the case. After that she was charged by Mr. Inspector Bryning with causing her husband's death, and to that she made no reply. But it is fair to add that the officer cautioned her, and told her to be careful, as what she said might

Trial of Mrs Maybrick.

~~Mr Addison~~ be given in evidence against her. And that she made no reply under the circumstances is not a matter which I, for the Crown, will make any observations upon. On the 14th May the charge was more formally made to her by Mr. Bryning, and again in the same words of caution, of having killed and murdered her husband. She again made no reply. When before the magistrates she was represented by my friend Mr. Pickford, and he, of course, reserved the defence until the assizes. I have now to say that I have no knowledge up to this time, no notion whatever, of what explanation may be given to explain away, if it is possible, the facts which I have laid before you. Gentlemen, there is no reason to doubt what the doctors will swear without doubt, and what the chemists will swear without doubt, that James Maybrick died by arsenic, and arsenic given to him by repeated doses. And if he did, the question will be for you, who gave him the arsenic of which he died? Undoubtedly the whole household, whom you see, knew and had nothing to do with it. It cannot be suggested that the doctor, or his brothers, or the four maidservants, had anything to do with it. It will be for you to say whether the wife, who until the 8th of May attended and administered everything that was given to him, and afterwards gave medicine to him through the nurses—whether she was or was not the person who did it. It is clear that he was not a man who administered this himself by way of killing himself. That the whole case demonstrates. You will find the deceased was a man who was distressed at the bare notion of death, who was cheered by every ray of hope. Whenever he was a little better was glad to tell it, and was anxious and pleased to describe to his doctors all that he had taken and all that happened. It is clear, besides, that by no mistake was arsenic administered to him. It is clear that he was quite unconscious all through his illness—and apparently his wife too—that he was taking arsenic. The name arsenic was never mentioned or brought into the question. The illness was attributed to an overdose of the medicine from London, to the wrong medicine being administered, to brandy, sherry, and another time to beer, and different matters. There was never for one moment any notion that he was taking in any shape or form arsenic. Whether by the beer, the sherry, the brandy, or by the many medicines, it is clear that arsenic was being administered to him without his knowledge or the knowledge of any one about the place. Gentlemen, who did it? I shall be compelled, and am compelled, to submit there is very cogent and powerful evidence to show that it was his wife who administered it. Undoubtedly if she was the person who administered these repeated doses to him, then, gentlemen, she

Opening Speech for the Prosecution.

is guilty of the cruel offence of wilful murder, and it will be **Mr Addison** your painful but bounden and incumbent duty to say so.

[As the first witness was about to enter the box, Mr. Addison said he should like to make it plain that the only meat juice in which arsenic was found was that to which Nurse Gore spoke, in which half a grain of arsenic was found, and from which juice nothing was administered to deceased.]

Trial of Mrs Maybrick.

Evidence for the Prosecution.

WILLIAM HENRY CLEMMY, surveyor, Bootle, examined by Mr. W. H. Clemmy SWIFT, produced plans of Battlecrease, the residence of the deceased.

MICHAEL MAYBRICK, examined by Mr. M'CONNELL—I am a music composer, residing at Wellington Chambers, Regent's Park, London. James Meyhrick of Battlecrease was my brother. He was fifty years of age. The prisoner and he were married in July, 1881. There are two children of the marriage, a boy, seven years, and a girl, three years of age. My deceased brother was in the habit of visiting me occasionally in London. On 13th April he came up to see me there, and remained with me until the Monday following. On Sunday, the 14th, Dr. Fuller came to my chambers, and my brother consulted him in my presence. Dr. Fuller prescribed for him. My brother's object in coming to London was primarily to see about his wife's debts, and he took advantage of his visit to see my doctor. I had a conversation with my brother in reference to the objects of his visit. He came up the week after and stayed at a hotel, but I was out of town and did not see him.

On Wednesday, 8th May, I received three telegrams, one from Mrs. Briggs; and in consequence of the contents of these messages I left London the same day for Liverpool. On arriving at Edgehill I was met by my brother Edwin, and with him I drove to Battlecrease House. In the cab we had a conversation as to my brother James's health, and on arrival at the house Edwin showed me a letter, dated 8th May, in the prisoner's handwriting, addressed to Mr. Brierley. I met Mrs. Maybrick at my brother's bedroom door. I asked where my brother was, and then I entered the room, Mrs. Maybrick following me. Nurse Gore was in charge. I was very much shocked to see the state he was in, he being only semi-conscious. Shortly afterwards I saw Mrs. Maybrick in the morning-room, and I said to her that I was not satisfied with my brother's treatment. She asked me what I meant, and I said that she ought to have called in professional nurses, and also another doctor earlier. At that time I had heard that Dr. Humphreys was in attendance, and that a nurse had been procured that day. I also learned that Dr. Carter had been called in as a consulting physician. Mrs. Maybrick said that no one had a better right to nurse the husband than his wife, and I agreed with her, but

Evidence for Prosecution.

repeated that I was dissatisfied with the case, and that I would go and see Dr. Humphreys, which I did. I had some conversation with Nurse Gore that night. I slept in the house that night, on the top floor. On Thursday my brother seemed rather better, and Dr. Humphreys seemed to be satisfied with the case. I saw Dr. Carter that same day, and told him what I had told Dr. Humphreys. On Friday morning, in consequence of a conversation that I had with Nurse Gore, I went into the sick-room and took away about half a bottle of brandy. I again saw Nurse Gore in the afternoon, and following on our conversation I took from the wash-stand in the bedroom part of a bottle of Valentine's meat juice, which I gave, precisely as I had found it, to Dr. Carter, about a quarter past four that same afternoon. The bottle of extract was a little more than half full. On going back to my brother's room that afternoon I saw Mrs. Mayhrick changing, as I thought, the medicine from one bottle to another, and I said to her, "Florie, how dare you tamper with the medicine."

By Mr. JUSTICE STEPHEN—She was putting the label on the bottle.

Examination continued—She explained that there was so much sediment in the smaller bottle that it was impossible to dissolve it, and she was putting it into the larger bottle so that the medicine might be more easily shaken. I now identify the bottle into which the medicine was being poured. I told her that I was much annoyed and dissatisfied, and that I would have the prescription immediately remade, which I did. My brother grew gradually worse from that time, and at six o'clock he was highly delirious. He was conscious when not delirious. About three or four o'clock Mrs. Mayhrick, when in the garden, asked why Dr. Fuller was not brought, and I replied that I believed that Dr. Carter fully understood the case, and that it was rather late in the day to send for Dr. Fuller.

Mrs. Mayhrick came to my room about three o'clock the next morning and said that matters were much worse. I found my brother, who was in charge of Nurse Gore, to be very ill indeed. About five o'clock he saw his children. Dr. Carter saw my brother about noon. About 8.40 that same evening my brother died. About half-past eleven in the evening Nurse Yapp brought me a chocolate box containing several small bottles and a small parcel labelled with a long red label, "Arsenic: Poison."

Mr. JUSTICE STEPHEN (examining the parcel)—"Arsenic: Poison" is the label, and in another hand are the words, "For cats."

Examination continued—In the presence of Mr. Steel, solicitor, who resided next door, and who came in, I sealed the

Trial of Mrs Maybrick.

A. Maybrick box with my private seal, and placed it in the wine cellar. Subsequently I gave it to Inspector Baxendale. On Sunday morning, the 12th, I, along with my brother Edwin, made a search of the bedroom. We found some letters which I afterwards gave to Inspector Baxendale, but I looked at these letters before doing so.

Cross-examined by Sir CHARLES RUSSELL—You first saw your brother on Sunday, the 14th April?—No; I first saw him at Kensington.

On the occasion of that visit?—Yes.

It is the fact, is it not, that he had telegraphed when he came to London and asked for an appointment to be made with Dr. Fuller?—Yes; I believe that was so.

But, as you understand it, one of his principal objects in coming to London was to consult Dr. Fuller about his health?—Yes.

When you came down on Wednesday, 8th May, what time did you arrive at Battlecrease?—At about half-past nine o'clock.

Where did you first see your brother Edwin?—At Edge Hill.

Did he then show you the Brierley letter?—No, he told me of it.

Told you the purport of it?—Yes.

And I suppose told you the circumstances under which he had obtained it from the nurse Yapp?—Yes.

You were astonished to see the state your brother was in?—I was.

You saw that he was very ill?—Very ill indeed.

In a semi-conscious condition?—A sort of semi-conscious condition.

I think Mrs. Briggs was there, was she not?—No.

Was she not there at the time you arrived?—No; certainly not.

Did you learn that she had been there earlier in the day?—Yes, I was told so.

Did you see her the next morning?—I did.

She took a very serious view of the case, did she not?—Yes.

She intimated to you that she had taken a very serious view from the first?—Yes.

And that she had been there early on the previous morning?—Yes.

Except upon Thursday, he expressed himself as free from pain, did he not, but it seemed to you that from Wednesday he gradually sank, until he died on Saturday?—Well, no; that is not my opinion at all.

What is your view?—My view is that there was a decided improvement up to Friday morning.

Evidence for Prosecution.

And then began the collapse?—And then he collapsed hour by hour.

In what way did it seem to you that he was better?—He was better in spirits, and from his conversation he seemed to think himself better—in fact, he remarked himself that he thought he was better.

Just tell me—I want to get at all these matters—had you, from the first a strong suspicion in the case?—I had.

And you expressed this suspicion very early to Mrs. Mayhrick, and to the nurses?—Not to the nurses.

Did you not, sir? Are you not aware that instructions were given to the nurses?—Oh! you mean the hospital instructions.

I said the nurses?—Yes, I was aware that they had instructions.

You are aware that there were instructions given to them which would convey the idea that a case was felt, by those interested in the case, considerable suspicion?—Yes, that is so.

Did you, on your arrival, give any instructions to Nurse Gore?—Yes.

Did you become aware on the Wednesday that Mrs. Mayhrick herself had telegraphed for a nurse?—No, I did not know then; I learned it subsequently, but I do not know how I learned it.

Did you not learn it from your brother?—No, I do not think he knew it at that time. I could not say where or how I learned it; but I certainly did hear it afterwards.

Did you hear from your brother that Mrs. Mayhrick had urged him to call in Dr. M'Cheyne?—I did not understand it that way. My brother said he had seen Dr. M'Cheyne.

I ask you whether Mrs. Mayhrick suggested to you that you should call in Dr. M'Cheyne?—I cannot recollect that conversation.

The first matter, I think—I wish to follow this out in order that there may be no misapprehension—the first matter your attention was called to was by Nurse Gore, in reference to a bottle of brandy?—Yes.

On Friday, was it not?—On Friday morning.

In consequence of what she said, you were led to have the bottle, which was apparently half-full of brandy, removed?—Yes.

And you handed it over for examination afterwards?—Not then; I locked it up first.

That was on the Friday?—Yes.

To whom did you hand it?—I locked it up at once, but afterwards I gave it to Inspector Baxendale.

Trial of Mrs Maybrick.

H. Maybrick You are aware that from that bottle your brother received nothing after it was taken care of?—Nothing from that bottle.
I am speaking of that bottle?—No; not from that bottle.
You subsequently handed it over to Dr. Carter on the Friday?—Yes.

And it was subsequently found to be harmless?—Yes.
The next thing was a small hottle of Valentine's meat extract, to which reference was made by Nurse Gore?—Yes.
And in consequence of which you took charge of it?—Yes.
After Nurse Callery called your attention to it, I take it that nothing was administered to your brother from that hottle?—Yes.

I wish to ask you what time was it you observed, or thought you observed, Mrs. Maybrick changing the medicine from the smaller into the larger bottle?—I think it was, as nearly as I could tell, about two o'clock; it might have been a little after or a little before.

That was on the Fridsy?—Yes.
You did not know the ingredients of that medicine?—No.
In consequence of what you saw her doing you spoke to her very sharply?—Yes, I did.
What did you do with the hottle?—I took it away, and gave it to Dr. Humphreys.

Mrs. Maybrick, you think, was in the act of putting a label on?—She was putting it on.
At that time Nurse Callery was in the room?—Yes.
And you are aware the contents of this were also analysed?—Yes.

And you are aware there was no arsenic in it?—Yes.
So far as you are aware there was no concealment about the matter?—None whatever.

What was it Nurse Yapp brought to you about eleven o'clock?
—She brought me a chocolate box.

Look at it; take it in your hands and tell me what is in it?—There were several things, hottles, piece of linen.

Are those things in now?—Yes. I think they are very much the same.

Where did she find them?—In the trunk which had been taken from the closet in which to put the children's clothes.

One side of this hottle had been ticketed poison, and the other was endorsed in a hold hand—"Arsenic—Poison for eats"?—Yes.

There is this box of quinine pills?—I do not remember. I did not examine them myself.

I really want to know what you did see, because it may be important. Is there a suggestion that there was any arsenic in either of these bottles which have been examined? (holding up some small phials)?—I really do not know.

Evidence for Prosecution.

I notice this bottle is labelled, "Solution of morphia, twenty **M. Maybrick** to twenty-five drops a dose." Apparently the name of the chemist is scratched out. Do you know what is in this smaller bottle?—No, I do not. I am not aware what their contents are.

Then there is this handkerchief (holding up one). You are aware that this is a lady's one, with the name "Maybrick" in the corner of it?—Yes.

The evidence at the inquest was that there was a red stain on this handkerchief. Except that, is there anything in relation to the contents of the chocolate box that in any way suggests arsenic?—Not that I am aware of. I did not follow the evidence as to the different bottles.

What else did Yapp give you?—A brown paper parcel. Inside it was a white parcel.

Does that contain insect powder?—I do not know.

Was the parcel open?—It was open at one end, and the stuff was running out.

Was there anything poisonous in that that you are aware of?—I do not know.

Mr. JUSTICE STEPHEN—I think it is admitted there was no poison in that?

Mr. AOMSON—I believe that is so, my lord.

Cross-examination resumed—Was there anything else in that parcel?—Nothing that I know of.

Did she give you anything else that night?—Not that I remember.

I may, just in passing, call attention to this smaller parcel which was labelled "Arsenic," and which is endorsed, "Poison for cats"—that is discoloured, isn't it?—Yes; I believe it is.

In other words, it is carbonised arsenic, or mixed with charcoal?—Yes; I believe so.

You are aware that for oats it is mixed with carbon in this way?—Yes.

Mr. JUSTICE STEPHEN—There is no evidence to prove that it is arsenic.

Sir CHARLES RUSSELL—I believe it is arsenic.

Cross-examination resumed—Your brother was a cotton broker?—He was a cotton merchant.

He had lived some years in America, had he not?—Yes.

Did he go there and stay off and on till he was married?—Yes.

He lived in America for some time?—Yes, but he came backwards and forwards.

That took place practically down to the time he was married?—Yes.

I think that since his marriage he has also gone to America?—Yes; he went there three or four times after his marriage.

Trial of Mrs Maybrick.

H. Maybrick I will just ask you one or two questions about your brother. Was he a man rather fond of his personal appearance?—He was particular about it.

Was he a man given to dosing himself?—Not that I am aware of. I naver saw him. At times he took a littla phosphorus, I know.

Have you evar heard about his dosing himself?—I never heard, except in a letter from Mrs. Maybrick.

I should ba glad to see that letter?—Well, unfortunately, I destroyed it. I did not think it of any importance.

Can you tell ma whathar it was early in March when you received it?—I should think it was early in March. I do not remember tha day.

To tha best of your recollection, was it in the beginning of March?—I believe so.

Might it not hava been earlier than tha beginning of March?—I hava nothing to remind me. I cannot say mora than that it was at the beginning of March.

You say you destroyed the latter at tha tima?—Certainly, three or four hours after receiving it.

Tell us what your recollection is?—As far as I can recollect, she stated that sha had found my brother was taking a white powder, and that sha thought it might hava something to do with tha pains in his head. I know it was a statement to that effect, to which I attached vary little importance at tha time. Sha also stated in the letter that ha had not tha slightest suspicion sha had discovered it, and sha would not lika him to know it. I was given to undarstand that I was not to mention it to him.

You wera asked about this befora tha magistrates, wera you not?—Yes.

What action did you taka upon that?—The only action I took was to communicate it to tha deceased when he cama to London.

Tell us what he said?—On Saturday night, when my brother arrived, we wera speaking about different things, and I said, "What is it with reference to those white powders I am told about?" I said, "I am told you take a certain powder." Ha said, "Whoever told you that, it is a damned lia."

Did you pursue tha subject further?—I did not.

Do you recollect whether Mrs. Msybrick said in her latter that her husband was again ill, and nervous and irritable?—Yes, I believe she did refer to his irritability.

Did she say sha was certain ha was still physicking himself?—Well, I really could not be sure on that point, hut tha letter was to that purport.

Did sha say she had seen him take a whita powder on several occasions, and that whan she rferred to it he flew into a passion

Evidence for Prosecution.

and did not like it to be talked about?—Yes, I believe she did **M. Maybrick** say something to that effect.

Did she say she herself had searched for the powder, and could not find any trace of the powder he took?—That I do not remember; I have no recollection of it.

Do you recollect what she suggested? Do you recollect that she suggested it was perhaps strychnine, or some other drug? Do you recollect the word strychnine?—I cannot say I do.

Can you undertake to say, from your recollection, that she did not, referring to a white powder, say it might be strychnine?—I should not like to say one way or another; my recollection is too vague.

Your own family doctor is Dr. Fuller?—He is.

That fact was known to your brother and his wife?—Yes, it was. I mentioned it at Christmas time, when I asked him to come up to London to see Dr. Fuller.

Do you remember whether she mentioned Dr. Fuller's name in the letter?—I really cannot say. It is very possible, but I tell you I have a very poor recollection. The idea in my mind is that she referred to his taking a powder. I believe she said she thought she ought to tell me about it. That was the whole of the letter as far as I remember it.

You understand, Mr. Maybrick, that I am accepting your recollection as far as it goes. Do you remember that one of the objects of your brother's visit to London was to obtain a settlement of some debts which his wife had incurred?—Yes.

You were aware, of course, were you not, of a dispute having arisen in reference to this man Brierley?—I did not hear the nature of the dispute. I had heard there had been a dispute.

As far as you are aware, your brother died entirely in ignorance of the guilty meeting in London?—Yes, I am convinced of it.

The only complaint having to do with her was in reference to the quarrel about the Grand National?—Yes, I believe so. I firmly believe he knew nothing except what took place on the racecourse.

You are aware there were complaints on both sides?—Yes.

You know the name of a woman has been introduced into this case?—Yes.

You are aware that, at the instance of Mrs. Briggs, Mrs. Maybrick went to consult a friend in reference to this woman?—Yes, I am aware of it.

And a reconciliation was supposed to have been brought about between Mr. Maybrick and his wife?—Yes.

Have you examined your brother's papers?—Not very much myself, but my brother has.

Well, I prefer to examine him in regard to them. Did you

Trial of Mrs Maybrick.

M. Maybrick come across, or has your brother shown you, a hundle of pre-
scriptions?—I have not seen them.

Have you coma across tha cashbox from Mrs. Maybriok's
wardroha?—I hava sean it, hut it is not here.

Ara you awara it has been asked for hy the representatives
of Mrs. Mayhrick?—No, I am not aware; I have not heard of it
at all so far.

Re-examined by Mr. Adnison—Tha only way I can fix the
date whan my sister-in-law wrote to me is hy a certain avent
which took place in London on 26th March, and I think it must
hava been a fortnight befora then. When I mentioned tha
powdar to my brother, and ha told me that it was a lia, I
dropped the subject, as ha seemed to ha annoyed.

Mr. Adnison asked that all tha azihits in the Court should
ha properly taken care of, and that they should be placed soma-
whera all together.

Mr. Justice Stephen—Tha proper custodian of these things
is tha custodian of tha Court.

A. R. Hopper

Dr. ARTHUR RICHARD HOPPER, examined by Mr. Adnison—I
am a physician and surgeon in Rodney Street, Liverpool. I
hava attended Mr. and Mrs. Mayhrick since 1881, shortly
after their marriage. He was a very healthy man, hut ha
complained from time to time of symptoms which to my mind
wara not very serious—slight dyspepsia and nervousness, which
I thought to be azaggerated. After June, 1888, ha complained
more than formerly. I usually prescribed nerve tonics. I
never prescribed arsenic for him in any shape or form, hut
I remember having a conversation with him soma years ago
about it. My impression of the conversation is that ha told
me that ha knew it as an antiperiodic. When ha returned from
Amarica, I think ha said he had been taking quinine, and
as he said that quinic did not suit him, I suppose I suggested
arsenic. Arsenic is an antiperiodic, and it is given in cases
of disease in which thera is a liability to periodic recurrence.
It is for intermittent fevers, marsh fevers, &c. Tha nerva
tonics which I prescribed were very ordinary ones, nux vomica
and phosphoric acid. With that exception my impression was
that he was a fairly healthy man.

I remember the day after the Grand National, 30th March.
Mrs. Mayhrick called upon me. She complained that she was
very unwell, that sho had heen up all night, had taken very
littla food, and was out of sorts, and she asked my advice.
I saw that she had a black eye. She said that her husband
had heen very unkind to her, that they had had a serious
quarrel the night befora, and ha had beaten her. The quarrel

Evidence for Prosecution.

she explained was the outcome of a disagreement at the Grand National, but I do not think she told me at that time what that disagreement was about. She said that she had a very strong feeling against him, and could not bear him to come near her. She also said that it was her intention to go to a lawyer and ask for a separation to be arranged. About half-past three the next day I went to Battlecrease House. I first saw Mrs. Maybrick alone, and afterwards I saw her along with her husband. They stated their respective complaints against one another in my presence, as to her repugnance for him and as to the quarrel the night before. Mr. Maybrick said that his wife had annoyed him very much at the Grand National, that she had gone off with a gentleman and walked up the course although he had distinctly told her not to do so. I do not think there was any other grievance. In the course of a conversation with Mrs. Maybrick she told me she was very much in debt, and that that was the great obstacle to a reconciliation. I told her I did not think it would be a serious obstacle, and I strongly recommended her to make a clean breast of it, and to get her husband's forgiveness for the debts, and then everything would be right.

By Mr. JUSTICE STEPHEN—After seeing Mr. and Mrs. Maybrick separately I understood that he was to pay all her debts, whatever they were. He made very light of it.

Examination continued—Mrs. Maybrick had no grievance against her husband more than I have told as to her repugnance to him except that she said he was frequently unkind to her. As far as I knew reconciliation took place.

Cross-examined by Sir CHARLES RUSSELL—When did you first attend Mr. Maybrick?—I began to attend him as far back as 1882.

And did you attend him from time to time up to the end of 1888?—Yes.

Between 1882 and June, last year, you have seen him a number of times?—Yes.

As I understood you, from June to September you saw him very frequently?—Yes.

How often do you say you have seen him?—Fifteen times or more.

And oftener?—Perhaps twenty.

Did he visit your house?—He came to my house.

Were his complaints always the same?—No; on one occasion he had a cold and sore throat, but generally they were the same.

Were these complaints connected with the liver and the digestive organs?—Yes.

And the nerves?—Yes.

Trial of Mrs Maybrick.

A. R. Hopper Was he a man that was rather given to exaggerate symptoms?
—Not so much to exaggerate them as to attach undue importance to them.

You would call him hypochondriacal?—Yes.

Distinctly so?—Yes.

Seeing him for so long a period of time and so frequently, you can pretty well form an opinion about the man from his conversations and admissions?—Yes.

Was he a man given to dosing himself?—Yes, he was.

Distinctly?—Distinctly.

I would like you to tell the jury what you mean by that?—I mean that, when he came to consult me, I was disappointed to find that between the visits he had been trying some new remedy recommended him by friends, and different from the medicines I had prescribed.

Do I understand that this happened more than once?—Yes.

Somebody suggested something to him and he took it?—

Yes.

When you say more than once, do you mean frequently?—

Yes, frequently.

Has he ever said anything to you as to whether he confined himself to the appointed doses of particular medicines or whether he exceeded them?—He told me that, finding no effect from his medicine, he had doubled the dose, and that it had or had not disagreed with him.

Did that apply to the medicines obtained from other sources, or to your own prescriptions?—From my memory, I should say it applied to my own prescriptions only.

What did you say when it was mentioned to you that he was taking double doses of this kind?—I said to him it was a dangerous habit; although he might escape scot free, he would some time do himself great injury.

He might have taken or not what would seriously injure him, although it might not prove fatal?—Quite so.

I want you to carry your mind back to the first time he consulted you. Were the symptoms mentioned to you nervous symptoms?—Yes; they were.

For instance, did he complain of numbness?—Yes; that was a frequent complaint.

Numbness—in what part?—In the extremities.

What part of the extremities?—In the hands, feet, and also the legs.

That was a symptom he frequently complained of?—Yes, frequently.

You were aware that he lived in America for a considerable time?—Yes.

Evidence for Prosecution.

He had been in the habit of going over to and back from A. R. Hopper America?—Yes.

Do you know a Dr. Seguard, of New York?—Yes, well.

Did deceased give you on any occasion a bundle of prescriptions written by Dr. Seguard?—Yes.

Tell me first what became of those prescriptions?—I destroyed them.

When?—A few months since.

Were they principally prescriptions of the aphrodisiac kind?

—Yes; strychnine was the chief, and nux vomica.

That is a sexual nerve tonic?—Yes.

And so far as you recollect there was no arsenic in Dr. Seguard's prescriptions?—No.

Are you aware that arsenic is a nerve tonic of the aphrodisiac character?—Yes; it is commonly used as such.

I want to ask you a particular question. You have spoken particularly of having been in charge and attendance upon this gentleman from June, 1888, to December, 1888. As early as June, 1888, did not Mrs. Mayhrick make a communication to you as to certain habits of her husband?—In June or September, I am not quite sure which.

I put it to you, was it not in June when you first began the attendance upon him?—It was either at the beginning of the attendance or shortly after my return from my holidays; but I am not clear which. My impression was she was not unreasonably anxious about the matter.

What did she say to you?—She told me that Mr. Mayhrick was in the habit of taking some very strong medicine which had a bad influence on him; for he always seemed worse after each dose. She wished me to see him about it, as he was very reticent in the matter.

She wished you to remonstrate with him?—Yes.

You understood that she wished you to do that with a view of putting a stop to it?—Yes.

And you did, I think, upon the next occasion of your visit to the house, make some kind of search, and found nothing, at all events of a poisonous nature?—Yes.

Do you remember whether she spoke at that time of his taking medicine or powder?—I do not remember that. I did not look for a powder. I looked in his dressing-room for bottles, but I did not find anything.

On the occasion of her coming to you in March, when she was accompanied by Mrs. Briggs, she had a black eye. Did you afterwards learn from her husband how that was inflicted?—Yes; I found that he had given it.

Now, I wish to draw your attention to one or two points in the evidence which you have given. You said that he had

Trial of Mrs Maybrick.

A. B. Nepper a strong habit of taking almost any medicine which was recommended him, and of taking larger doses than was prescribed?
—Yes.

He knew arsenic as a nerve tonic, and that it had similar properties to nux vomica and strychnine?—Yes, I believe so.

And I believe he told you that he had taken arsenic as an antiperiodic when he was in America?—I gathered as much from his conversation—that he had taken it in America as an antiperiodic, and knew all about its properties.

Now, I ask you whether that conversation took place, or something like it, about the time when Mrs. Maybrick told you about his dosing himself by taking the medicine?—It did not. It took place a considerable time before, and, in my mind, the two conversations had no connection.

Are you clear on that point in your own mind?—Certainly.

Had you that conversation with regard to his taking the arsenic as an antiperiodic in your mind when she made the statement to you about the middle of 1888?—No; it was not in my recollection at the time.

You did not follow it up by any inquiry from him?—No, I had no anxiety about him.

What was Mr. Maybrick's appearance. Was he a smooth-skinned man?—Yes, he had a smooth and rather pale complexion.

Have you had any experience with the use of arsenic in this country?—I use arsenic very frequently.

Principally in Fowler's solution, I believe?—Yes.

Has any case come across you in this country of men who have used arsenic habitually?—I have no personal experience.

Your experience is from books?—Yes.

Can you tell me from experience what would probably be the effect of suddenly leaving off the use of arsenic by one who had been accustomed to taking it in small doses?—I cannot tell you from my experience the symptoms.

Is it a fact that, as regards stimulants, it is true to say that the sudden cessation of them is injurious?—I would say risky rather than injurious.

Is it the case with one class of stimulants—alcoholic stimulants—that the sudden disuse of alcohol by persons who have been taking a quantity may bring on delirium tremens?—Yes.

And frequently it does?—That is so.

You did say when you were asked about this conversation that it was in June or September, you could not tell which?

MR. JUSTICE STEPHEN—He said so to-day.

Cross-examination continued—Are you sure you did not prescribe arsenic yourself?—I am morally certain.

Can you tell me the last occasion when you saw him?—It

Evidence for Prosecution.

would be in December, 1888, when I last saw him profession- A. R. Happer ally.

The matters of which he complained, with the exception of the case in which you spoke of his having a cold, were uniformly the same?—Yes.

Would this be a correct description—that he suffered frequently from an impaired digestion and symptoms of nervous disease?—Yes.

And during the whole of the period it was that deranged digestion and his nervous system for which you were treating him off and on from 1882 to the end of 1888, and that was so in December, 1888?—That is so.

Did Mrs. Maybrick write to you a long letter on the eve of her husband's death?—Yes.

Have you got it?—I haven't it with me.

Can you get it?—Yes.

I will ask to see it.

By Mr. JUSTICE STEPHEN—Did you attend Mr. Maybrick in his last illness?—Oh, no, my lord.

Re-examined by Mr. ADDISON—You were saying that he had been hipped. What do you mean by that?—I mean that he attached too much importance to trifling symptoms.

That is what you mean by being hipped?—Yes.

You say these symptoms are accompanied by complaints about the liver. Is it usual for them to go together?—I think a derangement of the liver is an exciting cause of hypochondriacal condition of mind.

You say he was given to dosing himself, and told you of remedies that friends had suggested. Did he ever tell you what the nature of the remedies were?—Yes; I remember he told me that he had habitually taken Fellows' syrup as a tonic.

What is that made of?—Quinine, iron, arsenic, and hypophosphites. And it also contains strychnine.

Is it a common remedy?—Yes.

By Mr. JUSTICE STEPHEN—You mentioned arsenic. Perhaps you will be kind enough to repeat the articles used in the composition of the medicine?—Hydrosulphate of quinine, iron, and strychnine.

Re-examination continued—You mentioned strychnine. We know that in certain doses it is a serious poison. When given as a nerve tonic in what proportions do you use it?—Very minute doses in solution is what I frequently prescribed to him.

Fellows' syrup—is that a sort of patent medicine?—Yes.

Did he mention to you any other sort of medicine he ever took?—Podophyllin pills.

Trial of Mrs Maybrick.

A. R. Happer They act primarily upon the liver?—Yes.
Two or three years ago it became a very popular remedy for the liver?—Yes.

Did he mention anything else his friends ever suggested to him?—I also remember hop bitters, an American proprietary article.

What is it made of as far as you know?—Medicinal hitters of an innocent character.

Did he ever mention anything else?—I do not know exactly.

Was he very free with you as to what he had taken?—I found him quite candid as to what he had taken.

Had he been quite candid at all times up to December, 1888?—He was always unreserved.

By Mr. JUSTICE STEPHEN—Were you an intimate personal friend at all?—I was merely the family doctor, and attended his wife in her confinement.

Re-examination continued—Did he from first to last ever mention arsenic as the thing he was taking?—No, he never did.

Except when he came from America in 1882?—I really cannot remember the date of that conversation, or how long after he came home from America.

Did you know what part of America he had been to?—Norfolk, Virginia.

Can you tell me whether, in that part of the world, ague, malaria, or other fevers are known?—I believe so.

But at this period there was nothing, as far as you know, the matter with him?—No. But, roughly speaking, about June of last year he told me he had taken a hottle of mixture in half the time I prescribed.

Do you remember what it was?—Bromide of potassium.

It was on that occasion you told him?—That was one of the occasions.

On other occasions?—I had occasion to warn him not to be so free with medicines or so careless about them.

Strychnine and nux vomica are nerve tonics?—Yes.

In what sort of doses do you give these tonics?—In solution of strychnine.

What is the dose?—Three or four minims is a common dose.

And nux vomica?—About ten minims.

In the same way?—Yes.

Had you, from anything he communicated to you, or from any other source, any reason to suppose that he was in the habit of using any arsenic whatever?—No; I never thought of arsenic in connection with this discussion before.

Is arsenic a stimulant?—It would not be looked upon as a stimulant.

Evidence for Prosecution.

Is it a tonic?—Yes.

A. R. Hopper

What is it taken in, and what for?—It is generally taken in solution, and with a form of ginger.

Mrs. MATILDA BRIGGS, examined by Mr. M'CONNELL—I am the wife of Thomas Charles Briggs, and I live at Livingstone Avenue, Sefton Park. I knew the deceased Mr. Maybrick before his marriage, and I afterwards became acquainted with Mrs. Maybrick. In 1882 Mr. and Mrs. Maybrick took a house belonging to us. His general health was that of a man who was always quite well. On 30th March last Mrs. Maybrick called at my house and made a statement to me with reference to a quarrel that had taken place between her husband and herself. I went with her to Dr. Hopper, and afterwards to her own lawyer. I also went to the General Post Office in Liverpool to get a private letter for her. I next saw her on Friday, 3rd May, the week before Mr. Maybrick died. She only made a complaint about her husband after the Grand National.

M. Briggs

By Mr. JUSTICE STEPHEN—How long after?—The day after.

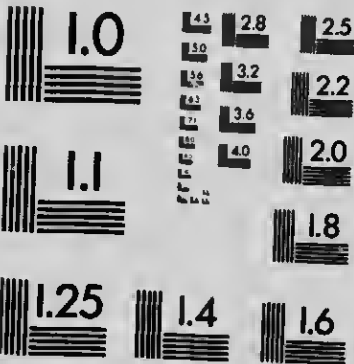
Examination continued—I heard of no quarrel of any consequence before that. I went to Battlecrease House on Wednesday, 8th May, and saw Nurse Yapp there, who made a statement to me. I went upstairs to Mr. Maybrick's bedroom, Mrs. Maybrick following immediately behind me. I had a conversation with Mr. Maybrick in her presence. He tried to tell me his symptoms, and said that he was very weary and very restless. Upon that Mrs. Maybrick asked me to come downstairs and she would tell me what was the matter with him. I went downstairs, but I do not remember what Mrs. Maybrick told me. I suggested that she should send for a nurse, but she said there was no occasion for one, as she could nurse him herself. She gave that as also being the opinion of the doctor. I left the house about eleven or twelve o'clock, and I afterwards saw Mr. Edwin Maybrick, to whom I made a communication.

I again went to the house on the following Saturday. I was sent for between four and five o'clock in the morning, and I remained in the house till Mr. Maybrick died. On the following day I made a search of the house along with my sister and the two Mr. Maybricks. In the writing table in the dressing-room I found a small hottle containing fluid and a handkerchief (produced). I also found a small blue box in an ordinary hatbox in the same room. The hatbox contained a man's hat, and the smaller box contained three hottles (produced). In addition there was on the top of the box a hottle that had contained Valentine's extract. There was also a tumbler in another hatbox. In that tumbler there was a rag



MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE Inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482 - 0300 - Phone
(716) 288 - 5989 - Fax

Trial of Mrs Maybrick.

M. Briggs soaking in a whitish fluid, which looked like milk. I left the articles as I found them, and the same evening (Sunday) I saw them given over to the inspector. I was at the house again on Tuesday, the 14th. I saw Mrs. Maybrick in bed in the spare bedroom. I saw her writing a letter which, when she had signed, she gave to me. In that letter, which has been produced, Mrs. Maybrick asked Mr. Brierley to send her money.

Cross-examined by Sir CHARLES RUSSELL—On your reading the letter did you say anything?—I said it would be seen by the police, and gave it to the policeman at the door.

I understand it was in your character as friend that you accompanied her to Dr. Hopper?—Yes.

And in the same character you took her to your solicitor's— I believe it was your own solicitor you recommended her to?— Yes.

So that you were really very confidential in your relations to her?—That is so.

Except calling to inquire how Mr. Maybrick was, you were not at the house during the illness until the 8th—the Wednesday, that would be three days before Mr. Maybrick died?— That is the case.

You were aware, were you not, that his brother, Mr. Edwin Maybrick, had been in Liverpool since the 25th of April?—I knew of his arrival in Liverpool.

And you knew that he was in communication with Mr. Michael Maybrick, his brother?—Yes.

So that if it was considered necessary to communicate with Mr. Michael Maybrick, Mr. Edwin Maybrick could have done so?—Yes.

The fact was, Mrs. Briggs, when you saw this poor gentleman you came to the conclusion he was in a very bad way?— Yes.

And you expressed your opinion to that effect?—Yes.

Is it not a fact that he was in a very much more serious condition than you would have thought up to that time?—Yes.

Mr. Edwin Maybrick had been stopping in the house for some time?—Yes.

And had been, I don't know whether every night, but off and on, from his arrival on the 25th April, had been actually sleeping in the house?—I don't know that.

You in fact formed a very bad opinion of the man's condition?—Yes.

You formed a very serious opinion of it. You thought him in peril?—Yes.

Serious peril?—Yes.

I must ask you to remember one or two things you have not

Evidence for Prosecution.

told us about which occurred that morning. Don't you know **M. Briggs** that on Wednesday, before your visit, Mrs. Maybrick had telegraphed to Hale for a nurse?—I know now. I did not know then.

You did not know then?—No, she did not tell me herself.

You have now ascertained it?—Yes.

Was it your suggestion that the nurse sent for should be a trained nurse?—Yes.

And did she fall in with your suggestion?—Yes, in the end.

Did you hear that after the arrival of Dr. Humphreys?—I don't know who told me.

I think you wrote the telegram in her name, showed it to her, and she paid for it and sent it by a messenger?—No, I took it myself.

She paid for it?—Yes.

With regard to that letter (to Mr. Brierley), is it not a fact that you suggested the writing of it?—I did in sarcasm.

You were examined on this before the coroner's jury; did you say one word about making the suggestion in sarcasm then?—No, I was too nervous.

At all events, whether you suggested it in sarcasm or not, you suggested it?—Yes.

And when handed to you it was open?—Yes.

You did not require to tear the envelope open to see the contents?—No.

You were asked to read it?—Yes.

And when you saw the writing did you expostulate with her for writing?—No.

Then when she had written it and handed it to you to read, did you say you would hand it to the policeman?—Yes, if she wished it to go.

And you know, as a matter of fact, that it never reached its destination?—Yes.

I wish to get from you a few particulars. The first article you have mentioned in which arsenic was found was the writing table?—Yes.

Where was the writing table?—In the inner room off the bedroom.

Is that the room in which there was a bed?—Yes.

And did you know enough to know that the bed in that room was used?—Yes.

It was used by him?—Yes.

Where did the writing table stand?—Near the window, right away from the bed on the opposite side of the room.

As you enter the inner door from the principal bedroom there is a window on the left of the room?—Yes.

And a window facing as you enter?—Yes.

Trial of Mrs Maybrick.

M. Briggs Then how was the table with reference to the windows—was it between them or opposite?—It was opposite the window to the left.

Was the writing table unlocked?—Yes; there was a little cupboard under the writing table.

What did you find in it?—Odds and ends.

Amongst other things, did you find some picture cord, hammer, and nails?—Yes, that kind of thing.

And did the small bottle and handkerchief meet your eye when you opened it?—No, they were quite far back.

I do not know whether you know that the small bottle contained oxide of zinc?—I do not know.

The first hatbox you found in your search—where was it?—In the corner of the room.

Whereabouts?—Behind the bed, and at the foot of the bed.

Further out in the room?—Yes, in the corner. It was in the furthest corner at the right-hand side.

[The position of the bed in the room was pointed out to the judge by Sir Charles Russell.]

Cross-examination continued—I want to clearly understand these things. Was the hatbox on the floor?—Yes.

It was not secured or fastened?—No.

And it did, in fact, contain a hat?—Yes.

What sort of a hat was it?—One was a soft hat, and another was a tall one.

Yes, but I am asking you about the first hatbox—were the hatboxes standing beside each other, or one on the top of the other?—I think beside each other.

When you opened the first you found a small wooden box, and it contained three bottles, and on the top of the box there was a bottle of Valentine's meat extract?—Yes.

In the second hatbox, which you say was standing near the first, you found a glass, and there was something like milk in it with a rag?—Yes.

Have you told us, Mrs. Briggs, the result of the search so far as you took part in it?—Yes.

Was there anything, so far as your observation extended, except Mrs. Maybrick's wardrobe, that was in any way secured or locked?—No.

You are aware that no bottles or anything else connected with this case were found in the wardrobe?—No.

Did you in the course of your observations see that a large number of bottles were in the house?—Yes.

Presumably the class of medicine bottles?—Yes.

A very large number, was there not?—Yes.

Would it be an exaggeration to say that there were more than one hundred?—Well, I could not say. There were several.

Evidence for Prosecution.

But several is a very long way short of one hundred. Were **M. Briggs** there as many as fifty in one room?—I could not tell, but I know there were a good many.

Do you know anything about this habit which is imputed to the dead man of his dosing himself with medicine and things suggested by friends?—Yes.

Was that well known among his friends?—Yes, I think so.

Has he been remonstrated with or rallied about it in your presence?—Yes.

How did you come to know it?—He used to recommend me medicines. He recommended me to take hypophosphites and things like it.

Do you know what hypophosphites are?—A tonic, I think, to give you an appetite. That was a long time ago.

Anything else?—Not that I remember.

By **Mr. Annison**—You say you suggested this letter to the prisoner. What did you say to her?—I think I said to her that **Mr. Brierley** might help her, as he knew her troubles.

Cross-examination continued—Did it come to your knowledge, or was it put to you, that traces of arsenic were found in one bottle of **Valentine's** meat juice which had not been administered to the deceased man. Do you recollect that?—Yes.

Did it also come to your knowledge that arsenic was found in some one or most of certain bottles, which will be pointed to particularly hereafter? That was so, was it not?—Yes.

Do you recollect of hearing that arsenic was found in certain bottles?—Yes.

I am alluding to the time when you had the conversation with **Mrs. Maybrick** herself?—Yes.

Do you recollect telling her that fact?—I think I mentioned it.

Do you remember your mentioning particularly **Valentine's** meat juice? Let me recall your mind to the fact. **Dr. Carter** took it away on the Friday night, and came back on Saturday morning, having tested it. You learned that before you left the house?—I do not remember.

Did you not mention that to **Mrs. Maybrick**?—Something was said about it by **Nurse Wilson**.

Do you recollect **Mrs. Maybrick** beginning a sentence when a policeman came into the room and stopped her?—(The witness hesitated.)

Do you recollect the policeman coming into the room?—No.

On the occasion of the conversation at which one of the nurses was present, did not a policeman come into the room and interrupt the conversation?—I do not recollect.

Try to recollect. This lady was practically in custody, and there was a policeman in the house. Was **Mrs. Maybrick** ill in bed?—Yes.

Trial of Mrs Maybrick.

M. Briggs Were you in her room?—Yes.

Was your sister, Mrs. Hughes, in her room?—No; at the door.

Was a nurse in the room?—Yes.

You and the nurse were in the room, and your sister at the door. On that occasion was there any conversation which was interrupted?—Yes. My sister said to me, "You are not to say anything," and the policeman said, "You are not to speak."

And was that at the time, as well as you can recollect, when you were mentioning to Mrs. Maybrick what had been found in relation to Valentine's meat juice?—Yes, I think it was.

Did you gather from what your sister said that it was the policeman who desired that there should be no conversation with Mrs. Maybrick about this?—Yes.

The door was open?—Well, yes; it was partly open—it was not shut.

Exactly. Your sister and the policeman being on the landing could hear the fact that there was a conversation going on?—Yes, they could.

These rooms are not very large, I believe?—Not very, but they are a good size.

And they could hear the conversation?—Yes, every word.

It was upon the conversation in this room on Valentine's meat juice that the policeman said you must have no conversation?—Yes.

Then the conversation, if there was any, was interrupted in that way?—Yes.

Had you been more than a moment or two in that room at that time?—I was never very long at any time in the room.

On this occasion you had gone into the room and opened the conversation, and your sister interrupted?—Yes.

Do you know the policeman's name?—No, I do not.

Re-examined by Mr. Annison—When did you first know there were traces of poison in the Valentine meat juice?—I really cannot remember.

When did you first learn it? You know you left the house on the Wednesday, and he died on the Saturday. Did you know it before he died?—I think so.

When did you know poison was found in the bottle?—I cannot remember the exact day, but my impression is that I heard it before I left the house.

Before or after his death?—Before his death.

Now, did you mention that in any shape or form to Mrs. Maybrick?—I really could not say for certain. I think Nurse Wilson mentioned it.

To Mrs. Maybrick?—Yes.

Did you mention anything about it?—I may have done, but I have forgotten, and could not say positively.

Evidence for Prosecution.

Now, do you know whether any other poison was found in the house?—I do not remember; there were so many bottles that I cannot remember. I heard there had been poison found in the bottles. **M. Briggs**

When did you hear about the fly papers?—I heard about them on Wednesday.

And did you speak about them to Mrs. Maybrick?—No.

Now, with regard to handing the letter to the policeman at the door, all letters or messages had to go through him, had they not?—Yes; I handed it to him, so that it might be forwarded.

Dr. Fuller was then called, but did not appear.

Mrs. MARTHA LOUISA HUGHES, examined—I am a sister of Mrs. Briggs. I live in Sefton Park, Liverpool, and was acquainted with the late Mr. Maybrick for a considerable time. We met several times at Battlecrease House, where I went with my sister. I was at the house the day after his death. I found some letters (produced) in the middle drawer of the dressing-table, and handed them to Mr. Michael Maybrick. The dressing-table was in Mrs. Maybrick's bedroom. A day or two after Mr. Maybrick's death I heard a conversation take place between Mrs. Maybrick and my sister in the morning-room downstairs. The conversation was with reference to a telegram to a nurse. I don't remember saying anything about a policeman being there. **M. L. Hughes**

Cross-examined by Sir CHARLES RUSSELL—How long were you in the house?—Till Tuesday evening.

Were the circumstances of the death the subject of the conversation between you and your sister and the nurse?—Yes.

Do you recollect hearing that arsenic was traced, and that it had been found in a bottle of Valentine's meat juice?—Yes.

And you also heard something about fly-papers?—Yes.

Did you hear also of a packet labelled "Poison" being found?—Yes.

Now, when did you hear about these things?—I do not quite know what you mean.

When did you learn about Valentine's meat juice? Did you learn that on Saturday or Sunday?—I heard it on the Saturday.

Was it from Dr. Carter you heard it?—No.

From whom?—Mr. Michael Maybrick.

And when did you learn about the fly-papers?—On the Wednesday before the death.

Also from Mr. Michael Maybrick?—No.

From whom?—From Nurse Yapp.

Trial of Mrs Maybrick.

M. L. Hughes And when did you learn about the packet being found labelled poison?—I heard that on the Sunday after the death.

By **Mr. Justice Stephen**—On what day did you hear about the Valentine's meat juice?—On the Saturday evening.

And the day of the fly-papers?—On the Wednesday before his death.

Cross-examination continued—Were you there when Mrs. Maybrick was very ill and was in bed?—Yes.

And I do not know whether you were there when she was carried from the dressing-room into the spare room?—I was in the passage.

Do you recollect your being on the landing outside the spare room where Mrs. Briggs, your sister, and one of the nurses was in the room with Mrs. Maybrick?—Yes; I was out on the landing every time my sister was in the room.

Do you recollect a policeman being on the landing also and interrupting a conversation?—Yes.

And were you and he both in the position of hearing a conversation?—Yes.

Do you recollect what that conversation was about? Had it reference to the Valentine's meat juice, and the traces of arsenic supposed to be found in it?—Yes.

Can you recollect whether Mrs. Maybrick was beginning to make any statement with reference to it or not?—No.

Or upon your sister mentioning this?—I do not remember.

Did the policeman intervene and say there must be no conversation?—Yes.

And that you conveyed into the other room?—The door was open; I did not go in.

But did you convey that into the room?—Yes.

Which put an end to any explanation or conversation?—Yes.

Re-examined by **Mr. Annison**—Do you remember what the conversation was about?—No.

You can only say there was something said. You said the policeman had said nothing was to be said, and you repeated it?—Yes.

When had you a conversation with Nurse Yapp?—On the Wednesday.

What did Nurse Yapp say?

Sir Charles Russell—I object.

Mr. Justice Stephen—Sir Charles Russell is quite right.

E. Maybrick **ERWIN MAYBRICK**, examined by **Mr. Annison**—I am a brother of the deceased. I am a cotton merchant in Liverpool, and spend a good deal of my time in America. I returned from that country on 25th April, and on the following day I saw

Evidence for Prosecution.

my brother in his office. I dined with him that evening. He appeared to be in his usual health. So far as I knew my brother on the whole enjoyed very good health. From time to time he took ordinary liver medicine.

Any sort of arsenic?—No.

On Saturday, 27th April, I saw my brother for a moment when passing to the Wirral races. On Sunday, the 28th, I went to his house and found him lying on a sofa, apparently ill. He said he had been taken ill on the previous morning, but that feeling somewhat better, he had gone out to the Wirral races, where he had not felt himself the whole day. He also said that he had numbness in the legs and in the hands. After he retired, about eight o'clock in the evening, Mrs. Maybrick sat talking to me in the breakfast-room for nearly an hour. A ring then came from the chamber bell, and Mrs. Maybrick went upstairs. I followed, and found my brother lying in bed. He had almost lost the use of both legs and his right hand. He asked me to rub them for him, and Mrs. Maybrick and I did so until Dr. Humphreys came. I stayed at the house that night, at my brother's request, and on Monday morning I found him rather better. I went out and did not see him again till the next day. He was then pretty much the same as on Monday.

On Wednesday, 1st May, my brother went to business. Mrs. Maybrick gave me a parcel to take to his office. I afterwards learned that it contained a brown jug in which there was some farinaceous food in liquid form. My brother poured the liquid into a saucepan and heated it over the fire, and he then poured it into a basin and partook of it. He remarked, "The cook has put some of that — sherry into it, and she knows I don't like it." Some time after that I asked him how he was, and he said that he had not felt so well since his lunch. I went in the evening to Battlecrease House to dinner. My brother was not quite so well then as in the morning, but he complained of nothing particular. I did not see my brother take his lunch on the Thursday. On Friday I was informed that he had gone to have a Turkish bath.

I did not see my brother again until Sunday, the 5th, when I went to the house. He told me he had been very sick, and that he vomited, and could not retain anything in his stomach. I gave him a brandy and soda, which he retained for about half an hour, but on my giving him a dose of physic he vomited it. He was very sick all that afternoon. Dr. Humphreys came that evening and said he had better not take anything to eat or drink for the present, and if he were thirsty he was to have a wet towel put to his mouth. I did not see any towel

Trial of Mrs Maybrick.

M. Maybrick put to his mouth. My brother asked me to stay for the night, and after that day he never left his bed.

On the Tuesday he was still very sick, but he was rather better than he was on the previous day. In consequence of a telegram which I received from Mrs. Maybrick on the Tuesday I arranged with Dr. Carter to be at Battlecrease House at half-past five, and I also telegraphed to Dr. Humphreys to join us there. On arriving at Battlecrease by the 4.45 train, I met the doctors there, and told them what I know of my brother's condition. On that night my brother's condition was pretty much the same; he was very weak, he was vomiting, and he was pained in the bowels as well. He complained very much about his throat and about having a difficulty in swallowing.

On Wednesday, the 8th, he seemed a little better. I asked him whether he would like me to bring my brother Michael down, but he said no—that he did not think it was necessary, that he had been very ill, but he felt a little better. He asked me what I thought about sending for a nurse, and I told him that I would ask the doctor. Mrs. Maybrick said she thought of sending to Halewood for a nurse who had been attending her, because my brother knew her and liked her. I saw Dr. Carter that morning, and, in consequence of what he told me, I did not telegraph for my brother at that time. About twelve o'clock that day I received another telegram from Mrs. Maybrick. I do not have that telegram here; I am not quite certain as to whether it was destroyed. In it she said, "Jim worse again; have wired for a nurse." On receipt of that message I telegraphed to my brother Michael to come down, and I went myself to Battlecrease by the 12.40 train. I met Mrs. Briggs and Mrs. Hughes there, and in consequence of a conversation which I had with them I went to the Nurses' Institution. I found that Nurse Gore had already been sent to Battlecrease. Approaching the house, I saw Nurse Yapp in the drive. We went to a seat in the garden, out of sight of the house, and there she gave me the letter addressed to Mr. Brierley. Later in the day I met my brother Michael as he arrived from London. On the way to the house we had a conversation, and when we got to Battlecrease I gave certain instructions to Nurse Gore.

The following day my brother was better, and I went to town to arrange for nurses. On Friday morning I went to bring Dr. Humphreys. About one o'clock my brother became worse and could not take any nourishment, and at half-past eight in the evening of Saturday, the 11th, he died. I first saw the chocolate box in the breakfast room when it was brought down by Nurse Yapp. The policeman came on the Sunday evening. On Monday a post-mortem examination was held, and the prelimin-

Evidence for Prosecution.

ary inquest was held on the Tuesday. The dressing-gown produced is, I think, Mrs. Mayhrick's. It was worn by her when she was attending to my brother at night, and also in the morning. The gown was taken by one of the professional nurses out of the room, and was hung up in the lavatory, which was then open. I took it out of there and put it into a cupboard, which I locked. That might have been on the Tuesday. I kept the key of the cupboard. The next time I had anything to do with the gown was on 13th June, when I handed it over to Inspector Baxendale. The apron produced was also, I believe, with the dressing-gown, but I cannot be quite certain. I noticed a handkerchief in the pocket of the dressing-gown, and I handed it and the apron to Inspector Baxendale.

Cross-examined by Sir CHARLES RUSSELL—When did you arrive at Battlecrease?—On the 25th April.

Were you backwards and forwards at Battlecrease up to the time of your brother's death?—Yes.

Did you sleep at the house a number of days?—Yes.

How many?—I slept there on the Sunday after I arrived, on the Tuesday, the 30th April, and not again until the Sunday following, and then I slept there every night until his death.

And, with the exception of a few nights, you were there the greater part of the time?—Yes.

Did Mrs. Mayhrick seem attentive to her husband?—Yes.

Did she sit up at night?—Yes, most nights, I believe. I understand so.

Were you in the house on Sunday, the 28th April?—Yes.

Were you there when she sent for Dr. Humphreys on the Sunday?—Yes, in the evening. He had already been there in the morning before I arrived.

Were you there when she sent for him in the first instance?—No.

But you have ascertained, I presume, that she had sent for him in the morning?—Yes.

Were you there at the time?—No.

He was the only medical man living near to the house?—Yes. He only lived ten minutes' walk away.

Dr. Humphreys was in sole attendance upon him up to Tuesday, the 7th?—Yes, as far as I know.

And on Tuesday, the 7th May, Dr. Carter was called in, and he and Dr. Humphreys were in attendance upon the patient up to his death?—Yes.

Do you recollect on the Tuesday Mrs. Mayhrick suggesting that you should send your own medical man?—She telegraphed to me suggesting that Dr. M'Cheyne (a medical man and a friend of mine) should be sent for. Dr. M'Cheyne did not go out as a rule, but held consultations. Mrs. Mayhrick had

Trial of Mrs Maybrick.

E. Maybrick heard me mention the name to my brother James, and that was how she came to know the name.

You went to Dr. Carter?—Yes.

Had you any communication with Dr. Carter before you went to Battlecrease?—No. I never saw him.

You had not written to him?—I telephoned to him.

You communicated with him to make an appointment, but had no communication with him until he came to Battlecrease?—Yes.

That was on Tuesday?—Yes.

Had he any communication with Dr. Humphreys before he came out to Battlecrease?—Not to my knowledge.

Another matter I wish to ask you about. Did she speak about a nurse?—Yes.

Was that first mentioned on Tuesday or Wednesday?—It was first mentioned on Wednesday morning.

Do you recollect whether the nurse was Mrs. Low, of Hale?—

I don't recollect any name being mentioned.

Was it some one at Hale?—Yes.

Was the telegram sent to that person?—I do not know.

Have you heard since?—I have since learned that she was telegraphed for.

The conversation about the nurse being sent for was early on Wednesday morning, was it not, before you went to town?—Yes.

From the Wednesday morning until the death had you privately forbidden any intervention by Mrs. Maybrick in the nursing or administration of medicine or food?—I instructed Nurse Gore. I gave orders on Wednesday night, and repeated them on Thursday morning.

Were the orders on Wednesday night or on Wednesday morning?—On Wednesday night. The nurse did not arrive till Wednesday afternoon.

Which nurse?—Nurse Gore.

At two o'clock, did she not?—Yes; but I did not see her.

What time of day did you see her?—As far as I can recollect, at about five o'clock.

As far as you know and have observed, were your orders on that point observed and carried out?—Upon the whole, I think they were.

The nurses are here who had successive charge of him—one relieving the other, I believe?—They are, I believe.

Now, I want this quite definitely—your instructions were specific and distinct, that neither as to medicine, nor as to food, was Mrs. Maybrick to have anything to do with it?—I never mentioned her name in the matter, but I told the nurses I should hold them responsible for all foods and all medicines

Evidence for Prosecution.

given to him, and that nobody was to attend to him at all except **E. Maybrick** the nurses. But I did not mention any names.

Still, that would be the effect of the orders?—Yes, it would. I would exclude her and everybody else except the nurses.

But there was nobody else to exclude?—There might have been a servant for all I knew.

But, at all events, it was **Mrs. Maybrick** you had in your mind?—Yes.

Did you tell her you had given these instructions?—No.

Or did you address any statement, or advice, or direction to her on the matter?—No, none whatever, as far as I can recollect.

Now, as to another matter. What was the day on which you took down food to the office?—Wednesday, 1st of May.

Can you tell me if the previous occasion on which food was taken to the office was on the Tuesday?—The only days on which food was taken down were Wednesday and Thursday.

So far as you know, food was not taken down to the office except on those two days?—So far as I know.

Now, I ask you this—Did you learn how the food affected your brother on the Wednesday; do you suggest that he was sick after it? By sick do you mean vomiting?—Oh, no. I do not suggest any such thing. No, I have never stated that. I spoke to him on that occasion, and he said that he did not feel so well since his lunch.

Is it not the fact that, on that same day, he dined at home in company with your wife?—I beg your pardon, I am not married.

It is my mistake. The company consisted of Captain Irving, of the White Star Line, yourself, your brother, and his wife?—Yes.

By **Mr. Justice Stephen**—The food was taken down by you on Wednesday and by some one else on the second day; which day was it when you asked him how he felt, and when he said he did not feel so well after luncheon?

Sir Charles Russell—That was on Wednesday, my lord; it was the day when he had dinner at home with Captain Irving and his brother. (*To Witness*)—Now, there is another matter I should like to ask you about, and that is, if you have seen the cash-box which **Mrs. Maybrick** said was hers?—Yes, it is a small cash-box.

You are aware that possession of the box was demanded by **Mr. Cleaver**. Where is it?—It is at the house now; it is locked up in the linen closet. The house, with the exception of the linen closet, is empty.

Is there any objection to its being produced?—None, so far as I know.

Trial of Mrs Maybrick.

E. Maybrick Did you find amongst your brother's papers a hundle of prescriptions?—There were several prescriptions found in the room on its being searched by Mr. Baxendale.

Where are they?—Mr. Baxendale took possession of them.

Where are they?—I do not know.

Are you sure you do not?—So far as I know, I did not see a prescription of Dr. Ward.

There may have been one amongst those which Mr. Baxendale took?—There may have been.

Have you not said to Mr. Baxendale that you had seen them?—I do not remember.

Are they in Court?—I cannot say.

Did you find any of these prescriptions—any from Dr. Ward, of Norfolk, Virginia?—Not that I am aware of. I should have noticed them at once, knowing the gentleman, if I had seen anything of the kind.

So far as you recollect, you did not see them?—I did not.

But they may have been amongst these prescriptions?—Yes; they may have been.

Did you not get any prescriptions at the office among your brother's papers?—Mr. Baxendale went to the office; and, if there were any, he must have taken them away.

My first question was, did you find any there?—So far as I remember, no; but Mr. Baxendale may have done.

In addition to these, there were a large number of bottles found at the office?—Yes, I believe so.

I am told as many as twenty-eight. There was no arsenic in these?—I believe not.

Can you make it convenient to look at the prescriptions to-night, and see whether there are any from Dr. Ward, of Virginia?—Certainly, if they are handed to me.

There is another matter to which I should allude now. On the 30th of April, you did not think your brother was very unwell?—No; not seriously so.

You escorted his wife to some entertainment—to a domino ball?—Yes; to a private domino ball at Wavertree.

You were her escort on that occasion?—Yes.

Did you know that he was taking ipecacuanha wine at the time?—I don't know.

T. S. Wokes THOMAS STYINGTON WOKES, examined by Mr. SWIFT—I am a chemist in Aighurth, and I also have the post office there. I knew the late Mr. Maybrick and his wife.

[The judge here interrupted for a moment, and said that he had received from Mr. Edwin Maybrick a number of prescriptions, and he asked if Sir Charles Russell wished to see them. Sir Charles answered in the affirmative.]

Evidence for Prosecution.

Examination continued—I remember an occasion when Mrs. T. S. Wokes Maybrick called upon me, somewhere about the 24th April last, and purchased from me a dozen fly-papers. The fly-papers (produced) are of a similar kind to the ones I sold her. She made a remark to me at the time that the flies were beginning to get troublesome in the kitchen. I had sold only one lot of fly-papers before that during the present year. I had an account against the deceased, but Mrs. Maybrick paid for the fly-papers. I sent my boy with the fly-papers to the house.

Cross-examined by Sir CHARLES RUSSELL—You knew Mrs. Maybrick very well?—Yes.

She lived close to you?—Yes.

Probably you would address her by her name?—Yes.

You sold fly-papers at other times not in hot weather?—Yes.

Are you aware that washes for the hair are made from it?—I am not aware of it.

Or face?—I have never heard of it.

But you have yourself sold papers in the season when they have not been wanted for killing flies?—I cannot remember a similar instance except the lot I sold—the one previous to this lot. But the first lot was not for a wash or flies.

What were they wanted for?—For heetles.

When was that, do you recollect?—I believe it was in the month of February.

It was for some one whom you knew, also?—Yes.

Was this parcel rolled up with the ends open? Was it wrapped up with the ends turned in cylindrical form?—Yes.

She didn't take them with her?—No.

What are they a dozen?—Sixpence a dozen.

How long have you been in business there?—One year and eleven months.

Re-examined by Mr. ANOISON—Have you any means of fixing the date when these fly-papers were purchased?—It was not earlier than the 15th nor later than the 25th of April.

CHRISTOPHER HANSON, examined by Mr. SWIFT—I am a C. Hanson chemist and druggist at Crccsington. Mrs. Maybrick was a customer at my shop. On the 29th April last she came to my shop for a lotion and purchased two dozen fly-papers, which cost one shilling. The fly-papers were similar to those produced. She had an account running, and did not usually pay at the time of ordering. Upon this occasion she paid for the fly-papers, but not for the lotion. She took the fly-papers with her. I have since analysed some of my fly-papers, and have found each paper to contain from one to two and a half grains of arsenic.

Cross-examined by Sir CHARLES RUSSELL—Was it not arsenite of soda?—No, it was arsenical acid, or white arsenic.

Trial of Mrs Maybrick.

C. Hanson White arsenic is another name for it?—Yes.
How long have you been in your business, Mr. Hanson?—
Two and a half years.

Cressington is close to Battlecrease; it is in the neighbourhood of Aigburth?—Yes, it is about ten minutes' walk from it.

How long have you known Mrs. Maybrick?—From a few days after going to Cressington.

You had an account from the house?—Yes.

These lotions and things which you have to make up are such that the price must be computed in accordance with the ingredients?—Yes.

But in the case of fly-papers that is not so?—No, they have their regular price.

You just describe to us what took place in the shop when Mrs. Maybrick bought the things?—She came into the shop and brought a paper with the ingredients of a lotion written down; it was not a doctor's prescription. She had that made up, and while waiting, and I suppose seeing the fly-papers on the counter, she asked for some.

They were on the counter, were they? You have not told us about that yet?—Yes.

They were in a conspicuous position?—Yes.

Just explain how that was?—There was a glass case, and on either side of the glass case there was a shelf, and it was on the shelf nearest the door that these fly-papers were.

And while the lotion was being prepared she gave the order for the fly-papers?—Yes.

What was the lotion which she ordered—what were the ingredients?—Tincture of benzoin and elderflowers.

That is a cosmetic, is it not?—Yes.

Is it within your experience that arsenic is an ingredient in many cosmetic preparations?—It is, sir; quite common.

It softens the skin?—I don't know what it is for.

You know, I presume, it is a depilatory?

Mr. Justice Stephen (to the jury)—That is, it takes off hairs.

The Witness—I am not aware it has that quality.

Cross-examination continued—You know that it is sold by artists in hair for that purpose?—I don't know, sir.

I must further ask you—knowing, as you have told us, that arsenic was common as an ingredient in cosmetics, is not that mixture of benzoin and elderflowers a lotion in which arsenic would very likely be used?—Yes, sir, it is.

Is it not a very common thing to sell arsenical fly-papers at seasons when they are not wanted for the destruction of insects? Have you not so sold them?—Not in the depth of winter.

But in the spring and autumn?—Yes.

Did you know the purposes for which they were going to be applied?—No.

Evidence for Prosecution.

I understand that you have sold them at a time when they **C. Hanson** were not needed for the destruction of flies?—Sometimes.

Now I don't know whether you, as a chemist, make up and sell lotions for toilet purposes?—I do; but I don't make up any lotions containing arsenic.

I do not suggest that; but lotions for toilet purposes?—Ob, yes. I very frequently make up similar lotions to what Mrs. Maybrick had, but I have no proprietary lotion.

You make them up if you are asked?—Yes.

And only when you are asked?—Yes.

Re-examined by Mr. ADDISON—Did you ever sell fly-papers for the purpose of making cosmetics?—No.

Is it not a fact that in cosmetics arsenic is used?—Not in my case.

In what form is it generally used?—It is used as a paste, and it is combined with bismuth.

You believe, as a matter of knowledge in your profession, it is used in these cosmetics?—Yes.

What are its effects?—I do not know.

Did you ever hear of its being used as a cosmetic except in the regular form?—No.

Not fly-papers?—Certainly not.

JOHN SEFTON, examined—I am an assistant to Mr. Wokes. **John Sefton** I do not recollect how long ago I was sent with a parcel to Battlecrease House, and went to the back door with it. I was told to put it on the stairs, and I did so, and left it there. It was a parcel given to me by Mr. Wokes for Mrs. Maybrick.

GEORGE SMITH, examined by Mr. ADDISON—I was bookkeeper **George Smith** to the late Mr. James Maybrick for a period of four years. The deceased's health was generally good. He sometimes complained of his liver. He had discussed the question of homœopathy, but not with me. On the 27th of the Wirral races deceased came to the office at about half-past ten in the morning. He was not looking well, and went away between twelve and one o'clock. On the following Monday, the 29th, he came to the office at about two o'clock. He did not look very well. On the 30th he came to the office at one o'clock, and still did not look well. On Wednesday, the 1st May, he came to the office, and I saw him warming food in a pan for his lunch. I did not notice him particularly after his lunch. He said on the Wednesday that he was very seedy. On Thursday he came to the office again, and also on Friday. On that day he did not seem at all well. He was very pale. He left, and never came again.

Cross-examined by Sir CHARLES RUSSELL—There were no medi-

Trial of Mrs Maybrick.

George Smith cine bottles sold from the office? Do you know what was done with the bottles, or whose perquisites they were?—They never were sold with my knowledge.

If they were sold, who would have the right to sell?—I don't know.

Are you aware of any of these bottles being sold?—I am not aware.

How many were found in the office at the time of his death?—I think twenty.

I am told twenty-eight. But, however, were some of these endorsed in writing by the deceased himself?—I don't know.

You didn't examine them?—No.

Beyond your observation that he did not look very well, was there anything at all in his condition to attract your attention?—No; he seemed to be very pale.

Was there anything further?—No.

Was he ever sick in the office?—No.

Re-examined by Mr. Annison—Were all the medicine bottles found in the office given up to Inspector Baxendale?—Yes.

T. Lowry **THOMAS LOWRY**, examined by Mr. M'CONNELL—I was in the employment of the late Mr. James Maybrick for nearly five years. On Saturday, the 27th April, the deceased came down to the office about eleven o'clock, and in my hearing he made complaint of stiffness in his limbs. He left the office between twelve and one to go to some races. On Monday, the 29th, the deceased came down to the office between eleven and twelve, looking unwell. To the best of my recollection, he came down on the Tuesday, and stayed about half an hour. I was sent out with a parcel, and I took out some letters. The parcel contained some of Du Barry's food, "Revalenta Arahica," and I took it from the office to the house. I recollect Mr. Maybrick coming to the office on the 1st May, about eleven o'clock. He sent me out to buy a saucepan, a basin, and a spoon. The articles produced are something like those I purchased. Upon giving the articles to Mr. Maybrick, he poured some liquid into the saucepan out of a jug, and put it on the fire, and he afterwards partook of it. The vessels were afterwards left in the office. On the next day, when he came to the office, he wasn't very well. He had lunch again, and warmed the food as he had done on the previous day. He only took some of it. On Friday, the 3rd May, he was down at the office, but he was never there after. There were a number of bottles at the office, having accumulated since I had been there. Before this time the general health of Mr. Maybrick had been good.

Cross-examined by Sir CHARLES RUSSELL—Do you recollect his having been ill once at the office three or four years ago?—Yes.

Evidence for Prosecution.

Except on that occasion, had anything occurred to attract T. Lowry's attention in relation to his health?—Not previous to the beginning of April.

In April you did not think he seemed very well?—No, he looked pale.

Mrs. ELIZA F. BUSHER, examined—I am a charwoman. I E. F. Busher cleaned the offices of the late Mr. James Mayhew. On the morning of 2nd May I washed the pan and other vessels produced. On the following morning I saw the vessels had been used again, and that particles of food were left adhering to them, some white and some black. I cleaned the vessels, and put them on the mantelpiece. There were not many old medicinal bottles in the office.

Cross-examined by Sir CHARLES RUSSELL—Did you see the food?—Yes; the dark food was like beef tea, but I do not know what the white food was made of.

Did you see what was in the cupboard?—No, sir.

The Court adjourned.

Trial of Mrs Maybrick.

Second Day—Thursday, 1st August, 1889.

The Court met at ten o'clock.

C. Fuller Dr. CHARLES FULLER, examined by Mr. ADMISON—I am a member of the Royal College of Surgeons, practising at Alwyn Street, near Wellington Mansions, Regent's Park. In April last I was in medical attendance on Mr. Michael Maybrick. In consequence of a letter from Mr. Michael Maybrick, I went to his chambers, Wellington Mansions, Regent's Park, on Sunday, 14th April, for the purpose of examining his brother, James Maybrick. I saw Mr. James Maybrick, and made an examination of him, and heard what he had to say. He complained of pains in his head and of numbness, and said he was apprehensive of being paralysed.

What made him think that?—He had lost some sensation, and felt numb. The examination lasted over an hour. I found there was nothing the matter with him. I told him there was very little the matter with him, but that he was suffering from indigestion, and that I was perfectly certain there was no fear of paralysis. The symptoms were those which might be attributed to indigestion. When I told him this he seemed more cheerful. I did prescribe for him. Those two prescriptions (produced) are the ones I prescribed on the 14th for him. The one is an aperient and the other a tonic, with liver pills. On the following Saturday, the 20th, deceased came to my house and told me that he felt much better. I examined him again, and found him better. The dyspeptic symptoms of which he complained had partially disappeared. I thereupon slightly altered the prescription and wrote another (produced). In it compound sulphur lozenges were substituted for pills, and a little sweet spirits of nitre added. The third prescription I would describe as a tonic—a stomach and nerve tonic. None of the three prescriptions contained arsenic in any shape or form. Deceased told me he had been taking a pill which he said I had prescribed for his brother. This, however, was not the case. I had not prescribed it. That pill contained powdered rhubarb, extract of aloes, and extract of camomile flowers, and was a mild aperient. He told me of nothing else he had been taking. He never suggested to me that he had been taking arsenic during any part of his life. I knew nothing about it at that time. It was never suggested to me by him. I asked him if he had been taking any medicine, and he said that the pill was the only thing he had been

Evidence for Prosecution.

taking. I have had thirty years' experience as a practitioner. C. Fuller
I know the symptoms which accompany the taking of arsenic.

Take away from your mind all question of arsenical poisoning—how is arsenic generally taken?—It is taken, as a rule, in a fluid form, in Fowler's solution, which is made from arsenious acid dissolved in a solution of potash. The dose varies from one to eight minims. I saw no indication in Mr. Maybrick of his having been a person who had been in the habit of taking arsenic.

Are there symptoms which accompany the habitual use of arsenic?—Yes, but they were not present in this case. Arsenic is given in cases of intermittent fever; but Mr. Maybrick did not complain of that. I had no reason to suppose he was taking arsenic.

Cross-examined by Sir CHARLES RUSSELL—Your attention was not directed to the matter at all?—No.

You did not examine him for any symptoms of the use of arsenic?—No.

I believe he complained of pain in his head and numbness of his right leg; he was apprehensive of paralysis on that side?—Yes, I believe he was.

Did he also complain of derangement of the digestion?—Yes.

Did he tell you these symptoms were symptoms of old standing?—No, he did not.

Did he tell you he had had the numbness before?—I cannot recollect.

Do you know now that they were of old standing—that he had complained of them as far back as 1882?—I have not that knowledge.

You examined him, and found him free from organic disease?—Yes, I did.

He told you he had been taking some pills you had prescribed for his brother, and you understood him to say that was the only medicine he had been recently taking?—Yes.

Was he a man who seemed inclined to exaggerate his symptoms?—I thought so. He seemed a nervous man.

As regards the pills, they are described as Plummer's pills?—Yes.

Plummer's pills contain from a grain to a grain and a quarter in each pill?—Yes, of the sulphuret of antimony.

I don't think that you on the second occasion gave any fresh directions about Plummer's pills; you simply told him to continue?—I told him to omit the pills, and take lozenges as a substitute.

I was struck by one observation you made in answer to a question my friend put to you as to whether any suggestion was made about his taking arsenic, your answer being, as I took it

Trial of Mrs Maybrick.

C. Fuller down, "No, it was not suggested to me by him then"—It was never suggested to me.

Then you do not mean to qualify your answer?—No; if I have suggested that subsequently a suggestion of the kind was made, I do not wish to do so.

You mean to say, then, that it has never been suggested to you?—Yes.

I understand you. You mean that it was never suggested to you by any one?—Never suggested by any one.

No opinion has been asked of you with reference to the supposition of his having at any time taken arsenic habitually?—No; I have never been asked about it.

In reference to the use of arsenic, I think when conveyed medicinally it is frequently conveyed in Fowler's solution?—Yes, frequently; but I ought to say there is another solution of arsenic made with hydrochloric acid.

Fowler's solution is the more common one?—Yes.

I wish to make it quite clear; it contains arsenic which has been made completely dissoluble—it has been completely dissolved?—Yes.

May I presume generally that it is made from crude or arsenious acid?—Yes.

It is arsenious acid in a state of solution?—Yes.

It also dissolves in water?—Yes; but not so easily.

Have you ever known a case at all in your experience of a person in the habit of taking arsenic not prescribed in doctor's doses—any case in your own experience?—Yes, several cases.

Under prescriptions?—No; they had a prescription first, and subsequently got it from the chemist on their own account.

In small medicinal doses?—Yes.

Any experience of your own of this kind?—Yes, one.

When was that?—About six years ago.

Had you prescribed it?—Yes, originally.

And after your prescription it had been continued without, as I understand, your authority?—It had.

And what was the result?—He got a swelling about the eyelids and a redness of the eyes, together with a tenderness over the stomach.

Would those be the symptoms which you would say would be produced by an undue use of arsenic—redness of the eyelids, intolerance of light?—No, I do not think there would be an intolerance of light.

But there would be a swelling about the eyelids, redness of the eyes, and a tenderness over the stomach, especially in pressure?—Yes.

As far as there are any distinctive indications, would you say those are the most prominent?—I do.

Evidence for Prosecution.

But you have found them associated with other cases, cases C. Fuller of undue use of arsenic?—I have.

Is it not correct to say that it is impossible to mention one symptom and say that it is distinctly from an over-use of arsenic and from nothing else?—I should say so, any one of them.

Did you in the case of the patient come to the conclusion that he or she—I don't know whether it was a lady or a gentleman?—It was a gentleman.

Did you come to the conclusion that he had foolishly prescribed for himself and taken what were excessive doses?—They were not excessive doses according to the Pharmacopœia, but they were excessive doses for him.

That is to say, the effect of doses varies according to the idiosyncrasy of the particular person?—It does vary in that way.

And regarding the particular state of health and the course of life of the individual?—Yes.

And the kind of treatment he was undergoing in other respects?—All those things would interfere very much with the action of arsenic.

Have you had a case where you had to consider whether the effect of antimony upon a person who was taking arsenic had accentuated the action of arsenic?—Personally I have not.

Can you tell me this—whether if a person has been in the habit of taking arsenic the desire for it grows strong; in other words, whether the passion for it increases?—No, it is not like opium.

By Mr. JUSTICE STEPHEN—Your words are, “Nothing like opium.” Do I understand you that you know it is not like opium?—Yes, my lord.

Cross-examination continued—Just see, Dr. Fuller, if you realise what his lordship is putting to you?—Yes.

I was asking you about your own experience, and I understood you to say not. Do you undertake to say that arsenical dosing does not grow upon a person?—I am unable to say one way or the other from my own experience.

By Mr. JUSTICE STEPHEN—Do you, as the result of your general knowledge on the subject, believe that the habit does grow or that it does not grow?—That it does not grow.

Cross-examination continued—I must press you upon this. Did the leaving it off in the case of the person to whom you refer cause any depression?—Although that case is six years ago, I called upon the gentleman to inquire whether he felt any difference whatever, and he said he did not.

How long did he take it?—I cannot tell you exactly, but for some months.

Very well, then, I must press you upon this. Do you

Trial of Mrs Maybrick.

C. Fuller remember the well-known case, which attracted a great deal of attention among medical men, of the Styrian peasants?—I do.

Do you agree that much depression occurs on the withdrawal of the drug from those who take it?—Only with those who take it in very large doses.

But those are doses which begin by very small doses?—The case to which I refer was very small doses indeed—only about three drops—and therefore there would not be much depression. I account for the absence of depression by the smallness of the doses.

Re-examined by Mr. Addison—My friend has implied that there is some pleasure in taking arsenic or a passion for it. Have you ever heard of such a thing in your experience?—No. I never have.

My friend speaks of an arsenic habit. Do you recognise any such?—No; I really have had no experience.

Well, but as far as your experience of and treatment of patients go, does the taking of arsenic, as opium, produce pleasure?—I never heard of such a thing.

Did you ever hear of it being taken except by some one who thought it would do him good?—No, I never did.

When you speak of people who have taken arsenic having redness in the eyes and eyelids, have they taken it for medicinal purposes?—It may be so.

What do they generally take it for?—Generally for skin eruptions

Anything else?—Sometimes as a tonic.

I think the word my friend suggested, something about an aphrodisiacal tendency, it being taken by him for sexual purposes. Did you ever hear that?—I have never heard of it.

To create a desire?—I have never heard of arsenic being taken for such purposes.

Did Mr. Maybrick, in any shape or form, when speaking of his nervousness, ever suggest anything of the kind?—He did not.

Did you ever hear it spoken of in connection with him until this moment?—No.

You were not here yesterday?—No.

What was the cause of the numbness of which he complained?—Functional disturbance of the nerves, I suppose.

Will any disturbance of the nerves produce numbness?—Certain disturbances will.

Such as disturbances produced by dyspeptic derangements generally?—It is almost impossible to say what is the cause of constant disturbances in the nerves.

How do those who take arsenic for their skins or as a tonic usually take it?—It is usually taken by Fowler's solution.

Evidence for Prosecution.

Did you ever hear of it being mixed with food or drink or C. Fuller medicine ordered by doctors?—Never.

As a cosmetic, how is it taken?—It is taken in water, the same as for other purposes.

My friend has examined you about Styrian peasants. They say that by gradually increasing the dose, these people get to take large doses, beyond even poisoning doses?— I have read.

Styrian peasants can take more than those who are unaccustomed to it?—So it is said.

What do they take it for?—I don't know.

Is there any such habit in England?—I never heard of such a thing.

How many Plummar's pills did he take?—I saw him first on the 14th and again on the 20th. He had taken one every night.

You don't know how many he had taken before the 14th?—He had taken none. I prescribed them for him.

CHRISTOPHER ROBINSON, examined—I am an assistant to **C. Robinson Mossrs. Clay & Abraham**, chemists, Liverpool. I recollect the late Mr. Maybrick bringing a prescription to the shop on the 16th April, and this was compounded in the ordinary way, and handed to Mr. Maybrick. I identify the two bottles (produced). They were given to Mr. Maybrick on the 24th April. Before they were handed to Mr. Maybrick they were carefully tested in the usual way. There was no arsenic in the medicine; and if Fowler's solution had been present I should have detected it by the smell.

Cross-examined by **Sir CHARLES RUSSELL**.—Do you see a mark on the top of the prescription, "Bell & Co."? They are well-known chemists in London. Now, was that on the prescription when it was handed to you on the 16th?—It may or may not have been. I cannot say.

FREDERICK EARLY TOZER, examined—I am a chemist in the **F. E. Tozer** employ of **Mossrs. Clay & Abraham**, Castle Street. I recollect prescriptions being brought to my firm by the late Mr. Maybrick to be made up. "C" prescription, I believe, I dispensed; and also "D," though the mixture only. Of the "E" prescription I dispensed two articles. I compounded them according to the prescription. There was no arsenic in the ingredients.

Cross-examined by **Sir CHARLES RUSSELL**.—When you got a prescription to make up in certain proportions, you have to measure, or weigh, the quantities?—Yes.

Trial of Mrs Maybrick.

F. E. Teser Yes, if it is an article in the Pharmacopœia; but pills, I suppose, are already made up?—No, I have to make them.

You don't keep them ready made?—We keep one or two ready made in the rolled mass.

That is what I mean. You have the material ready made for some, and then you simply put them in the form of pills?—Yes.

You don't compound them for the purpose of each particular prescription?—Some I do.

Re-examined—Part of one of the prescriptions was already made.

Alice Yapp ALICE YAPP, examined by Mr. ADDISON—I was a nurse in the family of the Maybricks, and when Mr. Maybrick died I had been with them one year and eight months. During that time there had been nothing the matter with my master. There was an inner room near the bedroom in which Mr. Maybrick slept sometimes, but I am not certain. I remember the day of the Grand National, the 29th April, and before that I was aware that my mistress had gone to London. Before going she said she was visiting London to see her mother, and I promised to write to her. On the day of the Grand National Mrs. Maybrick came home at ten minutes to seven, and my master returned a few minutes after. Mrs. Maybrick entered the nursery and so did Mr. Maybrick; but neither spoke. My master left the nursery with one of the children.

[Mr. ADDISON—Do try and keep up your voice. You give us a great deal of trouble.]

Examination continued—Mr. Maybrick carried the youngest child down to the nursery. I heard Mr. Maybrick say to Mrs. Maybrick, "This scandal will be all over the town to-morrow." They then went down into the hall, and I heard Mr. Maybrick say, "Floria, I never thought you could come to this." That was all I heard. They then went into the vestibule, and I heard Mr. Maybrick say, "If you once cross this threshold you shall never enter these doors again." I did not know that a cab had been ordered at that time. I went down to Mrs. Maybrick, and asked her to come to her bedroom. She did not answer, and I put my arm around her waist, and took her upstairs. I made the bed for her that night, and she slept in the dressing-room. The next day, on the Saturday, Mrs. Maybrick went out, and Dr. Hopper came in the afternoon.

Can you tell me how long about after the Grand National that the housemaid Brierley drew your attention to something?—About a fortnight or three weeks after.

What did she tell you?—She told me something in the nursery which caused me to go into Mrs. Maybrick's bedroom.

Evidence for Prosecution.

What did you find?—I saw the washbasin covered with a *Allee Yapp* towel, and I took the towel off. There was another towel on a plate, and I lifted the plate and saw a basin containing some fly-papers.

About how many?—I cannot say.

How do you know they were fly-papers?—I saw "fly-papers" written upon them.

Was there anything else?—They were in the basin, and there was a small quantity of liquid.

What did you do?—I did not meddle with them, and put back the things as I found them.

What did the household consist of besides Mr. and Mrs. Maybrick?—I was nurse, Brierley was housemaid, Humpbreys was the cook, and the waitress Cadwallader.

Did you ever, up to that time, see any fly-papers in the house at all for killing flies, or anything of that kind?—No, sir.

So far as you know, were there any flies giving trouble?—No, sir.

Did you ever see the fly-papers again?—No, sir.

Do you know what became of them?—No, sir. Afterwards I never saw any fly-papers in the house. I don't know what became of them. The Wirral races were on the 27th April. I saw master on that day when he left to go to the office. Mrs. Maybrick did not go to the races. On the morning she spoke to me about the condition of the master.

What time was that?—Somewhere about ten in the morning.

Mr. JUSTICE STEPHEN—That was ten o'clock in the morning of the Wirral races?

Mr. ADDISON—Yes, my lord, the 27th April.

(*To Witness*)—On this Saturday, about ten o'clock, your master was going to the office when Mrs. Maybrick spoke to you. What did she say?—She said Mr. Maybrick had taken an overdose of medicine. I asked what kind of medicine, and she said, "Some ordered him by a doctor in London. He was very sick, and in great pain."

That was all?—Yes.

When you went to bed that night, your master had not returned?—No, sir.

Do you remember the next day, Sunday, the 28th of April?

Did you on that day hear the bedroom bell ring?—Yes.

It was not your duty to answer the bell?—No, sir.

What was the next thing you saw?—I was coming downstairs and saw Mrs. Maybrick on the landing.

What next?—She came to the night nursery door and asked if I would stay with the master.

Did you go into the room?—Yes.

Was he in bed?—He was lying on the bed with his dressing-

Trial of Mrs Maybrick.

Allec Yapp gown on. My mistress came to the bedroom a few minutes afterwards with a cup in her hand. She said to her husband, "Do take this mustard and water; it will remove the brandy, and make you sick again if nothing else." I did not see much of him on the Monday and two following days. I was attending to the children at the top of the house. I only know generally from what I heard from the other servants. On Friday, 3rd May, in the evening, Mrs. Maybrick brought the children up to see him, and I followed them into the room. I heard him say he had been sick again. Later on Mrs. Maybrick told me that he had been sick again.

By Mr. JUSTICE STEPHEN—Did she say sick or ill?—I am not quite sure which.

Examination continued—I said it was very strange he was sick so long, and that she had better get another doctor. She said that Dr. Humphreys said it was only his liver that was out of order, and then she added, "But all doctors are fools; they say that because it covers a multitude of sins." On Monday, the 6th of May, Mrs. Maybrick went out shopping. After she had gone I went into the bedroom, as I heard the master moaning. He seemed flushed and hot, and was moving from one side of the pillow to another. He asked me if I would rub his hands, as he complained of numbness. I did this; I sat with him, I should think, for ten minutes. When I went out he said he thought he could go to sleep. I did not see my mistress until the afternoon, when I spoke to her, and said I had seen Mr. Maybrick. I also added that I thought she should call in another doctor. I wanted to send for Dr. Hopper, but Mrs. Maybrick said if he came Mr. Maybrick would not take anything he prescribed.

What did you say to that?—I said I did not think but what he would see him if he came.

Where were the medicines kept at that time?—Some on the table in the bedroom, and some in Mr. Maybrick's room.

On Tuesday, the 7th May—you have already told us there was a table with medicine hottles near the bedroom door—did you see Mrs. Maybrick?—Yes.

Where?—She was on the landing near the bedroom door.

What was she doing?—She was apparently pouring something out of one bottle into another.

What sort of bottles? Were they wine bottles, medicine bottles, or what?—Medicine bottles.

On Wednesday, the 8th of May, did you inquire from Mrs. Maybrick about your master?—I asked how he was, and she said, "About the same." I was then near the bedroom.

Did you hear anything?—I heard Mr. Maybrick ask Mrs. Maybrick to rub his hands.

Evidence for Prosecution.

What did she say?—She said, "You are always wanting your Alice Yapp hands rubbed; it does you no good."

Were you in the roadway near the house that afternoon?—Yes.

About what time?—Three o'clock.

Did Mrs. Maybrick come to you at the garden gate?—Yes.

What did she give you?—A letter (produced).

Did she give you that to post?—Yes.

What post were you to send it by?—By the 3.45 post.

You opened the letter and you read part of it; in consequence of what you read you did not post it?—I did not post it.

You gave it to Mr. Edwin Maybrick?—I did.

Mr. Michael Maybrick and Mr. Edwin Maybrick were both in the house that night?—Yes.

And you spoke to both of them?—Yes. On the next morning, 9th of May, I saw Mrs. Maybrick in the night nursery; and the prisoner then said, "Do you know I am blamed for this?" I said, "For what?" To which she answered, "For Mr. Maybrick's illness."

Were you instructed to look at the linen closet?—No, sir.

From what Mr. Michael Maybrick told you, did you and Bessie Brierley go to the linen closet?—Yes.

What did you find there?—We did not find anything there, but in the night nursery we found a chocolate box and packet. They were in a tray inside a trunk belonging to Mrs. Maybrick. I opened the chocolate box in presence of Nurse Wilson. I noticed the label, "Arsenic—Poison for cats." I took the chocolate box and parcel as they were found to Mr. Michael Maybrick, and I saw him take the lid off the box. I observed a piece of handkerchief in the box with two hottles underneath.

This is still Mrs. Maybrick's trunk?—Yes.

Do you know whose handkerchief it was?—It was Mrs. Maybrick's.

Cross-examined by Sir CHARLES RUSSELL—Do you remember Mrs. Maybrick coming to you and saying that she had been blamed for his illness?—Yes.

Did you say, "Why"?—Yes.

What did she say?—She said it was for not sending for another doctor and nurse.

I want to go back a little, and understand the position of things. You heard the quarrel after the day of the Grand National?—Yes.

There had been up to that time no quarrel of any serious nature?—No.

And none after the reconciliation?—No.

Trial of Mrs Maybrick.

Alice Yapp They appeared to be reconciled?—Yes.
Were you aware that Dr. Hopper had, in the matter of bringing about the reconciliation, acted as Mrs. Maybrick's friend?—Yes, sir.

On that night you knew that Mrs. Maybrick had ordered a cab?—I heard afterwards.

You knew the cab was there waiting, and she was apparently going away?—Yes.

She came down into the hall dressed, apparently for that purpose?—Yes.

And I think you made some appeal to her yourself, and made some reference to the children?—Yes.

You appealed to her to come and see the baby?—Yes.

Did she yield?—When I put my arm round her waist she came with me.

About this question of the fly-papers. Have you ever acted as lady's maid?—No, sir; only as nurse.

Was it in the morning that the girl Bessie Brierley told you as to having seen these fly-papers?—No, sir; it was soon after dinner.

But did she tell you that she had seen them in the morning when she was doing up the room?—Yes, sir.

And you, out of curiosity, went into the room after the dinner was over?—It was about two hours after when I went into the room.

Out of curiosity?—Yes.

You had no business in the room?—No.

And having been told by Bessie Brierley that she had seen them in the morning, you found them still there as she had described them?—Yes.

Where were they?—On the washstand.

In the principal bedroom?—Yes, sir.

That is to say, in the bedroom which is directly approached from the landing?—Yes, sir.

Whereabouts was this washstand placed?—By the door leading to the inner room.

And in a position in which you could see it on entering the door of the bedroom?—Yes, sir.

These were reported to you by Bessie Brierley as having been there early in the morning, and you have no reason to suppose that they did not continue there the whole of the day till you saw them?—No, sir.

That would be about three o'clock?—Yes, sir.

You did not think it right to ask your mistress anything about them?—No, sir.

You were asked about Mr. Maybrick's health. Do you know that he had been attended to by Dr. Hopper almost constantly,

Evidence for Prosecution.

or that he had gone twice to London to consult another doctor? **Alloe Yapp**
—No, sir, I did not know that.

But you said before the coroner, at the inquest, that although you did not hear him complain, he had not looked well for some time. When you say he was in good health, you mean he did not make any complaint which came to your ears?—I mean not before the Grand National.

Now, you were examined at the coroner's inquest. Do you remember giving an answer to this question, "Do you really mean to say that up to the 27th of April he seemed to everybody to be in perfect health?" You answered, did you not, "No he did not look well for some time, but I did not hear him complain?" Now, is it true that he did not look well for some time?—Yes, he did not look well after the Grand National.

The fact is that, whatever time you refer to, he did not look well for some time?—No.

Do you know that he had been ordered to Harrogate for his health in the previous year?—I remember him going there; but I do not know what it was for.

Now I come to the 27th of April, when he went to the Wirral races, at the other side of the river. Did you hear that he had been riding there on a wet day?—Yes, I have heard so.

And he dined on the other side of the water with some friends. He did not dine at home, at all events?—No, he did not.

What time did he come home?—I cannot recollect.

You did speak to your master on one or two occasions when you went to his room?—Yes.

Did you ever see him about this medicine which it was said disagreed with him?—No.

I wish to call your attention to the fact that, from the 25th April, Mr. Edwin Maybrick was in the house?—Yes.

He slept there from the 25th April to the 11th May, when your master died?—Yes.

Therefore he saw your master every day?—I should think so.

Mr. ANNISON—I object to this. She does not profess to know anything about it; she says she should think so.

Mr. JUSTICE STEPHEN—She does not definitely affirm he did see him.

Cross-examination continued—At all events, he had the opportunity of seeing him?—Oh, yes.

Do you recollect, on Sunday, the 28th, hearing your mistress's bell violently rung, but it was not your business to attend to it?—Yes.

Don't you know on that occasion that it was rung violently in order to send for Dr. Humphreys?—Yes.

And you know that as soon as possible after that time—as soon as possible after the bell had rung—Dr. Humphreys had come and was in attendance on your master?—Yes.

Trial of Mrs Maybrick.

Alice Yapp You have referred to the drinking of mustard and water—that was on the Sunday?—Yes.

Did you know whether that was made by Humphreys, the cook?—I don't know.

What?—I don't know.

I think you heard Mrs. Maybrick say to her husband that he should take it, and that it would make him sick?—Yes.

That it would relieve his stomach?—Yes.

I think you said that she went down for the mustard, and that she asked you to go and see Mr. Maybrick while she was getting it ready?—Yes.

Did you say that you saw your mistress on Tuesday, the 7th May—is that the right date?—apparently pouring or putting medicine from one bottle into another?—Yes.

I wish you to follow this again. Was that on the landing on the first floor?—Yes.

Opposite the bedroom?—Yes.

And is that the landing which all the servants—all the persons in the house, in fact—who desire to go up and down stairs must pass?—Yes.

For instance, if you wanted to go up to the nursery?—Yes.

At that time you did not attribute any importance to the incident, I presume?—No.

Now, with regard to this letter, you had heard the name of your mistress coupled with the name of Brierley before you got the letter?—Never.

Why did you open the letter?—Because Mrs. Maybrick wished that it should go by that post.

Why did you open that letter?—(No reply.)

By Mr. JUSTICE STEPHEN—Did anything happen to the letter?—Yes, it fell in the dirt, my lord.

Cross-examination continued—Why did you open that letter?—I have answered you, sir.

Mr. JUSTICE STEPHEN—She said because it fell into the dirt.

Sir CHARLES RUSSELL—I think, with great deference to your lordship, she did not say so; your lordship is referring to something before.

Mr. JUSTICE STEPHEN—She has just said so now.

Sir CHARLES RUSSELL—Well, I did not catch it, anyhow, I want to have it out again.

(To Witness)—Why did you open that letter?—I opened the letter to put it in a clean envelope.

Why didn't you put it in a clean envelope without opening it?—(No reply.)

Was it a wet day?—It was showery.

Are you sure of that?—Yes.

Will you undertake to say that? I ask you to consider.

Was it a wet day?—(No reply.)

Hindustan



Dearest

Your letter under cover
to John C. came to hand, just
after I had written to you on
Monday. I did not expect to
hear from you so soon & had delayed
in giving him the necessary
instructions. I saw my father
I have been nursing ^{the day &}
night - he is sick unto death!
The doctors held a consultation
yesterday & now all depends
upon how long his strength
will hold out! Both Mary
brothers-in-law are here & are
are terribly anxious I cannot
answer your letter fully to day
my darling, but believe your
mind of all fear of discovery
is for the future.
He had been deliberated over
Sunday. & I know now that
he is just fearfully ignorant ^{of anything} even
as to the name of the Street & that
that he has not been making

any injuries whatever! The letter
he told me was a pure fabrication
& only intended to frighten the
truth out of me. In fact
he believes ~~what~~ ^{that} ~~my~~ ^{horizontal}
statement admits he will not
admit it. You need not therefore
go abroad on that account.
deserve but in any case don't
love my land until I have
seen you once again! You
must feel that those two
letters of mine were written
under circumstances which
must even excite their injustice
in your eyes. Do you suppose
I could act as I am doing if
I really felt & meant what I
expressed there? If you wish
to write to me about any-
thing do so now as all the
letters pass through my hands
apparently. Unlike the scroll
my own doing, but I don't
not leave the room for a
moment & I do not know
when I shall be able to write to you
again. I've had the

Yours ever
Florel



Evidence for Prosecution.

Alisa Yapp

Aye or no?—(No reply.)

Was it a wet or a dry day?—(No reply.)

Had the day before been a dry day?—It was showery.

Will you swear that on Wednesday it was showery?—I cannot say positively.

Was the child in a perambulator?—No, sir.

Was the child able to walk?—Yes, sir.

What do you say you did with the letter?—I gave it to Mr. Edwin Mayhrick.

No, no. I mean when you got it from Mrs. Mayhrick?—I gave it to the child to post.

Did you ever do that before?—Always, and Mrs. Mayhrick always gave letters to the baby to carry to the post.

I was asking what you did with it?—I gave it to the baby.

Always did?—Yes.

Did this incident ever happen, or anything like it, before?—No, sir.

Let me see the letter. Have you got the envelope? Where did the child drop it?—Right by the post office, in crossing the road.

Which side?—Near the post office.

Then you had securely passed the road and were stepping on to the kerstone?—Yes.

Did any one see it but yourself?—I don't know.

Then you picked it up?—Yes.

And saw this mark upon it, did you?—Yes.

Just take it in your hand. Is the direction clear enough?—It was very much dirtier at the time.

It hasn't obscured the direction, which is plain enough?—No.

You didn't rub the mud off. What did you do?—I went into the post office and asked for a clean envelope to re-address it. I opened it as I was going into the post office.

Did it never occur to you that you could get a clean envelope, if you were particular about cleanliness, and put it unopened into that?—Oh, I never thought of that.

Then, between the picking of it up on the post office side of the pathway and your going into the shop you formed the design of opening it, and did, in fact, open it as you were going in?—Yes.

If, as you suggest, this fell in the mud and was wet, there is no running of the ink on the direction. Look at it?—No, sir.

Can you suggest how there can be any damp or wet in connection with it without causing some running of the ink?—I cannot.

On your oath, girl, did you not manufacture that stain as an excuse for opening your mistress's letter?—I did not.

Trial of Mrs Maybrick.

Alice Yapp Have you any explanation to offer about the running of the ink?—I have not.

I put it to you again for the last time. Did you not open the letter deliberately, because you suspected your mistress?—Na, sir, I did not.

Re-examined by Mr. Annison—Did you suspect your mistress?—Na, sir.

When you saw the fly-papers did you suspect her?—No, sir.

Why did you look at them?—I thought that Bessie Brierley had made a mistake when she said there were fly-papers in the bedroom.

Was that your reason?—Yes, sir.

When you did see them, what then?—I did not think anything of them.

When you opened the letter you still thought nothing of it?—Yes, when I saw what was in the letter.

Was that the first time that you had any suspicion about it?—Na, sir; I had been told of soup, and bread and milk, and things tasting differently.

Had you been told this by some of the other servants?—Yes.

By which of them?—By Cadwallader and the cook.

By Cadwallader and the cook Humphreys?—Yes.

That was before you opened the letter?—Yes.

E. Brierley

ELIZABETH BRIERLEY, examined by Mr. M'CONNELL—I was housemaid at Mr. Maybrick's house at the time of his death. I had been there seven weeks. I remember, about the 21st March, Mrs. Maybrick's going to London and returning the day before the Grand National. Mrs. Maybrick came home on the evening of the Grand National about seven or half-past. I did not know when Mr. Maybrick came home. I heard, however, some loud talking in the bedroom and heard the bell ring. I went for a cab by orders, and afterwards, without any orders, sent it away. I remember seeing some fly-papers in one of the rooms about twelve o'clock one day. They were in the bedroom. This was one day after the Grand National. They were in a small sponge basin on the washstand in my master and mistress's bedroom. I did not see how many fly-papers there were, but I called the attention of Alice Yapp to them. I never mentioned the matter to Mrs. Maybrick again. At that time Mrs. Maybrick was in the house. I found some traces of the fly-papers afterwards in the slop pail next morning. There were no fly-papers in use in the house for killing flies, either before or immediately after I saw them in steep in the room. The flies were not troublesome at that time. On the 27th April my master went to Wirral races. I heard him complain that his feet and legs were dead to the knees.

Evidence for Prosecution.

On the following morning he was taken ill, and, acting on Mrs. **E. Brinkley** Maybrick's instructions, I prepared a hot-water bottle, which I took to his bedroom. I saw him later on in the week, but I did not notice anything the matter with him. On Friday, 3rd May, he came home from business and was seized with vomiting at that time. My mistress told me to prepare the bedroom at once, as the master was going to bed. I did so, and filled a hot-water bottle, giving it afterwards to Mrs. Maybrick. At that time Mr. Maybrick was in bed, where he remained until the next day. I do not remember taking any food to him on the next day; but in the evening I got from cook Humphreys a glass of milk, which I took up to him. On Sunday I asked how the master was, and I think Mrs. Maybrick replied that he was no better. I do not think she gave me any orders to prepare any mustard and water again. I prepared a small foot-bath, which I left at the bedroom door. On Monday, about eleven o'clock, I asked Mrs. Maybrick if I should change the bedclothes, and she said that the master's bed had better not be disturbed. Afterwards the clothes from the bedroom were brought out by Mrs. Maybrick herself. She left them outside the bedroom door. On Tuesday I asked how the master was, and she said she thought he was no better. On Thursday I remember taking a cup of tea into the mistress's bedroom. It was the front room I took it to. I passed through the chamber. Mr. Maybrick was in bed, and the nurse was rubbing his hands. When I passed through on returning, Mr. Michael Maybrick was in the room, and I saw him take something off the washstand. I think that this occurred on the evening of Thursday, the 9th May. I do not remember having seen the bottles, and I therefore could not identify them. Before Mr. Maybrick's illness it had been my duty to empty the slops; but from the beginning of his illness I suppose Mrs. Maybrick did this, for I only emptied them twice. Generally, before this period, Mr. Maybrick seemed to be a healthy man.

Cross-examined by Sir CHARLES RUSSELL.—Was it in the morning when you were doing up the rooms that you saw the fly-papers?—Yes, sir, before dinner time.

And it was before dinner time that you mentioned it to your fellow-servants?—No, sir; it was later than that.

About what time?—About three or four o'clock.

Is it not a fact that Mrs. Maybrick was in the room upon the occasion when you noticed the fly-papers?—Yes, sir.

You said so in your examination before?—Yes.

At that time both Mr. and Mrs. Maybrick occupied the same room?—Yes, sir.

When the inner room was used as a bedroom it was occupied by Mr. Maybrick?—Yes, sir.

Trial of Mrs Maybrick.

E. Brierley Was it also used as a dressing-room?—No, sir.
Only as a sleeping room?—Yes, sir.
But we have heard of some things being there. What were they?—Only Mr. Maybrick's hats were there.
In reference to this question as to the slops, did your mistress not give you a reason?—No, sir.
Do you know that they were kept for Dr. Humphreys to see?—I did not know at the time.
Do you know now?—Yes, sir.
There is only one other point. On the 3rd of May (Friday) Mr. Maybrick was sick?—Yes, sir.
Do you mean that he was ill, or that he was actually vomiting?—He was vomiting.
You have not said that before, have you?—Yes, sir, I think I did.
At the coroner's inquest you said that he came home from business ill?—Yes, sir; I meant the same thing.
You did not yourself see him?—No, sir, because he went into the lavatory.
And on the 27th I think you heard him complain of numbness in his feet and legs?—Yes, sir.
Was that all?—Yes, sir.
Re-examined by Mr. Adnison—When you went into the bedroom did you see your mistress there?—She was on the lavatory.
Was she there when you took the towels off to look at them?—Yes, sir.

Mary Cadwallader **MARY CADWALLADER**, examined—I was a waitress in the employ of Mr. Maybrick at the time of his death. I remember being sent by Mrs. Maybrick for Dr. Humphreys on Sunday, 28th April. It would be about 10.30. Dr. Humphreys came. I remember about the time bread and milk being prepared by the cook. I took it from the cook to the dining-room. Mr. Maybrick was not there at the time. I do not know how long it was before he came in. I sounded the gong and went out. I do not know who went in after. At the dinner that day, arrowroot was prepared for him by the cook. I took that into the breakfast room. For supper arrowroot was made. I began to make the arrowroot, and Mrs. Maybrick finished it. After this, Mrs. Maybrick gave me a jug to put in to soak. The jug had been used to put the arrowroot in out of the jar. When the jug was given to me I noticed something dark in it. Up to the time that I left off making the arrowroot I had not put anything dark into it. I went for Dr. Humphreys about half-past nine on Sunday night, a second time. Mr. Maybrick said to me that he had had an overdose of medicine from London. This was

Evidence for Prosecution.

before I went for Dr. Humphreys. Mr. Mayhrick said he felt very dizzy. I remember the professional nurses coming on the Wednesday before he died. Mrs. Maybrick had had entire charge of him from the Friday to this Wednesday. She told me that Dr. Humphreys had said that nothing was to go up to him except through her. Before the nurses came on the Thursday, I assisted Mrs. Maybrick to wash Mr. Mayhrick. I saw her give him some medicine then, but nothing else. On the Tuesday, 30th April, I remember some food being prepared for him. It was prepared by the cook to be taken to the office. The cook handed it to me, and I took it upstairs to Mrs. Maybrick. There was no person else there at the time. Mrs. Maybrick said she wanted it wrapped up, and I went for paper and string, afterwards going down into the kitchen. Afterwards I came up again into the room, and found that Mrs. Mayhrick had wrapped up the parcel. Two or three times food was prepared in this way, and one morning the master forgot it. I remember on one occasion, when I brought in some bread and milk which I got from the cook, that the master left a great portion of it. I had done nothing to sweeten the milk. I remember some fly-papers being brought to the house by the chemist's boy, but up to the time the master died no fly-papers had been used. I did not notice the flies to be troublesome. Up to the day the master went to the Wirral races he appeared, so far as I could judge, to enjoy good health.

Mary
Cadwallader

Cross-examined by Sir CHARLES RUSSELL—On the 28th of April you recollect hearing your mistress's bell ringing violently?—Well—no.

Just recollect the day after the Wirral races?—Oh, yes.

Was it your business to answer that bell?—Not the bell in the bedroom.

Did you answer the bell?—No, I did not.

After hearing the bell ring violently, were you sent by your mistress anywhere?—She came downstairs.

Before the bell could be answered?—Yes.

And sent you for the doctor?—Yes.

What time was that on the Sunday?—About half-past ten.

Do you recollect anything happening the same day?—Yes; about half-past nine in the evening master rang the bell.

You went up?—Yes.

Well?—Master told me to call Mrs. Mink.

And you sent her?—Yes.

After she came, did she give you any directions?—Yes.

When Mr. Mayhrick told you to bring Mrs. Mayhrick, did you go back with her into the room?—Yes.

Mr. Maybrick then felt very poorly?—Yes.

Trial of Mrs Maybrick.

Mary
Cadwallader

And Dr. Humphreys was sent for a second time?—Yes.

And from that time he was in attendance up to Tuesday, 7th May, when Dr. Carter was also called in?—Yes.

In reference to this arrowroot you have been speaking about, did you notice anything dark in it?—Yes.

Did you put anything dark in it?—No, sir.

What was it caused the dark colour?—The cook explained it by saying that some vanilla had been put into it. There was a new bottle of vanilla that I thought had not been opened; but, when I came to look at it, I found that it was.

Did that account for the dark colour?—Yes.

As regards the bread and milk, you did not ordinarily sweeten it. You left that to the person who used it?—Yes, sir.

As he or she thought right and to their taste?—Yes.

You recollect the statement you have just made as to something that Mr. Maybrick said to you on that Sunday morning as to the cause of his illness. I wish you to repeat it again?—He said he had taken an overdose of medicine from London.

Do you recollect his having said anything more about medicine? Did he refer to the medicine that came by post?—Yes, sir, he did, because I took it in.

Tell us what he did say?—He said he had taken an overdose of London medicine, and it was the same as I had taken in on the Friday.

Then some medicine had come from London by post?—Yes.

And you yourself had taken it in?—Yes, sir.

There is no mistake about this?—No, there is not.

Your master told you this?—Yes.

He asked you if the medicine had come on Friday morning, the 26th?—Yes.

The next day was Saturday, the 27th, the Wirral races day?—Yes.

And the conversation took place on Sunday, the 28th?—Yes.

What day did the medicine come?—On Friday morning, at half-past eight.

Did you see it?—No, it was in a box.

Do you know whether it was pills or in a bottle?—It was in a bottle. I could tell by the shape of it.

Can you say what kind of a box it was?—A small box made of pasteboard.

Did you learn where it had come from?—I believed it came from Dr. Fuller, but I did not hear the name.

You recollect the Monday before Dr. Carter came to the house?—Yes, sir.

You recollect being in Mr. Maybrick's room on the Monday?—Yes.

Evidence for Prosecution.

Was he sitting up in his bed?—Yes.

Reading papers and writing letters?—Yes. He sent some telegrams away.

Mary
Cadwallader

That would be Monday, the 6th?—Yes.

Do you remember making up any food for Mr. Maybrick to take to the office?—I do not remember.

Do you remember the parcel of fly-papers coming?—Yes.

When the parcel arrived where did you put it?—On the table.

Was it rolled up with paper?—Yes.

And open at both ends?—Yes.

Did any one go through them?—Mr. Maybrick saw them.

Did he look at them?—Yes. I saw him pick them up and look at them.

I think it was you that took the telegram to Mr. Edwin Maybrick asking him to send the doctor?—Yes.

I don't know whether you also took the telegram from Mrs. Maybrick to the nurse at Hale?—No, sir.

Do you know who took it?—No, sir.

Now, about these fly-papers. Did you and the servants talk about them at all?—Well, sir, they were mentioned one day.

Do you recollect if any one suggested what they were used for?—Yes; the cook said they were used for cleaning silk.

That was what the cook suggested?—Yes.

Did you at that time think anything of consequence of them?—No.

Let me ask you this—you said your mistress seemed very attentive to your master during his illness?—Yes.

Until after his death, and it was discovered that there were traces of poison about, did you think there was anything suspicious about what was done or not done?—No, I did not.

Now, I want to take you to another thing in connection with the fly-papers. Do you recollect the domino party or ball to which Mr. Edwin Maybrick escorted Mrs. Maybrick?—Yes.

Do you recollect how long before that you saw these fly-papers in the hall?—About a week before that.

Have you anything to fix the time you saw them in the basin?—

[Sir Charles Russell spoke to Mr. Addison, and the question was not pressed.]

Did you see any fly-papers after this trouble arose in the house?—No. I did not see them afterwards.

Now, just think. Have you not said that you and the cook saw some papers downstairs and destroyed them?—Oh, yes; that was afterwards.

Trial of Mrs Maybrick.

Mary
Cadwallader

It was before his death?—Yes, sir; I think it was the same week that he died.

Did you see the cook destroy them, or did she tell you?—I saw her.

Did you destroy any papers?—Yes, I did, but I don't know how long they had been there.

Do you know how many?—No.

Re-examined by Mr. Annison—When did you say so?—I said so to the solicitor.

When did you say so?—About three weeks since.

That is since you have been before the coroner and the magistrates?—Yes.

Did you mention it before the coroner or before the magistrates?—No, I did not mention it. I did not think of it.

Were you asked about fly-papers?—Yes.

At that time what did you recollect about them?—I did not remember that I had burned a lot of them.

You said at that time you had never seen any fly-papers.

Sir CHARLES RUSSELL—She did not say that.

Mr. ANNISON—Well, we will see what there is on the depositions.

The WITNESS—I do not think I was asked if I destroyed any.

Re-examination continued—When you were asked about it you did not at that time remember it, but when Mr. Cleaver spoke about it some weeks ago you did remember?—Yes.

What did you remember then and now about the fly-papers?—I remember destroying them three or four days before he died.

How long before he died?—About three or four days.

Where did you find some fly-papers?—In the butler's pantry.

Had you charge of the pantry?—Yes.

Did you know how they got there?—I think they had been there a good bit.

Had you ever seen them before?—They were behind some things.

What sort of things?—Behind a tray.

Had you ever seen them there before?—I had not noticed them.

Do I understand that two or three days before he died you found some fly-papers behind a tray?—Yes.

How many?—I did not notice. About five or six.

What did you do with them?—I took them down and burned them.

Where?—I took them to the kitchen and burned them.

Did you show them to the cook?—The cook was there when I went down.

You burned them in presence of the cook?—Yes.

Evidence for Prosecution.

Why did you burn them?—I thought it best to burn them.

You said something about a policeman?—I thought it was best to burn them before a policeman arrived. Mary
Cadwallader

And that was forgotten, was out of your mind, when you were before the coroner and the magistrates?—Yes.

You remembered it when, two or three weeks ago, the solicitor for Mrs. Maybrick came to know what you had to say?—Yes.

That is the way it came about?—Yes.

When was this talk about the fly-papers?—It was a week before he died, when Bessie Brierley spoke of it downstairs.

Was that the first time, Cadwallader, that you heard of fly-papers?—Yes.

That was the week before when Bessie Brierley had talked about it?—Yes.

And was that the time that the cook suggested they were used for cleaning silk?—Yes, sir.

Did you say anything upon that?—No, sir.

Then, this tray of yours, was it one that you used?—It was one that was left there.

Then some time after you found some fly-papers behind the tray, and burned them in the way you have told us?—Yes.

Did you speak to any one about burning them?—No, I did not mention it except to the cook.

Was that before you burned them that you mentioned it to the cook?—No, but finding she was there when I burned them, and there was a smell, I told her that perhaps the best thing to do was to destroy them.

Then Mr. Maybrick was expecting his medicine from London?—Yes.

Do you remember if he told you where it was to come from?—No, sir. I am quite sure of that.

What is your recollection?—He told me he had been up to London, and was expecting medicine a day or two before it came.

It ought to have been a day or two before it actually arrived?—Yes.

Then at last the bottle arrived. Did you look inside to see the chemist's name?—No.

Do you remember whether Dr. Fuller's name was mentioned or not?—No, sir, I don't.

ELIZABETH HUMPHREYS, examined by Mr. SWIFT—I was cook at Mr. Maybrick's at the time of his death, and had been there about seven months. I remember the day of the Grand National. Mrs. Maybrick went away from home about a week before, and returned before the race. Mr. Maybrick was at E. Humphreys

Trial of Mrs Maybrick.

E. Humphreys home during that week. On the day of the Grand National both were away from home, Mrs. Maybrick going out first and returning first. After they returned, in consequence of what Mary Cadwallader told me, I went to the front of the house. I saw my master and mistress, and heard the master say, "By heavens, Florie, be careful. Once you go through this door you shall not enter the house any more." My work was in the kitchen; and, during the present year, up to the month of May, no fly-papers had been used in the house, and there was no necessity for them at all. I never asked the mistress for them.

Do you remember Bessie Brierley speaking to you about the fly-papers some days after she had spoken the first time?—No. I had no conversation with Bessie Brierley, but with Mary Cadwallader.

Had you any conversation with one of your fellow-servants?—Yes, but not for some time afterwards.

About when was it you had the conversation with Cadwallader?—Before the death of Mr. James Maybrick. I entered the service of Mr. Maybrick in October. It was in October I found some fly-papers on the window sill in the kitchen. There would be about half a dozen. They lay there a long time. Mary Cadwallader then arranged to destroy them. I ultimately destroyed them shortly before Mr. Maybrick's death. They had been in the kitchen all the time. Mary Cadwallader was with me when I destroyed them. I remember Sunday, the 28th April, the day after the Wirral races. On that morning, about nine o'clock, I saw Mrs. Maybrick. She asked me for some mustard and water immediately. The master had taken a dose of medicine, she said, and she wanted it at once. She was in a great hurry, and mixed the water with her finger. I followed with another cup, but the first had been given to the master when I got up. I met the mistress on the landing at the bedroom door. I gave the water to Mrs. Maybrick, and she took it in. I did not see Mr. Maybrick, but heard him vomiting. Subsequently I saw Mr. Maybrick and Mr. Edwin Maybrick together in the breakfast room. The mistress was not there. I took the children in on the 28th April, and saw the master, who said he was a little better. Later on in the day I was asked by Mrs. Maybrick to prepare some oxtail soup. I gave it to her, and she took it into the morning room. I do not know what became of it afterwards. I do not remember Dr. Humphreys calling on the following day, but about eleven o'clock Mrs. Maybrick brought in some Du Barry's food, which she asked me to prepare. She gave me a brown jug, and said that the master was going to take the food down to the office. I gave the jug to the witness Cadwallader, and do not know what became of it. On the

Evidence for Prosecution.

following day I made the master's breakfast. He had bread E. Humphreys and milk, which was taken into the breakfast room by Cadwallader. In consequence of something which she said to me when she brought back the remains of the milk, I tasted it, and found it was sweetened as if sugar had been put in it. It was different to what it was when it left, for I put salt in it. I put no sweetening mixture in it. I prepared food for taking down to the office about four times altogether during the week, but on one occasion it was not taken. I never gave the jug to Mr. Maybrick myself. I handed it to Cadwallader. On the night after the Wirral races Mrs. Maybrick brought some meat juice in to me and instructed me to make some beef tea, with the addition of some stock. This I did, but I am not sure who took the beef tea from the kitchen. On the 4th May the chemist's lad brought some medicine, which I took up to the bedroom. I afterwards told Mrs. Maybrick what I had done, and she asked me why I had taken the medicine up, as she had given instructions that nothing was to be taken into the sick-room unless she saw it herself first. Later on that same day I saw Mrs. Maybrick again. I asked for the master, and she said he was no better. She said something about the medicine he had been taking. She remarked that if he had taken that much more (pointing to her finger) he would have been a dead man.

What did she do with the medicine?—She threw it all down the sink.

Did you suppose that she meant the London medicine, or did she say the London medicine?—I thought she meant the London medicine. She said that "horrid" medicine.

I don't want to know what she meant, but what she said?—She said that "horrid" medicine. On the following morning, when I came downstairs, I saw Mrs. Maybrick. I spoke to her, asking how the master was, and she replied that he was much worse. She said he had been ill all night. At that time, no professional nurses had been called in. I suggested going in to look after the master.

What did she say to that?—She said the master would not recognise me. She said that she could manage, and she asked me to make a cup of tea.

Did you go into the bedroom?—No.

Upon the following day, did you go upstairs to get some order about dinner?—Yes.

Where was Mrs. Maybrick then?—She was standing on the landing near the master's bedroom.

Did you get the order?—Yes; and I asked how the master was.

Did you make any request?—I asked to see the master for a moment.

Trial of Mrs Maybrick.

E. Humphreys She did not give permission?—No, but I followed in without permission.

How was the master then?—He was very poorly. He recognised me the moment I entered the room, and called me to him. I asked him how he was, and he replied that he was very sick and wanted a drink of something. He then requested me to get him some lemonade with a little sugar. He said he wanted a good drink to rinse his mouth out with, and he wanted to feel that he had rinsed it out. He also said—"I want you to make it as you would for any poor man dying of thirst." He then told me how to make the lemonade, viz., to cut up a lemon in slices and put a little sugar in. Mrs. Maybrick, who was in the room, offered him lemon juice, but he said he didn't want lemon juice in a glass, but lemonade from the kitchen. His wife thereupon replied—"You cannot have it except as a gargle." I then asked the master if he would like anything—any lemonade, lemon jelly, or harley-water, and he replied that he would like something, anything of that sort. Mrs. Maybrick did not say anything at that time, but immediately afterwards she said it was no use making anything, as he could not take it except as a gargle. I made some lemonade and took it up to Mr. Maybrick, going to the right side of the bed; but Mrs. Maybrick took the lemonade from me, and put it on the washstand at the left side of the bed. She said to him, "You can't have it, dear, except as a gargle," and he replied, "Very well"; but he looked very wistfully after the glass as his wife took it away from him, as though he would like to drink it. I then left the room, and the deceased had none of the lemonade while I was there. I did not see him again until after Nurse Gore had arrived, at which time I and the nurse were in the room together. I asked him if he felt any better, and to this he replied that he did not feel any better at all. Mrs. Maybrick then entered the room and said, "What is it, dear?" I leaving at that point. Mr. Michael Maybrick arrived the same evening. On Thursday evening, the 9th May, I went to my master's bedroom, and, as I got to the bedroom door, I met Mrs. Maybrick coming out. I afterwards returned to the kitchen, and Mrs. Maybrick followed me. The accused ordered dinner, and after giving the order she began to complain, and used the words, "I am blamed for all this." I asked her in what way; and Mrs. Maybrick replied, "In not getting other nurses and doctors." After saying this, she went into the servants' hall, and there commenced to cry. She said she was very much put out, and added that her position in the house was not worth anything.

Evidence for Prosecution.

By Mr. JUSTICE STEPHEN—Mrs. Maybrick said, "This is E. Humphreys all through Mr. Michael Maybrick."

Examination continued—Tell us all she did say?—That he had always had a spite against her since her marriage. Mrs. Maybrick told me that she had been turned out of the master's bedroom, and not allowed to give him his medicines. In speaking about Mr. Michael Maybrick, I remember her saying that if he went out of the house she should not allow him to enter it again. She said that, if she could, she would turn us every one out of the house. I asked her if I had done anything to her, and she said, "No." I saw her several times after that before Mr. Maybrick died. On the Thursday I asked her how the master was, and she replied that he was no better. She said that inflammation had set in, and I replied that it was very dangerous.

Do you remember asking your mistress a question?—No.

Do you remember asking her something about pulling through?

Sir CHARLES RUSSELL—I must ask you not to ask leading questions.

Examination continued—I do not remember Mrs. Maybrick getting some ice from the landing. The professional nurse came on the Wednesday.

Nurse Gore was the first, was she?—Yes.

And from that time did you cook anything more for the master?—No.

Or know of anything being cooked except by nurses?—No.

Upon the Friday did you see Mrs. Maybrick in the kitchen?—Yes, I did.

About what time?—As far as I remember, it was Friday night about nine o'clock.

Did you give her something she asked you for?—Yes.

What was it?—She asked me for a sandwich and a glass of milk. She had a sandwich or two in the kitchen; and, as she was leaving, she asked me to get her some soup and a sandwich ready for night.

Did she say anything else?—She thanked me for my kindness to her.

Anything else?—And she kissed me.

Was there any further conversation?—I asked her how the master was, and she said he was sinking very fast.

Do you remember anything about hope?—Oh, yes, she said there was no hope, and seemed very much distressed.

Now, upon the Saturday morning, I believe Mrs. Maybrick came to your bedroom door?—Yes, about three o'clock in the morning.

What did she request you to do?—She wanted one of us to go and fetch Mrs. Briggs.

Trial of Mrs Maybrick.

E. Humphreys What reason did she give?—She said that the master was dying. I believe Cadwallader and Brierley went. The last thing I remember making for Mr. Maybrick was some broth on Saturday night. Mrs. Maybrick requested me to make it. That was the Saturday before he died. I never made anything but the lemonade after that. During the days following that Saturday I suggested several things I thought Mr. Maybrick might like made for him. I made these suggestions to Mrs. Maybrick.

Cross-examined by **Sir CHARLES RUSSELL**—Are you married or single?—Single.

Now, in reference to these fly-papers, you saw some of them on the window sill of the kitchen?—Yes.

Had they been in the house some time—when was it?—I went back to the house in October, 1888, and it was directly that I went back that I saw them.

There were also some found behind a tray in the pantry, I believe?—I know nothing about them.

I think you are aware that Cadwallader had destroyed some?—I knew nothing about it at the time; she came afterwards and told me.

Afterwards? Oh, very well. Now, on the 28th April you yourself saw Mr. Maybrick; did not he tell you he had had a very bad turn that morning?—Yes, he did.

And it was later on that evening that your mistress ordered some oxtail soup?—Yes, I had made some for dinner that day.

Do you remember when you got the direction to make the soup whether Dr. Humphreys was in the house?—I believe he was in the morning room at the time.

Do you know whether it was he who suggested the soup?—I do not remember.

Now, as regards the food on the 29th April, you said you got a tin of the food from Mrs. Maybrick?—Yes. It was Du Barry's food.

Was it a fresh tin, and unopened?—Yes, it was a fresh and unopened tin which had been sent for.

We have heard that your master did not take much of that; it was brought down to the kitchen uneaten?—A good deal of it was.

That was on the Tuesday, I think?—Yes.

Had he eaten the bread and milk, or only a little of it?—Only just tasted it.

Not eaten much of it?—No.

And when you came back you found it sweetened?—Yes.

Did you taste it?—Yes. I put my finger in and found it had been sweetened.

And he inquired whether you had sweetened it?—Yes.

Evidence for Prosecution.

As regards his habits of tak'g sugar or not, Mary Cad. E. Humphreys wallader would know more about that than you?—No; he used to give me his instructions.

Oh, did he? But Mary Cadwallader would know something about it? I must have this cleared up. Has Cadwallader gone?

Mr. Admson—No; I think not.

Cross-examination continued—I must ask you at once about this. Did it seem to you there was anything suspicious in the food having been sweetened?—No; not at the time.

And you found it had been sweetened; there was no mistake about it at all?—No; I found it had been sweetened.

Sweetened with sugar, I suppose?—Yes.

By Mr. Justice STEPHEN—Did you know who sweetened it?—No.

Cross-examination continued—You have spoken about meat juice essence being brought for the purpose of making strong stock?—Yes.

I suppose you tasted it before you sent it up?—I did not.

Now, in reference to the intervening days up to the 8th, I wish to ask you do you recollect on Monday, the 6th, going into Mr. Maybrick's room?—Yes. I asked if he wanted anything.

What was the answer?—"No, thank you; Mrs. Maybrick will attend to all my wants."

You went, in fact, to ask whether you could do anything for him?—I went in with some papers and telegrams.

And on the 6th he was sitting up in his bed reading the papers and letters, and sending some telegrams?—Yes.

And when you asked if he wanted anything, he said that Mrs. Maybrick would attend to his wants when she returned?—Yes.

Where was she at that time?—I don't think she was in the house.

Who brought his letters and telegrams?—Lowry.

On the 5th, did you see him?—Yes, I did.

And on Monday, the 6th, did you see him?—No.

You have just told us that it was on that day you saw him. Let me remind you again, wasn't it on Monday, the 6th, that the boy came up from the office with letters and telegrams?—Yes, it was.

You saw him on the 7th?—No, I did not.

Dr. Carter came on Tuesday, that day?—I heard of that.

Do you recollect on the Wednesday morning saying to your mistress she ought to lie down, she looked so worn and tired?—Yes.

And it was a fact that she did look worn and tired?—Yes.

Did you learn that she had been up all night?—Yes.

Trial of Mrs Maybrick.

E. Humphreys I will put to you the question. Until after you heard of the result of the examination showing that there was arsenic, did you regard your mistress's conduct at any part of the story as in any way suspicious?—No, I did not.

Did it seem to you that she was attending to her husband?—She seemed very kind to him, and spent all her time with him.

You have already said so, have you not?—Yes, I did.

And when she told you she had been blamed you took her part—you sided with her?—Yes, I did, because I thought she was doing her best under the circumstances.

You sympathised with her, in fact?—I did, certainly.

And she was in great distress?—She was very much grieved over it, and was very sorry. She was crying.

Crying in a manner painful to witness?—Yes, she was indeed.

At the time were you aware that what particularly distressed her was that she was no longer recognised as mistress of her house?—Yes, and I told her I would rather be in my own shoes than hers.

You know she was set aside by his brothers and these nurses?—Yes; she was set aside.

I am not criticising the action of the brothers for a moment, but I ask the question for present purposes. I notice in giving directions for the lemonade he told you, you say, to cut the lemon up, and put a little sugar with it?—Yes; I asked him the question about it.

With reference to that, do you know, in point of fact, that the doctor had ordered he was to have as little as possible to drink, and to use the lemon only as a gargle?—I did not know it at the time.

Did not Mrs. Maybrick say so?—She did afterwards when I took up the lemonade. I made it notwithstanding what she said.

Is this what she said, "The doctor says he is not to have anything like that except as a gargle"?—Yes, she did say so to me at the time.

I don't know whether you were present at the inquest when Dr. Humphreys was examined?—I was.

And he said something very much to that effect?—He did.

Upon the occasion Mr. Maybrick observed there were strange things knocking about him, I don't know whether you could pledge yourself to the exact form of words he used?—Those were the words he used.

Was not that after Nurse Gore had come?—It was.

And didn't you say, when you were examined with reference to that observation, that he made the statement at the time there was a stranger in the room?—I did. I thought he was referring to the nurse.



Mr. W. R. McConnell.



Evidence for Prosecution.

Whom he did not know before?—Yes.

And did you also add that he was a little delirious?—Yes, he was certainly.

E. Humphreys

Mr. JUSTICE STEPHEN—The nurse will be called, I presume?

Sir CHARLES RUSSELL.—Yes, my lord.

(To Witness)—On the 9th May you mentioned Mrs. Maybrick coming down to the kitchen when you were at your ordinary dinner?—Yes.

At that time the two brothers of the master were in the house, and she was ordering dinner?—Yes.

You spoke to her sympathetically in her trouble, I believe?—Yes.

On Saturday, in the early part of the day, she came down to the kitchen and put her arms round your neck and kissed you?—Yes; she was always very good to me.

Have you known your master sometimes to use sugar in his bread and milk?—Yes.

Dr. RICHARD HUMPHREYS, examined by Mr. M'CONNELL—I am a surgeon and general practitioner, residing in Garston Old Road, Garston. In the early months of 1887 I was attending the children of Mrs. Maybrick for whooping-cough. That was not the first time I had been in the house. I had attended Mrs. Maybrick. I had never, however, attended Mr. Maybrick but once, when he had a slight injury to the nose, and I washed it for him. When I was attending the children in the early part of March, Mr. Maybrick never complained to me. I did not ask Mr. Maybrick purposely about his health. I just casually said, how are you? but I asked Mrs. Maybrick about her husband's health when I was attending the children. I do not remember the exact words spoken, but Mrs. Maybrick made a specific complaint about her husband taking something. That conversation took place some time in March this year. She said he was taking some white powder, which she thought was strychnine, and she asked what was likely to be the result. I said that if he took a large enough dose he would die. That would be before the 21st March; I cannot bring the date nearer than that. I said to Mrs. Maybrick, not meaningly, however, "Well, if he should ever die suddenly call me, and I can say you have had some conversation with me about it."

E. Humphreys

When were you first called in to see Mr. Maybrick?—On Sunday, the 28th April.

What time was that?—About eleven o'clock; a few minutes to eleven.

Where did you see Mr. Maybrick?—In bed.

Was Mrs. Maybrick present when you saw him?—Yes.

Trial of Mrs Maybrick.

R. Humphreys What did Mr. Maybrick say to you?—He said to me that he was not well.

Did he complain specially that morning of some peculiar condition?—Yes, about his chest and his heart. He was afraid of being paralysed.

Did he say so to you?—Yes.

Did you ask him how long he had been suffering from these symptoms?—Yes.

And what was his reply?—He said they came on that morning.

Did he assign any cause?—Yes, he said it was the result of a strong cup of tea.

Did he say whether he had experienced these symptoms before?—Yes, he said that tea had upon other occasions produced similar inconvenience. Witness attributed the symptoms to distress and palpitation of the heart.

By Mr. JUSTICE STEPHEN—Would a cup of strong tea have produced all these symptoms?—Not usually, my lord, but I have known it to have done so.

Examination continued—Deceased complained as to the state of his tongue, saying that it had been furred for a long time, and that he could not get it clean. He told me that he was not well the previous day. He said he had been at Wirral races, and before starting, in going downstairs, he felt very funny and his legs were very stiff, and during the whole day he was at the races he felt in a peculiar state—in a dazed condition. After coming from the races he went to dine with a friend, and whilst there his hands were so unsteady and twitching that he upset some wine, and he was greatly distressed lest his friends would think he was drunk.

Did you prescribe anything for him?—Yes.

What did you give him?—I gave him some dilute prussic acid, and advised him to drink nothing but soda water and milk that day.

If you had known that he had been sick on the previous day would you have attributed it to the cup of tea taken that morning?—Probably not.

I saw him next on the evening of the same day, and witness Cadwallader met me at the house. Deceased was then in quite a different condition from that presented a few hours before. All that he had complained of in the morning had disappeared, and he was then suffering from stiffness of the legs. He showed me Dr. Fuller's prescription in the morning, after which I directed him to discontinue it, and gave him another prescription to replace it. Deceased knew he was taking nuxvomica in the prescription which Dr. Fuller had given to him, and he had an idea that the stiffness in the limbs was due to that. He was a man who prided himself on his knowledge of medicine.

Evidence for Prosecution.

You say that after having seen him three times only!—Oh, **R. Humphreys** no! he told me so himself. He said, "Humphreys, I think I know a great deal of medicine; I have read a good deal of medicine." And, knowing he was taking *nux vomica*, he thought the stiffness of the previous morning was due to that. Consequently, I advised him not to take any more. He said his liver was wrong, and I made an examination and did not contradict him. The deceased also complained of other things already referred to, and I remained with him for about an hour, and advised him to stay in bed the following morning.

Did he say anything about his friends saying he was hypochondriacal?—Yes; but he said, "I am not. I know how I feel."

Anything said about mustard and water being used?—I do recollect something about mustard and water, but when, I don't know. I called again on the deceased in the evening and found him in bed, having been sent for as Mr. Maybrick was suffering from stiffness in the limbs—the two lower limbs. I prescribed for that bromide of potassium and tincture of henbane. I promised to call again the following morning, Monday, 29th April, and called shortly after ten o'clock. I found him in bed, where he had remained at my request. He did not complain of anything, and all the symptoms had disappeared, except the furred tongue. I made an examination of him, and arrived at the conclusion that he was a chronic dyspeptic, and prescribed a dietary for him in writing, and gave it to him himself. I believe I saw Mrs. Maybrick every day I was at the house. The dietary consisted of coffee, toast, and some bacon for breakfast, some Revalenta food and tea for luncheon, and for dinner he was to take alternate meals of fish and bacon. I prescribed for him Seymour's preparation of papaine and iridin. The papaine was a vegetable digestive, and the iridin a slight laxative to act on the liver. The quantity to be taken was one teaspoonful three times a day. On leaving I promised to call again on the evening of Wednesday, the 1st. This I did, and found Mr. Maybrick much better. I advised him to continue the same treatment. Mr. Maybrick told me I need not call again, as he would call on me. On Friday, however, I received a message to go and see Mr. Maybrick. It would be about ten o'clock on the 3rd May. I found Mr. Maybrick in the morning-room on the ground floor. He said he had not been so well since the day before, and he added that he did not think my medicine agreed with him. Mrs. Maybrick was present, and said, "You always say the same thing about anybody's medicine after you have taken it two or three days." I said to Mr. Maybrick, "I really cannot see anything the

Trial of Mrs Maybrick.

R. Humphreys matter with you. Your tongue is certainly not so clean as it ought to be; but otherwise I cannot see any difference in you. My advice is to go on the same for two or three weeks; the medicine cannot disagree with you, as it tends more to assist your digestion than anything else." Mr. Maybrick then asked me whether he ought to get a Turkish bath, and the reply was in the affirmative. Later on in the day I saw Mr. Maybrick at about four o'clock, but he only said, "Good afternoon." About midnight that night I was called up to see Mr. Maybrick. He was then in bed, and he was in great pain. The pain was in the two thighs, running from the hips down to the knee.

Who was present when you saw him in bed?—Mrs. Maybrick.

Had anything been done to alleviate the pain?—Yes, they had rubbed his legs with turpentine.

Where had the rubbing been applied?—To the inner aspect of the thighs.

Was there any rubbing going on in your presence? Did you rub or apply your hand to the part?—I am sure I did.

What sort of pain was it?—He complained of gnawing pain.

Not pain from pressure?—No. It extended from the hips down to the joints, and was more particularly located in the back aspect of the joint.

That is the seat of the great sciatic nerve?—It is.

Do you know that he had taken the Turkish bath spoken of in the morning? Did you connect his symptoms in any way with the bath?—I did.

In what way?—I thought it might have been caused by an excessive towelling and rubbing. Mr. Maybrick told me that when he arrived home that day he was sick.

By Mr. JUSTICE STEPHEN—That was after the Turkish bath?—Yes.

Examination continued—Deceased had been sick twice after arriving home, and he said he thought it was due to some inferior sherry having been put into Du Barry's Revalenta food. I did not inquire whether it was put in or not. As the pain continued, I gave him a morphine suppository.

By Mr. JUSTICE STEPHEN—What is that?—It is in the form of small capsules of gelatine which is mixed up with morphia, and introduced into the lower bowels instead of swallowing.

Examination continued—There was a quarter of a grain in one of them, which had been prescribed for Mrs. Maybrick at one time or another. On Saturday, the 4th May, I saw Mr. Maybrick early, and found that the pain had passed away, but there were other symptoms, and he was sick and vomiting. He could retain nothing on his stomach, and that was a common result of the administration of morphia. I advised deceased to take nothing at all, but to abate his thirst by washing out with

Evidence for Prosecution.

water, or by sucking ice or a damp cloth, and to take nothing else. I prescribed also some ipecacuanha wine for allaying the vomiting. It was a prescription either homœopathic or allopathic, according to how it was regarded. I saw him again on the Saturday, but I do not recollect the visit. I saw him the following morning—Sunday—when he was still vomiting, or hawking more than vomiting, and complained of his mouth being very dirty, and his throat was troubling him. His throat showed a slight redness, but his tongue was very dirty and furred. I changed his medicine, because deceased had not made the improvement I had expected. I prescribed again prussic acid from the bottle which he had not finished the previous week. I told deceased also to take Valentine's beef juice, and wash his mouth with Condyl's fluid. Mrs. Maybrick was present at the house every day. I saw her on Monday, and asked her if—as her husband was worse than ever he had been before—would she not like to have another medical man? She replied, "No, Dr. Humpreys; as he has seen so many before, and they have done him so little good, I don't think it is necessary." At that time I was not exactly hothered by the symptoms, but deceased had not made the progress I had anticipated. You considered he was getting worse?—No, I can't say that. On the whole he was rather better.

But you have just told us he was worse than ever he had been?—His illness was worse than any illness he had ever had. I again saw deceased on the Sunday, but did not notice anything particular about him. I saw him on Monday, the 6th May, at 8.30 in the morning, and his state was then something similar, but he still complained of his tongue very much. He was, however, better able to retain a little food. Some of the Valentine's extract of meat had been taken, but it did not agree with the deceased, and it made him vomit. I do not remember him vomiting in my presence, but he complained of it. I told the deceased to stop the Valentine's beef juice, and said I was not surprised at it making Mr. Maybrick sick, as it made many people sick. I also stopped the medicine, and gave deceased some arsenic—it was Fowler's solution. I could not say whether that was Sunday or Monday, but it was not Tuesday. Fowler's solution is a mixture of white arsenic, carbonate of potash, and lavender water.

What per cent. of arsenic?—One per cent. I gave the deceased four drops in about five tablespoonfuls of water. He was to have a few drops of that in less than half a teaspoonful every hour. I made the medicine myself while I was there. It was put into a medicine glass, which contained about sixty or eighty doses. In the whole of the doses there was about 1-25th of a grain. I showed him how to take it, and gave it to him myself. He took three doses altogether.

Trial of Mrs Maybrick.

R. Humphreys By Mr. JUSTICE STEPHEN—How much arsenic would there be in the three doses?—About 1-250th of a grain.

Examination continued—I saw him in the evening, and ordered him some Brand's beef tea, some chicken broth, Neave's food, and some milk and water. On the Monday night I recommended the application of a blister to the stomach, thinking it would put an end altogether to the vomiting. I had seen two samples of the vomit. One was greenish, bilious-looking, and the other was yellowish. On Tuesday I saw Mr. Maybrick in the morning, and he appeared better. He said, "Humphreys, I am quite a different man altogether to-day, after you put on that blister last night." He was constantly complaining of the offensive feeling of his mouth. I advised him to wash his mouth with sanitas to clear it. He was able to retain a tablespoonful of food every hour. In the afternoon of the same day I was there with Dr. Carter. I threw the remainder of the medicine containing the Fowler's solution away on the Monday morning. I threw it into the basin on the washhand stand—the slop basin. The object of administering the solution was to allay his condition and improve him. Mr. Edwin Maybrick made the appointment for me to meet Dr. Carter. Mrs. Maybrick told me that she had not sent for him, but that Mr. Edwin Maybrick had. I saw Mr. James Maybrick with Dr. Carter in the afternoon, at half-past five. Mr. Maybrick seemed to be much the same as in the morning, and was certainly no worse. He complained to Dr. Carter, in my presence, about his throat. I think he was able to retain his food that day. I had a consultation with Dr. Carter, and we resolved to administer certain medicines. He was prescribed tincture of jaborandi and antipyrine. The antipyrine was to allay his restlessness and to allay the pain of the throat. The jaborandi was given to increase the saliva and to relieve the throat. We also gave him a wash for the mouth of chlorine water. We held the opinion that he was going on very favourably, and would be well in a few days. I formed the opinion that Mr. Maybrick was suffering from congestion of the stomach. I could not remember telling this to Mrs. Maybrick that day, but I did tell Mr. Maybrick. I formed a hopeful prognosis, and thought Mr. Maybrick would soon recover. My next visit was on Wednesday, when I found him better. I made no change in his treatment, there being no sickness.

No more symptoms than there were on the afternoon of the 7th?—No, but he had had a restless night.

And his condition was still as hopeful as it had been the night before?—Yes.

Did you say to Mr. Maybrick, or use any words to the effect that all depended on how long he could hold out?—No.

Evidence for Prosecution.

Did you say that he was sick unto death, or any words to R. Humphreys that effect?—No.

Had he been in any way delirious since the Sunday, or did you say so?—No.

Did you see him again on Wednesday, the 8th May?—Yes.

Did you send any telegram about a nurse?—Yes, one about nine o'clock in the morning. Mrs. Maybrick asked me on the morning of the Wednesday prior to the death to telegraph to Mrs. Howell, her nurse, who had been with her on her confinements, to come to attend on her husband, as she was getting tired herself. I had no other conversation beyond that. I went to a telegraph office and sent a message to the nurse at Halewood, signing no name, but saying Mrs. Maybrick would like to have a nurse. About seven o'clock I went to the house and found Nurse Gore there. I have not been informed up to the present time why Mrs. Howell was not called. At that time the patient was not worse. I could not state whether my attention was called to the state of Mr. Maybrick's bowels. I did not make any change in the medicine or prescribe anything that afternoon. About 10.30 Mr. Michael Maybrick came to my house and asked about his brother's health and prospects. The interview was lengthy, but I did not go to the house with the brother. I visited the patient again on the following morning, and found that there had been considerable straining, the bowels being loose. This was what was termed "tenesmus." He complained of pains in the rectum before I introduced the suppository. It had to be made, and was afterwards introduced. Mr. Maybrick was complaining of great pain. Dr. Carter was present that afternoon.

Did you consider your patient's condition then as favourable as before?—Not so favourable.

What were the unfavourable symptoms?—They were diarrhoea and straining. I saw the fæces that afternoon.

Did they present any characteristic that led you to make more than a casual observation?—They themselves did not; but I had a conversation with Mr. Michael Maybrick which led me to believe that something more might be seen if a further examination were made.

Was any further examination made?—Yes.

Of the fæces?—Yes.

You made a slight examination?—Yes.

Dr. Carter was aware of what you were doing?—Yes.

What examination did you make?—I hoiled them in copper with a little acid.

What acid?—Hydrochloric acid.

What were you testing for then?—I was testing for some metal, probably antimony, arsenic, or mercury.

Trial of Mrs Maybrick.

R. Humphreys Some metallic irritant?—Yes.

How much did you subject to the test?—About a table-spoonful.

With what result?—Nothing conclusiva.

Be a little more explicit, doctor?—I got no deposit on the copper.

Had your patient had hismuth in his medicina before?—He had.

Was there any deposit of hismuth on the copper?—There was no deposit of any matal.

The result was negative?—Yes.

Did you examina the urina at all?—I did the sama afternoon, and subjected it to a similar test, hut the result was negativa. There was no materal deposit found in the urina. On Thursday evening Mr Maybrick was in a state of restlessness, complaining of his tongue and his throat and his howels, hut his strength was maintained pretty well and ha could taka nutriment to swallow. I did not apprehend any serious results on the Thursday. I felt his pulse, hut did not think that there was anything characteristic about it, though it was certainly quicker than at the beginning of the week. I made some temperatura tests on the Saturday and Sunday previous, nearly a week before his death. The first day ha was slightly feverish, the temperatura being 99.4. After that day it was normal, the average normal temperatura being taken as 98.4. I did not try the thermometer during the Friday. On Thursday [Friday] afternoon deceased asked for Dr. Cartar, and I said I would tell Dr. Carter, which I did, and the doctor came out the same afternoon. On Friday morning I found the deceased weaker, pulse mora rapid, and howels not moved so frequently as during the pravius day. There was hardly any sickness, hut I thought deceased was rather worse, especially as ha himself seemed much depressed about his condition. In the afternoon the patient's pulse was still more rapid, and one of his hands was becoming white. Generally ha was weaker, and decidedly worse. The tongua was simply filthy, and Mr. Maybrick was very restless, having had no sleep. I ordered some sulphonal for his restlessness, the dose being thirty grains, in the form of a powder; nitroglycerine for his hand; and he was to continua cocaine, ordered the pravius day, for his throat, and also some phosphoric acid for his mouth. On Friday afternoon I considered deceased's condition to be serious, and the doctors had reason to supposa then that the suggestion made to them the day hafore might hava some grounds.

Was Dr. Carter given a hottle to examina?—Yes, on Friday. I visited my patient again about 10.30 on Friday night.

Evidence for Prosecution.

By Mr. JUSTICE STEPHEN—What time was your consultation? R. Humphreys
—In the afternoon about half-past four.

Examination continued—What was this bottle?—The bottle containing the meat juice.

When you visited your patient again at about 10.30, how did you find him?—Very ill; his pulse was very bad, almost uncountable. He was getting weaker. I told Mr. Michael Maybrick his state so that a solicitor might be seen as to his affairs. At that time I apprehended danger.

Had you any difficulty in administering nourishment?—On that day, yes.

What had you been administering?—Nutritive suppository.

Did you do anything on the 10th?—I don't remember.

On Saturday, the 11th, what time did you see him in the morning?—About 8.30.

How was he then?—He was then dying.

Did you see Dr. Carter on that day?—Yes.

Did you have a consultation as to his state?—Yes.

What time was that?—Between twelve and one o'clock.

What conclusion did you arrive at as a possibility of doing anything?—There was no possibility of doing anything.

At that time did you consider the case hopeless?—Certainly.

Was the man dying?—Yes.

You determined as there was nothing more to be done to take no steps?—I think it would have been useless.

And I suppose from that time he gradually sank?—Yes.

Were you present at his death?—I was in the house.

It took place about 8.30 on Saturday, the 11th?—Yes.

Except the examination you told us about, you made no examination of the excreta afterwards?—No.

Did you at any time tell Mrs. Maybrick that if he had taken so much of that horrid medicine he would be a dead man?—No.

Did you direct that nothing nutritious or medicinal should be given to the patient except by Mrs. Maybrick?—No.

On the night of the 11th, about 12.30, did Dr. Carter make any communication to you of what he found in the bottle of meat juice?—No, it was 12.30 in the afternoon.

Did you make a post-mortem examination on Monday, the 13th?—Yes.

Who were present?—There were present Dr. Carter, Dr. Barron, and myself, and Superintendent Bryning. Dr. Carter took the written statement, and we all assisted. The examination was made in the room he died. *Rigor mortis* was present and well developed. I have made notes of the post-mortem.

Mr. JUSTICE STEPHEN—It has been the practice, first introduced by Lord Campbell, it being allowed in the Scotch Courts, that notes should be read, although they cannot be called the strictest evidence. You can now do as you please.

Trial of Mrs Maybrick.

R. Humphreys The WITNESS (with the notes before him)—The frame and condition of the man were well developed, his countenance being classical. The pupils of the eye were mediumly and equally dilated. There was a discharge from the lower bowel, and when turned over, a slight discharge of fluid from the mouth. The discharges were chemically tested. [The witness then described the post-mortem appearances resulting upon examination, and said that when they opened the chest the first rib on each side was found to be slightly ossified.] The lung was found in the left chest to be adherent; it was fixed by an old adhesion, and that meant the evidence of pleurisy. The right lung was free from adhesion, but it contained some fluid. The lung was taken out, and was found to be normal. When the sac of the heart was cut into, fluid was found; and the heart itself was found to be covered with fat. Upon cutting into the heart itself it was found that the right ventricle contained a little clot, but the left side of the heart was empty and in a normal state. The valves of the heart were natural, and the condition of the windpipe was normal. Upon taking the tongue and the larynx out, and the oesophagus and the gullet, we found that the tongue was black, and the gullet at the top of the throat was slightly red. Below that for some distance the appearances were quite natural; but lower down again before getting to the stomach, on the lower part of the mucous membrane, there was a gelatinous appearance, which had the appearance of frogs' spawn, of a yellowish colour, with black patches. In the larynx, at the posterior part of the epiglottis, we found that there was a little ulcer, about the size of a pin head. It was red and very shallow, and that also the free margin of the epiglottis was eroded or rotten. Upon the posterior aspect of the cartilage, which goes to form the voice box, we found two little red patches. The stomach was tied at each end and taken out, and we found that it contained some fluid—some five or six ounces of a brownish fluid. When the stomach was opened and the fluid poured out we found each end of the stomach was red, and here and there there were small ecchymoses or blood spots effused under the lining of the stomach. Getting out of the stomach into the duodenum we found there about three inches of red inflammation, and this appearance continued down for about three feet in the intestines. About eighteen feet lower down in the intestines we found another area of red inflammation, and it corresponded to the blue patch I referred to first, with the vessels running over it. The very extremity of the bowels—the rectum—was also slightly red. The liver seemed natural, and the kidneys were natural. The spleen weighed five or six ounces, and was of a kind of mahogany colour. The brain was natural. Some parts of the viscera were put into jars, but

Evidence for Prosecution.

I have not copies of the numbers, although I know some of **R. Humphreys** them. I placed the stomach with its contents into a jar, the whole of the intestines and parts of the liver, and I think the spleen.

By **Mr. Justice Stephen**—Were they all put in jars?—Yes. I closed the jars, and after sealing them gave them to **Mr. Baxendale**.

[A description of the jars as handed to the inspector was here read out by his lordship.]

Examination continued—From what you saw during his life and from the post-mortem examination, what do you say was the cause of death?—Arsenic. Arsenical poisoning.

Did you have anything to do with the sealing up of certain fluids and other matters that came from the drains?—Yes.

Were you present when the matters contained in these four jars were taken?—I was. Just now you asked me what I thought was the cause of death. I said arsenical poisoning. I said that knowing as I do that an examination has been made of the contents of the stomach; hut, asking me what conclusion I came to after having made the post-mortem, recollecting the symptoms that he died of, I could only say that it was due to some irritant poison, most probably arsenic, hut I should not like to swear that it was.

You were present at the taking of the list of the articles with the jars numbered 1, 2, 3, and 4?—I was.

The body was afterwards exhumed. Were you present then?—I was.

Did you see certain further parts removed?—Yes.

Were they placed, like the others, in bottles?—No. In one large jar, which was given to **Mr. Baxendale**.

Cross-examined by **Sir Charles Russell**—When you gave the answer in the first instance you were taking into account not merely the symptoms before death, but the statements of the results indicated to you by others?—I was when he asked me the question.

Excluding these results, were you when examined before, and are you now, able to say more than that the symptoms during life, and the post-mortem appearances after death, are consistent with death from some irritant poison?

By **Mr. Justice Stephen**—The word "consistent" is so very misleading. Do you mean to say any two things which exist together must always be consistent? There is a great difference between one thing indicating another with a less degree of strength, and one thing consistent with another. When you say that there are symptoms consistent with death in consequence of some irritant poison, do you mean to say that there are symptoms consistent in the strict sense of the word, or

Trial of Mrs Maybrick.

R. Humphreys that they indicate or point to death by irritant poison?—I mean to imply that they point to death by irritant poison.

Did you, in fact, use these words, when first asked, "Having regard to the post-mortem appearance, the symptoms before death, and the symptoms described by the witnesses, what is your opinion"? Was your answer this, and this only, "They are consistent with arsenical poisoning"?—It was.

And that is what you mean now to convey?—They are consistent, taking the symptoms collectively.

I must ask you not to use the word "consistent," but I will understand by it "indicate," "point out."

Cross-examination continued—Did you not go on to explain that, when you used the word irritant poison, you meant anything, as, for instance, impure food, would cause these symptoms?—I mean (taking it apart from the analysis and the corrected statement) that I did not know what the post-mortem appearance of an irritant would have been; but I say that an irritant food, causing certain symptoms during life, like those produced by an active poison, would probably produce a similar appearance after death.

You have never assisted at a post-mortem examination of any person supposed to have died from arsenical poison?—No.

I think I might also ask you whether you have ever assisted at a post-mortem where it was alleged that death had been due to irritant poisoning?—No.

Up to the time that the communication was made to you which, to use your own language, suggested that there might be some foundation for supposing foul play, did it in any way occur to you that there were symptoms present during life of arsenical poisoning? When was it that the idea was first suggested to you?—I think on Thursday, or on the Wednesday night, when Mr. Michael Maybrick came to me.

From a communication made to you by Mr. Michael Maybrick?—Yes, that there was something unsatisfactory.

The Court then adjourned.

Evidence for Prosecution.

Third Day—Friday, 2nd August, 1889.

The Court met at ten o'clock.

Dr. RICHARD HUMPHREYS, recalled, further cross-examined by R. Humphreys
Sir CHARLES RUSSELL—You were in attendance upon the late Mr. Mayhrick continuously from the 28th of April until he died?—
I was.

Therefore you know something of the history of the case, and the symptoms manifested during the progress?—Yes, sir.

Now, when you saw him on the 28th, the day after the Wirral races, did he give you a history of what he had gone through the day before?—Yes.

Did he tell you that he had been at the Wirral races riding?—He told me that he had been there on horseback.

He had been there riding? I do not suggest that he was riding in the races?—Yes, he was there on horseback.

He said he did not feel very well, and that he had got wet?—He said that he was not very well, but did not tell me that he got wet.

I don't know whether you are able to recall from your recollection the weather on that day?—I cannot.

You don't know whether it was, in fact, a wet day?—I do not.

Did he tell you that he had dined with a friend over the water?—He said he had dined with a friend.

Did he tell you that he had been ill during the dinner?—He said that he had been seized with some twitchings of the arm.

Let me understand clearly, please, the symptoms which he repeated to you. He made reference to a strong cup of tea, did he not?—He did.

And he attributed the nervous symptoms to that fact?—He did.

It is a fact if a man has a weak action of the heart that a strong cup of tea might produce nervousness?—Yes, I think it might be the case without a man having a weak heart.

He also complained, did he not, of headache?—Yes.

Was it of long standing, do you know?—It had existed for about twelve months.

I don't know whether you remember he said that he had suffered from headache as far back as the Ascot races that year?—He told me so.

Trial of Mrs Maybrick.

R. Humphreys I think he further complained of pains on the left side in the region of the heart?—It was not a pain, it was a discomfort. An indescribable feeling of nervousness, which I presume was from palpitation.

It was in the neighbourhood of the heart?—Yes, on the left side.

Now, on the evening of the same day you were called in again?—I was.

And you found him on that occasion complaining of a stiffness of the lower limbs?—Yes.

That would be natural, if he had been riding and caught cold?—I should not expect such symptoms as this from a man riding and catching cold.

This stiffness; what would you call it? How do you suggest it arose?—I think it arose from a mental condition from the conversation I had had with him in the morning.

I do not understand how the stiffness of the lower limbs is connected with his mental condition. From his conversation in the morning do you mean to suggest that he fancied his limbs were stiff?—I won't say that altogether he fancied they were stiff, but after I got there the stiffness passed away in two or three minutes.

By Mr. JUSTICE STEPHEN—Could you feel if the muscles were stiff?—Upon rubbing them a few minutes, and taking his attention away from the stiffness, the symptoms seemed to disappear.

Cross-examination continued—Where was the stiffness?—In both limbs, extending from the hips down to the feet.

Along the sciatic nerve?—The sciatic nerve and the whole limb.

Did you connect that with the nux vomica in your own mind?—Yes, from the conversation I had with him in the morning.

Which was?—About the nux vomica. He told me he knew the symptoms of nux vomica, and he said he thought the stiffness was due to that and to Dr. Fuller's mixture.

Did you accept that as a full explanation?—Yes.

You found him next day suffering from a dirty tongue?—Yes.

That, in your opinion, was symptomatic of chronic derangement of the stomach?—Yes.

On Wednesday, the 1st of May, you found him better?—Yes.

His tongue cleaner?—His tongue was cleaner than it was on the Monday.

And his headache gone?—Yes.

You saw him on the 1st of May, after he had returned from business, somewhere about half-past six in the evening?—Yes.

Evidence for Prosecution.

On the 2nd of May you did not see him?—No.

On Friday, the 3rd, he complained of his medicine not agreeing with him?—Yes. He thought his medicine did not agree with him.

Mrs. Maybrick made an observation that he had frequently said that about other medicines?—Yes.

And you said to him that you could not see that there was anything the matter with him?—Quite so.

And that was your view?—Yes. I could not see anything worse with him than that his tongue was a little more furred.

In other words, they were the symptoms of some gastric disturbance—dyspepsia, greater or less?—I was of the same impression as I was on the previous day.

On Friday, the 3rd of May, you saw him again?—Yes.

You were sent for, and you came to see him again later at night?—I did.

And you arrived, I think, somewhere about midnight?—I arrived between eleven and twelve.

On that occasion you have told us he complained of pain in the thighs?—He complained of pain in both legs, from the hips down to the knees.

And it was in relation to that you suggested the application of a morphia suppository?—Yes, that is so.

That was all he complained of in the way of pain on that occasion?—Yes.

By the way, he said he had been sick? You understood that he had vomited?—Yes.

He was sick twice after he had had a Turkish bath?—Yes, but I did not connect the two incidents. His lordship asked me the question yesterday.

On the Saturday you saw him in the morning in his house. He was then in bed?—Yes.

The pain had disappeared?—Entirely; but his tongue was still dirty.

And you advised that he should take no food. For how long did that continue?—It continued until the Monday forenoon.

From the Friday about twelve o'clock up to the Monday about what time?—I cannot say, but it was somewhere after half-past ten.

At this time, after the Turkish bath, it was the first occasion he was able to retain anything upon his stomach?—It was.

He was suffering more from hawking than vomiting?—Not that day.

How do you describe him on the Saturday?—He could retain nothing on his stomach except a little water.

R. Humphreys

Trial of Mrs Maybrick.

R. Humphreys Do you attribute it to the morphia?—I do.
And you have found that in persons unaccustomed to take morphia it has that effect?—It has in some people, according to their idiosyncrasies.

With a view to stopping the retching you prescribed ipecacuanha wine. That would be upon the homœopathic principle?—It was upon the knowledge that small doses of ipecacuanha wine would stop vomiting.

If taken in large doses it would be a thing to cause vomiting?—Yes.

Then you applied it on the principle *similia similibus*?—Upon that knowledge.

Now, on Sunday you found him better?—Yes.

He made some complaint of his throat, but you were not sure whether it was on the Sunday or on the previous evening. I mean the tickling sensation as of a hair in the throat?—I am not sure of the day.

Now, on Monday you found him rather more inclined to hawk than to vomit?—The tickling sensation in the throat caused him to retch, and produced an uncomfortable sensation.

With a view to stop that, did you cause a blister to be put on the stomach?—Yes.

With a view to stop the retching you stopped the vomiting?—Yes.

It was not with reference to any pain?—No, certainly not.

He was not, in fact, complaining of any pain, either in the stomach or the pit of the stomach?—No.

At no time?—At no time.

Did you at any time notice any effect upon his eyes?—I did not.

No redness of the eyes or eyelids?—I did not.

There was none?—I am positive there was not.

And no complaint of any itching in the eyes or eyelids?—There was not.

Now, you saw him later on that day, and you found that your blister had a good effect?—I saw him the morning of the day after the blistering, the Tuesday morning. I applied the blister on Monday night.

You saw him since, on Tuesday, the 7th?—Yes.

I will read you this, and you can remember it—"He was able to retain a pretty good quantity of fluid food without being sick, but still complained of a tickling in his throat."—That is so.

And these were the only things of which he then complained?—Yes.

You saw him again on Wednesday, the 8th. How did you find him going on?—Going on favourably.

On Wednesday, the 8th, there was no sickness?—No pro-

Evidence for Prosecution.

minent sickness. There might be sickness, but I knew that it **R. Humphreys** was very rare.

He was still going on favourably that morning?—No, I could not say so.

Now, I want to call your attention to Thursday, the 9th May?—On Thursday I again visited him, and found him no better or worse. Ha was then under the care of the nurse.

The patient was suffering from looseness of the bowels?—That is right.

And this is the first time that symptom presented itself to you in any excessive or marked way?—Yes, to draw my attention to it seriously.

In fact, up to that there had been nothing in the way of excessive purging or diarrhoea to call your attention to it in a marked way?—There had been no excessive purging or diarrhoea, but there was a disturbance of the bowels.

That would not be harmful, would it?—Oh, no, not at all.

And this first presented itself as a matter of any moment on Thursday?—Yes, as a matter of moment it did.

At what time did this visit take place when this symptom was so marked?—In the morning, most probably at half-past eight.

Very well, early in the morning he could take nutriment, could he not?—He could.

And did you find, on inquiry that Thursday, that he was suffering from straining when at stool?—Ha was.

Which may arise from many causes?—I should not like to say it arises from many causes, but it arises from some.

I mean in any state of disordered stomach and bowels, it is not unusual?—I can't say in the ordinary state of disordered bowels. It is very rare, in fact.

Then what do you suggest as the cause from which it arose?—Any sevara irritation of the bowels may produce it; very frequently it results from irritation of the lower membrana of the bowels.

Have you not known it to arise where strong purging medicine is given?—I have not known it. I have never had complaints of it, but I can easily conceive that it might arise, certainly.

Is it not frequently present, commonly present, in any form of diarrhoea? For instance, is it common in summer diarrhoea?—Yes, in summer diarrhoea it is present.

I wish you to go back to the 7th. You met Dr. Carter on that day?—The Tuesday; yes.

You had no intimation from him that ha was to be there?—I had not.

But some one made an appointment with you?—I was requested to meet Dr. Carter at half-past five.

Trial of Mrs Maybrick.

R. Humphreys By whom?—I think the letter I got was from Edwin Mayhrick.

And I presume you gave to Dr. Carter a history of the case as you have given it to-day to my lord and the jury?—Yes.

On that morning do you recollect something you said—on the morning of the 7th? You had ordered the application of a blister for the retching, and it was on that morning he said, wasn't it, that he was quite a different man, and that the retching had gone down? He said these words?—Yes, he said, "I am quite a different man."

I think the first reference to anything that had passed away from him was on the Thursday?—Yes.

But, as a matter of fact, the slops were preserved for you?—They were preserved from time to time.

By Mrs. Mayhrick?—I don't know.

Well, they were shown to you by her?—From time to time they were shown to me. I don't know if by her.

At any rate, they were preserved for you from time to time?—Yes, from time to time.

You could have seen them on any occasion you desired?—Yes.

And they would have been kept for you if you desired it?—Yes.

You took on the Thursday, as I understand, some fæces which had been passed that afternoon, and you applied what is known as Reinsch's test?—Yes.

Did you make more than one test?—I did not.

You applied that test both to the urine and the fæces—that is to say, you added hydrochloric acid in each case, and then introduced a piece of copper foil?—Yes.

And you found no deposit?—No. I got no deposit.

Did you report that to Dr. Carter?—I cannot tell whether I did then or not; but I am positive that I told him some time or other.

That would be a negative test?—No, not of necessity.

Why?—Because the quantity that I used was so small, and the time I boiled it such a short period, that there might not have been time for any deposit of any kind to take place. Further, I am not skilled in the details of testing, and my test might have been inefficient.

That is candid, doctor. Then you mean to convey that, although you tried this experiment, you were not able to conduct it successfully?—I cannot say whether it was conducted successfully or not. I do not pretend to have any skill in these matters.

It is not a difficult test?—No.

And if there is arsenic, it is supposed to make a deposit upon the copper?—Yes, if it is boiled long enough, and if there is some quantity there.

Evidence for Prosecution.

I must ask you how long did you boil it?—About two *R. Humphreys* minutes.

That is to say, it was at the boiling point two minutes?—I am sure two minutes were passed from the time I put the spirit lamp underneath the fluid.

It may not have been boiling at all?—I am positive it was boiling.

Positive?—Positive.

You are quite clear on that?—I am positive it was boiling.

Why did you not try a larger quantity?—Because I did not take a larger quantity with me.

But why did you not take a larger quantity?—I cannot tell you why at this moment.

What quantity did you take?—Perhaps an ounce.

Do you suggest that for an experiment properly conducted that was sufficient?—It was a sufficient quantity if there had been an appreciable quantity of arsenic in it.

The point is, was there arsenic in it?—I could not say.

My point is whether, in your opinion, this quantity was, or was not, sufficient?—An ounce would be quite sufficient.

So I should have thought. Now, so far as the boiling point is concerned?—I could not boil the whole of it; my test tube was not large enough; if I had attempted it I should have lost some of the substance. I am certain I brought the whole quantity in the tube to boiling point.

Did you at that time think your experiment was properly conducted or not?—I really could not tell.

You were making the experiment with some object?—Yes.

Were you satisfied it was properly conducted at the time?—I was satisfied there was nothing on the copper. I had no books at the time to refer to; it was only from recollection I worked.

Is there anything in the way of working the experiment in books which you have since consulted that you did not do?—No.

You were quite satisfied, when you came to refresh your memory, that there was nothing omitted by you?—Yes.

Well, but is not the test well known to treat all matters connected with the intestines on the same principle?—I don't know.

So far as your reading tells you, is there any difference with the way of testing?—I cannot tell.

So far as you know, is there?—No.

You have still apparently some doubt in your mind. So far as the urine is concerned, you followed the right course?—Yes, so far as the deposit upon it is concerned. I do not know whether the copper was absolutely pure, but I have a very strong impression that it was pure.

Trial of Mrs Maybrick.

R. Humphreys But, see, Dr. Humphreys, in proportion as there is any doubt about the purity of the instruments you were using, would there not be a greater certainty of getting a deposit?—I should like you to say that again.

You say you are not sure that the instruments were perfectly pure?—I was told they were pure, but I am not sure.

But if they were not pure would you not get a greater deposit?—If they were not pure, it depends on what the impurity was.

Well, I will just put it to you again. What impurity do you suggest may have existed?—In the copper, arsenic.

Then if there were impurities in that form of arsenic in the copper, would it not make it the more certain that you would get a deposit on the copper?—If there was that impurity.

Did you find any?—I found none.

Where did you get your hydrochloric acid?—From the chemist.

Some good chemist, I suppose?—Yes.

Now I come to Friday, the 10th. When did you hear first that the letter was intercepted by the woman Yapp?—I think it was on the Thursday.

At what time?—I don't know.

Morning or evening?—I cannot tell you.

Was it the same Thursday or was it later when you heard of the hottle of meat juice?—It was later—the next day, Friday.

Did you hear anything about the hottle of Neave's Food which was taken on the 9th and found by Humphreys?—I remember there was a hottle of Neave's Food.

On what day?—During the night of Thursday.

It was delivered up on the 9th?—Yes.

From whom had you heard this?—I saw it given up.

By whom?—To Dr. Carter.

By whom?—By Mr. Michael Maybrick.

And were you there when the bottle was delivered up?—Yes, by Mr. Michael Maybrick to Dr. Carter.

Can you tell me at what time on Friday the meat juice was delivered up?—In the afternoon.

And taken away by Dr. Carter?—Yes.

When you say afternoon, do you mean about two or three o'clock?—I mean later than that, half-past four.

Did you hear anything from Dr. Carter in relation to it until about half-past twelve on Saturday?—No.

And then you heard from him?—Yes.

I wish to ask you this, you have said, have you not, that but for the suggestion of arsenic, you would have been prepared to give a certificate of the cause of death?—No, I did not say so. I said the suggestion was made before I conceived it, before I thought of it, on Wednesday or Thursday.

Evidence for Prosecution.

I think you said so yesterday, Dr. Humphreys—that the idea of arsenic did not occur to your mind until it was suggested to you? Had it not been for the suggestion of arsenic, were you prepared to give a certificate of death if he had died on Wednesday?—Yes.

And in your judgment what was the cause of death?—Acute congestion of the stomach.

Did you call that gastritis or gastro-enteritis?—Yes, gastritis or gastro-enteritis.

What would you call gastritis?—I should call it inflammation limited to the stomach itself.

You say it is inflammation of the stomach, while gastro-enteritis is—?—That in which there is congestion in addition to the stomach being inflamed.

The bowels are also?—Yes, the bowels are also involved.

That is, gastro-enteritis would include congestion and inflammation extending to the bowels?—Yes, quite so.

By Mr. JUSTICE STEPHEN—Then if nothing about poisoning had been suggested to you, you would have certified that he had died of gastritis or gastro-enteritis?—Yes, my lord.

Cross-examination continued—Now, Dr. Humphreys, I wish to ask you this question, and just consider, please, before you answer it. Mention any post-mortem symptom—never mind the analysis for the present—but mention any post-mortem symptom which is distinctive of arsenic poisoning and which is not also distinctive of gastritis or gastro-enteritis?—I can't give you any.

There is none?—I can't give you it.

That is because you believe there is none?—I should not like to swear to distinguish between them.

It comes to this, you are not able to point it out?—I am not able to point it out.

No distinctive symptom apparent to a post-mortem examination distinguishes arsenic poisoning which does not distinguish gastritis or gastro-enteritis?—I can't swear to distinguish between them.

Now, I must ask you one or two further questions. I want to ask you about the following things given to this man. Cascara—is it aperient?—It is.

Nitro-hydrochloric acid, is it a stomach tonic?—I don't know.

A tonic?—Well, it is given for such a variety of things I would not like to say it was a stomach tonic.

Now, nux vomica—what is that?—Strychnine and hucine enter into it.

What is their object?—They are the active principles of the drug.

Yes, yes. But are they tonics?—Not in the ordinary sense of the term.

Trial of Mrs Maybrick.

R. Humphreys What are they administered for?—They are administered sometimes to improve the general health.

What are they? What is brucine?—I don't know what it is used for.

What is nux vomica for?—It is administered for chronic indigestion.

Old stomach derangement?—Yes.

In Plummer's pills antimony and mercury are found in the form of calomel?—Yes.

Prussic acid you have already described?—I gave it to allay his palpitation on the first occasion, and vomiting on the second. That was addressed to the action of the heart?—Yes.

Bromida of potassium, is that a sedative?—Yes.

And depressing?—I do not know that it is depressing.

Tincture of hyoscyamus, that is a sedative also?—Yes.

Depressing?—No, I do not think it is depressing.

Is not bromide of ammonia sometimes substituted for bromide of potassium because the latter is so depressing?—If it is given for a long time. I think I should choose it between the two if I was going to give it in large doses for a long time.

Antipyrin, is that given in cases of fever?—Yes.

Is it depressing?—No; I do not think so, not in the ordinary doses in which it is administered.

Is it lowering?—Not in the ordinary doses.

Jaborandi, has that a powerful action on the nerves and heart?—Not in the small doses in which it is prescribed in the "Pharmacopœia."

Is it in the "Pharmacopœia"?—Yes, tincture of jaborandi.

You gave him chlorine to wash his mouth, morphia to allay pain, and hismuth and opium suppository?—Yes, all those were given.

Nitro-glycerine, that was externally used?—No, it was administered internally.

And sulphonal?—Yes.

That is not in the "Pharmacopœia"?—No.

Have you used it before?—Many times.

And, in addition, cocaine?—Yes.

Is that in the "Pharmacopœia"?—I do not know.

Are those two—nitro-glycerine and cocaine—depressing or not?—Not in the doses which were given.

You saw this gentleman. Did you give directions that he was to be properly looked after and kept quiet?—I am almost sure I did. I should in the ordinary course of my practice.

And you would in your ordinary course enjoin careful attention and regularity in food and medicine?—Yes.

I presume in leaving such directions you would leave the lady of the house to carry them out?—Yes.

Evidence for Prosecution.

Did she seem to be anxious and careful in her attention?—**R. Humphreys**
Yes; she did everything I requested her.

Did you find that she had practically before Friday become exhausted with watching?—She told me herself she was tired on Wednesday morning.

Could you see that she was tired?—No, I could not say that.

Could you see whether she had the appearance of being tired?—I have no recollection of noticing it.

Now, with regard to the post-mortem— Oh! before I ask you that, you did give directions, did you not, that he was to have something to cool his mouth, but was to drink as little as possible?—Yes, that would be on the Saturday or Sunday, the 4th or 5th May.

When you assisted at the post-mortem, was the poor man lying on his back?—Yes.

Is it your experience that, by the influence of gravitation after death, the blood flows to the lower parts?—It does.

The stomach was nearly empty, was it not?—It contained about 5 or 6 ounces of food.

Was there a very bright redness?—Yes.

By **Mr. Justice Stephen**—If the person was lying on his back, the fluid would gravitate to the cardiac, or larger end of the stomach?—Yes.

Cross-examination continued—Then that end would be lower than the opening of the pyloric duct?—If there was much fluid in it.

The redness you speak of was a bright redness?—Yes, a bright red tinging.

At the cardiac, or upper end, there was redness?—That was where it was most marked.

At the pyloric end there was redness?—Yes.

In the intermediate space there was no marked redness?—No; it was almost natural.

And was the redness more extensive posteriorly than anteriorly?—I think it was.

You speak of a small ulcer?—That was upon the epiglottis.

And you speak of one or two clots of blood?—I spoke of a clot of blood in the stomach.

Was that the only thing that attracted your attention?—No, there were many very minute spots, but none so marked as that.

Very minute what?—Very minute spots; very minute indeed.

Have you ever mentioned them before?—I don't know that I have.

Turn to your notes and see whether you have any trace of them?—They are much smaller than the other, and quite dissimilar.

Trial of Mrs Maybrick.

H. Humphreys Will you refer to your notes and show me it in any part of the post-mortem?—They would be similar to that of a flea's bite. I find in my notes that 2 inches from the pylorus was tolerably free from injection, being only marked in small spots of brilliant arborescent vascularity here and there.

Now, Dr. Humphreys, I must seriously ask you, do you mean to allege that this reference means these spots of which you speak?—Yes.

That is to say, the place where these marks were was not in itself congested?—Yes, that is so.

That is the meaning of it, isn't it?—Yes.

You have another long adjective in connection with it—arborescent I think you call it?—Yes.

That signifies, I suppose, branching out like a tree, branching out from it. It does not mean spots, but lines?—Yes, of a line-like character.

Re-examined by Mr. ADDISON—You said something about the effects of the cup of tea producing symptoms in the case of a weak heart?—Yes.

Was there anything which you found after he died indicating a weak action of the heart?—No.

What would you say of his heart?—I would say it was the heart of a healthy man at that age.

On the 1st May (Wednesday) you attributed his condition to dyspepsia?—Yes.

Well, now, is there any irritation of the stomach in dyspepsia?—Yes.

And what is the ordinary effect of arsenic on the stomach, when it is taken, I mean, in an overdose, or beyond what is good for a man?—In a dose sufficient to kill or not?

Suppose it were taken in a dose sufficient to kill?—I can't say.

Do you know anything by which you can distinguish at one stage of illness what is produced by arsenic from what is produced by dyspepsia?—No; I should not like to swear.

Mr. JUSTICE STEPHEN—What was it you were asking?

Mr. ADDISON—I was speaking, my lord, about irritability of the stomach in dyspepsia.

(*To Witness*)—Does an irritant poison produce irritability of the stomach?—Yes.

And can you in some of its stages distinguish it from irritability caused by dyspepsia?—No; I could not.

You didn't suspect irritant poison at that time?—No; I did not.

Was dyspepsia the only natural alternative that could suggest itself to your mind?—Nothing else suggested itself to my mind.

There was no other suggestion offered itself to your mind?—No.

Evidence for Prosecution.

You did not suspect arsenic given on purpose?—No.
And you knew it had not been given for his illness?—So far as I knew.

R. Humphreys

Did he tell you on the Friday, the 3rd of May, how long he had been at home before he was taken twice ill?—He told me he was sick twice after he came home.

Did you ask him at all whether he had his tea before he was sick; did you suggest anything to him? Did he merely say he was sick twice after he came home?

Sir CHARLES RUSSELL—The witness said first that Mr. Maybrick told him he was twice ill "as soon as" he came home.

Mr. ANNISON—Did he say he was twice ill after he came home?

Sir CHARLES RUSSELL—I must insist: the words were "as soon as" he came home.

Re-examination continued—What did he say?—The words that Mr. Maybrick used to me were "he was twice sick after he came home."

Very well. Have you had occasion to attend any one who has been poisoned by arsenic?—Never.

Then probably you cannot tell me whether this irritation of the stomach could exist without pain or complaints of pain?—I think it is very frequent to have irritation in the stomach without complaints of pain.

But you are not able to say one way or the other whether the irritation was from dyspepsia or poison?—I could not say.

This tenesmus was worse on the Thursday?—Yes, decidedly.

Do you know when it began to be worse?—I cannot remember. My attention was drawn to it distinctly on the Thursday.

Tenesmus, as we understand, is straining?—Yes.

What are the indications of it?—The complaint of the patient is that he goes to stool without any avail, and feels a burning sensation in the lower portion of the bowels.

Have you attended cases of dyspepsia very often, and have you ever known it accompanied by tenesmus?—Never.

Have you ever seen a case of tenesmus to the same degree as this?—I never recollect having seen it to this degree.

Did you ever make an analysis of this nature before?—Yes, on one occasion, when I was making an experiment. I used arsenic as a test to see whether the test was reliable.

Do you remember what sized slip of copper you used?—(The witness cut off a piece of paper about half an inch long, and said that was the size.)

Now, up to the 8th May (Wednesday) you would have given a certificate that he died from acute congestion of the stomach?—Yes.

You would have said he was improving on the Monday and the Tuesday?—Yes, the symptoms led me to believe that.

Trial of Mrs Maybrick.

R. Humphreys Would you now, leaving out what was said to you about suspicion, have given a certificate of death if he had died on Thursday or Friday?—I cannot say; it is difficult to separate from one's mind the information which has been suggested. I could not say what I would have thought if it had not been suggested to me.

On the Saturday when he died what was your opinion?—That he was suffering from some irritant poison. That was before the post-mortem.

By Mr. JUSTICE STEPHEN—If he had died on Saturday and you had not heard anything, would you have suggested poison?—I should have thought it an unsatisfactory case.

What is the usual course; did you send to the coroner?—No, my lord; the usual course is to refuse to give a certificate of death, and then the police are sent for.

Re-examination continued—Before the post-mortem would you have refused a certificate?—I really cannot say.

But you did refuse it?—I did.

You had had certain knowledge at that time. Assuming that you had not had any information given to you, would you have refused the certificate of death on the Saturday?—I really cannot say.

Have you any doubt from the symptoms, the post-mortem, and the analysis made by Mr. Davies, and the case altogether—have you any doubt of the cause of death?—No, I have no doubt whatever.

By Mr. JUSTICE STEPHEN—I want your last sentence explained. When you say—"I have no doubt whatever," do I understand you to include in that opinion your knowledge of the result of the chemical analysis?—It includes everything collectively, with all the symptoms during life, all the appearance after death, and the result of the analysis of the contents of the stomach.

And the other things that have been found and examined—the meat juice and things of that kind, have you included that in your opinion?—No, my lord. I do not include that in my opinion. All about the body and the result of the examination of the body.

W. Carter Dr. WILLIAM CARTER, examined by Mr. ANDISON—I am a physician of considerable experience in Liverpool, practising in Rodney Street. My experience includes cases of overdosing medicinally with arsenic. I had been a perfect stranger to the Maybrick family; but on Tuesday, 7th May, I was called in in consequence of my general position in the town. I was not even aware until the inquest that it was Dr. Humphreys who sent for me. I was telephoned for at 3.30 on Tuesday,

Evidence for Prosecution.

the 7th May. I saw the deceased at Battlecrease House, Dr. W. Carter Humphreys being there, and taking me to the bedroom. He said deceased had been suffering for some days from vomiting. I must make a slight correction in the sequence of the symptoms. Diarrhoea was just appearing. His principal complaint was of extreme dryness and irritability in the throat; of a sensation as if a hair was in it, and the extremely foul taste which he had in his mouth. He was restless during the examination. He said he had been vomiting for several days. I judged that his restlessness was due to the discomfort of a blister. Upon examining his throat I found it acutely inflamed, very dry, and red. He was also rather weak, but the weakness was not very prominently shown. I saw the vomited matter and other excretion. Mrs. Maybrick followed me into the bathroom, where we had some conversation about the irritation, seeking a cause for it. Mrs. Maybrick made a suggestion that his constitution might have been injured by indiscretions as to food before his marriage, but I thought nothing of that, not thinking it implied anything in reference to his then illness. After consultation with Dr. Humphreys, I concluded that deceased was suffering from acute dyspepsia, resulting from indiscretion of food, or drink, or both. Acute dyspepsia would include the result of such irritants as we thought deceased had been suffering from. We did think deceased was suffering from some irritant, and the symptoms were such as to indicate that in the absence of disease in any other organ, they were such symptoms as might be produced by an irritant poison.

But you did not suspect the presence of any poison?—No, certainly not.

As a doctor you would not do so?—No; decidedly not. It is the last thing—the very last thing—we would think of. We prescribed a careful diet, to be carefully increased as the stomach would bear it. To remove the distressing symptoms of restlessness we ordered small doses—very small doses—of antipyrin, and a small dose of tincture of jahorandi, thinking that the last would produce a gentle flow of saliva and relieve him from the distressing dryness and sensation as if of a hair, and that the other drug would calm his restlessness.

What did you prescribe in addition to the medicines? Did you prescribe chicken broth, milk, and lime water?—Yes, with Neave's food, and lime water at longer intervals.

What else did you order?—Diluted chlorodyne, which it was hoped might relieve this feeling of foulness, which was not, however, associated with any bad breath, though it was very distressing to the patient.

Trial of Mrs Maybrick.

W. Carter Did you infer anything from the absence of foulness of breath?—Nothing.

As to the antipyrin, would you tell me whether that would be harmful?—None whatever. It is a dose given to a child of five years of age, and repeated again and again, and four times that dose is given every hour for three hours to adults.

Tincture of jahorandi; tell us something about it in a popular manner?—It was the minimum dose of the Pharmacopœia that we ordered.

Would that dose have a harmful effect upon his condition?—No; the effect varies with the dose.

What dose was it?—A half drachm of the tincture.

Was that to produce saliva?—Yes; and to overcome the feeling of dryness.

I was again called in on Thursday, the 9th, at half-past four in the afternoon, when Nurse Callery, Dr. Humphreys, and Mr. Michael Maybrick were there. Up to this time the symptoms were such as I could find consistent either with an irritant poison or with dyspepsia, but now I found in addition that tenesmus of a very distressing character had set in. He complained of having been up and down all night, and that the bowels were quite loose. I endeavoured to make an examination of the lower bowel, but it caused the patient such extreme pain that I was unable to do it. The appearance of tenesmus puzzled me somewhat, for it was unusual on the hypothesis that I had formed as to the cause of his illness. I then imagined that inflammation had extended to the large bowels, and that added to the seriousness of the matter. This indicated a very serious state of things. I had a conversation with Mr. Michael Maybrick, and afterwards I had a consultation with Dr. Humphreys. I found that the latter had ordered hismuth, and it was agreed between us to give double doses if the illness continued, and, if necessary, to add brandy diluted. The nature of hismuth was astringent, and it was a stomachic sedative.

On the Thursday I made an analysis of some of Neave's food which was given me, but I found nothing wrong with it, nor did I find anything wrong with some brandy which was given to me for the purpose of analysis. On Friday, the 10th May, I received a bottle at the house from Mr. Michael Maybrick, in the presence of Dr. Humphreys. Cocaine was ordered on that day, and was applied to the throat externally. Cocaine is an alkaloid extracted from a vegetable coca, with which the Peruvians used to sustain their strength, and is a Pharmacopœia preparation. On the Friday I went again, and saw the patient in the presence of Dr. Humphreys. We also saw Mr. Michael Maybrick, who gave me a bottle of Valentine's

Evidence for Prosecution.

meat juice. We were not satisfied with the condition of the patient. He said he was better, but we found that the pulse was much quicker, and noticed a whiteness on the right hand. He said he had had a restless night again, and asked if we could give him something to make him sleep. The diarrhoea had not been entirely subdued, but it was not so intense. My impression was that the nurses told me that it was not so bad. The tenesmus, although not entirely subdued, was better. His mind at the time was quite clear. On the Friday, Thursday, and Tuesday his mind was always clear. He was never in the slightest degree delirious. I am not sure whether I said anything about what the deceased was suffering from on the Tuesday to Mrs. Maybrick. He was at that time suffering from acute dyspepsia. Dr. Humphreys would have communicated our joint opinion to her.

On the Friday we suggested that the deceased should have in addition to his food, some nutrient suppository if it could be retained, and a dose of sulphonal to make him sleep and one nitro-glycerine tablet, the smallest dose in the Pharmacopœia. These were the only medicines that were prescribed on that day, with the exception of the brandy. He was taking brandy and champagne. With regard to the suppository, he could not take food by his throat. He had vomited once, and they wanted to supplement the nutrition if they could. The sulphonal was a simple hypnotic—a sleep producer, having no other effects whatever. It was a white, tasteless, odourless powder. I gave deceased the sulphonal in tablet form. Neither of the medicines given could have any ill effect upon deceased. On the Friday evening I examined the meat juice by Rainsch's test, and discovered a marked deposit on the copper foil introduced upon boiling it in hydrochloric acid. That meant there was some metallic substance in the sample. On Saturday evening, when I had leisure, I again tested the meat juice. What I stated was discovered by Rainsch's test on the Friday evening. On Saturday morning I took the sample back with me. On visiting Mr. Maybrick about 10.30, I met Dr. Humphreys at the house, and told him the result of the test. I also said that I must get a bottle which I could be quite certain had not been opened, for the purpose of further test, as the sample tested might have had some impurity in it. On Saturday the patient was weaker, he having been delirious the previous night, and he had difficulty even in fully protruding his tongue. It was difficult to make him understand what was said to him, and he could not retain the suppositories. It was evident, in my opinion, that deceased could not live, and I did not think anything could do him either good or harm. Nothing was done

Trial of Mrs Maybrick.

Carter in regard to the discovery made by the test, but I said that if the matter turned out to be so bad as I feared it was, it would be taken out of our (the doctors') hands entirely. It was too late then to do anything for the protection of the patient.

I was not present when Mr. Maybrick died, but I was in the house at the time. After I left the house I took to Mr. Davies the bottle of Valentine's meat extract. Before I gave it to Mr. Davies I had made tests in my workroom in Rodney Street, and found traces of arsenious acid. I made several experiments with the meat juice, testing in every case the tests themselves beforehand. When I got the bottle it was about two-thirds or three-quarters full, and I took about three teaspoonfuls out of it. It was half-full perhaps when I handed it over to Mr. Davies. I made some further search, pouring out some, when I found there was arsenic, on a white plate, shaking it up to see if I could find specks of white arsenic, soot, or antimony. I thought probably that it had been introduced in solution, and thought if that had been the case the specific gravity must have been diminished, and with such means as I had at command I tested again. I wrote to Mr. Davies directing his attention to what I had found. I have heard the account of the post-mortem examination by Dr. Humphreys, but would like to add a few details.

[Witness then gave a minute and highly technical account of the post-mortem appearances, supplementing some details omitted in the evidence of Dr. Humphreys in this respect.]

Will you tell us shortly which of these symptoms was the cause of death?—Mainly the stomach inflammation, as indicating that which caused death.

Tell us in more popular language what the condition of the stomach was—what was the inflammation?—It was acute inflammation.

Was there anything else outside that to account for death?—Simply the inflammation; there were parts of the small intestines and of the rectum also inflamed.

Now, taking those appearances altogether, to what do you attribute death?—To arsenical poisoning.

Now, taking the post-mortem symptoms altogether, could they point to anything except death by irritant poisoning?—I think not.

Were they consistent with death by acute dyspepsia?—No.

I mean the appearances of the post-mortem?—There was no disease of any other organs except the stomach to account for congestion—but this was more than congestion, it was acute inflammation. It was the acute inflammation of the mucous membrane of the stomach and the bowels which led me to believe that there was arsenic.

Evidence for Prosecution.

Now, confining yourself to the point when you first saw the patient, when you thought it might be a case of acute dyspepsia—because poison was the last thing you would think of—what was the chief appearance of the body?—Acute inflammation of the stomach. Dyspepsia might leave no morbid appearance whatever in the stomach. From the post-mortem examination I came to the conclusion that there had been an irritant of some kind, and now, since I have heard the evidence given by Mr. Davies, I have no doubt whatever that arsenical poisoning was the cause of death. I judge that the fatal dose had been given on Friday, the 3rd, but a dose might have been given after that. When he was so violently ill on the Friday I thought it would be the effects of the fatal dose, but there must have been subsequent doses.

Can you tell us now when the doses were commenced?—I judged that the previous illness on the 27th was due to an irritant food, but now I should think it was due to irritant poisoning.

But not in sufficient quantities to cause death?—No, not at once.

What do you mean by at once?—There may have been others. Now, what is a fatal dose of arsenic? What is the amount taken in one dose that kills a man?—Two grains given in five successive doses of 2-5ths of a grain in Fowler's solution killed a woman after the fifth dose.

But these five successive doses must be administered before they recover from the last?—That is just what I mean.

And suppose half a grain or one grain be given, she would recover?—After great illness.

And would a repeated dose have to be taken before recovery?—I don't quite understand.

Would a repeated dose have to be given before recovery from the previous dose to produce death?—Oh, yes. If a small dose were given by which there would be illness and complete recovery, a similar dose six months hence would do no harm. If, however, a similar dose was taken five days afterwards, before complete recovery, it would be dangerous.

Tell me what are the symptoms of arsenical poisoning?—With many variations, they are vomiting, followed after some time by diarrhoea, prostration, tenesmus, failure of the heart, and death. There are, however, many variations to this. Sometimes coma comes early, as if the nervous system alone were affected by a narcotic poison.

Supposing a dose less than a fatal dose were given—an overdose—and produced serious illness, what would be the result?—Inflammation of the stomach, with diarrhoea, vomiting per-

Trial of Mrs Maybrick.

W. Carter sistently, with great pain, and less commonly in large doses irritation of the eyes. That occurs in large medicinal doses.

Something was said about gastritis, or gastro-enteritis. Is gastritis a natural complaint?—I may say this, I never saw a case of gastritis quite apart from irritation, putting aside, of course, cancer of, and ulcer in, the stomach, which is a distinct disease.

I think we may eliminate that from this case, both ulcer of the stomach and cancer?—Yes, and I may say that gastritis does not exist as a natural disease.

Then this gastritis of the stomach you found must have been due to an external substance?—Yes.

Now, taking the whole history of the case, your conclusion is —?—I can have no doubt about it.

Excuse me, you can't have any doubt about what, doctor?—That it was arsenical poisoning.

Cross-examined by Sir CHARLES RUSSELL.—When examined before the coroner, I want to call your attention to something you said. You said you had no idea of irritant poison until a suggestion was made to you?—I did.

Did you say in your answer to the coroner that you didn't form any opinion that he was suffering from poison until the suggestion was made to you?—That is so.

I want to read this to you—"Having heard the account I did of that afternoon at the Wirral races, and not knowing the gentleman, I thought he must have taken some improper food. I thought he must have accidentally taken something which caused the illness." The coroner asked you—"Had you any reason to suppose he had taken poison until your attention had been called to it?" You answered—"He must have taken something; it might be the food at the race dinner, and that something set up gastritis?—Yes, and I agree with that.

You say that gastritis or gastro-enteritis you don't know as what you call an idiopathic disease?—I do.

That means and amounts to this, there must be some external cause to set it going, to set it up? There must be some irritant poison?—Yes, quite so.

Some external cause introduced?—Yes.

It may be a metallic substance or an irritant poison, impure food, or any other such cause?—Just so.

You never recognise that if, from any external cause, gastritis is set up by any irritant cause, the symptoms which you would find would be the same when that irritant cause was poison—I mean a distinctive poison like arsenic—or some other irritant cause?—I include in poisons decomposing food.

Therefore, if it came from impure food or arsenic, would you

Evidence for Prosecution.

expect the symptoms to be the same?—They might be the same. W. Carter

Would you expect them to be the same?—I should not.

Than it follows that if there were any cause apart from the improper use of poisonous things which would set up gastritis, the symptoms would be accounted for?—Except generally the last symptom of all, which is less common—death.

I should not have called that a symptom, doctor. You mean, in other words, that unless it were a poisonous substance in the sense of a metallic poison you would not commonly expect to find gastritis fatal?—I don't think it would be fatal. Nor would the symptoms have so intense.

Have you yourself ever assisted at the post-mortem examination of a person as to whom it was alleged death had been caused by arsenic?—Not by arsenic.

Have you ever before attended a patient as to whom it was alleged that death had resulted from arsenic?—Not death.

Have you had in your capacity as a doctor anything to do with patients except patients who had taken doses of arsenic medicinally?—In over-medicinal doses.

In the case you refer to in the death of a person by two grains extending over a period of five days, you are aware that it is also recorded that the doses were taken on each of the days?—I explained it myself.

Two-fifths of a grain successively in each of the five days?—I have said that.

That was the lowest quantity recorded?—Yes.

I must put this to you. You have expressed your views, as you were bound to do. Now, is not the pain in the stomach, especially pain in the pit of the stomach, one of the strongest indications of poisoning by arsenic?—It is often there, and often not.

Do you understand what I said? Is the pain in the stomach not one of the most distinctive symptoms or signs of poisoning by arsenic?—It is very often.

After a fatal dose is given, how soon would you expect it to operate on a patient?—Sometimes it comes soon; sometimes it is delayed for hours.

What? I said how soon would you expect a fatal dose to operate on a patient?—Sometimes it would be soon; sometimes it would be delayed for ten hours.

That is the longest on record, I believe? Ordinarily it is within half an hour or so, is it not?—Ordinarily it is.

Is not ten hours mentioned by you?—I suppose you have been reading up this question?—I have.

Is it not a fact that ten hours is a most exceptional period?—It is the longest time known, as I have said.

Therefore you mention it as extreme?—Yes.

Trial of Mrs Maybrick.

W. Carter It is commonly from half an hour to an hour?—That is so.
In the case of a fatal dose you would not expect to find a perceptible redness of the eyes and of the eyelids?—No, I should not.

But if there were a succession of doses, would you not expect to find it?—It is common when medicinal overdoses are taken.

I am not asking you about medicinal doses; that would be a common symptom, provided there had been a succession of overdoses?—It would.

With an itching sensation in the eyelids?—That is commonly present.

And a redness and a bloodshot appearance of the eyes?—That is so.

Were there any signs of redness of the eyes or the eyeballs?—No.

Or of an itching sensation?—There were not.

Following out your view of the case, was it a case of chronic or acute poisoning?—Acute poisoning. Perhaps I may modify it by saying that it was not an instantaneous case of poisoning with the symptoms beginning and terminating on the same day.

Your opinion is that it was acute?—Yes; but, of course, I cannot be bound by a word.

What do you mean by acute?—If a gentleman takes a large dose and is known to have taken it, and perhaps sixteen days afterwards he is known to have died from it, I should call that acute.

It would point rather to the administration of a large dose than a succession of small doses?—Not if I have to consider a number of illnesses about which I know nothing.

You were asked to give your opinion as to when the fatal dose was administered, and you fixed Friday, the 3rd May. I want to know why you fixed that date?—I had that date in my mind.

Now, this is what Dr. Humphreys tells us—that on that day Mr. Maybrick had taken a Turkish bath; that he came home, and in language which conveyed to Dr. Humphreys that it was as soon as he came home, he was sick and vomiting, and that the only thing further that he complained of was pain in both thighs, which he had had rubbed with turpentine to relieve the pain. Now, is it not a fact that when pain in the legs is associated with arsenical poisoning, it is with cramp or pain in the calf of the leg?—Yes.

Have you ever heard, or can you refer to any case with that symptom of arsenical poisoning?—I cannot.

Now, what was the great illness that you refer to on Friday?

Evidence for Prosecution.

—I was told that he was unable to retain anything in his *W. Carter* stomach for several days.

That, I am afraid, does not fit with the other evidence, but it does not matter at present. Now, I will put on some leading symptoms. It is a leading symptom to vomit?—Yes.

According to your reading, how soon after arsenical poisoning do you expect diarrhoea to set in?—Varying from hours to days. Ordinarily?—I cannot say to that.

Is not the ordinary condition of things that diarrhoea sets in within two hours after the administration of the article?—I am inclined to think not, but I speak from reading.

You are aware in this case that Dr. Humphreys has told us that diarrhoea set in on Thursday, the 9th?—I said that I noticed something on the 7th.

Do you desire to express any difference from Dr. Humphreys as to what I have told you?—I noticed something on the 7th, and it gradually increased, as I understand. I take Dr. Humphreys, of course, to be correct, but I make that statement within my own personal knowledge.

Now, I ask you if there had been an administration of poison, causing the illness which began on the 28th of April and appeared intermittently, would there not have been a marked appearance of diarrhoea long before?—I should say it would be rather unusual.

You were given a bottle of Neave's Food. Did you find anything in it?—No.

Did you find anything in the bottle of meat juice?—I found arsenic.

Did you endeavour to make any quantitative analysis?—No, I did not; I got a deposit immediately with a few drops.

Arsenic is a poison which shows itself in the shape of a deposit, does it not, when boiled with hydrochloric acid?—Yes.

That deposit would come from any metallic substance?—Yes.

What is the effect of the test?—To drive away everything except arsenic, if there be arsenic, and to leave it in a crystalline form.

[A test tube was here produced with the deposit of arsenic on copper foil.]

You speak only of a few drops. Did you not, in fact, use two teaspoonfuls?—Yes, altogether.

How many drops would that be?—About one hundred and twenty drops, but that was of the whole testing. I used Marsh's test several times over.

With reference to the effect of the arsenic, the diarrhoea appearing so long after the taking of the stuff, I think you said it was unusual?—Yes; I said not impossible.

Now, I am curious to ask you this, Dr. Carter, did you make

Trial of Mrs Maybrick.

W. Carter any testing of the water?—No, I did not. I could not do more than I did. Dr. Humphreys took the water.

Did he tell you he had done it?—He took it in my presence.

Did he tell you the result?—He did.

Did he tell you he had analysed it?—He did.

Now, on the Friday, you satisfied yourself by Reinsch's test that there was some arsenic in it?—Yes.

What time would it be?—I think about ten or eleven o'clock.

And you did nothing next day?—No, I could carry the matter no further. I knew I should see Dr. Humphreys later.

Re-examined by Mr. ANNISON—You have talked of a number of different illnesses in the history of the case. Do you call it different illnesses, or the one?—I thought there were two, one of which had been recovered from, and the second which had come on afterwards.

And when do you date the first illness?—At the time of the Wirral races.

And till when do you find it remained?—I heard he had gone to the office a day or two before the 30th, and I concluded he was pretty well.

Then what you call the fatal dose was upon the 3rd; can you tell us whether it was repeated or not?—I don't know; I can't tell you.

You have told us about the illness being set up by impure food. Have you ever known of people being made ill by impure food?—Many a time.

Tell me how you differentiate the symptoms from these?—Generally they are less intense, but they may be intense. From the symptoms alone, or any one symptom, or the absence of symptoms, I never would decide; you must take the whole history, the symptoms if possible, and the appearance if possible, before you venture to give a decision.

And that decision you have given as the result of all these matters?—That is so; upon all these matters together.

Have you ever known tenesmus in cases of impure food?—No; I do not think I have. But anything that would cause inflammation, such as dysentery, would cause tenesmus.

Was there any indication of dysentery from the post-mortem?—No, none.

By Mr. JUSTICE STEPHEN—You say that dysentery is the only disease which has a name to it that causes tenesmus?—As a common symptom. It is the most common symptom.

Re-examination continued—You told us that in a fatal dose of arsenic you would not expect to find redness in the eyes or redness in the region of the eyelids. Why?—It is so often absent, as a matter of fact.

In fatal cases?—Yes.

Evidence for Prosecution.

Why not also in cases of arsenical poisoning, which do not W. Carter end fatally?—It is also found in these cases.

Why do you call this acute or sub-acute rather than chronic?—Because the acute irritative signs were present.

That is what I wanted you to explain. In cases of chronic poisoning what do you find as distinctive from acute poisoning?—A poison may be indicated by derangement of the stomach caused by small excessive doses, these symptoms often following weak health.

What are the distinctive symptoms of arsenical poisoning?—I would not give any one particular symptom. I would take all the symptoms in this case—ante-mortem and post-mortem—as well as my experience of the fact that arsenic was discovered in the body, but I would not commit myself to any one particularly.

Where would you expect to find arsenic?—In this case I should say the liver would be very likely to give evidence of it.

Any other organ of the body?—The kidneys, perhaps.

Re-cross-examined by Sir CHARLES RUSSELL—If it were a case of acute poisoning—that is to say, of death following from overdose—would you not expect to find arsenic in the stomach and in the liver?—I would not if time for elimination had occurred.

Let me remind you that you said in the case of a fatal dose it generally operated on the patient within two hours, occasionally longer?—Yes. I also said that there was a case of fatal dose, and it did not operate till sixteen days afterwards, yet it was called acute, and no arsenic was found in the body.

Yes. What case was that?—Dr. Alexander's.

Very well; we shall have it looked into. But ordinarily you would expect a fatal dose to operate on a patient within two hours or about that time?—Yes, I have said I should.

And should you not ordinarily expect to find arsenic in the stomach?—After four or five days intervening?

I am speaking about four or five days intervening. Would you not expect to find it?—It would depend upon the dose taken before death, and the intensity of the vomiting, which might have cleared it away.

And do you not find traces in the coats of the stomach ordinarily?—Not within four or five days.

One other question. You said that on the 9th you discovered there was inflammation at the end of the bowels?—I said I believed there was tenesmus, which I attributed to the inflammation. Of course, I could not discover the inflammation, as I could not examine the bowels.

That is what I want. You came to the conclusion that there was inflammation of the bowels, and you regarded it as a serious thing?—I did.

Trial of Mrs Maybrick.

W. CARTER And you mentioned it, I think, to Dr. Humphreys and Mrs. Maybrick?—No, not to her.

Well, to Dr. Humphreys in her presence?—I might be.

At all events, on the day when you came to the conclusion that there was inflammation of the bowels, Mrs. Maybrick told cook Humphreys that there was inflammation?—I believe that is so.

A. BARRON **DR. ALEXANDER BARRON**, examined by Mr. SWIFT—I am Professor of Pathology at University College, and I practise as a physician in Liverpool. I am a member of the Royal College of Surgeons. I did not attend the late Mr. Maybrick during his lifetime, but I assisted at the post-mortem examination of the body on the 13th May. I understood that I attended the post-mortem on Mrs. Maybrick's behalf, and I assisted at it with Dr. Carter and Dr. Humphreys. I came to the conclusion that death was due to acute inflammation of the stomach, probably caused by some irritant poison.

Cross-examined by Sir CHARLES RUSSELL—Do you agree with Dr. Carter that impure food would do that—in other words, that the gastritis or gastro-enteritis might be set up in that way?—The latter might.

Have you had much to do with post-mortem examinations?—I have been Pathologist to the Royal Infirmary for four years. I do not know how many post-mortem examinations I have been present at. I should think about five hundred.

You have had a considerable experience in that direction then?—Yes.

Now, I understand you to say that the proper cause of death was inflammation. As regards arsenical poisoning, what would you say were the leading characteristics or symptoms of arsenical poisoning?—Of acute arsenical poisoning or gradual?

Acute?—I should say the leading symptoms are sickness, or rather vomiting, diarrhoea, abdominal pain and tenderness, tenesmus, and frequently nervous symptoms.

Now, as regards diarrhoea. How soon after the administration of arsenic would you expect diarrhoea to set in?—Well, in the great majority of cases it would come on within a number of hours, probably some time in twenty-four hours, but sometimes quite early.

Does not experience show that in the great majority of cases it comes on within one to five hours?—I am not quite certain that this is the case with diarrhoea; it certainly is with vomiting.

Is that pain in the pit of the stomach considered a very distinctive mark of arsenical poisoning?—It is not a distinctive

Evidence for Prosecution.

mark of arsenical poisoning, as it sometimes happens in cases A. Barron of poisoning by antimony.

Is it a distinctive mark of irritant poison?—Yes.

As regards gastro-enteritis, is it within your experience producible by other causes than arsenical poisoning, or poisoning by some irritant?—It is always produced, to my mind, by something entering the body from without. I agree with Dr. Carter that it never arises idiopathically.

In other words, from some foreign cause—it may be impure food?—Yes, such as sausages in Germany.

I don't know whether you have ever known it to be caused in England by meat?—I can't say I have.

In cases where it is said to be from causes of the kind, is it possible to differentiate the symptoms from arsenical poisoning?—I should not be able to do so myself.

I don't know whether you can speak as to the length of time after administration in which arsenic may be found in the body?—It has been found seven months after administration.

There are cases as long as that?—Yes.

And it has been found as late as six weeks in the stomach?—Yes.

And with regard to the appearance of the stomach?—That would depend on the malady and the length of time and so forth.

It would be found in these cases in the liver and muscles of the heart?—Very likely in the liver and flat bones, such as the skull bone, the scapula, and the bones which make up the spine.

And I understand you to say that within six weeks or so traces may be found in the water?—Yes.

Have you at all in your experience known cases of persons taking arsenic and then giving it up?—Taking it medicinally, you mean, and then giving it up?

Yes. What effect has it had on them?—Only a few days ago a gentleman gave it up, and asked me particularly if it produced such effects as he complained of—that is, he felt ill and very weak, and did not feel inclined to do anything at all. I concluded, having previously had similar cases, that he was probably right.

He had been taking arsenic medicinally, and he felt, as you say, lowered?—Yes, weak, and inclined to sit all day in the armchair.

Was he a professional man?—Yes, he was a medical man.

I should like to ask you one or two questions about the post-mortem. You know what is called a petechious condition of the stomach?—Yes.

You have some notes on this?—Yes, on this particular post-mortem.

Trial of Mrs Maybrick.

A. Barron And you have compared them with Dr. Carter's notes? -
Yes.

And what is this condition?—There are numbers of spots such as would be produced on the skin by a flea-bite, rather larger and darker, scattered over the stomach.

Was there anything of that kind in connection with this post-mortem, such as are characteristic of arsenic?—No, I have no mention of such on my notes. There may have been one or two, but they must have been doubtful, or we should have made some mention of them on our notes.

Will you just look at that diagram a moment, and see if it gives any idea of a petechious stomach.

Mr. Annison—I must object, my lord. It is the first objection I have taken in this case.

Mr. Justice Stephen—You have a right to do so; you have a right to object to this.

Mr. Annison—(to a jurymen who was examining the book) —Put it down, if you please.

Sir Charles Russell—Will your lordship look at it. Do you object to that?

Mr. Annison—Yes, I must object even to that.

Cross-examination continued—In the notes on the post-mortem taken by Dr. Carter there is no account of any petechious condition of the stomach?—No.

Is that condition of the stomach usual in cases of arsenical poisoning?—I believe so. It is so stated to me.

You have given me distinctive symptoms of acute poisoning. In what respect do the symptoms differ in the case of chronic poisoning?—In chronic arsenical poisoning, if the doses are not sufficiently large to produce discomfort, diarrhoea or vomiting, the symptoms are more of a nervous kind.

Assuming that the doses are given over a considerable period of time—proper doses—would you expect the same symptoms of diarrhoea, pain over the middle of the stomach, and so forth?—With arsenic, as with many other drugs, personal idiosyncrasies must be considered.

In the case of overdoses of arsenic impeccably given, extending over a period of time, would you expect to find the symptoms of diarrhoea, pain in the stomach, and so on?—If the dose was sufficiently large and continued long enough.

Re-examined by Mr. Annison—You have explained to my friend that, in your large experience, you have found poisoned meat would produce gastritis or inflammation of the stomach? —Yes. In one case I remember it was a leg of mutton which had gone bad; in another case it was grouse. In fact, in four or five cases. On one occasion there were three people

Evidence for Prosecution.

who had grouse, and they were all taken ill with similar symptoms. The meat was tainted; but the grouse seemed to be all right. And then I want you to understand that when I say the meat was bad it was not putrid.

Did the three persons get better?—Yes.

How long were they ill?—I think the illness lasted about seven days, but I am not prepared to swear.

Did they from day to day get better or worse?—One thing I remember—they got better and worse for some days.

Do you ever remember a death from poisoned meat?—Not within my knowledge.

In your present knowledge do you never remember a death from poisoned meat?—No.

I think you say that symptoms vary according to the idiosyncrasies of the patient?—Quite so.

In this case was there inflammation in the stomach?—Yes.

That is the immediate cause of complaint of pain on pressure when this patient was alive?—I should presume so.

You say, I think, you would expect to find arsenic in the liver?—After death.

Whether there was arsenic there or not would depend upon the irritation and the amount of vomiting?—Yes, and upon the form of administration. I mean whether it was in the solid state or in solution.

But if it were in solution?—You might then find the traces of it anywhere.

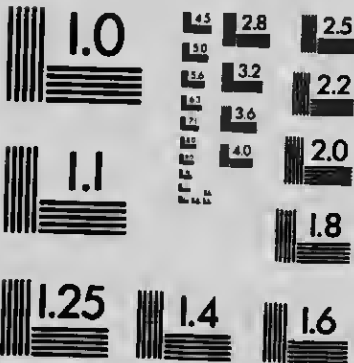
Would you find traces of arsenic in the stomach and liver?—Yes.

Superintendent ISAAC BRYNINO, examined—I am a superintendent of the county police for the West Derby district. On 13th May I went to Battlecrease House. It was by my direction that the pipes and drains were opened. Dr. Humphreys was there, and took samples of sediments and liquid from there. These samples are described in the printed list. On the 14th May I saw Mrs. Maybrick in the same house. I said, "I am superintendent of police, and I am about to say something to you. Pray listen to what I say and consider before you reply, if you do reply. You are in custody on suspicion of causing the death of your husband, Mr. James Maybrick, on the 11th May." She made no reply. Afterwards, on the 27th, I again charged her formally. That was in gaol at Walton, when I said to her, after repeating the caution, "You are now charged with the murder of your husband, Mr. James Maybrick, at Garston, on the 11th May." She made no reply. On that occasion her solicitor was present, but not on the first occasion.



MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482-0300 - Phone
(716) 288-5989 - Fax

Trial of Mrs Maybrick.

J. Davenport Sergeant JAMES DAVENPORT, examined—I am a sergeant in the county police, and stationed at Garston. On 17th May I examined the linen closet, and found a small hottle containing a white liquid. I handed it over to Inspector Baxendale.

Cross-examined by Mr. PICKFORD—The bottle was on a tray which was placed outside the box, and I also found a quantity of pills and powders in a dressing-hag.

**Inspector
Baxendale**

Inspector BAXENDALE, examined—I am stationed at Garston. On Sunday, 12th May, in consequence of information received, I went to the house of deceased. I saw Mr. Maybrick's corpse. Afterwards I went into the inner bedroom, or dressing-room, with Mr. Edwin Maybrick. I there saw two hand-boxes or hat-boxes on the floor, on a little elevation, about four inches from the floor, at the head of the bed. There was there a little raised place connected with the heating or ventilating apparatus. The hat-boxes were side by side. I heard from Mr. Michael Maybrick what was found in the boxes. There was a box with certain articles found in it. There was a glass with a white liquid and a rag in it. I took possession of all the articles. On another day I found some other things in the house. I saw at Battlecrease House the collection of certain matters from the lavatory, the housemaid's closet, the butler's pantry, and the area. I have seen all the articles in the printed list taken from the house. I also made a search at Mr. Maybrick's office. I took all the articles mentioned found from time to time at Battlecrease House to the analyst. The dressing-gown identified by Mr. Edwin Maybrick has not been included in the printed list. I received three letters and a telegram from Mr. Flatman, a hotel proprietor. I was present at the exhumation of the body, and at the second examination I received certain portions of the viscera, which I took to Mr. Davies, the analyst. I afterwards received from him some jars, and on the 22nd of last month I took them to Dr. Stevenson, of Guy's Hospital, London. They were in the same state as that in which I received them. I got from the chemist Hanson twelve fly-papers, and of these I gave nine to Mr. Davies and kept three. I got eight fly-papers from the chemist, Mr. Wokes, and some of these I handed to Mr. Davies.

Cross-examined by Mr. PICKFORD—The greatest number of bottles were got in the house, were they not?—Yes.

How many visits did you make to the house altogether?—Three.

I may take it that of all these things none were locked or sealed?—No; none were locked or sealed.

Re-examined by Mr. ADDISON—Nothing at all was sealed; that is to say, nothing was locked?—No.

Evidence for Prosecution.

Mr. ADMISON—With your permission, my lord, I should like to recall Mr. Michael Maybrick to prove the handwriting of these letters before I put them in. Inspector
Baxendale

MICHAEL MAYBRICK, recalled, examined by Mr. ANNISON—Will you look at those letters, and tell me in whose handwriting they are?—Mrs. Maybrick's. M. Maybrick

ENWARR DAVIES, examined by Mr. ADMISON—I am an analytical and consulting chemist, Liverpool, Fellow of the Pharmaceutical Society, and of the Institute of Chemists, London. I received various matter for analysis in connection with this case. On 11th May, Saturday, Dr. Carter came to me, and gave me a bottle of Valentine's meat juice. That was the first matter I had in connection with the case. On the Sunday morning I examined the meat juice, it having been locked up during the night. E. Davies

With what result?—I found presence of arsenic. At a subsequent period I determined the amount. On the 23rd May I found in the quantity of meat juice which had been brought to me originally half a grain of arsenic. By that I mean white oxide of arsenic.

Can you tell me whether that arsenic had been put in in solution or solid?—It had been put in, I believe, in solution, because there was no solid arsenic in it. I examined it carefully, and the specific gravity of it was less than that of another sample which did not contain arsenic.

Did you also test another bottle of Valentine's meat juice found in the box?—Yes, I did.

And that?—It was free from arsenic, and I also tested another sample, which was sent to me from the importers, and there was no arsenic in that. Valentine's meat juice is a pleasant food extract. The first in the list of articles brought to me by Inspector Baxendale was a large stone jar covered with muslin, and sealed "A. B." It contained the intestines and part of the spleen, and contained arsenic. The intestines and part of the spleen were in the same jar, all together. I did not determine the amount. I did not detect arsenic in the spleen, but I did detect it in the intestines. I did not determine the amount. I thought it was too small.

By Mr. JUSTICE STEPHEN—The spleen contained no arsenic?—I did not detect any arsenic.

Examination continued—What is the next that contained arsenic?—Three glass jars, 1, 2, and 3. They contained arsenic.

What are they?—The stomach, no arsenic; the liver, arsenic distinctly. There was a fourth glass covered with white paper, and sealed No. 2 and 4, containing arsenic. They are deposits.

Trial of Mrs Maybrick.

E. Davies I have no description of what they are. They were taken from the sinks or from the lavatory of the house. I only know them by the numbers. No. 8, containing arsenic, was a bottle with a black powder and a handkerchief. There was no arsenic in the bottle, but there was in the handkerchief. [Witness, holding up the handkerchief, pointed to a hole in it, and said he cut a piece out of the handkerchief.] It had red spots on it. I cut out the different parts, and found distinct traces of arsenic.

No. 9, what is that?—This is (pointing to a label) a label I put on which marks the level of the liquid that was in.

What is the bottle?—It is a bottle with liquid and black powder found in Mrs. Maybrick's bedroom.

[Some confusion here arising as to the identification of the articles produced by the witness, the judge directed that Inspector Baxendale should be recalled, and stand by Mr. Davies in the witness-box.]

Mr. Addison (to Inspector Baxendale)—Where did you find that bottle?—In the handbox in the dressing-room.

By **Sir Charles Russell**—There was a small wooden box found in the hatbox in the inner room?—That is so.

By **Mr. Addison**—How do you describe the bottle?—It contains liquid up to the top of this paper (pointing to the paper), and in it I found some twelve to fifteen grains of solid arsenic.

By **Mr. Justice Stephen**—Could you tell us what else the bottle contained besides arsenic?—Powdered charcoal.

By **Mr. Addison**—To all appearances the powder was identical with that marked "Poison"?—Yes.

Now, what was the next article?—It was No. 10 in the list.

By **Mr. Justice Stephen**—That was out of the same box?—Yes, out of the same box.

By **Mr. Addison**—I take it the list is quite correct?—Oh, yes, sir.

Examination of **Mr. Davies** continued—Now, what did you find in that—what did it contain?—It contained a saturated solution of arsenic, with a small portion of solid arsenic at the bottom.

Do you know in what it has been dissolved?—Water.

What do you mean by a saturated solution?—I mean the point at which the water will not dissolve any more.

Now, the next article, No. 11, where was that found?

Inspector Baxendale—Still in the same box.

Examination continued—What did you find in that?—I found several grains of solid arsenic and a small quantity of fluid. There is a label on the bottle bearing the name of Humphrey Jones, chemist, Llangollen. There would be ten to twelve grains in the bottle.

Evidence for Prosecution.

Well, now, the next article is No. 12?—That is a tumbler. **E. Davies**

Mr. JUSTICE STEPHEN—Where was it found?

Inspector BAXENDALE—It was found in the hatbox in the dressing-room of the house.

Examination continued—It contained a liquid, evidently milk, and there was a handkerchief in it thoroughly soaked. I squeezed the handkerchief, and took a portion of it and some of the liquid and tested it for arsenic. I found a very large quantity, so I took the remainder semi-fluid, a portion of which I had used, and which would be about one-half, and found that what still remained in the handkerchief would be 4.50 grains. That contained 2.94, or practically three grains of arsenic. That would be altogether in the portion that remained between thirty and forty grains in the whole lot. The handkerchief is identical with two others, but there is no name on it, and one corner is missing. The next article is No. 17. This is a box described as a chocolate box, and it contained a package marked "Arsenic, poison for cats." This now contains, with what was taken for the analysis, 71 grains. Of these 65.2 were arsenic, the remainder being charcoal in a fine powder. This mixture corresponds with what was found in solution in a hottle. There was also a handkerchief in the box. There was a stain upon it, from which evidently some liquid had flowed downwards and made it stiff. Another spot is charcoal, the same as was in the box. The charcoal has remained, and the liquid apparently spread and disappeared. Page 3, No. 27 of the list, was the pan, basin, and jug, which I received for examination. Pan and basin, when first examined, were apparently clean, but under the ledge of the jug were two little drops of dried skim, rather less than a quarter of an inch long, such as might have come from gruel. I boiled the water in the pan and poured it into the basin, thence back to the pan, and then into the jug, after having made the water boiling hot again. I then rinsed them out again with distilled water, and reduced the hulk, which I tested for arsenic.

With what result?—I got distinct stain in the first instance, and with Reinsch's test afterwards I got very marked and distinct crystals of arsenic. I then bought a new pan of the same kind as the other, and boiled distilled water in it for two or three hours, and reduced it to a small hulk, and tested it for arsenic, thinking there might be something in the glaze.

Where, then, do you think the arsenic came from?—The only possible thing from which it could have come was the substance adhering to the jug.

Can you say whether there was any considerable quantity of arsenic in the original mixture?—There must have been, because the quantity of solid which was in the test was very small,

Trial of Mrs Maybrick.

E. Davies only about a grain. I took all the fluid, because I scarcely expected to get any trace. The next thing was a small round bottle that was found in the linen-room, and that contained a very weak solution of arsenic. It had no inscription on it, and appeared to have contained scent of some kind or some substance. Perhaps there might have been one-tenth of a grain of arsenic, supposing the bottle had been full. The next article was a bottle of Valentine's meat juico that was handed to me by Dr. Carter, being already described. Then I found a bottle labelled "Mixture, a sixth part to be taken early every morning—James Maybrick, 24th April." That was from Clay & Abraham. There was a very small quantity of thick liquid in the bottle—perhaps half a teaspoonful. There was also some thick material adhering to the side, as if it had been lying on its side. I put some distilled water in and shook it well, and took half for examination. I found very distinct evidence of arsenic. I cannot tell the amount of arsenic I found. It was not enough to make a quantity for examination, but there was distinct evidence of arsenic, more than a trace. I went to Messrs. Clay & Abraham's and saw Dr. Fuller's prescription. I took one of the firm down to Castle Street, and then, without letting any one of them know what was wanted, I had all the dispensing and stock bottles, the things mentioned in the prescription, brought down, and I took samples of each one.

Sir CHARLES RUSSELL—This is going too far.

Examination continued—There were certain ingredients pointed out to you by Tozer, the dispensing clerk, which you yourself examined?—Yes, I took samples and analysed them.

The bottle we have been speaking about, and which you say contained arsenic, was found in Battlecrease House?—Yes.

Where was it found?

Inspector BAXENDALE—In the lavatory.

Examination continued—Did you test another medicine bottle, made up on the 24th at Clay & Abraham's, and which was found in Mr. Maybrick's office?—Yes.

What do you say about the second medicine bottle?—There was no arsenic in it.

What is the next thing?—It is a blue bottle with nitro-glycerine.

Where did you find that?—In the same place.

What is in that?—It contained nitro-glycerine.

Was there much in the bottle?—It looked very nearly full.

It looked like a fresh bottle?—Yes.

What did you find in that?—I found arsenic in the glycerine. I took 1000 grains and determined the amount.

How much arsenic was in it?—Two-thirds of a grain if the whole bottle was full. There would be about one-tenth of a

Evidence for Prosecution.

grain of arsenic to a thousand of glycerine. I recognise the **E. Davies** dressing gown (produced), which has been proved to have been worn by Mrs. Maybrick. I received it from Inspector Baxendale on the 1st July.

Mr. JUSTICE STEPHEN—And when did you get it from Mrs. Maybrick, Inspector Baxendale?

Inspector BAXENDALE—On the 28th June.

Examination continued—I examined the dressing gown, and in the pocket I found some stains, not very much. I cut the pocket out, and, testing it, found distinct traces of arsenic. From subsequent tests I found there was no arsenic in the material or dye of the dress. There was a handkerchief found in the dressing gown, which bore Mrs. Maybrick's name, and was similar to the one bearing the black stain. There was a brown stain upon it, and, not thinking it worth while to test the stain, I steeped the handkerchief in dilute acid. I found 2-100ths of a grain of arsenic in the whole handkerchief. In the pocket there was a little bit of label, and in the corner there was a fluff or powder. An apron was brought to me at the same time as the dressing gown. It was stained a good deal in the front below the waistband. I cut that out and tested it, and found a trace of arsenic. I then took the larger piece, but found no arsenic there. There were two kinds of fly-papers—Hanson's and Woke's. One of Hanson's contained $2\frac{1}{2}$ grains of arsenic, partly as arsenite of potassium and partly arsenious acid. I only examined one of Woke's, and took two halves of two different papers and found 2.95 grains of arsenic. I was asked at the inquest how much there was in each paper, and did not know. The other two halves I soaked in water for an hour, and then poured it off without squeezing or anything. I found three-quarters of a grain of arsenic had dissolved in that time from one paper. After Mr. Maybrick's body was disinterred I made a determination of the amount of arsenic in the liver. That was on 3rd June. I received a large stone jar containing the kidney and part of the liver, part of the heart, the scrotum, the femur, the sternum, the lungs, and part of the pelvic bones. This was given me by Inspector Baxendale. I distributed the contents of this jar into six other jars. Then I tested the kidneys. I took four ounces and found arsenic, but did not get it sufficiently pure to enable me to weigh it. I estimated the amount at about 1-100th part of a grain. I took six ounces of the liver, but owing to the presence of a large quantity of bismuth I found it difficult to get the article sufficiently pure to weigh. In purifying I lost a considerable part. I weighed 2-100ths of a grain, which on the whole liver would be equal to about one-eighth of a grain. This was a minimum quantity. There was certainly

Trial of Mrs Maybrick.

E. Davies that; I believe more. The liver weighed about three pounds. I analysed the pelvic bone, but could not detect any arsenic, nor could I do so in the lungs and heart. I mean I did not get that clear and distinct evidence that would satisfy me, although there might be indications. I tested the bismuth deceased had been taking—that in the bottle, and some which Dr. Humphreys supplied me with. I found no arsenic in these. I sent what remained of all samples to Dr. Stevenson, in London. Dr. Humphreys' testing of the excretions for arsenic was Reinsch's, but in solid matter it is very difficult to get traces under an hour, and I myself always boil the samples for three hours when testing for arsenic. Two minutes for the water test would be very insufficient, even if there was much arsenic present. I have been an analyst for thirty-six years. In all the list of articles except those which have been mentioned there was no arsenic. Some of the things, such as blacking and homœopathic pilules, I did not test. There were both homœopathic medicines and others of no great consequence, being remedies of no strength. I procured some glycerine similar to that I had tested for arsenic, and analysed that, with the result that no arsenic was found.

F. E. Tozer F. E. TOZER, recalled.

Mr. JUSTICE STEPHEN—Is this the boy, Mr. Davies, who gave you the samples of the various ingredients from which the prescriptions were made up?

Mr. DAVIES—This is the gentleman, I believe, who made up the prescriptions, and who showed me samples of each ingredient used.

Examined by Mr. ADDISON—The ingredients which I showed to Mr. Davies at the end of May were just the same as those used for the prescriptions on 24th April.

Cross-examined by Sir CHARLES RUSSELL—The ingredients were exactly the same, none of the store bottles having been changed or replenished between the two dates named.

E. Davies EDWARD DAVIES, examination continued—I made particular inquiries as to whether there had been any alteration. I found no arsenic in any one of the ingredients.

Cross-examined by Sir CHARLES RUSSELL—You use the expressions, traces, minute, and distinct. Can you tell me what is the lowest quantity which is called "weighable" in these matters?—I do not think I should try myself to weigh a quantity less than the 100th part of a grain. That is to say, if I had to separate it from a quantity of organic matter.

What is the difference between a distinct trace and a minute trace?—If I get distinct, unmistakable evidence, that is a

Evidence for Prosecution.

distinct trace. If I only get very small microscopic crystals, **Mr. Davies** I should call it a minute trace. By Reinsch's test I think the 1000th of a grain would be the smallest quantity of arsenic. I should detect it when mixed with two ounces of organic matter.

It is a poison which reveals itself easily by Reinsch's test?—Unquestionably. That is to say, you may get the stain on the copper. But that stain may be due to various other causes besides arsenic; and then you have to convert that into crystals. And unless that is done carefully, arsenic may be lost in the conversion.

Does arsenic, or does it not, easily reveal itself?—Yes.

Have you got the tube showing the crystals you obtained from the liver?

[Witness here handed down the tube from a box, and said it was from half an ounce.]

Sir Charles Russell, examining the tube, remarked that it required a strong glass even to see the film upon the glass, and he should like his lordship to see it.

The WITNESS—Oh, you can see it distinctly enough on a black background.]

Cross-examination continued—Before his lordship sees it, the two things on the bottom are the pieces of copper foils?—Yes. They have nothing to do except being the instrument; but the arsenic is on them.

The arsenic is free from them, except that it is in minute forms on the glass itself?—Yes.

It looks like the breath on a glass?—A film; yes, but under a microscope it is sure and sharp.

I am not disputing that, Mr. Davies.

[Mr. Justice Stephen brought into play two magnifying glasses, one of very high power. He tried both, and appeared to be unable to find the "film," and he applied to Sir Charles Russell to say where the film was.]

Sir CHARLES RUSSELL—You must look for it yourself, my lord.

Mr. DAVIES offered to explain the matter, but—

Sir CHARLES RUSSELL—Please, Mr. Davies, don't volunteer; remember you are a witness.

[Mr. Justice Stephen endeavoured to see the "film" for himself, and called into requisition the slate hat of the chaplain, against the dark ground of which he endeavoured to find out the speck of arsenic which Mr. Davies had indicated. After a pause of some time, during which the Court was silent, his lordship handed back the tube to the jury, with his two glasses, explaining that one was much more powerful than the other, but the more powerful one required to be so near to the eye on the one hand, and so close to the object on the other, that

Trial of Mrs Maybrick.

E. Davies it was very difficult to manage. The jury then proceeded to use the glasses of his lordship, the black coats of their fellow-jurymen being used as a background where such an article was available, as it happened to be.]

Cross-examination continued—Now, I want to follow this out, if you please. You found arsenic in the liver?—Yes.

And a trace in the intestines?—Yes.

And a trace in the kidneys?—I found a very distinct trace in the kidneys.

Have you got the tube containing that trace?—Yes.

Pass that tube round.

[The witness here produced a small test tube.]

Where am I to look for this trace here?—In the same part of the tube as the last.

Sir CHARLES RUSSELL—Will your lordship look at it, and let the jury see it.

By **Mr. JUSTICE STEPHEN** (after he had taken the tube in his hand)—I have looked at it through my glass, and I think I can see a certain number of different bodies; if you can tell me what they are, and how many of them there are, then I have confidence in my glass?—They are distinctly visible without any glass. Just let the light on them, they glitter.

How many of them are there?—There will be some hundreds. I did not know that microscopical tests were allowed, or I should have taken my glass to examine them.

There is a film in the bulb of the tube?—Yes, there is.

That has nothing to do with the arsenical test?—Nothing whatever.

It argues the presence of some metal—bismuth or antimony?—Yes; something that was not volatile.

What you did was to test for arsenic, and for arsenic only?—Yes, I tested for bismuth at the same time.

But not with the view of seeing if it was in weighable quantities?—No.

You did not examine with that object; you accidentally observed it?—Yes.

[The test tube was then handed to the jury for examination.]

Cross-examination continued—Now, having found arsenic in the liver, and traces in the intestines and kidneys, I want to enumerate in what parts of the body you found no traces. You found none in the stomach?—No.

Nor in the contents of the stomach?—No.

Nor in the spleen?—No.

Nor in the bile?—No.

Nor in the fluid which escaped when the body was turned over?—No.

Nor in the heart and lungs?—No.

Evidence for Prosecution.

E. Davies

Nor in the bedding?—No.

Nor in the clothing?—No.

In consequence of the presence of bismuth, you had a difficulty in getting your quantitative analysis of what remained in the liver?—Yes.

But you got 2-100ths of a grain of sulphide of arsenic?—Yes.

Have you it with you?—No. I converted it into arsenious acid.

Well, have you that?—I converted that into arsenite of silver.

Have you that with you?—No. I have not brought it.

You can bring it to-morrow, I suppose?—Yes; but it has turned black now.

Never mind; bring it. Now, I want to ask you one question. You found the bottle in the laundry, to which Mrs. Maybrick had access. It is a small round bottle, unlabelled, and contained a small quantity of light liquid, which, in the result, you describe as containing a very weak solution of arsenic, with some scent, as if it was scented water. Would you suggest it had been used for toilet purposes?—It suggested that the bottle had contained scent, but whether it was mixed with the arsenic at the time the two were present I cannot say.

My question was, whether it suggested to your mind that it had been used for toilet purposes?—It might have suggested that, sir.

There was nothing in the house that contained arsenic except from the inner room or dressing-room and the lavatory?—Well, of course, I don't know where the things were from except by the list.

I am taking the description that has been given in your evidence?—I think the question is, did I find arsenic in anything.

Excluding the dressing gown—which I shall come to in a moment—and the small bottle containing scent, except from the inner room and the lavatory?—Those are the only two places named in the list.

Yes, quite so, that is what I want to get at?—Of course, I am excluding the jars with sediments from the sinks.

Yes, certainly. As regards the handkerchief, look at the list and see a bottle marked "1 A," found by Mrs. Briggs in Mrs. Maybrick's room; there was nothing in the bottle?—No.

There were no distinct traces on the handkerchief?—Yes.

I want to call your attention to this—there was a stain on it of a reddish kind?—Yes.

Will you please look at it and say whether it might be rouge—a rouge stain?—It is very difficult to say what it is. I rather think it is somewhat darker than rouge generally is.

Trial of Mrs Maybrick.

E. Davies There is no doubt of traces of arsenic on the handkerchief, but not necessarily in the stain?—No. I have seen some tooth powders very much of that colour.

Do you know whether in that bottle in which you found no arsenic there was, in fact, found oxide of zinc?—Yes.

And what is that used for?—It is often used for outward application.

The next thing I wish to call your attention to is part of the contents of the wooden box that was taken from under the hatbox—the black powder. Did you come to the conclusion that that was carbonised arsenic?—It was a mixture of powdered charcoal and arsenic.

Is it not the fact that arsenic, as such, is sold in small quantities, either mixed with soot or carbon?—It ought to be mixed with soot or indigo. But this is not in exact compliance with the Act; it is neither soot nor indigo.

Now for the tumbler, with the handkerchief. The latter showed distinct traces of arsenic?—Oh, it was soaked in this strong solution.

There is no doubt whatever about that?—None whatever.

And the contents of the tumbler were to some extent sour milk?—It was so thick that I think there must be solid arsenic, because there was too much arsenic for the water to dissolve.

A handkerchief soaked and put into the pocket of a dressing-gown would leave traces of arsenic in the pockets?—It would leave a great deal more. I believe what was found in the pocket did come from the handkerchief.

Where were the hottles made up by Clay & Abraham?—One was at the office, and the other was at the house.

Were they not counterpart prescriptions?—They were made up from the same sheet, but they have not the same prescriptions.

They were different?—Yes, totally different.

Now, in reference to the pan, basin, and jug, I want to ask you a question. You can see from the appearance of the jug that it had been standing a considerable time—unused, I mean?—It was clean. Do you mean it was dusty?

I wish you would attend to me, Mr. Davies. Can you say if it had been unused for some time?—No, I cannot.

Had it the appearance of being recently used?—It was clean, that is all I can say.

You cannot judge?—No.

You found adhering to the side of it two small bits?—That was the jug.

Do you understand what I am talking about?—I think you are speaking about the jug.

Can you, in your judgment, say if the jug had been recently

Evidence for Prosecution.

used or not?—It was some time, because the particles on the E. Davis surface were quite dry.

Therefore, you could come to the conclusion that it had not been used recently?—Not within the last day or two.

Particles were sticking to the side, and they were hard and dry?—They were dry.

And hard?—I did not touch them. They were dry.

Is it a fact that from what you say the glazing of the pan in which the food was boiled contained arsenic?—No, not to my knowledge.

Do you really say that?—I do.

Have you tested it to see whether the glazing was arsenical?

—I have not tested it, but I put some boiling water in a new pan to see if any of the glaze came off.

Do you not know that in this glazing there is arsenic?—I do not know. I have looked through a number of books to see whether glazing of a pan contained arsenic, and have not known of it.

Why did you not test the glazing?—Because I considered the test I put it to was satisfactory—boiling water.

If there was arsenic in the glaze, would not the acid set it free?—Not unless the acid was strong enough to make holes in the glaze.

Did you carry out your experiment in the pan? Did you have your hydrochloric acid in the pan?—No.

I do not know whether you can say that the jar had been used for cooking purposes, or whether it could generate acid?—I think there was no time to generate acid from the time it left the house till the time it was poured out at the office.

I am not speaking of that?—Well, the quantity was such a minute quantity that it could not generate it before it was dry.

May not the acid have been generated before it was dried?—I think not before, the quantity was so minute.

I think what you said before was this, that all you could say was that you could not say any more than that there was a distinct trace of arsenic?—That is what I said.

Have you any tube that shows that? You do not know anything of the history of the jug which was brought from the house?—I know nothing except what I heard.

Do you know whether there was more than one jug?—I only heard of one.

Now, I want to ask you about some other matters. You did not attempt—in fact, you had no materials to attempt—to make quantitative analysis of the traces of arsenic discovered in one of the two hottles of Clay & Abraham?—No, the quantity was too minute, and I thought it better to leave it, because I did not know but that it would be required by some one else.

Trial of Mrs Maybrick.

E. Davies As a matter of fact, you did not make a quantitative analysis?
—No; I did not.

Mr. JUSTICE STEPHEN (to the jury)—I don't know, gentlemen, that you would be very much edified by looking at this arsenic.

[**SIR CHARLES RUSSELL** then read over the result of the witness's analysis of the sediment which was taken from the lavatory, the housemaid's closet, and other parts of the house. In some there were traces, and in others not.]

(*To Witness*)—Did you attach any importance to the finding of traces of arsenic in this place, having regard to the pipes and the proved use of fly-papers?—No; what I found might be reasonably expected to be found.

They might be there, apart from the traces of arsenic in the house?—Yes, because I did not find arsenic in large quantities, but only small traces.

I would like to ask you one question more. You have quite candidly told us what would be the entire quantity of the entire liver from the fractional portion you dealt with?—What I found would amount to an eighth of a grain.

But you did not find one-eighth of a grain; you found 2-100ths of a grain of sulphide of arsenic in the six ounces?—Yes.

And assuming that the arsenic was distributed equally—taking the whole weight of the liver—supposing it were distributed equally over the entire liver, it would amount to one-eighth of a grain?—Yes; but I believe there was more than that.

That was the actual quantity that you were aware of?—Yes; but I believe it was much more.

Was there not a mistake about your analysis of the liver?—No, there was not; it was simply a misconception. In one case the sulphide of arsenic was spoken of as the oxide of arsenic—a difference of one-eighth of a grain.

Do you recollect in testing the first part of the liver asking Dr. Paul to look and see how the arsenic was obtained from the copper foil?—Yes.

Do you recollect applying Marsh's test?—No, it was lost through an accident, and we just simply applied the test to the rinsings of the dish.

Did not it disappear altogether—what you supposed to be arsenic?—No.

Was it not in consequence of a miscarriage that the experiment was lost? Did you not get the second test after the body was exhumed?—The first was too small to serve for a quantitative analysis.

From that you drew no conclusions—except as to the presence of arsenic?—I do not know.

I will ask you how long have you been in Liverpool?—Twenty-two years.

Evidence for Prosecution.

You have heard of mistakes before now in medicine?—Yes.

Do you recollect any case referring to Messrs. Clay & Abraham, a well-known and careful firm of chemists?—Yes, I do. E. Davies

Probably you know of other mistakes?—No, I do not.

In this case you only found half the arsenic you have found in any other case which ended fatally?—Yes; it was one-half of what I found in the case of Margaret Jennings, and that was half of the smallest amount I have ever known.

Who was Margaret Jennings?—One of the women poisoned by Mrs. Flannigan.

And you found double the amount in her liver?—Just twice the amount. Really about the same amount I believe, but half the amount of really weighed quantity.

What do you mean by that?—The quantity that I weighed and found in six ounces of the liver was 4-100ths of a grain of sulphide of arsenic, but in that case there was no bismuth to make the analysis more difficult. I got the whole quantity in the other case, and in this case I believe I only got about half.

Have you ever until this moment said you believed you did not get more than half?—Yes, at the Coroner's Court. I said that owing to the number of times that it had to be purified in order to get it clean, I believed I did not get more than half.

Is not this what you said, "I believe that to be the minimum quantity, because the process of separation necessarily involves some loss"?—I do not know the exact words, but I said words to that effect.

Re-examined by Mr. Annison—Can there be any mistake or confusion with bismuth, antimony, or anything else?—No; I am certain I have made no mistake.

ELLEN ANN GORE, examined by Mr. Annison—I am a certified nurse. E. A. Gore

Were you on the 8th May sent for to nurse Mr. Maybrick?—Yes.

What time did you get there?—About a quarter-past two.

In what condition did you find him?—Very ill.

Did you judge what was the matter with him?—No.

How did he look to be?—Very ill indeed, and in bed.

Anything else?—His feet and legs were very cold.

Anything else?—I was told he had been vomiting before I arrived.

Did he vomit when you arrived?—Not that day.

Did you speak to him?—Yes; I asked him how he was, and he said he was very ill.

Did he seem to be quite conscious?—Yes; he told me the

Trial of Mrs Maybrick.

E. A. Gore doctors did not know whet was the matter with him, but believed it was something wrong with his liver end stomach.

Did you give him some medicine?—Yes.

Where did you get the medicine?—Mrs. Maybrick brought it to me out of the medicine box.

Where from?—From the lavatory.

Did she tell you whet to do with it?—She told me to give it to Mr. Maybrick.

Did you do so?—I did, and left the stuff on the table in the room.

Did you give him any more medicine after six o'clock?—Yes; I geve him some about seven o'clock, but I geve him some food before I gave him the medicine.

Well?—I wanted the medicine glass to give him some food in it, and I could not find it in the bedroom.

Where was it?—I went outside end asked Mrs. Maybrick for it. She said she had seen it in the bedroom. I went to look for it in the bedroom again, hut it was not there. I came out into the levatory, and found Mrs. Meybrick hed there mixed the medicine in the glass.

What happened then?—She put it in a tumbler with some water, and she then went downstairs. I threw the medicine away to give him the food in the glass.

Why did you throw it away?—Because I wanted the glass to give his food in it.

Why did she put weter in the glass?—Because the medicine burned the patient's throat. She had also put water in the medicine.

You stayed ell that day at the house?—Yes.

The next day, was anything done with glycerine?—Yes, on Thursday night I refreshed the patient's mouth with glycerine and horax.

Where did you get it?—Mrs. Meybrick gave it to me.

Did you see where she got it from?—She took it either from the medicine cuphoerd in her room or one of the washstend drawers.

Was that ell you gave him till the next day at eleven o'clock? You arrived on the Wednesday afternoon, and went at eleven the next morning. Did you give him anything else before you left?—I did not give him the glycerine before I left that time; I gave it him on Thursday night.

Did you give him anything then before you left?—The doctor ordered him some new medicine on Thursday morning, and I believe I gave him one dose of that before I left, hut I am not quite sure about it.

How was he on Wednesday night?—He had rather a rest-less night. During the night he slept about two hours and fifty-five minutes, at intervals of about half an hour.

Evidence for Prosecution.

Of what did he complain that night?—Straining in the **E. A. Gore** bowels.

Can you tell me when that came on?—On the Wednesday night, sir, early in the evening. It got worse in the morning.

Did he complain of his throat?—Yes. He said he felt as if he had a hair tickling his throat.

Did that go on all night?—Yes. Mrs. Maybrick slept in the dressing-room, and I remained up with the patient. I left at eleven o'clock the next morning, and came back at eleven o'clock on Thursday night. Nurse Callery was there, and Mrs. Maybrick came in soon afterward.

Was it then that you gave the glycerine and borax?—I think it was some time afterward.

Before midnight did you give him anything?—I gave Mr. Maybrick some of Valentine's meat juice.

About what time was that?—A few minutes after eleven.

Where did you get it?—Mr. Edwin Maybrick had given me the hottle on the Wednesday night.

Was it a fresh hottle at that time?—Yes, it was a bottle similar to this.

Well, on Thursday night, when you came back, did you open the fresh bottle? Did you take the cork out?—I took off the covering of the hottle.

How did you give the meat juice to Mr. Maybrick?—I gave one or two spoonfuls in water.

Did Mrs. Maybrick say anything?—She said Mr. Maybrick had had the meat juice before, and it had made him sick. I made no remark upon that.

Was he at all sick after taking the meat juice you gave him?—No.

When was he sick next?—He was sick twice in the night or the early part of the morning.

Did you give him anything?—Yes, I gave him champagne every quarter of an hour.

You found that open?—Yes.

Then did Mr. Maybrick go to sleep that night?—Yes, he slept for about three-quarters of an hour. I was left in the bedroom then.

Did any one else come in?—Yes, Mrs. Maybrick came in.

Now, tell us in your own way what happened at that time, between the Thursday night and the Friday morning?—Mrs. Maybrick passed through the bedroom, and in doing so she took the bottle from the chest of drawers.

Is that the same bottle you opened and made the extract for Mr. Maybrick?—Yes.

Now, what happened after that?—She went into the dressing-room and remained there about two minutes.

Trial of Mrs Maybrick.

E. A. Gore How was the door? Was it open or shut at this time?—It was not latched; it was pushed to.

What did she do then?—She brought it back into the room, and wished me to go for some ice.

How do you know that she wished you to do so?—She expressed it.

What did she say?—She told me to get some ice to put in the water to bathe Mr. Maybrick's head.

Did you see what she did with the bottle?—She raised her hand and put it on the table.

On which table?—On the small table in the room.

How did she do it?—She had her hand by her side, and while speaking to me raised it and put the bottle on the table.

So that you could see her?—I did see.

Just show how it was done—[Witness took a bottle, and, covering it with her hand, placed it upon the desk before her.]

Did she cover it with her hand?—I cannot say.

She had it in her hand, and put it on the table while speaking to you?—Yes.

Did she tell you then to get some ice?—Yes.

Where was the ice kept?—In the lavatory.

Where was the lavatory?—On the landing.

You had to go out of the room to get it?—Yes.

What did you say to that?—I said to her that the patient was asleep; I could go when he awoke.

What happened next?—She went to lie down in the dressing-room.

When did she come back?—When the patient woke up.

Why?—He woke up with a choking sensation in his throat, and Mrs. Maybrick came into the room and moved the bottle of meat juice from the table on to the washhand stand.

You say he made a noise as if he was choking?—Yes.

What was kept on the washhand stand?—The ordinary basins and jugs.

What made the patient waken?—I suppose it was the choking.

What did you do? Did you give him any of the ice?—No, sir, I did not.

Did you get it during this time?—Yes.

And what happened to him during the night? Did you make any use of it?—No, sir.

You went off duty at eleven o'clock next morning, didn't you?—Yes.

When you went off duty Nurse Callery came on duty?—Yes.

Did you mention to her anything about this?—Yes.

You gave her certain instructions and orders about it?—Yes, sir.

Evidence for Prosecution.

When did you next see anything about this table?—I came E. A. Gore.
at eleven the same night.

When you left on Friday morning at eleven o'clock did you
come back again at eleven o'clock at night?—I did not leave
the house all the time.

Did you, besides making a statement to Nurse Callery, make
a statement to Mr. Michael Mayhrick about this bottle?—Yes,
sir.

And did you see what became of it?—Yes.

What?—He took it away.

What time would that be?—Between half-past one and two
o'clock.

The Court then adjourned.

Trial of Mrs Maybrick.

Fourth Day—Saturday, 3rd August, 1889.

The Court met at ten o'clock.

E. A. Gore ELLEN ANN GORE, examination by Mr. ANDISON continued—I do not know whether I asked you yesterday whether you gave your patient some of the Valentine's meat juice?—Yes.

Did you take the label off the cork, and then remove the cork?—Yes.

Mr. JUSTICE STEPHEN—Is this the bottle she saw Mrs. Maybrick handle?

Mr. ANDISON—Yes, my lord.

(*To Witness*)—Did you yourself taste it?—Yes. I mixed it with water, and tasted it after I had mixed it.

What did you give it to him from?—A medicine glass.

And then you put it down where?—On the table.

And it was from that table that you saw Mrs. Maybrick take it at twenty minutes past twelve?—Yes.

The next morning, before you went off at eleven o'clock, did you give him anything?—I don't remember.

Cross-examined by Sir CHARLES RUSSELL—You are a trained nurse, and have given your services in many serious cases of illness?—Yes.

When you arrived on Wednesday, you did consider Mr. Maybrick very ill, did you not?—Yes.

And I take it from your experience you really thought he was very ill?—Yes.

Did you express that opinion?—No.

You entertained it, but you did not express it?—Yes.

I wish to get from you particularly the hours during which you were in personal charge. You arrived at 2.15?—About that time.

On Wednesday, the 8th?—Yes.

And you continued in charge until eleven o'clock on Thursday morning?—Yes.

You were then succeeded by Nurse Callery?—Yes.

When did you come again in charge?—About twelve o'clock on Thursday night.

So that Nurse Callery had been in charge as far as you know during the intervening period?—Yes.

Is she also a skilled nurse?—Yes.

You came in charge, then, again about eleven o'clock on Thursday night?—Yes.

How long upon that occasion did you continue in charge?—Until eleven o'clock on Friday morning.

Evidence for Prosecution.

And on Friday morning at eleven o'clock who succeeded you? **E. A. Gore**
Nurse Callery again?—Yes.

When did you come in charge again?—On Friday night at eleven o'clock.

And as in the previous case you understood Nurse Callery was in charge in your absence?—Not all the time.

Then some other nurse was there?—Yes.

You came on Friday night, at eleven o'clock. How long did you continue?—Until eleven o'clock on Saturday morning.

Who came then?—Nurse Wilson.

Did you go in charge again before the death?—About ten minutes before the death.

Did you during your time have vigilant care of your patient?—Yes.

Observed what went on, and knew what was given to him?—

Yes, as far as I knew I saw all that was given to him.

And you considered it your duty to be vigilant?—Yes.

Is there any ground for suggesting that you in any way relaxed your vigilance or went to sleep or anything of that kind?—No.

To the best of your opinion, observation, and knowledge, Miss Gore, was anything injurious given to the patient during any of your watches?—Not that I am aware of.

To the best of your opinion was there?—No.

Now, I wish to speak about this hottle of meat juice. Was it a fresh hottle?—Yes.

Is there a capsule upon it or a seal, or what?—A piece of white kid.

And did you remove it?—Yes.

And underneath that is there a cork with a seal?—No seal.

A cork?—Yes.

Did you see whether the hottle of meat juice, when you opened it, was a fresh and untampered bottle?—As far as I could tell.

The capsule fitted down tight round it in the ordinary way?—Yea.

And as far as you could judge it was a fresh and previously unopened bottle?—Yes.

I understand you to say that when you came in and got the meat juice you put it in water to reduce it to the proper strength, and tasted it to satisfy yourself that it was all right?—Yes.

Now you have told us of seeing the hottle removed, let me see if I have rightly followed you. The hottle was taken away by Mrs. Maybrick to the next room, the door of which was put to and not closed, and then she afterwards returned—in what time?—About two or three minutes.

Trial of Mrs Maybrick.

E. A. Gore Afterwards coming back and placing it on the table?—Yes.
Just tell me, was that round table standing near the window of the bedroom?—Yes.

Then I understand you to say it was afterwards moved to the washstand; was it not after an interval?—Yes.

Your attention was directed to it?—Yes.

And it perhaps would not be too much to say that your suspicions were aroused?—Yes.

Very well. Your suspicions being aroused you took care not to give it to the patient?—Yes.

You are clear on that point?—Yes, not by me.

Nor by any one else so far as you remember?—No.

On that you are clear?—Yes.

So that it stands thus—you are positive that during your watch nothing was given from the hottle?—No.

Now, as regards the watch of the other nurses. You have no reason to suppose anything was given during that time from this hottle?—No.

Is it not a fact that before you left your watch after that incident, you mentioned the circumstance to the nurse who succeeded you so as to put her on her guard?—Yes.

By **Mr. JUSTICE STEPHEN**—I understood you to say that you had put out some stock in water, tasted it yourself, and then you gave him some?—Yes.

Sir CHARLES RUSSELL—That was before this incident, my lord, and before Mrs. Maybrick took it in.

The WITNESS—Yes.

Sir CHARLES RUSSELL—My friend will agree with me in that.

Mr. ADDISON—Certainly, Sir Charles.

Mr. JUSTICE STEPHEN—Who was it?

Sir CHARLES RUSSELL—Let us go back on that, because I want to make it quite clear.

(To Witness)—You recollect telling us that you got a fresh hottle, apparently untouched; you took the capsule off; then you took the cork out; then you took some food out, and reduced it to the proper strength in water?—Yes.

Then you gave it to your patient?—Yes.

What time was that?—A minute or two after eleven o'clock on Thursday night.

Then having given a portion of it, I suppose you corked the bottle—put the cork in it—and again placed the hottle on the table?—Yes.

How soon after was it that you saw Mrs. Maybrick remove the hottle for a moment when she went into the next room?—About twenty minutes past twelve.

And after you had given him the first lot out of it?—Yes.

I think it is quite clear from what you said, but I want to

Evidence for Prosecution.

put it beyond any doubt, that the person to whom the communication you referred to was made was Nurse Callery?—Yes. E. A. Gore

You say you were there a few minutes before this poor man died, and Mrs. Maybrick was prostrate, was she not?—I didn't see her.

Did you not help to carry her into the spare bedroom?—No.

Did you know who did?—I think it was Nurse Wilson.

Mr. JUSTICE STEPHEN—Was this some time before he died?—No, my lord, it was on the Saturday night after he died.

Cross-examination continued—I think you have already said to Mr. Addison in examination that a glass of medicine was handed to you by Mrs. Maybrick, and that you threw it away, because you wanted to use the glass for food?—Yes.

You found some medicine in the glass?—Yes; it was put on the slab.

And you wanted the glass for the purpose of using it for food?—Yes.

And you threw the medicine away and rinsed the glass?—Yes.

And that was the only reason for throwing it away?—That was my only reason.

Re-examined by Mr. ADDISON—So far as you know, you gave him nothing with anything wrong in it?—Not that I know of.

Will you speak up, please. You told us that at half-past two you did give some medicine?—Yes.

Do you know what that was?—I do not know, but I was under the impression that it was from a medicine bottle.

Did you put it into the glass?—No, sir, Mrs. Maybrick gave it to me.

And did you give it him as she gave it to you?—Yes.

That was the Wednesday at half-past two o'clock?—Yes.

Where did you get the food, the wine, and things you gave him?—The food we prepared by ourselves—myself and the other nurses.

Yes, yes; but where did you get them?—The milk was brought to us by the servants.

And you cooked it?—Yes, we cooked them in the bedroom.

That was the way of it?—Yes.

And the wine and things, where did you get them?—There was a bottle of brandy in the bedroom.

Very well; you got it from that?—No, Mr. Maybrick took that away, and Mr. Michael Maybrick brought a fresh bottle.

And the medicines, where did you get them?—They were in the bedroom.

On Wednesday you say you didn't express any opinion as to his state, but you thought he seemed very ill?—Yes, he seemed very ill.

Trial of Mrs Maybrick.

E. A. Gore In what way did he appear ill to you?—He complained very much of his throat, and said his legs were very bad.

Was that all you could see or judge by, I want to know?—He complained of his bowels.

Yes; was there anything else you could judge by—on the Wednesday, I mean, when you arrived?—I think he was very ill.

You said something about your suspicions. What was it that you noticed that excited your suspicion?

Sir CHARLES RUSSELL—I really must object to that question. She has told us what she saw.

Mr. ADDISON—My friend has cross-examined about the suspicions.

(To Witness)—The bottle of meat juice was taken away out of the room and brought back. Now, what made you suspicious?

Sir CHARLES RUSSELL—Well, now, really, Mr. Addison, I can't allow that.

Mr. ADDISON—I am very sorry, but she has told us what she saw.

By Mr. JUSTICE STEPHEN—Her manner excited suspicion in taking away the Valentine's meat juice. What was it in her manner?—She did not take it openly.

How did she take it?—She took it from the table in her left hand, and covered it with her right hand.

Re-examination continued—Yes, and then?—She brought it back with her right hand on my other side.

By Mr. JUSTICE STEPHEN—Was it in such a position when she brought it back that you could see it openly?—I could see her put it on the table, but she had it in her hand by her side.

Re-cross-examined by **Sir CHARLES RUSSELL**—Do you recollect what the medicine was?—No.

It was not Clay & Abraham's, nor Dr. Fuller's prescription?—No.

That is the point I want to make clear. What time did you give him that medicine?—About half-past two.

You continued on duty until when?—From 11 a.m. till 11 p.m.

You don't quite understand what I want. How long did you continue on duty after giving that medicine at half-past two?—Eleven on Thursday morning.

Is it the fact that in that interval he was not sick or vomited?—On Thursday morning at eight o'clock.

You say he did not vomit during that day; you mean the next morning?—Yes.

Then it stands thus—that from that 2.15—you gave the

Evidence for Prosecution.

medicine at 2.30—he was not sick until 8.15 the next morning? **E. A. Gore**
—Yes.

Very well. The champagne was given to you by **Mrs. Maybrick**?—No, the champagne was got from the lavatory.

As regards the brandy, one bottle was taken away by **Mr. Michael Maybrick**?—Yes.

And he brought you a fresh bottle?—He took it in the room. I did not see him do it.

MARGARET JANE CALLERY, examined by **Mr. M'CONNELL**—I am **M. J. Callery**
a nurse at the Dover Street Institution. In pursuance with my duty I attended at **Battlecrease House** on Thursday, the 9th of May, about half-past eleven in the morning. I had never seen my patient before. I remained on duty till eleven o'clock that night. During the time I was there the patient was very much exhausted, and complained of a burning sensation in his throat and pains in the abdomen. He was not sick during that time. During the twelve hours I gave him some peptonised Neave's food, champagne, chicken broth, brandy, and medicine, ordered by **Dr. Humphreys**. I found all I gave him prepared in the sick-room—the chicken broth and all that. I saw **Mr. Maybrick** during the day. **Mrs. Maybrick** was in the room most of the time, and when she left the room she went either in the inner room or to the passage. Ice was given to the deceased when he complained of his throat, sometimes by me, sometimes by **Mrs. Maybrick**, and sometimes by **Alice Yapp**. It was kept in the bathroom. I left the patient once on Thursday night, and at that time **Mrs. Maybrick** and **Mr. Michael Maybrick** were with him.

Both of them together?—Yes.

Were they both in the room each time you left?—Yes.

Was a linen handkerchief applied to his mouth that day?—I don't know.

Nurse Gore relieved you when you left on Thursday night at eleven o'clock, and she remained from 11 p.m. that night to 11 a.m. on Friday?—Yes.

You were not in the room during those twelve hours?—No.

You came on duty about eleven o'clock on Friday morning, the 10th?—Yes.

When you came on duty in the morning had Nurse Gore a conversation with you with reference to a bottle of **Valentine's juice**?—Yes.

Was the bottle pointed out to you?—Yes.

Where was it then?—On the washhand stand.

Was any of the **Valentine's juice** given to the patient during the day?—No.

Did you open it at all or put anything in it?—No.

Trial of Mrs Maybrick.

N. J. Callery Did it remain there till Mr. Michael Maybrick took possession of it?—Yes.

What time did Mr. Michael Maybrick take it?—I don't know. Did you take a sample of it?—, did.

Why did you take a sample of it?—Because Nurse Gore asked me.

What did you do with it?—I threw it away.

Where?—In the slop-can in the bedroom.

On Friday, the day we are speaking of, how long did you remain on duty in the sick-room?—From eleven in the morning till half-past four in the afternoon.

Was Mrs. Maybrick in the room during that day?—Yes, most of the time.

Was she helping you to nurse, or what was she doing during the time?—She was just in the room. I administered all the food and medicine myself.

Did she speak to you at all or suggest anything?—I only remember her suggesting a hot-water bottle.

During that day, between eleven and half-past four, how was the patient?—He was in a very exhausted condition, and complained of pain in his throat and tongue.

Did he say anything to Mrs. Maybrick, or in her presence?—He said to her, "You have given me the wrong medicine again."

To whom did he say that? Have you any indication to whom he said that?—Yes, it was to Mrs. Maybrick.

What did she say to that?—She said—"What are you talking about? You never had wrong medicine."

By Mr. JUSTICE STEPHEN—Did he say *the* wrong medicine, or *any* wrong medicine?—I don't know, my lord. I could not say whether either of these words were used.

Examination continued—Had he any wrong medicine while you were there?—No.

What was occurring when Mr. Maybrick said that?—Mrs. Maybrick was trying to persuade him to take some medicine I was offering. There was no vomiting, but there was a little straining during the day. It was about eleven o'clock when he spoke of straining. I left duty about half-past four, and did not go up again the same day, nor did I see deceased again during his life. Nurse Wilson followed me.

Cross-examined by Sir CHARLES RUSSELL—You record all matters on the notes which seem of importance each day on the state of your patient?—Yes.

I notice you say that at 8.15 on the 9th—that would be Thursday—he vomited; that would be right, would it?—Yes, that will be right.

Then I don't find any mention of any sickness again till—will you please tell me if it is correct?—after half-past six on

Evidence for Prosecution.

the 10th. That would be correct, would it?—That would be M. J. Callery right.

Whatever is on these notes is correct, I suppose?—Yes, it would be correct.

Just tell us, if you please, when did you make these notes?—While I was on duty.

But I don't find any record of the straining or of diarrhoea?—There was straining, but I did not make a record of it.

I do not find any record of any diarrhoea?—No, sir, there was none.

Either on the Thursday, or the Friday, or the Saturday?—I was only there on the Thursday and Friday.

I find notes here relating to Saturday?—Those are Nurse Wilson's notes.

The notes say on Friday he was delirious?—Those are Nurse Wilson's notes.

You came at 11.30 a.m. on Thursday, the 9th, and you remained on duty until 11 p.m.?

Mr. JUSTICE STEPHEN—Half-past four, I understand.

Sir CHARLES RUSSELL—No, that was on the Friday, my lord. She only remained till half-past four on the Friday.

(To Witness)—Then you returned to duty at eleven o'clock in the morning, and remained until half-past four on the Friday?—Yes.

Did you leave the room during the time you were there? Did you yourself administer all the food and all the medicine that were administered?—I did not leave the room, and I administered all the food and medicine.

I think you said Mrs. Maybrick made some suggestion about a water bottle for his feet, which were cold. Did she in any way interfere?—Not in any way.

And on this occasion when Mr. Maybrick said something about, "Don't give me the wrong medicine again," or something of that kind, were you at that time endeavouring to induce him to take some of the medicines you had been ordered to give him?—Yes; I had the glass in my hand.

And was she endeavouring to persuade him to take the medicine?—Yes.

As a matter of fact, were the medicines frequently changed?—Yes.

I don't know whether you recollect that, on the day that incident occurred, bismuth was one of the medicines given, instead of antipyrin, which had been given the day before?—No.

At what time was it that the statement was made to you by Nurse Gore as to the Valentine's meat juice?—It was when I went on duty on Friday morning, I believe.

That would be eleven o'clock?—Yes.

Trial of Mrs Maybrick.

M. J. Callery In consequence of that statement, were you vigilant to see what was given to your patient?—Yes. I got the medicines together on a small table by themselves.

And were you careful to see that nothing from that bottle of meat juice was given to him?—Yes.

Now, speaking of these two periods when you yourself were in charge, was anything improper put in the medicine or food given to him?—No.

Are you sure?—Quite sure.

I must ask you one other question. Mrs. Maybrick was a good deal in the room. On occasions when she was out of the room, did Mr. Maybrick make any observations to you about it?—Yes, he asked for her when she went out of the room.

Then you sent for her, I suppose?—Yes.

Did she appear to be very anxious about him?—Yes, very much so.

I should like to know did she speak to her husband? Did you hear any conversation?—I can't recollect anything she said.

No, I am not meaning to say that you recollect what the conversation was, but they did converse?—Yes.

Used she to sit on the bed beside him, or how?—Sometimes on the bed and sometimes beside him.

You, of course, did not concern yourself in their conversation, but did they speak in a low tone?—Yes, a great deal.

By **Mr. JUSTICE STEPHEN**—Do you mean they conversed a great deal, or in a low tone?—They spoke a great deal in a low tone. The patient was very weak; his voice was not strong.

Re-examined by **Mr. ADDISON**—Did you apply anything to his mouth?—Yes, glycerine and borax.

Where did you get the glycerine?

Sir CHARLES RUSSELL—Really, Mr. Addison, I don't think this arises out of my cross-examination.

Mr. JUSTICE STEPHEN—You will have another opportunity afterwards, Sir Charles.

Sir CHARLES RUSSELL—Yes, but I wish my friend would make up his mind what he is going to ask.

Re-examination continued—Where did you get the glycerine?—It was on the table in the sick-room.

What was it in?—On the table.

What was it in?—I believe it was in a saucer, mixed.

How did you apply it?—It was to clean his tongue.

Did you apply it to his tongue?—Yes.

How often?—Frequently.

Nurse Wilson **Nurse WILSON**, examined by **Mr. SWIFT**—I was in charge of Mr. Maybrick from four or five in the afternoon of the 10th till eleven of the same night, and on the next day I was in

Evidence for Prosecution.

charge from eleven in the morning to five at night. I found in the sick-room Nurse Callery and Mrs. Maybrick. During the time I was in the room I administered all the medicine and food to the patient. Mrs. Maybrick was in the room most of the time. During the evening of the Friday, about six o'clock, the patient said to Mrs. Maybrick—"Oh, Bunny, Bunny, how could you do it? I did not think it of you." He said that three times.

At that time how did he appear with regard to the state of his mind?—He appeared quite conscious.

Did Mrs. Maybrick answer?—Yes, she said—"You silly old darling, don't trouble your head about things."

And did she follow that up by some other remark?—Yes.

What was that?—She said he could not tell what was the matter with him, or what had brought his illness on.

Upon that day was he taking any food by mouth?—Yes.

At what time of the day?—Until about half-past seven.

Were you present on Saturday night when Nurse Yapp opened the trunk?—Yes.

And found the chocolate box and parcel?—Yes.

By Mr. JUSTICE STEPHEN—You were present when she opened the trunk that day. What day was it?—Saturday night.

Cross-examined by Sir CHARLES RUSSELL—You were on duty from a quarter to five o'clock on Friday up to eleven o'clock at night?—Yes.

And on the Saturday from eleven o'clock in the morning till Mr. Maybrick died?—Yes.

You were at the conclusion of the illness, in fact?—Yes.

At the time he made that observation, "Oh, Bunny, Bunny," were you aware that there was any trouble about a man named Brierley?—No, I was not.

What time was it that he made that observation?—About six o'clock.

Was it a fact that he had on that day delirious turns?—After then he was delirious.

That same evening?—Yes, sir.

You remained in the house looking after Mrs. Maybrick—nursing her?—Yes, sir.

Until what day?—Until the following Saturday.

And you were there on the Tuesday after the death—the 14th?—Yes.

And at that time there were policemen in the house, were there not?—They were on the outside of the bedroom.

She was in the spare bedroom?—Yes.

Do you recollect on that Tuesday Mrs. Hughes being on the landing and you and Mrs. Briggs being in the bedroom?—Yes, sir.

With Mrs. Hughes and the policeman outside?—Yes.

Trial of Mrs Maybrick.

Nurse Wilson And do you recollect Mrs. Briggs making a statement to you about several things that had been found, and, amongst others, about the meat juice—arsenic having been found in a bottle of meat juice?—Yes, sir.

Do you recollect whether Mrs. Maybrick said anything or began to say something?—No.

What happened outside the room? Did a policeman and Mrs. Hughes say anything?—Some one came and said the conversation was to be stopped.

That is what I want to get at?—Yes, sir.

Mr. JUSTICE STEPHEN—Who was it mentioned about the arsenic being found?

Sir CHARLES RUSSELL—Mrs. Briggs, I believe, my lord.

The WITNESS—Mrs. Maybrick had been told by some of the family that arsenic had been found.

Cross-examination continued—It was Mrs. Briggs?—I really cannot say whether it was Mrs. Briggs.

I understood you to say it was Mrs. Briggs? That is what I have noted as your saying?—Somebody mentioned it before Mrs. Briggs.

That is when you say the interruption of the conversation took place outside?—Yes.

Mrs. Hughes and the policeman were on the landing?—Yes.

A. Schweisso **ALFRED SCHWEISSO**, examined by **Mr. M'CONNELL**—In March last I was head waiter at a hotel kept by Mr. Flatman, 21 and 22 Henrietta Street, London. I remember on Thursday, the 21st March, a lady coming to the hotel between one and half-past.

Who was that lady?—Mrs. Maybrick.

Were you aware that rooms had been engaged beforehand?—Yes.

What rooms were engaged?—The first rooms were in Temple Place, a dining-room and bedroom adjoining.

Was there any gentleman called to see the lady, in the afternoon of that day?—Yes, sir.

By **Mr. JUSTICE STEPHEN**—What time?—About half-past six.

Examination continued—What did they do that evening?—They went out.

At what time?—About a quarter to seven o'clock.

Do you know what time Mrs. Maybrick returned?—I do not, sir.

What time did you see her next?—On Friday morning at breakfast.

Did any one breakfast with her?—I saw some one else with her, but he did not breakfast with her.

Evidence for Prosecution.

Was that the gentleman who called the previous evening?— **A. Schweisso**
No.

By Mr. JUSTICE STEPHEN—At what time would that be?—
About half-past nine.

Examination continued—Did he breakfast in the private room?—In the dining-room. It was a private room, and was occupied as a sitting-room. I did not wait at breakfast, although I took it in to her. It was only for one person. On Friday, the 22nd, I saw Mrs. Maybrick with Mr. Brierley.

By Mr. JUSTICE STEPHEN—What time was that?—About half-past seven.

Examination continued—I first saw Mr. Brierley at dinner. He occupied the same bedroom in the hotel as Mrs. Maybrick. They occupied the same bedroom up to Sunday, when they left between twelve and one o'clock. Mrs. Maybrick paid the bill.

Dr. THOMAS STEVENSON, examined by Mr. ANDISON—I am **T. Stevenson**
lecturer on forensic medicine and chemistry at Guy's Hospital, London.

And there. I suppose, you are extremely versed with poisons; you are, in fact, a toxicologist?—I have had a very large experience for many years.

And have known a great many cases of poisoning by arsenic in every shape—both purposed poisoning and accidental poisoning?—Yes. I act officially for the Home Office and Treasury in such cases.

Did you receive on the 22nd July certain articles from Inspector Baxendale and from Mr. Davies?—I did.

You analysed and returned them to Inspector Baxendale on the 30th July?—I did.

Can you tell me from your notes, in your own way, exactly what you received—what parts of the body, and what you found?—I received eleven vessels, of which I examined and analysed five only. In one of these vessels which I examined there was a quantity of the contents of the stomach. I analysed that, and found no arsenic in two ounces of the fluid. Another vessel contained portions of the stomach; they were decomposed, but I could see that the mucous membrane was thickened and had been inflamed. I analysed one ounce—equal to one-fifth or one-sixth of the whole stomach—but I could not detect any arsenic or other poison in it. Another vessel was labelled as containing the intestines and the spleen, but I could not find the spleen. I took some of the bowels, and by a preliminary experiment I found they contained arsenic and bismuth.

By Mr. JUSTICE STEPHEN—What about the jar labelled in-

Trial of Mrs Maybrick.

T. Stevenson testines and spleen?—The spleen had liquidated by decomposition, and I could not find it. I made a preliminary examination, and found arsenic, and a metal which I believed to be bismuth. I then took eight ounces of the intestines, and I extracted from that portion arsenic and bismuth.

Examination continued—What was the quantity found?—The quantity of arsenic in the eight ounces was .015 of a grain expressed as white arsenic. I produce the metallic arsenic obtained from the eight ounces, and there is a very visible quantity, about the one-hundredth of a grain. I weighed the intestines of another person, and I conclude that in the intestines there would probably be one-eleventh part of a grain of white arsenic. In another vessel was a portion of kidney.

Before you pass away from the arsenic in the intestines, what proportion did you find of bismuth?—The bismuth in the eight ounces of intestines corresponded to $1\frac{1}{2}$ grains of subnitrate of bismuth—the ordinary medicinal preparation.

Is there any difficulty, speaking from your chemical experience, in distinguishing between bismuth and arsenic?—No, there is not.

By **Mr. Justice Stephen**—Just repeat the quantity of that last, will you?—It corresponded, my lord, to $1\frac{1}{2}$ grains of subnitrate of bismuth, ordinarily called bismuth.

Mr. Addison—That is bismuth, my lord.

Mr. Justice Stephen—Yes, I know.

Examination continued—That is all we will say about that jar. Pass on to the kidneys?—Another vessel contained a portion of kidney, one ounce of which yielded evidence of the presence of arsenic.

By **Sir Charles Russell**—What is the number of that jar?—The jar labelled "Kidney" has, I think, no number.

Examination continued—The presence of arsenic was distinctly revealed by test, but sufficient was not obtained from one ounce to admit of accurate weighing.

You pass on from that to the liver?—The liver was contained in two vessels. One contained a small quantity—the one taken at the original post-mortem examination, I believe. That I did not analyse, as it was too small.

What quantity was there?—The whole of the liver in the two vessels was twenty-eight ounces.

In the part that you analysed how much?—I made a preliminary experiment with one ounce, and obtained evident presence of arsenic. I then made a separate analysis for the quantity. I took four ounces, and by a process which would extract the arsenic without the bismuth by distillation, obtained a quantity of arsenic corresponding to 32 hundredths of a grain in three pounds of liver, about one-third of a grain.

Evidence for Prosecution.

Did that complete the whole of the four ounces?—I have T. Stevenson recalculated and find that it would be nearer 27-1000ths than 26-1000ths of a grain.

That is in the four ounces?—Yes.

You said four ounces of liver; what is the weight of the entire liver?—I heard in the evidence of those who made the post-mortem that the whole weight was three pounds or forty-eight ounces.

There was about a third of the grain for the whole liver?—Yes. I produce the metallic arsenic obtained from four ounces of liver, a very distinct quantity.

Did you try the alternative test?—I did.

What was that?—By a process known as the chlorate process, I obtained both arsenic and bismuth from eight ounces of liver. The quantity of arsenic expressed as white arsenic was .049 of a grain, or 49-1000ths of a grain from eight ounces. That would correspond to .29, or 29-100ths of a grain, for the whole liver, very nearly the same quantity as in the previous case.

And the bismuth from the eight ounces? You told us the process by which you separated and determined it?—It was corresponding to a grain of bismuth for the whole liver.

By Mr. JUSTICE STEPHEN—Just tell me how much?—One grain.

Examination continued—What does that result in in your mind?—That the body at the time of death probably contained a fatal dose of arsenic. I have found a little more or a little less than the quantity I did find here in undoubtedly fatal cases of arsenical poisoning.

And in what organs of the body do you usually find arsenic after death by arsenical poisoning?—In the liver, independent of what is found in the stomach unabsorbed. The liver is the chief organ one finds it in in cases of arsenic poisoning, and, I may add, in largest quantities.

When you speak in that way, you speak from actual examinations and experience, not merely from stories you find in books?—I am speaking from my own very extensive experience.

Have you analysed any of Valentine's meat juice?—I have recently.

Is there arsenic in that?—No.

By Mr. JUSTICE STEPHEN—Where did you obtain it?—I bought it myself in Clapham.

Examination continued—Have you followed the character of the entire evidence given?—I have; except the latter portion of Nurse Wilson's evidence.

Have you formed an opinion upon it?—I have.

What do you say, doctor?—I have no doubt that this man died from the effects of arsenic.

Trial of Mrs Maybrick.

T. Stevenson Tell us the general grounds of that opinion?—His main symptoms were those attributable to irritant poisoning; and during his more serious illness, I think all his symptoms might be attributed to that. The symptoms of irritant poisoning more closely resemble those of arsenic than of any other irritant of which I know.

Well, what makes you say that? In what respect is that so?—Well, the dryness of the throat, glazed appearance, the whole character of the sickness, and, taking the whole of it, the anomalies—if I might use the term—of the symptoms, are more marked in arsenic than in any other form of irritant poisoning. Then the post-mortem appearances—

Yes, I will ask you generally before we get to the post-mortem appearances what are the usual symptoms of arsenic poisoning?—The usual symptoms—

By **Sir CHARLES RUSSELL**—Are you speaking of the post-mortem?—No, I should take symptoms to mean, and should use the word as applying only to life, not to the appearances after death.

Examination continued—Yes, I suppose you would, Dr. Stevenson. I was asking you what the general symptoms of arsenical poisoning were?—The general symptoms which usually appear within half an hour to an hour of taking some article of food or medicine are nausea, with a sinking sensation at the stomach; vomiting, and, unlike vomiting produced by any ordinary article of food or drink that disagrees, the vomiting affords no relief as a rule, and often comes on again. Then there is most commonly pain in the stomach and diarrhoea. After a time the region of the stomach becomes tender to pressure; the patient becomes restless; often bathed in perspiration. The throat is complained of; there is pain in the throat extending down to the stomach. The tongue is very foul in appearance and furred. There is not the bad smell as in the ordinary dyspeptic tongue. The patient goes on getting collapsed, gets a rapid and feeble pulse, a thirst; there is great straining at stool; vomits and evacuations are frequently stained with blood, and the patient dies.

Tell me, the symptoms you describe, are they infallible symptoms? Do you always find all of them together, or are they anomalous symptoms, one coming sometimes and sometimes others?—Very anomalous, and I should add that there are other symptoms, later symptoms, but those are the ordinary characteristics of acute arsenical poisoning.

Then, I will ask you another general question, and then after that about this case. What is a fatal dose of arsenic—a dose which by itself will take away the life of an adult person?—Two grains or thereabouts. I have learned from my experience

Evidence for Prosecution.

in small doses—I believe that a smaller dose than that may kill. A full half or thereabouts has been known to kill, given in one dose. T. Stevenson

Then when a fatal dose of that kind has been taken, in what time does it in the generality of cases kill?—Generally, I may say, from six to twenty-four hours; twelve hours is a very common period.

Now, please to tell us, will you, the effect of repeated doses, small doses; may it be longer than twelve or twenty-four hours?—Oh, yes, there are exceptional cases which go beyond that which is usual.

Where there is a smaller than fatal dose given, what then? Are the symptoms, for instance, the same?—Much the same, but more spread out. I should put a word to that, and say particular symptoms, such as vomiting and purging, may be less severe than when one large dose is given.

That is under the hypothesis that a person recovers from such a dose; but suppose it be repeated, what then, doctor?—I am speaking from my own knowledge. When the symptoms of arsenical poisoning come on, they may subside to a certain extent; they recur with another dose, and again subside, and so on.

Might that result in death without any second dose having been given?—Yes. If a second dose were given before the first had practically disappeared from the body, the effect of the second would be added to the first. I wish to add, that even if the effect of the first had disappeared, if a second large dose be given, the patient, weakened by the first, will be more liable to suffer from a smaller dose given a second time. That is to say, the same amount is not required to kill in the second dose, I believe.

Arsenic is a white powder sometimes. Has it any taste in food or medicine?—It is practically tasteless. I have known an ounce put into twenty ounces—a pint—of rice pudding, and yet not be detected.

And is there any difference in these effects, as to whether it is given in solid or in liquid form?—In the liquid form, of course, it is absorbed more readily, more freely, than in the solid; a small dose is more likely to produce the maximum effect. Again, when solid arsenic is given, the particles often become entangled in the coats of the stomach, and the chance of recovery is diminished thereby. It is not removed by vomiting and purging. In those cases one very frequently finds that after death solid arsenic is adherent to the stomach, visibly adherent.

And where it is given in solution you find no visible particles in the stomach, of course?—My experience is that you generally find it in the stomach if death is very quick.

Trial of Mrs Maybrick.

T. Stevenson Let me ask you one more question. In how much liquid can you dissolve one fatal dose of two grains?—You can dissolve it with skill in about less than a tablespoonful of water, but it requires skill. Ordinarily if you put a fatal dose into about a wine glass of liquid that would dissolve a fatal dose of two grains.

How long would it take to dissolve?—It depends whether it was shaken or not. It would dissolve in a few hours to some extent.

You heard what Mr. Davies said about the fly-papers?—I did.

Is that according to your knowledge?—I experimented with similar fly-papers, and I have reason to believe that what he said is quite correct.

Sir CHARLES RUSSELL—That is not really a material portion of the case if he did not analyse the papers from the same people. There is no doubt whatever that there is arsenic in fly-papers, and I shall not raise a single objection on the point; but in a case of this kind the question put is irregular.

Mr. JUSTICE STEPHEN ruled that the question should be put.

Examination continued—Have you seen the fly-papers?—I have seen others like them.

Not the same?—Not the same, but they are made by local chemists in a similar way. What I examined are precisely like these, except in regard to the name.

And what is the result of your experiments on fly-papers?—That they contain arsenic, and it is readily extracted from them by simply soaking them in cold water.

Now, I have asked you so far on the general symptoms of arsenic and arsenical poisoning. Taking the symptoms of this case before the post-mortem, you have watched carefully, as you have told us, all the evidence, with the exception of that of Nurse Wilson. What do you say as to these symptoms?—I say that if from the 27th of April to about the 2nd or 3rd May the deceased had recovered, I should not have been able to say that it was caused by arsenical poisoning, although I now believe, from the subsequent circumstances of the case, that they may be referred to arsenic; at all events, some of the prominent symptoms.

Which symptoms make you think so now?—He began with sickness in the morning.

On Saturday?—Yes. Then he had sickness again on Sunday, the 28th. He complained very much of foulness of the tongue, which is a sign of congested stomach. He said he felt seedy for days, which would mean a sense of nausea. Then he said to Dr. Humphreys on the morning of the 3rd May—

By **Mr. JUSTICE STEPHEN**—When a person says he is seedy,

Evidence for Prosecution.

how would you describe it?—I do not attach much importance to that, except that the man was not well, and on the Friday, the 3rd May, he told the doctor he had not been well since the previous day, when I learn he had his luncheon at the office. His tongue, in spite of the treatment, was worse than it had been on the previous occasion when Dr. Humphreys saw him. Those symptoms pointed out that he had had some irritant; it might not have been arsenic, but something which might not have agreed with him. It might not have been arsenic.

Examination continued—That is all you could say up to the time?—Yes.

Did you attach any importance to the numbness? Perhaps you have forgotten that on the 27th, when he went downstairs, he complained of numbness of the legs?—Numbness is a symptom of arsenical poisoning, which usually comes on not at the beginning, but later on, when the patient is recovering, if he does recover.

When you find numbness early in an illness would you infer other things?—It would not have excited suspicion in my mind of arsenical poisoning.

Go to the 3rd of May, to the Friday—he died on the 11th. What would you say as to the interval of the eight days between the 3rd and the 11th, if the symptoms varied?—He told Dr. Humphreys that evening that he had been sick twice, as I take it, since he got home. He told the doctor, who saw him late in the evening, that he had been sick twice.

From that you will tell us your opinion?—I may say Dr. Humphreys prescribed something of which he did not give me the term. Sciatica is often brought on by exposure to cold, and a severe purgative, or something of that kind, will develop it. I could not say that it was distinctive of arsenic.

Yes; what next?—From that time forward he appeared more or less sick until Dr. Carter saw him, and heard the history of the vomiting and looseness of the bowels.

That would be Tuesday?—Yes, Tuesday, the 7th.

Sir CHARLES RUSSELL—My lord, I think this course is very unusual; it does not prove the case at all. The matter of looseness of the bowels stands thus—Dr. Humphreys, who saw him first and attended on him, said that he spoke first of it on Thursday, the 9th; and Dr. Carter says that on the 7th he was told there was one loose motion, that was all. And I would respectfully suggest, my lord, and ask if, from your experience, it is usual to give all these daily symptoms as given by other witnesses, and then put them to another witness. I would respectfully suggest that the proper course is to speak to the general symptoms only.

Trial of Mrs Maybrick.

T. Stevenson Mr. ADDISON—I do not desire to argue with your lordship. I will go by the inclination of your lordship's mind.

Mr. JUSTICE STEPHEN—I think I must agree with Sir Charles. The way you put the questions assumes a degree of confidence in the witness and not of accuracy, and I think the evidence in a case like this, which is of the utmost importance, is made up to a very great extent of small matters, and I don't think it quite fair. I do not mean it is intentionally unfair, but it is not what the prisoner has a right to expect that you should take every day's symptoms, as it is not fair.

Mr. ADDISON—Quite so, my lord.

Mr. JUSTICE STEPHEN—There is strong mystery about all the circumstances, but I think you are going too minutely into some matters.

Mr. ADDISON—No, my lord; but I will try to follow my friend's desires.

Examination continued—From the 4th to the 11th what do you say the symptoms point to?—They point to an irritant poison, and especially to arsenic.

Why especially to arsenic?—The dry, glazed throat, the continued vomiting, the passing of the bowels, and the straining, all point to either antimony or arsenic at the period, and more likely arsenic than antimony.

Now, as to the life appearances. The doctors do not speak of any tenderness upon pressure in the region of the stomach?—I noticed that, and I have seen cases where that symptom was absent. It results from the inflammation of the stomach, and all inflamed organs are as a rule tender. I find here no evidence that this man had at any time tenderness, but he had undoubted inflammation of the stomach.

Why do you say undoubted inflammation of the stomach?—As seen at the post-mortem examination, and as seen by myself.

Now, doctor. I pass away from the symptoms in life to the post-mortem symptoms?—Appearances.

Appearances, then. As regards them, will you as generally as possible give us the results which you drew from the post-mortem appearances?—The post-mortem appearances were those of irritant poisoning, and were more those of arsenic than of any other irritant poison.

Why, doctor?—The bright redness of the stomach, the result of inflammation, and the presence of inflammation there, and in the first part of the intestines more marked than in the other parts. The rosy blush, as it is described, of the intestines and the vascularity is generally better seen in arsenic poisoning than from any other form of irritant poisoning. It is only fair to say that after seeing a post-mortem examination

Evidence for Prosecution.

of that kind I should have withheld any absolute opinion until T. Stevenson I had known the result of the analysis.

Now, the question has been raised whether gastro-enteritis presents any post-mortem appearances?—This was a death from gastro-enteritis. It is a special disease set up by arsenic. I have no knowledge of my own experience, or from the experience of others, that gastro-enteritis occurs independent of the introduction of some irritant.

Now, the question has been raised as to whether improper food is an irritant?—I hardly know what you mean by improper food.

It is said that mutton that had been bad without actually becoming tainted, or grouse or sausages might affect him? I am speaking of injurious food?—I have seen many cases, and I have examined the organs of the persons who have died from that kind of food, and independently of the fact that the symptoms during life differ, from post-mortem appearances gastro-enteritis is lower down in the bowels in the case of injurious food. I am not speaking of game birds, which may have been affected by particular plants; but of tinned food, canned meats, which have undergone some changes, and there you find the appearances more generally diffused, with slight inflammation, or maybe severe, of the bowels, or ulceration. The brunt of the post-mortem appearances are not in the stomach so much as in the bowels.

That is all I have to ask you on the post-mortem appearances. After that I want to know what was the result of the analysis both as taken by yourself and by Mr. Davies. What was the result in your mind of the analysis?—It concludes my opinion. That is to say, coupling my analysis with what I have heard in this Court, I can have no doubt as to the cause of death being from an irritant poison, and from the irritant poison found. I discovered no antimony or mercury, which are other mineral poisons, in the body.

By Mr. JUSTICE STEPHEN—Did you search for them?—I did, my lord.

Examination continued—As to the absence of any trace of arsenic in the stomach at the post-mortem?—I have found in a case of known arsenic poisoning that there was in the stomach such a quantity of arsenic as I could only just detect; hence it must have been very minute. I operated on one-fifth or one-sixth of the stomach, and I could detect—

No trace of arsenic?—No trace of arsenic at all; but that does not prove there was no arsenic at all in the stomach.

The impossibility of your finding it, and the fact that you can't find it, does that influence your opinion? Is it absolutely strange?—I was not surprised. It does not diminish my opinion that there was arsenic in the body.

Trial of Mrs Maybrick.

T. Stevenson You said that the effect on the stomach is to produce inflammation; how is it (the arsenic) absorbed?—It is absorbed from the stomach through the blood and passes into the liver.

How does that get into the liver?—It is the first organ to which the blood passes. The liver is the first in circulation from the stomach.

Looking at the analysis and the post-mortem, as regards the post-mortem appearances, what time would you say the symptoms would appear? How long before death?—Certainly some on the 3rd May, I should say.

Do you infer anything after that?

[Sir Charles Russell made objection, and Mr. Addison altered his question.]

Do you infer that the whole of it would not be on the 3rd of May?—I have reason to think so from the medical facts.

Is arsenic what is called a cumulative medicine? Does it remain in the system, or does it pass off?—I don't like to use that term, but it does not accumulate and store up in the body like lead and several other things, with which if you take 1-100th of a grain day by day you will eventually get several grains in the body. But after arsenic is taken it is excreted with the water, and then it gets less and less unless a fresh quantity is introduced, and as a rule the whole of the poison is removed in a fortnight. It gets less and less.

Your figures seem to indicate that you find a little more arsenic than Mr. Davies. Is that so?—That is so.

Some question has been asked about previous cases of arsenic. If arsenic is taken in America as an anti-periodic—I don't know how long, but some years before—would that have any effect upon this illness?—No.

By Mr. JUSTICE STEPHEN—Suppose you administer to a rabbit a grain of arsenic, how long would it take to pass from the rabbit? To disappear from the body?—I don't know in regard to a rabbit, but I know with regard to a human being. I think arsenic, as a rule, disappears from the water—the secretion disappears generally—in the course of a fortnight, although I have known it to appear in the urine in very minute quantities for twenty-five days. That is my experience. It gets less and less day by day.

Examination continued—One question more. I think you did answer that any arsenic taken as anti-periodic in America or in any other form years before would have had no effect at all?—I do not think so.

You mean any arsenic remaining in the body from the time in America?—Yes. I do not think it could have remained a year in any sensible quantity.

The arsenic you say. What is the extreme length of time it

Evidence for Prosecution.

can have been there in the liver?—I do not know how long in T. Stevenson that quantity; it is such a quantity as I should have expected to find if the patient had lived for three or four days.

You have heard it said that arsenic is used as a cosmetic? What do you say?—It is very rarely used as a cosmetic; it irritates the skin. It has been said to be used in some cosmetics; but my experience is that it is there simply as a slight impurity of the ordinary bismuth used in commerce. The pure commercial article contains a little. The medicinal article I have examined, and I find it contains the 10-1000th part of a grain to the pound.

Now, with regard to Fowler's solution?—That is the ordinary medicinal preparation of arsenic, containing 1 per cent. of white arsenic.

Would that in any way account for any of the appearances seen?—If given in large and repeated doses it would. It must be given to the amount of three-tenths of a grain, equal to thirty-five minims of Fowler's solution.

Taking all the symptoms and appearances before death and after, what do you say was the cause of death?—No doubt it was due to arsenical poisoning.

Cross-examined by Sir CHARLES RUSSELL—You are nominated by the Home Office and by the College of Physicians?—I have been their analyst for many years before.

Since the Lamson case you were nominated analyst by the Home Office, and your services can be called into requisition?—Yes.

And it is in that sense that you attend here officially?—Yes.

Is your experience of arsenical poisoning principally confined to examinations after death, or of patients who have taken arsenic during their life?—Both.

"Principally" was my question?—I suppose I have examined more persons during life than I have examined after death.

When was the last case?—Within the last two weeks, I think.

I want you to be exact?—I have seen persons who have taken it as medicine—

I am not speaking of persons who have taken it as medicine, but of persons who have taken it improperly or an overdose?—I can't say; it is not a very long time.

The last accidental case you saw no evil results followed?—No. I think not in the last case I saw.

What was the name of that case?—I don't know. I see cases constantly in the hospital; when they come in I examine them.

You have examined cases (post-mortem) in which it was suggested that arsenic was the cause of death?—Yes.

When last?—Oh, I examined portions of bodies frequently this year.

Trial of Mrs Maybrick.

T. Stevenson That was for the purpose of analysis. I am talking of examining bodies?—I have frequently examined the internal organs; but I don't know when I last saw a whole post-mortem in a case of arsenical poisoning. I have, however, seen many.

I want to know when you by yourself assisted at a post-mortem, and of a person said to have died from arsenic?—It may be a year or two ago.

Have you the facts in your recollection?—I cannot say when it was or which was the last.

Have you a very definite case in your recollection?—I have several.

Will you fix one and tell me the circumstances of it?—The very first case that I had was at a post-mortem for poison. It was in the year 1858, when two hundred persons were poisoned by arsenic, and seventeen died.

That is too long ago. Can you give me a more recent case?—Oh, yes; but I don't know the names.

Will you kindly fix your mind upon one case of a post-mortem in which you yourself took part? Tell me when it was. About when?—There was a case some years ago—

Nearer than that, please?—I cannot call to mind the circumstances of each particular case.

Within a reasonable time?—I remember one case perfectly well.

When was it?—A few years ago.

You have the circumstances definitely in your mind?—I think so.

You assisted at the post-mortem?—Yes.

Was it a case of accidental or supposed wilful?—It was suicidal—a suicide; half suicidal, I believe.

And the dose taken proved fatal?—It proved fatal.

Death followed soon after taking the dose?—Within a couple of days, I think.

What was the dose taken?—Unknown.

What?—It was unknown.

But you found out afterwards, later?—No.

What was the quantity found?—I don't know.

But I thought you assisted at the post-mortem, and had the circumstances in your mind?—Yes, but when a death occurs from suicide at a hospital, and we find visible evidence, we don't analyse the amounts.

Have you any case in your mind where you know the time of administration, the time of death, and the quantity found at the post-mortem at which you have assisted?—I think so.

Well, will you please keep your mind on that case. When did it occur?—Some years ago.

When?—About a dozen years ago.

Evidence for Prosecution.

Not nearer than that?—I have known many cases where I T. Stevenson examined the viscera and analysed that.

I want to know from you, can you give any case the circumstances of which you have in your mind, and in which you assisted at the post-mortem examination? I do not know of any case where I assisted at the post-mortem, knew the circumstances, and made the analysis. It is rare with any one with such an experience.

Can you recall sufficiently that case of two or three years ago to recollect what was the quantity supposed to be taken?—Not two or three years ago. I said some years ago.

Do you know the quantity found?—There was no analysis.

Was it taken in a fluid form or in the arsenious acid form?—It was discovered in the latter form.

Then you cannot give me a case where death followed from the administration of arsenic, where you assisted in the post-mortem, and followed this up with analysis?—Not where any definite known quantity was given.

Now, I would like to ask you this question. When you spoke of your view that up to about the 3rd May, I think you said, you would not have expressed an opinion, although you might entertain one—you would not express a competent opinion as to the cause of the previous illness. Do you recollect saying so?—Yes.

Do you form your opinion on what you have heard proved as having occurred on the 3rd of May?—Yes. In looking for the cause of the final illness I find that it is accounted for.

After hearing the history of the case and the result of the post-mortem examination, would you maintain the same attitude of mind and withhold any pronounced opinion until you had heard the result of the analysis?—I should have had a pronounced opinion that the deceased had died from an irritant poison, and I should have had the strongest suspicion that it was arsenic, but I should have been cautious in saying that it was arsenic until it was proved to me in the analysis.

You withheld your opinion as to the cause of death until you heard the result of the analysis?—Yes, and quite properly.

Do you in the use of the word poison agree with what Dr. Carter has told us? I want to read to you what he told us. He expresses the opinion that death was caused by poison. This is apart from the analysis. "By poison," he says, "I mean something that was had, it might be had tinned meat taken at a race dinner, not a good dinner, and perhaps wine had entered into it. From his manner of living he might have taken up something which would set up gastritis." Do you use the word irritant poison giving the same explanation as Dr. Carter does?—Yes, though I should have formed a strong conclusion that

Trial of Mrs Maybrick.

T. Stevenson some mineral irritant poison had been given from the appearances.

Are you using the word irritant poison to the extent Dr. Carter used it?—If you like I will apply the term irritant poison to all metallic irritants, and such articles of food as contain irritants.

If gastro-enteritis is set up from whatever cause, are the symptoms substantially similar whether the cause is arsenical poisoning or by any other means?—Substantially similar, but there are differences.

Will you indicate any one symptom which you say is distinctly an arsenical poisoning symptom, and which is not to be found in cases of gastro-enteritis caused by other means than arsenic?—No, I would form no opinion from one single symptom, either present or absent.

What do you mean by that answer—No? You cannot point to any distinct symptom of arsenical poisoning differentiating it from gastro-enteritis, however caused?—There is no distinctive diagnostic symptom of arsenical poisoning; the diagnostic thing is finding the arsenic.

You have said there is no distinctive symptom, but there are differences. What do you mean by that?—Well, the symptoms produced by irritant food, as a rule, do not come on so very quickly after taking it as after taking arsenic. Then there is the fact that in the vast majority of cases several people partake of a common food, and they suffer from like effects.

Does arsenic affect the idiosyncrasies of the persons who partake of it?—I don't mean that. I mean they would all have the same symptoms.

Now, when do you say in your experience the illness would come on after taking food?—Generally, a few hours afterwards, it might be two, three, or four hours, when the food is pretty well digested; whereas in arsenic, as a rule, it comes on speedily.

How long?—In half an hour, that is a common time; it may be less or more.

I should like this to be quite clear. You would ordinarily expect from the administration of improper quantities of arsenic, speaking apart from the medicinal doses, you would expect illness to follow in what time?—As a rule, from half an hour to an hour.

And shows itself how?—I said already in nausea, with uneasiness of the stomach, vomiting.

In what time, vomiting?—It comes on in a very few minutes after the nausea. It may be half an hour, or if not, less than an hour.

But you would probably expect in some such time as half

Evidence for Prosecution.

an hour to an hour persistent vomiting?—As a rule it is per- T. Stevenson sistent. Sometimes vomiting is entirely absent.

That would be an unusual case?—No, I have in my mind's eye ten persons who suffered simultaneously in one common family. The arsenic was taken in food, and in two of these cases vomiting was absent.

Vomiting is not necessary?—In an appreciable percentage of cases it is absent.

Diarrhœa, when does that ordinarily follow an improper dose of arsenic?—It varies; it follows vomiting generally, but at some little interval, an hour or two.

You mean an hour or two from the vomiting, or an hour or two from the administration?—In some cases in an hour or two, or later, but diarrhœa is not infrequently also absent.

I am speaking of the usual?—I am speaking of an appreciable percentage of cases where it is absent, or is not, at least, prominent until a later stage.

Yes. It is a symptom that you would expect to follow, but there is an appreciable percentage of cases in which it does not?—That is so.

Is the diarrhœa persistent and excessive?—I take it diarrhœa means that.

Very good. Is another usual symptom—usual is what I am putting to you—pain in the stomach, and particularly in the pit of the stomach, increasing on pressure?—Yes; described as abdominal pain.

According to the usual experience—what you would usually expect—when do you find that there is abdominal pain in the pit of the stomach increasing on pressure?—After vomit and diarrhœa have been set up.

You have told us already you would expect that to be set up about half an hour afterwards, and diarrhœa about an hour and a half?—Yes, I should place the pain on pressure at two hours.

Is not also redness, a slight inflammation of the eyelids, also a symptom?—Yes; not necessarily though.

I am asking you, if you will kindly remember, about the usual symptoms?—Yes, but in the majority of acute poisoning cases, when the person dies, that inflammation is not set up.

Is this a case of acute or chronic poisoning?—I think I should style it an acute case, long drawn out. I distinguish that from cases where people suffer from what I may term the minor troubles of arsenic, such as wall-papers and so on, in cases where persons suffer for weeks or months.

Is the bloodshot appearance of the eyeballs also a usual symptom?—That is usual.

The appearance in the eyes, the suffusion, redness, and irritation of the mucous membrane generally?—It is the usual first

Trial of Mrs Maybrick.

T. Stevenson symptom we observe when the persons take the arsenic medicinally and it is beginning to get well into their system, but it does not come as a rule until some days.

Do you know what petechiæ are?—Yes.

How would you describe them?—Little blood-flecks beneath the membranes—little dots or minute patches.

Is that a usual appearance in the stomach of a person who has been suffering from arsenical poisoning?—It is. In the organs generally—not exclusively confined to arsenic, but is common to many diseases.

But it is a symptom you would expect to find in arsenical poisoning. Talking about the effects and consequences of food, you recollect the case that occurred quite recently of Dr. Woolright, of Guy's?—I knew him.

Probably you know the theory of his illness and death?—I was telegraphed to attend the post-mortem, but I could not get there.

I should just like to ask you about that?—I had the organs after death.

Tell us whether this extract from the *Lancet* is correct—“After a sandwich and a glass of sherry he had faintness, severe diarrhoea, and pains in the limbs. Afterwards the pains and sickness seemed to alternate, and, finally, having been ill on Wednesday, the 29th of May, on Thursday, the 6th June, he died suddenly in bed.” You recollect?—Yes, but it is not complete; I can tell you exactly how he died. He was at his work at the hospital at half-past twelve. He went home, was examined by a physician, who ordered him to bed and left him, and he died very quietly in ten minutes. He was about his work until within an hour of his death.

You know that in the post-mortem examination the stomach and duodenum were found to be much congested and ecchymosed?—But not the thickness and redness we have in this case. You will find the effects more manifested in the larger bowel, where there were a number of minute ulcers.

Quite true. I am going to read it all. “We found it congested and ecchymosed.” That would be dark-coloured, congested with blood?—No, congestion is a bright red; ecchymosis is a dark, livid, red spot.

There was slight but undoubted dilatation of the ventricles of the heart. It would appear that the morbid state of the stomach and the colour produced in his existing condition a cardiac dilatation which proved fatal?—He had had cardiac dilatation before.

Yes, but is there anything to account for the condition of the stomach and duodenum except that something in the food taken was wrong?—It was attributed to that, but he had no symptoms

Evidence for Prosecution.

for days, and no one who had seen the viscera would have supposed that it was a case of arsenical poisoning. I should like to say that if there had been any suspicion from the appearance that he had arsenic, I should have analysed the viscera, which I had in my laboratory. T. Stevenson

When arsenic is taken into the system it is more usually dissolved in the liquid form, but it does dissolve in the fluid matter of the stomach if taken in any form?—Yes; but, as a rule, only partially.

It is a question of time, I suppose?—No, it does not completely dissolve. When solid arsenic is taken it sets up inflammation, from which a quantity of viscid mucus is thrown out. The arsenic becomes embedded, and you cannot even wash it out of the stomach after death, and it is there undergoing a very gradual solution.

Very well. Do you mean that some particles would be adherent to the coats of the stomach?—Yes, but not readily observed.

It is taken up into the blood?—Yes.

Passes through the liver?—Yes.

And is eliminated principally through the kidneys?—Yes.

Is it a fact that one effect of the taking of arsenic would be to lessen the action of the kidneys?—Sometimes it does. Sometimes urination is free; but, as a rule, I may say we do not observe very much effect on the urine in the quantity.

But is not the usual effect to lessen the action of the kidneys?—Only when perspiration becomes very profuse, and liquids taken are excreted through the skin.

Would the arsenic be excreted through the skin?—Sometimes. In medicinal doses it is very easy. I should say also that it does sometimes affect the kidneys.

In this case you found in the kidneys traces of arsenic, I think?—I got distinct evidence of arsenic.

When I speak of traces I mean a weighable quantity?—I had not enough kidney to act upon and—

I really think you ought to answer me. As a matter of fact, did you find any weighable quantity?—No; and I did not attempt to, for the reason that I had not enough kidney. I tried one ounce, or about one-sixth of one kidney.

Now, where you did find a weighable quantity was in the liver?—The liver and intestines.

Now, I want to call your attention to this point. You have stated to Mr. Addison that you found rather more proportion of arsenic than Mr. Davies?—Yes.

It is a fact, is it not, that in the order of the human frame, the kidneys, the intestines, or the liver, you do not find the arsenic to be evenly distributed?—In the liver it is pretty well distributed as a rule. I guarded myself against that.

Trial of Mrs Maybrick.

T. Stevenson I assure you there is no occasion to use the word "guarded"!—I guarded myself against it by making—

There is no occasion to use the word "guarded." There is no suggestion of a mistake?—Very well, I will withdraw the word "guarded." But I will say that I had this in view.

You had only a portion of the liver?—The main portion.

How many ounces?—Twenty-eight out of forty-eight.

You took a portion of some various parts of the liver?—I did.

Did you macerate the whole mass in one bulk, and then take a part of it?—No, I reserved a portion of it.

Now, it is not very important, but I would ask your attention to this—to the statement you have already made. As I now understand it, you say it was four ounces of the liver you took, and subjected it to hydrochloric acid and subsequent treatment, and you discovered 27-1000ths; is that correct? Just look at your book?—I gave you the quantity of the substance actually weighed. Shall I give you that?

Did you give 27-1000ths as the quantity discovered?—Yes, I did.

Was not your original calculation 26-1000ths?—It was, or thereabouts.

Now, in the next experiment on the eight ounces, was not your original statement '046?—I think it was '047. I measured very carefully, and I think the difference is immaterial; by using more accurate figures it comes out a little different, but I attach no great importance to such decimal figures.

What do you say about the actual weighable quantity of arsenic which you obtained?—What organ do you want?

The liver. What was the actual weighable quantity you have obtained?—The quantity obtained from four ounces of liver was '934 of a grain of the yellow sulphide of arsenic.

How much white arsenic?—The 26- or 27-1000ths.

Now, in the eight ounces how much did you obtain?—I got '046 of a grain of white and '061 of the sulphide.

By Mr. JUSTICE STEPHEN—You say that in the other or larger portion of the liver—eight ounces—there were '049. That was the amount in eight ounces of liver; and adding the two together you get '076 of a grain in twelve ounces of liver. In the eight ounces was '061 of yellow sulphide?—Yes.

Cross-examination resumed—The result, therefore, of adding the two parts together—the four ounces and the eight ounces of liver—is that you get 72-76-1000ths of a grain?—Yes.

Mr. JUSTICE STEPHEN (writing)—The 76-1000th of a grain of arsenic.

Sir CHARLES RUSSELL—Yes, my lord.

(To Witness)—And in the intestines?—The intestines yielded '015 of a grain of yellow sulphide.

Evidence for Prosecution.

That would be 15-1000th parts of a grain?—Yes.
Adding therefore the whole together, the 72 or 76, whichever is the correct figure, and the 15, it would be 87- to 91-1000th parts of a grain?—Yes, from the small fraction of viscera operated upon.

T. Stevenson

Now, we learn that there was none in the stomach, none in the contents of the stomach, and none in the bile?—I have not heard of the bile.

I think so. You heard the evidence?—The bile may have been mentioned, but I don't remember hearing it.

None in the bile, none in the fluid from the mouth?—No. The spleen you are not able to distinguish from the rest of the matter, on account of its getting into a fluid state.

Nothing in the heart or lungs?—No.

Did you try in the heart or lungs?—No.

Evidence for the prosecution closed.

Trial of Mrs Maybrick.

Opening Speech for the Defence.

Sir Charles
Russell

Sir CHARLES RUSSELL—Gentlemen of the jury, with my learned friend Mr. Pickford I share the very anxious duty of defending, upon the most serious charge that can be preferred, the friendless lady in the dock. You will probably have gathered, from some of the questions that have been put in the course of the cross-examination of the witnesses, that it is desired by those who represent the prisoner that certain witnesses should be called on her behalf. And inasmuch as I shall have an opportunity at the close of the entire evidence given in the case to address you again, I propose at this stage to say but few words; and those few words partly addressed with the object of conveying clearly to your minds the questions upon which your verdict will, as I submit, turn, and, further, with the object of suggesting the character of the evidence which it will be our duty presently to lay before you. I abstain, therefore at this stage of the case from any general, much less detailed consideration of these extraordinary incidents—extraordinary in many respects—and will reserve a more lengthened discussion on the subjects which are pertinent to this inquiry, proper to be discussed in order to help you in the solemn discharge of the very serious duty which ultimately will devolve upon you.

Gentlemen, the question that will be put to you by my lord will be whether Florence Maybrick is guilty or not guilty of the charge here preferred against her, that charge being the deliberate and cruel murder of her husband. But in the consideration of that question of guilt or innocence there are two questions involved. The allegation on the part of the Crown here is that that man, James Maybrick, died of arsenical poisoning, and died of that arsenical poison administered by his wife. Two questions therefore must enter into your consideration—was it a death by arsenical poisoning? If it were, was that poison administered by his wife? I have stated what the two main questions therefore will be. But in considering them, I need hardly remind you—and if I fail to do it my lord will—that in determining each of these questions, just as in determining what your responsible answer shall be to the definite question of guilty or not guilty, it lies upon the prosecution who prefer the charge to make out the charge.

The law of this country forbids any one to say that this or any other person is guilty of that which is alleged against

Opening Speech for the Defence.

him or her until the appointed tribunal shall have expressed their judgment, a judgment not founded upon suspicion, however strong, not founded upon probabilities, even if supported by apparently ample motives—unless the strength of the probability, the cogency of the evidence itself, be so strong as to dispel from your minds any reasonable doubt—I shall not suggest a doubt conjured up for the sake of a doubt, but such as will, after careful, anxious scrutiny and deliberation, remain in your minds with such weight and such persistence as would in any serious affair of life regulate your own minds—whatever cloud of doubt and mystery may surround the case, nothing short of the existence in your minds of the deliberate opinion that you can arrive at one conclusion, and one conclusion only, will justify you in pronouncing the verdict which must snap the thread of this poor woman's life.

Now, upon the question, was this a death by arsenical poisoning? Upon that I will content myself at this stage with making this general observation, that although Dr. Humphreys was attending on the man from the 27th April up to the time of his death, visiting him on the intermediate days, and several times searching with close scrutiny the probabilities of the case, yet the suggestion of illness caused by any foul means, much less by the use of arsenic, never occurred to his mind, and only after a suggestion to that effect had been made—to which I shall refer again—did he come to that opinion. And it is true to say the same of Dr. Carter, though his observation of the case was not so extended. It did not cover the same period of time. He saw him for the first time on the 7th of May. James Mayhew died on the 11th of May, and on one of the intervening days Dr. Carter was not there. I do not stop to point out what I may hereafter have to refer to—how it was Dr. Carter came to visit the deceased; but even in view of these circumstances, Dr. Carter, up to the time of the post-mortem examination—ay, and as I shall demonstrate at a later stage, by a closer examination, up to the time of the result of the analysis—he could only come to the conclusion that the illness was caused by an irritant poison; but in his use of that phrase “irritant poison” he included not only metallic poisons, such as antimony or arsenic, or other poisons of that nature, but he included in that description any external substance introduced into the system, such as tainted or impure meat, or anything which could cause gastro-enteritis in the stomach and intestines. Dr. Stevenson, a gentleman unquestionably of experience, gave an answer the significance of which is great, that even with the account of the symptoms occurring during the progress of the case, that even with the description of the appearances presented at the

Sir Charles
Russell

Trial of Mrs Maybrick.

Sir Charles
Russell

post-mortem examination, he would have felt himself constrained from pronouncing judgment until the result of the analysis had shown the presence of arsenic in the stomach. So that you will see that in each of these witnesses a determining factor in the mind of each was the fact of arsenic, the existence of arsenic in this man's system being discovered in a portion of the human frame afterwards. Therefore you will see at once that it is natural to inquire whether there are any other possible explanation of the presence of arsenic in his system, for it is an undoubted fact of the case that arsenic in minute quantity was present. It has not been disputed; it is not disputed, but there are many ways in which the presence can be explained other than by the mode which alone the prosecution suggests—that is, by the criminal act of the woman in the dock.

Messrs. Cleaver took up the defence of this lady when she was practically forsaken and alone, and on their instructions I will lay before you some facts which I have in statement before me, and which will be established in evidence. You have heard that the late Mr. James Maybrick lived some part of his life in America, and that at a later period of his life, when not living there, he visited America and stayed for some shorter or longer periods there. But some witnesses will be called before you who will speak as regards this question of the use of arsenic from the period of time when he lived in America, in the town of Norfolk, in the State of Virginia. Let me refer to the question put by the learned counsel who leads for the prosecution. He asked, and asked with an appearance of gravity, Dr. Stevenson whether the fact that the deceased had taken arsenic years ago in America would account for the presence of arsenic in his system in 1889, this year. There has not been, gentlemen, any such suggestion as that made, and why it should have been thought right to put the question, which I must call a preposterous one, I don't know. That is not the ground, the reason for which I ask your attention to the evidence which you will hear given as to this man's habits in America. It will be shown to you, according to instructions before us, that at the time, 1881, and I think 1882—up to the marriage in 1881, he had unquestionably been in the habit of taking arsenic. I think there will be no doubt about that. The original reason for his taking arsenic I am not able to tell you, but probably it may have been as an anti-periodic—that is to say, to enable his system to resist malarial fever, or whatever disease there was prevalent in the neighbourhood where he lived. But it will be proved to you that during the time he lived in Norfolk he was in the habit of calling at a drug store and there getting arsenic, that he was in the habit on several occasions during

Opening Speech for the Defence.

each of the several successive seasons, amounting to three or four cases extending over two or three seasons, of sending his servant to fetch parcels of arsenic, which can be obtained with much greater facility there than it can be in this country. His life, his habits of life from month to month, or even from year to year, cannot, of course, possibly be closely followed, but we have got one or two significant facts in this connection. There is a chemist who lived in Exchange Street East in this town, who has now retired, but who was in business in a small dispensing shop in the place I have indicated up to some time in the year 1888. I should have mentioned to you that amongst the witnesses as to what took place in Norfolk is one gentleman who, happening to see the case reported in the papers, and who was arriving from America about the time of the coroner's inquest, communicated what he himself knew about having seen the man in a druggist's shop getting arsenic, who had a conversation in the shop with the assistant, and which was to the effect that he (Mr. James Maybrick) was a reputed arsenic eater. The man in Exchange Street East speaks of Mr. James Maybrick, whose name he did not know, as being in the habit of coming into his shop for what are known as "pick-me-ups." The difference between James Maybrick and many others who came for the like purpose was this, that he required an addition to be made to his dose of the liquor arsenicalis, and that addition went on during the time that the man was carrying on his business in this place, commencing with a few drops and ending in a larger and increased number of drops for the dose, and that he used to come in as many as three, and on one or more occasions five times, a day for his pick-me-up dosed with the liquor arsenicalis, or, in other words, arsenic in solution. Gentlemen, if this is so, I think you will at once see the bearing it has on this matter. If the man had contracted a habit of that kind, or had created in himself a desire or want of that kind, it certainly is not one he would convey or tell to his friends, but would rather conceal from them. Then, again, you cannot follow closely the habits of a man who is in Liverpool, London, and other places going about his business.

You cannot expect the defence to follow or to put before you what the sources of supply were. But you have had one or two facts here which I do submit to you have a remarkably important bearing on this point of the case. I refer to the consensus of opinion expressed by Dr. Hopper and Dr. Humphreys, that they regarded this man as a man who was skilled in the knowledge—and was proud, Dr. Humphreys says, and boasted of his knowledge—of drugs. In Dr. Hopper's evidence, reference is pointedly made to the use of arsenic; and by both Dr. Hopper

Sir Charles
Russell

Trial of Mrs Maybrick.

Mr Charles Russell and Dr. Humpbreys language is used which indicates that he was a man who knew, or thought he knew, a good deal, and was in the habit of drugging himself. You have, in Dr. Hopper's evidence, the most serious statement—namely, that in the month of June, 1888, or September, 1888, he is not sure which, it was Mrs. Maybrick who, at a time when the dark shadow had not passed over her name, or over her home, spoke to Dr. Hopper and represented that her husband was in the habit of drugging himself with something that was pernicious, and she invited his aid to stop the habit then. Apparently Dr. Hopper contented himself with searching this inner room or dressing-room, whatever it may be called, and inasmuch as he discovered no arsenical compound or arsenic, seems to have rested content. This was as far back as June or September, 1888. She made the same reference to Dr. Humphreys in the beginning of March, 1889, this year. And, again, we have that letter which, unbappily, Mr. Michael Maybrick has not preserved—and I am not making any imputation upon him because of its not being forthcoming—in which he admits that Mrs. Maybrick wrote to him in London to point out that her husband was continuing to indulge in this practice. Then, when it is mentioned to James Maybrick, he uses some strong expression denying it, and no further inquiry on the subject is made. In view of the warning to Dr. Hopper in June or September, 1888, in view of the warning to Dr. Humphreys in the beginning of March, 1889, in view of the letter to Michael Maybrick in March, 1889, it is an extraordinary thing, to my mind, that, as regards this particular matter, there was not, in the lifetime of James Maybrick, even when he was on his sick bed, most careful and anxious inquiry made into this particular matter. And it is also an extraordinary fact that, although from Wednesday—if not from Tuesday, the 7th, certainly from Wednesday—the 8th of May, this lady was deposed from the position of mistress in her own house—deposed from the position of looking after her husband, and pointed at as an object of suspicion—no adequate search or inquiry was made. For it does not seem that at any part of the case there was any one manly enough, friendly enough, honest enough, to go to her and make to her, in the form of words, a statement of the charge against her, in order to see whether or not she had any explanation to offer. The only approach was when she was formally charged by the policeman, which would afford no opportunity except for a mere denial or admission; the only opportunity she seems to have had when there was any discussion about those imputations—those floating suspicions against her—was on the Tuesday after her husband's death, when, carried prostrate into the spare bedroom, she lay on the bed attended by the nurse, Wilsoo, for several days. On that occasion there does seem to have

Opening Speech for the Defence.

been some conversation, in which Mrs. Briggs and Mrs. Wilson, the nurse, took part, at which, at all events, she was present, in which Mrs. Briggs did make some allusion to this question of arsenic in the Valentino's meat juice. The policeman who outside heard the conversation of these women might have had the opportunity of hearing her make some statement, if she did not actually begin one on that occasion; but the policeman, hearing the conversation, and no doubt attracted by the subject, called Mrs. Hughes to say that no further conversation of the kind must be allowed.

Gentlemen, upon the first question, viz., the cause of death, by arsenic, I have said that it is not disputed that arsenic was in the body. It never has been, so far as I am aware, disputed. If the account that I have been giving to you of this man's mode of life be true, then you will see whether it is not natural to account for the presence of such minute quantities of arsenic as were in fact discovered in his body after his death. But the further question comes: Granted that arsenic was in his body, was it that which caused his death? Was this a death, in other words, by arsenical poisoning? And, again, I remind you, some of the evidence given on this side amounts to nothing more than this, that the symptoms, the appearances, are—I must use the word his lordship dislikes—consistent with arsenical poisoning; but when every gentleman is asked to point out a symptom which is found to exist here which would not equally have existed in gastro-enteritis, he failed to mention one. I shall have evidence to put before you from persons who are skilled in these matters. And that evidence I will presently lay before you will be pointed to this, that, although in the progress and the history and the experience of these cases the poisonous symptoms vary, and you do not find in any case a conjunction of all the symptoms, yet the peculiarity of this case is that some of the symptoms which are most commonly found are not here, or not distinctively marked here, as, for instance, one which will be told to you as distinctively a mark of arsenical poisoning—namely, pain at the pit of the stomach, and especially on pressure of the stomach—is not mentioned in the whole course of Dr. Humphreys' evidence from beginning to end; and if my recollection is right, and if I am wrong I will be corrected, the only mention of it occurs during the last days of this poor man by one of the nurses; another, cramp of the legs; another, the petechious condition of the stomach, which is, in other words, a kind of dotting with red dots the size of a pin's head over the stomach of a man who has died by arsenical poisoning. There is absence of redness of the lids or suffusion, or the blood-shot appearance of the eyes, and, perhaps most important of all, the absence of diarrhoea at any time in what one might call

Sir Charles
Russell

Trial of Mrs Maybrick.

**Sir Charles
Russell** an excessive degree, and the complete absence of any mention of diarrhoea by Dr. Humphreys earlier than Thursday, the 9th May; the only previous reference to the question of the condition of the man's bowels, so far as diarrhoea habit is concerned, being that mentioned by Dr. Carter, having reference to the day or one before in which he describes the man not as having diarrhoea, but as having had a loose motion. Dr. Tidy, a gentleman as eminent in his profession as Dr. Stevenson, and others who will be called before you, speaking of their experience and to their best judgment, will tell you that in their judgment this is not a case of arsenical poisoning. Some symptoms are unquestionably consistent with that cause, but are not distinctive of that cause. There are wanting in the symptoms and in the post-mortem appearances indications which they would have expected to find if the present case had been death by arsenical poisoning; and they will tell you they believe it was a case of gastro-enteritis, probably beginning from the day of the Wirral races, the 27th April, beginning from we know not what, extended by the effect of exposure and wet, which I think you will hear he underwent on that occasion, followed by error of diet, not unassisted by the strange course of treatment which was pursued in his case at later stages of his illness. So far as that part of the case is concerned, gentlemen, I think I have done enough to indicate—which is all I wish now to do—what will be the evidence laid before you.

The next, and not less important, matter is, if you should come to the conclusion, the clear, definite conclusion, satisfactory to your own minds as men who desire honestly and conscientiously to discharge a painful duty, that this was death due to arsenical poison—the next question is, Does this evidence prove to you that the lady in the dock was the administrator of the poison? With this part of the case I will not trouble you at any great length, but you cannot have failed to be struck with one or two very remarkable circumstances. The only evidence submitted to you in this case showing the acquisition by the prisoner of any substance containing poison, is the evidence of the chemists Wokes and Hanson as to selling to her fly-papers about the month of April, 1889. And you will have observed that in each of these cases, instead of doing what a wicked woman contriving an ill thing would have done, going to a place where she was not known, she goes to the shop of persons in her own neighbourhood, each of whom knew her well, knew her name, addressed her certainly in one case by her name, if not in both, and in each case the parcel was sent home. Gentlemen, you will ask yourselves this question—that arsenic was in the house is undeniable, that arsenic was in the house in such quantities as to indicate that at some time there

Opening Speech for the Defence.

was a considerably large quantity is undeniable—How comes it, then, that, after all the publicity that this case has had, there is no attempt to prove any suggestion in evidence that at any time, at any place, from any person, under any circumstances, Florence Mayhrick purchased substances which were poisonous, or from which she could obtain poison, except in this instance of fly-papers? There is one bottle particularly to which I will have to call your attention, and to which I will allude on another occasion. It will be enough for me, and for my learned friend with me in this case, to say that, as regards the administration, the alleged administration, by this lady, there may be circumstances of suspicion and of mystery which you may not be fully able to dispel, but there is no undeniably distinct evidence to justify you in pronouncing a judgment, a verdict, when the consequences are so serious as involved in this case.

Sir Charles
Russell

Well, gentlemen, I have one statement to make to you, a grave and serious statement to make. I do it because it is the wish of the prisoner it should be done, because she mentioned the fact to her solicitor before the inquest. I presume my lord will follow the course which it is known he has followed on similar occasions, namely, treating the statement of the prisoner as being evidence for the defence, and will allow her to make such a statement.

Mr. JUSTICE STEPHEN—I may tell you what I have done. The course I have adopted is to allow the prisoner to make any statement she wishes. I wish you had mentioned this before, that she might have made her statement before you addressed the jury. However, I may allow it after you have addressed the jury. She can't, unfortunately, be sworn, nor can she be questioned about it, but I will allow her to make a statement; and the jury will take time to consider that it was a voluntary statement, a statement made—I am sorry for her sake that it is so—without the possibility of cross-examination, and without the sanction and weight attached to the oath.

Sir CHARLES RUSSELL—I suggest to my client that she should write down whatever she has to say and read it on Monday, if she is able and your lordship permits.

Mr. JUSTICE STEPHEN—I do not think the prisoner should be allowed to read a written address, in which she might consult those around her and obtain advice. That, I think, would be objectionable.

Sir CHARLES RUSSELL—If she is physically able to do it, I should be glad if she could address you with notes. I do not know whether your lordship should intimate to me whether I should comment or bring before you what she wishes to say.

Mr. JUSTICE STEPHEN—It has been held by all judges that that course ought not to be allowed, and several of them have

Trial of Mrs Maybrick.

Sir Charles Russell practised what I now propose, viz., that she should be allowed to say whatever she pleases. But I cannot go so far as to permit her to write it down.

Sir CHARLES RUSSELL.—I think it would meet your lordship's views, and I think it ought to be carried out, that no one should communicate with her between this and Monday morning.

Mr. JUSTICE STEPHEN.—Then let it be regarded as an order of the Court to the persons who are in charge of her. If she likes to make notes, by all means let her do so.

Sir CHARLES RUSSELL.—I cannot but echo the observation which has been made as to the regrettable circumstance, as I cannot but think it, that, in the interests of justice, in the interests of innocence if there is innocence, in the interests of penal justice if there be guilt, the prisoner should not have the opportunity of making a statement under such solemn sanction as evidence is ordinarily given—ay, and I will go further, and of having that statement tested in open Court by cross-examination. Because it is obvious a woman who has gone through what this woman has gone through, for days the object on which so many curious eyes have been fixed—and, however great an effort she may make to conceal the effect on her, she must feel acutely her position, and feel all the painful incidents of the trial—it is almost impossible that she could make a statement complete in all points and perfectly coherent, such as you would desire to hear. I will not even make a reference to the statement which I am told she desires to make, and which she had already made before the inquest was held. I will make no further reference to it. I will offer in evidence the fact that she did make that statement before any evidence was given at the inquest at all. I will pass from it; I will not even make allusion as to what the subject is. It is a grave statement; it is an extraordinary statement, which will need every scrutiny and examination by you, in relation to which you will have to ask yourselves the question, If it be not a true statement, how comes it that the woman, who might make other excuses and explanations, comes to make that?

At this stage I need not do more than I have in directing your minds to the two points to which the evidence will be addressed. Can you say that this death was one by arsenical poisoning? Was the poison found in the system to be accounted for by his own habits? And, next, was there evidence—is there evidence—which drives you irresistibly to the conclusion that there is no other course open to you than to find that Florence Maybrick, under circumstances of the greatest cruelty, thus murdered and destroyed her husband? And one concluding observation only remains. I refer to that dark cloud that passed over her life, and rests, and must for all time rest, upon her char-

Opening Speech for the Defence.

acter as a woman and a wife. But I would earnestly entreat you not to allow any repugnance that you may find resting in your minds against a sin so abhorrent as that to lead you to the conclusion, unless the evidence drives you irresistibly there, that, because a wife has forgotten her duty and faithfulness to her husband, she is to be regarded as one who deliberately and wickedly will seek to destroy his life.

Sir Charles
Russell

Evidence for the Defence.

NICHOLAS BATESON, of Memphis, United States of America, N. Bat. esq. examined by Mr. PICKFORD—From the year 1877 up to the year 1881 I remember the late Mr. James Mayhrick. He resided at Norfolk, Virginia, and we were both in the cotton business. I remember the name of a man, Thomas Stansell, who was a servant man who waited upon us.

You have seen him here recently?—I have.

In the year 1878, can you tell us of any medicine that Mr. Mayhrick was taking?—No medicine in 1878, but in 1877.

Well, tell us what you know about it?—Well, Mr. Mayhrick had chills and fever in the autumn of 1877, or what is commonly known as malarial fever. "Chills and fever" is the ordinary way of speaking of it.

Do you remember him taking anything for that?—He took arsenic and strychnine, by order of Dr. Ward.

Do you know Dr. Ward was an old doctor there at the time?—Yes.

Do you know where the medicine was made up?—I don't know; but probably at Santon's drug store, under Dr. Ward's premises.

Do you know at all how long he went on with these prescriptions of arsenic?—About three months, so far as I know.

That is the only period that you know of?—That is so.

And did he suffer afterwards from malarial fever, in subsequent years?—Not that I recollect.

Was he a man who was nervous about his health?—He was.

Will you tell me what was the sign of nervousness you saw?—He constantly rubbed the back of his hands in the morning, and complained of numbness in his hands and limbs.

Did he seem in fear as to what it would end in?—He was very much afraid of being paralysed.

Did that continue about the same, or did they decrease or

Trial of Mrs Maybrick.

N. Bateson increase when he complained of numbness?—They got worse the last year I lived with him—worse than the first year.

And during the time you knew him, did he become more or less addicted to taking different medicines?—No.

These medicines which he took, do you know what they were?—No, I never took any notice of what he was taking.

Do you know a person of the name of Thomson?—I do.

Who was he?—He was a man who was an officer on board a steamer in the docks when I was living with Maybrick in Norfolk.

Was Mr. Maybrick acquainted with him?—Yes; he became acquainted with him out there.

He only knew him out there?—I think that afterwards they found they had a previous acquaintance on some Inman steamer during a voyage.

At all events, he did know Mr. Maybrick?—He did.

Did he become at all intimate with him during the time he was living there?—I don't recollect.

Have you seen him here?—I have.

And you recognise him as Mr. Maybrick's acquaintance?—Yes.

Cross-examined by Mr. Annison—Are you a Liverpool man?—Yes.

And you happened to come here from Memphis, where you are connected with the cotton business?—Yes.

When did you cease living with Mr. Maybrick?—In 1881, when he got married.

When he got married. That was what led you to separate?—Yes.

Had he any chills and fever when he took this medicine in 1877?—Yes, certainly.

Is that the sort of malaria that prevails in Norfolk?—Yes.

And is that the ordinary remedy taken for it so far as you know?—The ordinary remedy is quinine. That was given to him without effect, and afterwards he had to take arsenic and strychnine.

By medical advice?—Yes.

As well as quinine?

Sir CHARLES RUSSELL—I beg your pardon, he did not say so.

Mr. ADDISON—I am very sorry; I certainly understood him to say so.

(To Witness)—What did you say about quinine?—That was given to him, but he had to take arsenic and strychnine instead.

Afterwards with quinine?—No. It is a stronger medicine than quinine, and produced the same result, as I understand.

Do you understand how the arsenic was mixed that was given to him?—It was in a bottle in solution with something.

Evidence for Defence.

Did it apparently do him good?—It did.

M. Bateson

Do I understand he took it for three months?—For quite three months.

And it did him good?—It cured him.

He did not complain after that of any peculiar symptoms—vomiting, diarrhoea, or illness, and so on, that you know of?—Not of the malarial symptoms, no.

How long is it since you saw him last?—I saw him last year, in July.

Re-examined by Mr. PICKFORD—You say it cured him of the malarial symptoms? Was there anything else left?—That was the specific disease at the time. He had symptoms of other diseases afterwards, but once you break up the chills they do not return—they are gone for.

What were the other things you mean that he had?—I mean his feelings of numbness in the limbs. That had nothing whatever to do with the malaria.

What you mean is this, that it cured him of malaria, but the symptoms of rubbing of the hands and numbness were left?—These symptoms increased. They were, I should say, hypochondriacal symptoms.

R. THOMPSON, examined by Sir CHARLES RUSSELL—I hold a R. Thompson master mariner's certificate from 1853. My eyesight has begun to fail, and I have no longer command of ships as I once had.

When did you arrive in this city on your last voyage?—About six weeks ago.

And in consequence of seeing this case in the paper, did you communicate with my friend M. Pickford? You wrote to him saying you knew something about Mr. Mayhrick?—I did, sir.

Were you, in 1880, second officer of the steamship "Plantain," belonging to Messrs. Horsfall, of this city?—I was, sir.

And did you at that time sail from Liverpool, taking with you two dogs to Mr. Bateson, the gentleman who just left the box?—I did, sir.

He was living at the time with the late Mr. James Mayhrick?—Yes.

Were you introduced to Mr. James Mayhrick?—Yes. I was invited to his house, and was introduced to him at dinner.

Do you remember whether he recognised you as a gentleman whom he had met before?—Yes.

And were you intimate with him during your stay?—Yes, very much so. I met him almost every day.

I think you used to dine with him, and he used to come down to your ship sometimes?—Yes.

Trial of Mrs Maybrick.

R. Thompson And you saw a good deal of one another during that time?—
Yes.

Do you recollect one day meeting him when he asked you to have a drink?—I do, sir.

And did you have a drink immediately, or did anything happen?—Ha said, "I have a call to make here," and we walked into a druggist's.

Do you recollect the name of the druggist?—I do not, sir. It was a peculiar name.

Do you recollect the street?—It was in Main Street, near the post office; three or four blocks away.

When you went into the druggist's what did he do?—He said, "I want my *desideratum*."

Without asking further questions, did the assistant hand him anything?—Yes, two powders, something similar to, but smaller than, a seidlitz powder.

Did you hear the assistant say anything?

Mr. ADDISON—My lord, I object to what a druggist's assistant said being received—an unknown assistant in an unknown shop in Norfolk, Virginia, years ago.

Sir CHARLES RUSSELL—It will be followed up by other evidence.

Mr. JUSTICE STEPHEN—I think it safer, in so serious a case, to take the evidence offered.

Examination continued—What did he say to him when he handed him the paper?—"It's all right, Mr. Maybrick." One of the packets was a white paper and the other a yellow paper. He put his finger on the yellow paper, and said, "Now, Mr. Maybrick, be careful." That is all I heard him say.

He was sometimes, as you say, called "Colonel," and sometimes Mr. Maybrick?—Yes, sir.

Do you recollect having sent by the captain to this same chemist a day or two after?—Yes; a couple of days after.

Did you see the same assistant you had seen the previous day?—Yes.

Did he appear to recognise you?—Yes.

I do not want to know what he said to you, but he did make a statement to you with reference to Mr. Maybrick?—Ha did.

Do you recollect, after that, Mr. Maybrick coming down to your old vessel—in your cabin?—Yes.

What were you doing?—We were sitting down in the cabin talking.

Now, did you say anything to Mr. Maybrick as to what was told you by the assistant in the druggist's shop?—I did.

Tell the jury what you said?—We were on familiar terms, and I took the liberty of speaking to him about taking this arsenic.

By Mr. JUSTICE STEPHEN—What did you tell him?—I said, "I believe, Mr. Maybrick, you are in the habit of taking a dangerous and noxious drug." He said, "What is that?" I

Evidence for Defence.

said, "Arsenic"; and he said, "Who the devil told you?" I R. Thompson said, "I asked the druggist's assistant at the store, and he told me you are in the habit of taking it," and I said, "It was a pity"; and he said, "Damn his impudence."

By a JURYMAN—Did you know this shop before?—I had been there once before.

Examination continued—Once before you were sent hack by Captain Price, when you had this conversation?—Yes.

Did you have any further conversation with him on the arsenic?—No, he was very touchy on the subject; so I dropped it. He neither admitted nor denied taking it.

NICHOLAS BATESON recalled, examined by Sir CHARLES RUSSELL N. Bateson—The last witness is the officer whom Mr. Maybrick knew out in Norfolk. I do not know whether there were any regulations as to the sale of arsenic in America before 1883. I do not know whether it was easily procured or not.

Can you tell me where Santos's druggist shop is situated?—It is in Main Street, at the corner of an alley, hut I don't know the name of the street.

Was it two or three hlocks from the post office?—Yes, about three hlocks.

THOMAS STANSELL, examined by Sir CHARLES RUSSELL—I am T. Stansell a waiter at the St. James's Hotel, Norfolk, Virginia.

Do you recollect being engaged as a servant to Mr. James Maybrick and Mr. Bateson when they lived together?—Yes.

Where did they live?—In York Street, Norfolk.

And did you act as servant during the years 1878, 1879, and 1880?—Yes.

Do you recollect being sent anywhere by Mr. James Maybrick to any store?—Yes.

Now tell us what he said to you?—He told me to let him know before I went to the stores, and I went to him. He gave me half a dollar, and told me to stop at the druggist's and get him some arsenic.

How soon after you had got into the service did he tell you to go—the first time?—The first season.

How long after?—About more than two weeks' time.

And did you go to the druggist's?—Yes, sir.

Were you asked who it was for?—Yes.

Did you state?—Yes.

Did you get it?—Yes.

And brought it hack?—Yes.

What did you get?—A very small package; not so long as the box you have in your hand (pointing to a somewhat large snuffbox from which Sir Charles was just taking a pinch).

Trial of Mrs Maybrick.

T. Stansell How often have you done this? Have you done it more than once?—As far as I can remember I have done it three or four times.

Did you always get money to pay for it?—Always.

Did he always give you the same amount of money?—Yes.

Half a dollar?—Yes.

Now I want to ask you this—when you brought him the arsenic, what did he tell you to do, or have you seen him do anything with it?—Yes.

Just tell us what he has told you to do?—He told me to go and make him some beef tea. I went and filled a cup and brought it in to him. He asked me to give him a spoon, and taking the spoon, opened the package and took a small bit out. This he put in the tea and stirred it up.

You have told us that the first time you went you got this small parcel. Was it always in the shape of a parcel, or in any other form?—It was sometimes in a hottle.

How was it that you got it in a bottle sometimes and sometimes in paper?—He told me just what form he wanted it in.

And as well as you recollect you got it three or four times in paper?—Three or four times altogether.

Do you know the name of the druggist where you got this?—Yes, sir.

Where?—At Santos and Barrowea; both.

Where is Santos's?—On Main Street.

How about the post office, is it far from that?—It is nearly a block.

You described what you saw him do with this arsenic—taking a spoon and putting the least bit on the spoon, stirring it up. Have you seen him do this more than once?—Yes, sir. I have seen him do it every time that I brought it up to him.

Did you notice any habit he had of rubbing himself?—Yes, sir; he had a great habit of rubbing his hands and his limbs a while after.

You continued, I think, in his service till he came to England to be married, did you not?—Yes, sir.

Besides this arsenic you have told us about, used he to send you for any other things of that kind—I mean medicines?—Yes, a great many bottles. I could not exactly say what they were, but there was quinine compound, cardamum pills, and seidlitz powders.

Had he many medicine hottles in his room?—A great many.

Was he not in the habit of dosing himself with medicine?—Yes.

Cross-examined by Mr. ANDISON—How long have you been in England?—About a week.

Is it the first time you have been here?—Yes.

Evidence for Defence.

May I take it you were brought to give this evidence?— T. Stansell
I was.

Can you tell me now what year you saw him meet the chemist? He was married in 1881 remember?—It happened in 1878. He went about four times in the season.

Was it once in each year, or oftener?—I cannot say.

Can you remember that year whether there was any bad air or fever in Norfolk—was he ill?—Was he in bed?

I didn't ask you whether he was in bed, but whether he was ill or had fever?—He seemed to be ill at that time.

Did you take a prescription to the chemist, or had he a prescription already?—I did not take one. He told me to go to the druggist, and he gave me half a dollar.

What did he tell you to get?—To get arsenic.

Did he tell you how much?—No.

Did the chemist know?—He seemed to know very well.

Without any trouble?—Yes.

Did he seem to be well after taking his beef tea?—No, sir; he didn't seem to be very well, sir.

What effect had the beef tea upon him?—Do you mean what colour?

No; what effect had it on him?—I really cannot say whether he was better or worse.

Re-examined by Sir CHARLES RUSSELL—When you asked for half a dollar's worth of arsenic did you get any change?—No.

ERWIN GARNETT HEATON, examined by Sir CHARLES RUSSELL E. G. Heaton
—I live at 20 Wylva Road, Anfield, Liverpool. I am now retired from business.

You have been seen by the solicitor for the prosecution, or somebody from the solicitor's office, or from the police. I am told from the police?—From the police.

And you made a statement?—I did.

To the police, or to the solicitors for the prisoner?—To both of them.

Are you a registered chemist of over thirty years' standing?—Thirty-seven years.

And did you carry on business at 14 Exchange Street East for about seventeen years?—Seventeen or a little over seventeen years.

And before that did you carry on business for about seventeen years or more in Dale Street, Liverpool?—Yes.

Did you give up business in Exchange Street in April, 1888?—Yes.

That is last year?—Yes, last year.

I think for some time you carried on business in another

Trial of Mrs Maybrick.

L. G. Heaton shop in Walton Vale, and since that time you have given up business and retired altogether?—Yes.

Have you been shown by the police and Mr. Cleaver a photograph of the deceased gentleman, Mr. Maybrick?—Yes.

Will you look at it? (Handing it up.) Is that the gentleman you knew?—Yes. The only exception I can make is that he was a little grey at the last.

You knew him very well, although you did not know his name?—Yes.

Did he frequently call at your shop in Exchange Street East?—Frequently.

How long had you known him as a customer?—I should say for about ten years; it might be more.

Do you mean off and on?—Yes, off and on.

I believe the way you came to identify him by his name was by seeing the report of the case before the coroner and seeing his likeness?—Yes.

Now, what used he to get from you particularly?—The tonic called "pick-me-up."

That is to say, he came into the shop and got it and drank it?—Yes.

Do you recollect his giving you directions to put anything into the tonic?—Well, I recollect him first giving me a prescription which altered it.

It altered it by what?—The liquor arsenicalis.

And did you get it up?—I did.

Do you recollect whose prescription it was?—I don't, sir.

Was his prescription merely for the liquor arsenicalis, or for the pick-me-up and the liquor arsenicalis?—With the liquor.

Did you give him the prescription?—Yes; after the first few times I used to give it to him at once when he came into the shop, and I had received his order.

And what would you do?—Prepare the pick-me-up and add the stuff.

By Mr. JUSTICE STEPHEN—Have you got that prescription?—Unfortunately I have not.

Examination continued.—And this liquor arsenicalis, did you dispense the same quantity at the beginning as at the end?—Oh, no.

Just tell us what difference, if any, you made?—75 per cent. increase from first to last.

That is to say, towards the end it was 75 per cent. greater in quantity than it was originally?—Yes.

How many drops did you begin with?—It would be a trifle over four, and would be increased to seven.

Now, I want to know how often he used to ask for this?—From two to five times a day.

Evidence for Defence.

Was that towards the end that he got it most frequently?— E. G. Heaton
Yes.

And did that contain 75 per cent. increase?—Yes.

Do you recollect his making any statement to you as to why he was taking this liquor arsenicalis?—I do, sir.

When was that? How long before you gave up business in Exchange Street East?—I should say, without prejudice at the time, about twelve months.

He gave you a reason why he wished it?—Yes.

Do you know that liquor arsenicalis has aphrodisiacal qualities? Do you know that word?—I do not.

By Mr. JUSTICE STEPHEN—Did it excite passion?—Yes, sir, it had that effect.

Examination continued—When did you give it him last? How long before you left Exchange Street East?—Oh, fully six months.

Than you supplied it to him up to a period of six months before April, 1888?—Yes.

And going back how many years?—Not more than eighteen months.

For a period of eighteen months you can call to mind?—Yes.

By Mr. JUSTICE STEPHEN—Eighteen months before you left business?—Yes.

Sir CHARLES RUSSELL—For eighteen months up to six months of leaving business.

Mr. JUSTICE STEPHEN—You left business when?

Sir CHARLES RUSSELL—He left that shop in April, 1888.

(To Witness)—Your shop was a small shop?—It was.

Is it the custom for men from the Flags to turn in to get pick-me-ups there?—Very many of them.

I do not know whether this was the only one who got liquor arsenicalis or whether you had other customers?—I had others.

So much as regards your supplying it to him at the shop.

When he has been going away from home have you done anything for him at his request?—Yes. I have made up eight or sixteen doses, according to the size of the bottle.

I don't know whether you are able to recall about the last time you made it up in a bottle?—I could not say.

By Mr. JUSTICE STEPHEN—I suppose the eight or sixteen doses varied according to the size of the bottle, and whether he was going away for a longer or a shorter period?—Yes.

Examination continued—Now, you left Exchange Street in 1888; what became of your papers—the prescriptions?—They were all sold as waste paper and destroyed.

Cross-examined by Mr. ANNISON—Have you ever had the name of Mayhrick at all in your book?—No.

Had you ever heard his name in any shape?—No.

You did not know him, then?—I knew him well, but did not know his name.

x

Trial of Mrs Maybrick.

E. G. Heaton Or who he was?—No.

What made you look at his portrait—what induced you to suppose that the portrait was that of the man who died?—Because I had it shown to me.

Who brought it to you?—It was first seen by me in the *Liverpool Echo*.

The *Liverpool Echo* had a likeness, and you looked at it?—I not only looked at it, but recognised it at once.

Oh, I understand. The portrait in the *Echo* was a good one, and you recognised him as being a customer at your shop?—Yes.

Was this pick-me-up business near the Exchange?—Almost on it.

Was it used by gentlemen of the Flags?—Very much.

Were the pick-me-ups of your own compound?—Yes.

Were the gentlemen many who used to come there?—I have had as many as sixteen follow each other at a time.

In the morning?—In the morning.

And they take pick-me-ups several times in the day?—Some do.

What is the effect?—To improve digestion.

Then, as I understand this gentleman, he suggested—he got two prescriptions, and suggested some liquor arsenicalis added to your pick-me-up. Is the liquor arsenicalis a solution?—It is.

And what is the dose that he would take of the pick-me-up?—As I prepared it, it was kept in the concentrated state, and I added a little water.

Do persons take pick-me-ups in your shop?—Very often.

How much, and what is the ordinary dose? How much would a person take, a tumbler or wineglass?—A wineglass—a measured wineglass.

In one dose there would be seven drops of the liquor arsenicalis?—Yes.

And that would contain less than '07 of a grain, or seven-hundredths of a grain?—Well, I should have to—

Moreover, whatever the exact amount is, the few drops in this wineglass would do nobody any harm?—No.

It didn't strike you—indeed you got it as a prescription, and used it for a sort of pick-me-up?—Yes.

Did other gentlemen take this liquor arsenicalis as a tonic?—Yes, frequently.

Just in the form of a tonic?—Oh, yes.

Did you ever see anybody harmed by taking it? Did they seem worse or better or very much as usual?—I don't know whether I can answer that.

Of course, you can't tell how they felt, but, as far as you could judge by appearances, it was not a matter to do anybody any harm?—No.

Evidence for Defence.

For instance, this gentleman, whom you say looked like Mr. E. G. Manton Maybrick, he used to take it on the way down to the office, so that it could not do him any harm?—Yes; on the way to the office he used to call in.

I believe that each chemist, as a rule, has his own tonic?—They are fond of concocting these things, sir.

I understand you to say it is very common to add liquor arsenicalis to their tonics?—I should not like to say it is very common.

I do not want you to say anything you cannot guardedly say. In your opinion, did most of them ask for liquor arsenicalis, or about how many had Fowler's solution?—A small fraction.

And would it have any effect of bracing up their nerves, or was it intended to brace up their nerves?—Yes, more or less.

Re-examined by Sir CHARLES RUSSELL—A great many take the pick-me-ups, but only a fraction of the customers have liquor arsenicalis with it?—Not many had that.

I don't know whether you think it was harmful or not. It would depend upon the frequency of the taking?—Certainly.

Would seven drops five times a day be equal to one-third of a grain of white arsenic?—Pretty near it.

Dr. J. DRYSDALE, examined by Sir CHARLES RUSSELL—I am J. Drysdale a physician, practising in Liverpool.

Did you know the late Mr. James Maybrick?—He consulted me; that is all I knew of him.

Is this his photograph (handing a photograph of the deceased)?—Yes, that is him.

On the 19th of November last year I believe he consulted you?—Yes.

What were the symptoms of which he complained?—He said that he had been complaining for about three months. He was suffering from attack of pains from side to side of the head and a creeping all over his head, preceded by pains on the right side of the head and a dull headache. He was never free from pain except in the early morning, and possibly in the forenoon. There was no foul taste in the mouth. After smoking much or taking too much wine he became numb down the left leg and hand, and liable to eruption upon the skin. These were the symptoms of which he complained.

I think you saw him, did you not, on the 19th, the 22nd, and the 26th November; the 5th December and the 10th December; and on the 7th March in the present year?—Yes.

What did he complain of on the 7th of March?—He stated that he had been better during the interval, but never more than two days quite free from headache, although it was not so bad, and a little creeping sensation. He had no aggravation

Trial of Mrs Maybrick.

J. Drysdale after eating; the tongue was a little furred, and there was still pain and numbness of the left leg and hands, but not so bad.

By **Mr. Justice Stephen**—Then all his symptoms were better?—Most of them.

Examination continued—Without taking anything in the intermediate visits, were the symptoms substantially the same on each occasion?—Substantially the same all the time.

I presume you had some conversation with him about his habits?—A little.

Did you learn, for instance, from him whether he had been in the habit of doctoring himself?—He did not say anything about that. I asked him what medicine he had been in the habit of taking, and he said nitro-hydrochloric acid, strychnine, hydrate of potash, and several others.

Did he mention these names as if he understood them?—Oh, yes; he understood them.

Without having them written on a prescription?—He mentioned them by word of mouth.

Read again what he said he had taken?—He said he had taken nitro-hydrochloric acid, strychnine, and hydrate of potash, and several others.

Did he seem to be a nervous man?—He seemed to be suffering from nervous dyspepsia.

Would you say he was hypochondriacal or not?—Yes, I should say so.

Cross-examined by **Mr. Addison**—You knew his name?—Yes.

You had him as a patient, with his name and address, in the regular way?—Yes.

My learned friend said you practise homœopathically?—I do. I also practise allopathically, but I believe in the other treatment.

You have, in fact, I believe, a reputation that way. You are an expert in the homœopathic system, and it was from your reputation in this that he came to you?—Yes.

As a gentleman of skill in that respect?—Yes.

He consulted you for dyspepsia—you call it nervous dyspepsia—is that caused by nervous symptoms, or do they both go together?—They do.

A man who is dyspeptic and nervous is very often out of order?—It is very generally the case.

He seems to have given you the whole account of his condition and remedies, which you have entered in your diary?—Yes, a pretty full account.

You seem also to keep an accurate diary?—Yes.

You always write these things down. I see that from November to March he consulted you once, twice, thrice, four, five, six times?—Yes.

Evidence for Defence.

Did he mention anything he had taken for his nervous and J. Drysdale
dyspeptic condition?—Yes.

Did he make any mention of arsenic?—He made no mention
of it.

Although he seemed to be very intelligent about the drugs he
was taking?—Yes.

What did you prescribe for him?—Various things.

Was there any arsenic prescribed in any shape or form?—No.

Did you prescribe such remedies as you usually prescribe in
the course of your practice?—Yes.

Re-examined by Sir CHARLES RUSSELL—I do not know whether
you have any experience of persons taking arsenic?—Persons
who have taken it have come to me, but I have no experience
of it as a poison.

Do you know that persons who are in the habit of taking
arsenic suffer in leaving it off?—I have no experience, but would
not hesitate to leave it off immediately.

By Mr. JUSTICE STEPHEN—Is it not in your experience that
people leaving off arsenic, after being in the habit of taking it,
suffer a depressing effect?—No, and I don't believe it has.

Have you had much experience of arsenic—do you know much
about it?—Not specially.

WILLIAM J. THOMSON, examined—I knew the late Mr. May—W.J. Thomson
brick pretty well.

Do you recollect seeing him riding on the racecourse at the
Wirral races?—Yes.

That would be about the 27th of April?—Yes.

That is the other side of the water?—Yes.

Do you recollect whether there was any rain?—Yes, during
the day.

Was he riding about during the day?—Yes.

I don't know whether you know where he dined that evening?
—No.

Do you recollect speaking to him on the racecourse?—Yes.

And did he complain of not being well?—Yes.

What did he say to you?—I said, "You don't seem to be
able to keep your horse," and he said afterwards, on coming
back, that he had taken a double dose.

That morning?—Yes, that morning.

Are you sure it was only medicine he said?—Yes.

How do you recollect that?—He was not in his usual seat, but
shaking about.

JOHN THOMPSON, examined by Sir CHARLES RUSSELL—I carry J. Thompson
on business as a wholesale druggist at 58 Hanover Street. I
have been in business there for some seventeen years. I knew
the late Mr. James Maybrick. I had in my employ a relation
of his, a cousin.

Trial of Mrs Maybrick.

J. Thompson I think he asked you to take him in your employ?—Not in the first instance. But after his cousin left he came and asked me if I would take him back again.

When did he come first?—I think it would be about 1884.

And did he continue with you until the end of 1886?—Some time in 1886.

And did he, as your assistant, have access to all the drugs?—Yes.

Are you aware whether Mr. James Maybrick was in the habit of calling at your place?—I believe he was there three or four times. I think I saw him every time he called.

Would there have been any difficulty if he had desired to get drugs?—Not the slightest.

I think his relation is dead since?—Yes, sir.

When he came, where was he shown?—Into the warehouse.

C. M. Tidy CHARLES MEYMOTT TIDY, examined by Sir CHARLES RUSSELL—
I am a Bachelor of Medicine and Master of Surgery. I am an Examiner of Forensic Medicine at the London Hospital.

I believe you have for twenty years practised there?—More than that.

And you are the same as Dr. Stevenson, employed as an analyst by the Home Office?—Yes.

Have you had a large experience in cases, amongst others, of poisoning?—A very large experience ever since the year 1862, when I became assistant to one of the most eminent chemists in London.

Have you assisted at many post-mortem examinations?—At a very large number. I was formerly one of the assistant pathologists at the London Hospital.

How many post-mortems have you assisted at?—It is difficult to say; something short of a thousand.

How many were cases of arsenical poisoning?—I could not say at all.

Can you give me some idea as regards the number of cases of arsenical poisoning which have come before you within the past few years?—I should say close upon forty.

Do those enable you to indicate the recurring and distinctive indications found in cases of arsenical poisoning?—Yes, certainly; I think they were very clearly and distinctly given by the learned counsel.

Will you just enumerate those which you lay most stress upon as being distinctive?—The purging and the vomiting, which were described correctly as being in a very excessive degree.

When you say that, you mean described by the counsel to be a distinctive sign of arsenical poison?—Yes; then a burning pain in the abdomen, but more marked in the pit of the stomach, which pain is considerably increased by pressure.

Evidence for Defence.

What next?—That pain is usually associated with a pain in *C. M. Tidy* the calves of the legs. Then, after a certain interval, suffusion of the eyes—the eyes fill with tears—great irritability about the eyelids, and frequent intolerance of light. There are then symptoms, such as cramps, tenesmus, straining, more or less present. But the prominent symptoms which I should attach more importance to than anything else are those I have mentioned—first, the sickness; violent and incessant vomiting, very often with blood, frequently mixed with bile; the diarrhoea; and the pain in the stomach and eyes. There are many others, of course.

Is it true in your experience that you may find some one of these symptoms wanting in cases of arsenical poisoning?—I agree with Dr. Stevenson that the anomalies in this poisoning are very great. He said greater than in any irritant poison; but I fancy this is due to the fact that there is an infinitely greater number of cases of arsenical poisoning than of any other poisoning, and the result is that the anomalies become more apparent in the case of arsenical poisoning than in any others.

We have heard it is easy to detect?—Oh, yes, extremely simple.

You have vomiting, excessive and persistent purging, pain in the stomach, the eyes swollen, and you have not known a case where these four distinctive symptoms have not been strongly marked?—Personally, I have known cases where each one of the four symptoms has been absent in the case, but I have never known a case in which all the four symptoms have been absent.

We will discuss the evidence in detail afterwards, but first as to the vomiting, which, you say, often is a distinctive mark—have you followed the description of the sickness of this poor man?—Yes, I have followed every detail in the case so far as I could, and I have read all the depositions both before the coroner and before the magistrates.

I will ask you first whether the account of the vomiting agrees with your description of excessive and persistent vomiting?—Certainly not; it is not that kind of vomiting that is described as taking place in a typical case of arsenical poisoning.

Why?—Why, the vomiting is persistent, incessant, and violent. The peculiarity of the vomiting in arsenic cases is that it does not relieve; but the patient, as soon as he has vomited, begins to vomit again immediately.

About diarrhoea, you noticed that in the account of the case the first mention of the looseness of the bowels was on the 9th May?—Yes.

If there had been an administration of harmful doses, or a succession of doses, of arsenic beginning on the 27th or 28th of April, or any intermediate day before the 5th and 6th May,

Trial of Mrs Maybrick.

C. M. Tidy in your judgment would you have expected to hear of diarrhoea long before that day?—I should most certainly have expected it, and if it is absent the case is an exceptional one, but I admit the exception.

You admit there may be an exception?—Yes. I admit there may be an exception, that is to say, a case of arsenical poisoning without diarrhoea. I wish to say further that the term "looseness of the bowels" does not convey to me any idea of diarrhoea from arsenical poisoning.

I should just like to ask you this, still upon the hypothesis, the supposition, of the administration of a harmful dose of arsenic, how soon after the administration would you, in the ordinary course, expect to see signs of its effects in the shape of sickness and vomiting?—That varies necessarily with a great many conditions, such as the quantity of food in the stomach, and such like. But, as a rule, the symptoms of arsenic come on, as Dr. Stevenson has said, in half an hour to an hour and a half. I think he stated it perfectly correctly, as far as my experience goes. But it may be delayed longer, for instance, if the stomach is full; if it was given, for instance, in some hard body, like a dumpling.

How soon after the administration of a dose of arsenic should you expect diarrhoea or purging?—That would probably occur in two hours.

You agree with Dr. Stevenson, then?—Perfectly; that is my own experience.

You are aware, are you not, that there is no mention of pain in the stomach until on the eve of the death of this man?—That is so.

As a matter of fact—allowing for exceptional cases—exceptional cases where pain in the stomach and abdomen are wanting are excessively rare, far more than vomiting and purging?—I venture to call that a toxicological curiosity.

You speak of the eyes, and said that you have never in your experience known a case in which there was an absence of this characteristic or distinctive symptom in a single case?—No; no case has ever come before me.

But I must ask you about one thing. Tenesmus is properly rendered by the word?—Straining.

By Mr. JUSTICE STEPHEN—Is the absence of the symptoms of the eyes—is that sufficient to make the case exceptional in itself?—No, my lord; I do not think so. The condition of the eyes does not occur as soon as the other three symptoms which I have mentioned. All four are the dominant symptoms—sickness, diarrhoea, particularly pain, and then the condition of the eyes, all the prominent symptoms not being present in this case.

Evidence for Defence.

Examination continued—Then a subsidiary and less important C. M. Tidy one was the cramp in the calves of the legs?—Yes.

In your judgment is tenesmus always present where there is diarrhoea?—That is my opinion. It is an extremely common symptom.

Could any one in any sense call it a distinctive symptom of arsenical poisoning?—I don't think any one would place it as such. It is a common thing in summer diarrhoea.

I want to ask you this general question. Taking the whole of the symptoms which have been before the post-mortem and analysis, could any one, in your judgment, safely suggest to us arsenical poisoning?—I can only speak for myself in the case.

And you say undoubtedly that these are not the symptoms of arsenical poisoning, nor do they point to such?—Certainly not.

Now I come to the post-mortem appearances. You have actually assisted at some forty cases of supposed arsenical poisoning?—Yes.

What are the features which you find distinctive of arsenical poisoning?—There are two important characteristics—post-mortem characteristics—of arsenical poisoning. The first is redness, more or less, over the entire stomach.

By Mr. JUSTICE STEPHEN—Do you mean under the skin?—Yes, my lord. Internally I am speaking of. Call it submucous if you like. And that redness is, in my experience, a very peculiar one in the case of arsenic, which, so far as my own observation is concerned, is never found in any other case of irritant poison. And that is minute petechiæ over the surface of the redness. I should say that originally I remember this being pointed out by Dr. Sequard, and I have always made a point of observing this subject. I have given a drawing which I made myself, from a cast which I made from a stomach which I saw.

Examination continued—That was, in fact, the diagram I was offering to show Dr. Stevenson?—Yes; I saw the stomach, prepared the cast, and made the drawing myself.

[The drawing was handed to witness, who in turn handed it to his lordship, explaining as follows:—This was a case of acute poisoning by arsenic that occurred in 1863, and it illustrates the condition of the stomach in arsenical poisoning. The petechiæ appearance are the small spots.]

You say your attention was drawn to this as a distinct feature by Dr. Sequard, and you have since made observations yourself and found it was so?—Yes.

[Mr. Justice Stephen said he thought the jury should see the drawing, and it was handed to them. Turning to the witness, his lordship asked for the meaning of the term "petechiæ," with which he confessed himself unfamiliar.]

Trial of Mrs Maybrick.

C. N. TAY Mr. ADDISON—It is the Italian for fleshite, my lord.

Examination continued—I have known circumstances in which there has been a small amount of inflammatory condition. That was the case of a man who took 12 grains of arsenic, and died in five and a half hours.

You heard the description of the body, and you have the post-mortem notes; is there any suggestion in that of any such appearance?—The notes do not convey that idea to me. The arborescent condition did not convey it to me; it conveys a totally different thing.

What I understand you to say is this, that the degree of petechiæ varies very much?—But although it varies, to my mind it is the most distinctive characteristic of post-mortem appearances in cases of arsenical poisoning.

What is the other distinctive feature?—If there is an interval of time between the administration of the poison and the advent of death, if the interval is considerable, there is a second most characteristic appearance in the post-mortem; there are fatty changes in the viscera.

Then I understand that would be more peculiarly so where the doses had to be given over a period of time?—Yes.

But assuming that the administration of proper doses began in April, and were from time to time repeated until the man died, was the period sufficiently long to enable you to expect the formation of these fatty appearances?—No. But I can point to exceptional cases where there were rapid fat changes.

As regards the appearances of the stomach—that is, the description given of redness at the cardiac end of the stomach, the natural colour, and the red appearances at the pyloric end?—Conjoined with the duodenum, and with such other parts, I would say that these are perfectly consistent with death from gastro-enteritis.

And not caused by arsenical poisoning at all?—Yes.

You have assisted at a great many post-mortem examinations, and have diagnosed cases when the patients were living, and have afterwards tried to see whether the diagnoses were borne out?—Yes; or, rather, I should say other persons have tried to diagnose them.

Very well, and you have seen whether the diagnosis was borne out by the appearances after death?—Yes.

You have known cases where the post-mortem did not bear out the diagnosis?—Very frequently, I am sorry to say.

Have you also had cases where even the post-mortem appearances were such as could not satisfactorily account for death?—Very many cases, where one was unable from post-mortem appearances to say of what the person died.

Have you known many cases of gastro-enteritis set up where

Evidence for Defence.

there was no suggestion of arsenical poisoning?—Oh, dear, yes, C. M. Tidy very many. I want to point out, that I quite agree with the remark that has been made in the evidence that gastro-enteritis does not occur idiopathically. I am of that opinion.

That is, there must be some cause?—Yes, there must be a cause.

From your experience are these causes various?—Various; I can speak of three causes that have more than once come before me professionally.

For example?—First, in the case of the sausage poisoning, where the inflammation, occurring in the stomach and in the intestines, has been greater than anything certainly recorded in this case.

What would that be due to?—It would be very difficult for me to say what the sausage poison was due to, but it would be due to alkaloid generated in the sausage by some bacilli. It is an open question, but I know the question very well indeed.

And you have seen the post-mortem?—I have seen and investigated a case of that kind, and I may say in some respects many cases of that kind. Perhaps the most remarkable case is the effects of cheese. A great many cases have come before me of very great inflammatory conditions produced by the action of cheese setting up gastritis and gastro-enteritis. In one case especially the symptoms were actually described as due to arsenic. I could give a very remarkable case where a number of people were made ill by the cheese. I examined it for arsenic, but I could find none. And the man in the laboratory took this cheese which I gave him home, and the following morning, when I came down, I heard that three of his children were in the hospital, said to be suffering from arsenical poisoning, which I found out was due to the taking of the cheese, and there was not a trace of arsenic in it or anything of that kind. There are a great many other things. Lobster is a thing that gives the same result in some few cases.

By Mr. JUSTICE STEPHEN—And the others?—The things in my mind were lobster, sausage poisoning, and cheese.

Examination continued—Now, as regards the symptoms of which you describe the appearance, you say they are not distinctive of arsenical poisoning, but would occur in gastritis or gastro-enteritis however set up. And does your experience enable you to say what are the only causes that will set up gastro-enteritis?—I cannot say. I expect they are very many indeed.

Does your experience enable you to say with any degree of confidence that you could exhaust these causes?—Oh, dear, no.

Was your attention attracted during the description of the

Trial of Mrs Maybrick.

C. M. Tidy post-mortem by Dr. Humphreys as to there being a greater redness in the posterior portions?—There is always a certain kind of lividities that occur at the posterior portions from the gravitation of blood; and these lividities become a brighter red from exposure. This is an important fact.

Now, before I go on to analysis I wish to ask you this. Arsenic is taken up in greater or less rapidity, as you have pointed out, according to the facilities for contact with the mucous membranes of the stomach?—Yes; and according to the greater or less facilities with which it is taken into the blood.

What is the principal organ of the body by which it is eliminated?—By the kidneys, through the urine.

According to your experience, has the fact of arsenic being taken into the system an effect upon the operation of the kidneys?—Yes, as a rule the action of arsenic is to decrease the quantity of urine. I admit, of course, exceptions, but it is the rule.

So that the fact of the repeated administration of arsenic will lessen the efficacy of the organs for urinating?—Manifestly. A poison that must have a special action on the organs of elimination is likely at the same time to affect the healthiness of that organ.

We learn from the results that in the spleen, the lungs, stomach, liver, &c., there was found no trace of arsenic?—No.

But that there was found a certain weighable quantity in the liver and intestines, with traces in the kidneys?—Yes.

That is the result of the analysis?—Yes.

What do you say to that state of things?—The quantity assumed to be present (because it is not a quantity discovered but assumed to be present) is somewhere about three-tenths of a grain.

Do you think that assumption is warranted?—I do not think so at all. For instance, to take a certain quantity of the intestines and to find a certain quantity of arsenic, and then multiply by the weight of the entire intestines, is certainly not an assumption to my mind which is accurate in any way.

I do not know whether you noticed what Dr. Stevenson said about weighing another set of intestines?—There were two sets.

Assuming that you had actually the whole of the intestines of a given subject, would it be fair to assume that arsenic was equally distributed over the intestines?—No, as a matter of fact we know that it is not. Arsenic is not equally distributed over the intestines. I happen to know that arsenic is not equally distributed over the intestines.

Therefore, to work out the calculation of the presence of those three-tenths of a grain of arsenic in the liver is wrong?—Yes.

Evidence for Defence.

I want to ask you how you would get at the proportion of the arsenic in the liver?—This ought to be done. The whole liver—I have always done it myself, and so, of course, I can speak—ought to be mashed up, and you take a quantity of the mash after mixing it thoroughly. You cannot estimate the quantity of arsenic in the liver by cutting off a bit here and there, and I could give many instances in my experience in illustration. C. M. Tidy

Is it proper to point out that the result might be that you might get a lesser proportion of arsenic than was in the rest of the liver?—Yes, the quantity might be more or less.

It is not a reliable datum to go on?—Certainly not. I could give a case which occurred to me in which I found half a grain in ten ounces, and in this instance I could only recover one grain from the entire liver.

Now, as regards the small quantity found in the intestines, does your observation equally apply to that?—It applies more to the intestines than to the liver. As a matter of fact, in certain parts of the intestines there is always, as we know very well, a greater chance of finding arsenic than in other parts.

Then I ask you this: What did you make out to be the total quantity weighed from the liver, taking together Mr. Davies and Dr. Stevenson?—I am afraid I have not got the details here. They are very small numbers; I think it is 46 thousandths and 15 thousandths.

I think not; because you have to add Mr. Davies's quantity?—True; together it comes to 82 or 83 thousandths.

What I want to ask you is this. Does the presence of that quantity of arsenic so discovered in your judgment prove the evil administration, criminally or otherwise, of arsenic?—No, and I may give you two cases to prove it. They were both cases where arsenic had been given medicinally. They were both cases of phthisis, where arsenic had been given medicinally for some periods before death. In the first case the arsenic had been given for three months before death. In the case where it was given for three months I found in 6 ounces of the liver upon analysing it '028 of a grain of arsenious acid.

That would be 28 thousandths, would it not?—Yes. There were two-tenths of a grain in the whole liver. It was mashed up, and I took six ounces of it and determined the arsenic in that amount, multiplying it by the weight of the liver, which I was justified in doing, having a uniform mash. The other case was also one in which it was given for five months; and in the liver I found '174 of a grain of arsenious acid, and both at the heart and spleen and kidneys there were minute traces. Both of these cases died from phthisis, and there was no suggestion or possibility of arsenical poison being the cause of death.

Trial of Mrs Maybrick.

C. W. Tidy And are there recorded cases where even there was a longer interval than that?—Oh, yes.

You noticed that in Dr. Stevenson's account he speaks of traces in the kidneys?—Yes.

Now, recollect the kidneys are the organs by which principally it is eliminated. Does the absence of more distinct traces suggest anything to you?—No, as a fact there is nothing more than a mere trace often found in the kidneys.

What do you say to the absence of arsenic in the spleen, lungs, stomach, bile, and fluid from the mouth—does that point or not in the direction of arsenical poisoning, or in the opposite direction?—I think that part is rather variable; but I don't think I can answer that question distinctly one way or the other.

There is no doubt, I presume, that there may be death caused by arsenic without any being found at all?—That is so. It is very extraordinary. I confess that cases are recorded.

By Mr. Justice STEPHEN—Is it a fact that the administration of arsenic gradually weakens and destroys life, and persons die from the effects just after it has been eliminated?—It is a question of elimination.

The matter has been very much discussed in the celebrated case of Dr. Smethurst?—It was, my lord. I venture to say that case must be very exceptional.

Examination continued—The result of your view is that some of the symptoms found here are consistent—I think I may use the word here—with arsenical poisoning, but not distinctive of it?—That is so. Tenesmus and such are consistent.

But as regards the symptoms?—There is the absence of three or four of the leading symptoms; and if I had been called upon to advise, I should have said it was undoubtedly not arsenical poisoning.

Is that view strengthened by the post-mortem?—Very much strengthened. The post-mortem has very much strengthened my view.

Do you know anything yourself on the question of arsenic being eaten by persons in this country?—No, I am afraid I do not.

From your own experience?—No.

All you know about that would be from your reading?—Entirely.

Relating to other countries?—Yes.

I wish you would tell us what is the law about getting small quantities of arsenic?—That when a quantity of arsenic is bought, which I think is under one ounce, it has to be mixed with one-sixteenth part of saffron or one-twelfth of indigo, or *vice versa*, I am not sure which.

Evidence for Defence.

You have to go to a wholesale druggist to get a larger quantity?—Yes.

The one other question you have heard—the treatment of this man. I am not going to criticise it, but do you think it was of a stimulating or depressing character?—Of a depressing character decidedly; both antipyrin and jaborandi are of a depressing character.

What conclusion have you come to as to the cause of death?—That is due to gastro-enteritis of some kind or another, but that the symptoms of the post-mortem distinctly point away from arsenic.

Cross-examined by Mr. ADOLPH—Gastro-enteritis means inflammation?—Quite so.

But the inflammation is caused by some irritant poison?—By some irritant poison, no doubt.

He died from some irritant poison?—Yes; so far as you call sausages and such like bodies poison.

He died from an irritant poison?—Yes; an irritant. It becomes a question as to what precise meaning you attach to the word "poison."

We won't be very particular, but what meaning do you attach to it?—It is a body which, introduced into the system, is capable of destroying life, either by chemical action on certain tissues of the body, or by a physiological action on the tissues of the living system.

Then it is some substance introduced into the body that kills a man?—Yes, but a great many substances introduced into the body kill which are not poison. For example, pins and powdered glass. They might set up irritation too.

This was some irritant poison in the natural sense of the term?—An irritant I call it.

In the case of the cheese, you mentioned that arsenic had been suggested. Was it by a doctor?—Yes, it had been actually suggested by a doctor.

Then was that a case of death?—No, the people recovered; but it was suggested that this cheese was mixed with arsenic, and it was sent to me to determine whether arsenic was present or not.

Then the symptoms of poisoning produced by that cheese were such as could be mistaken for arsenic?—Yes.

Well, we have had the sausage, cheese, and lobster?—These cases are due to idiosyncrasies. I have known a small piece of lobster produce symptoms of acute irritant poisoning that might be mistaken for arsenical poisoning. A great many other things—fish, for instance, and mussels are a very special thing; mackerel in a certain condition, game in a certain condition, will sometimes do it. A hare has been known to do it on many occasions.

Trial of Mrs Maybrick.

C. M. Tidy You do not suggest that these are poisons, do you?—I did not use the word poison. I was very careful about that.

They are such as may produce symptoms similar to those of an irritant poison?—Yes, they may produce gastro-enteritis.

Have you ever known any case where eating a sausage or cheese resulted fatally?—Yes, I have known cases of sausage and of cheese killing people.

But in those cases there were no traces of arsenic in the stomach or the liver?—Oh, no, no.

Then the symptoms shown by this man Maybrick during his life were symptoms of an irritant of some kind?—Yes, I think so.

And that poison killed him?—Possibly.

Possibly?—Yes.

If he died from gastro-enteritis, caused by an irritant?—Yes.

Then that irritant, whatever it was, killed him?—Yes, I should say that was so.

Can you suggest what it was?—No, I cannot.

But it was some strong irritant; probably poison?—Some substance which to him acted as an irritant.

Which was poisonous enough to kill him?—Which to him acted as an irritant.

Can you suggest to us what it was?—No; I cannot.

But you remarked this was produced on different days. The state of sickness and irritation, you will remember, was such that on the 4th and 5th May he was in such a case that Dr. Humphreys would not allow him to be given anything?—I remember that perfectly well; I had it in my mind when I made these remarks; but the sickness was not so persistent and incessant a sickness as described to me.

As I understand it, during the whole of the 4th and 5th May—Saturday and Sunday—nothing could remain in his stomach?—I don't think my memory serves me to that extent. I have got a note, "Sunday, the 5th, I found him better."

But still able to retain nothing all that day?—I have not got that down.

The 4th and 5th he was unable to retain anything on his stomach?—No, I don't think so.

If Dr. Humphreys says that he was straining and vomiting all day, and he gave him morphia to relieve him, would that alter your opinion?—No; it is only one of the symptoms, and was not associated, as arsenic invariably is, with diarrhoea.

But excessive straining all night, would you consider that diarrhoea?—No; certainly not.

You don't suggest that this condition occurs in anything except dysentery and cholera?—Oh, yes; summer diarrhoea.

Would you call it a symptom of summer diarrhoea to have a

Evidence for Defence.

dry, burning throat, and, as it were, a hair tickling all the time?—No, I do not say that is summer diarrhoea.

What would you attribute intense thirst with a sense of a hair tickling all the time to?—Something disagreeable in the stomach.

Is it due to poison of some kind?—Oh, dear, no.

Dr. Stevenson says that one of the reasons which made her suspect arsenic was these symptoms?—I quite admit that they are symptoms which occur in arsenical poisoning.

An intense dry and glazed throat occur in arsenical poisoning. Do they occur in anything else?—Oh, dear, yes, with any irritant.

That is to say, that any irritant poison on the stomach could produce them?—Any irritant substance.

An irritant substance in the stomach?—Quite so.

But that is a sort of what you might call poisoning. Would that occur in any other state of things?—I cannot say. I am not a practising physician.

Now, I see that you have taken something from the notes of the post-mortem. You did not see any of the parts?—No.

You say that you saw no mention of petechiæ. Did you notice that Dr. Humphreys said that he saw them there?—Well, he said he saw something of the kind, I believe. But I think afterwards he said that they were of a brilliant arborescent appearance, which would be the result of something else, and not petechiæ. The petechiæ of arsenical poisoning have a linear dotted appearance, and not arborescent.

Why do you doubt him?—Because he afterwards explained what was the meaning of them.

What do they look like?—Some dark dots.

That is what Dr. Humphreys said they were?—Well, my recollection is very different.

You do not suggest what this irritant was?—No.

You say it was not a typical case of arsenical poisoning?—I say that it is not only not typical, but absolutely points away from arsenic as the cause of death.

Why?—First, that the four prominent symptoms are absent.

Wait a moment. One of these is vomiting, which you seem to have overlooked?—No, I have not overlooked it. I admit there is sickness.

If you have illness brought on by lobster or sausage poisoning, would you expect it to recur again as in this case?—Yes, I would. But I wasn't speaking of lobster. I only instanced it as an illustration, as one substance.

When you find that a person has undoubtedly died from some irritant poison—when you find the arsenic there, does it lead you to suppose that this was arsenic?—No, it does not.

Trial of Mrs Maybrick.

C. M. Tidy The liver would be the place where you would find arsenic?—That is true. Arsenic is not cumulative in the strict scientific meaning; but it has a power of accumulating in the liver.

The liver is a place where you naturally look for it?—Yes; but not only in the liver do you find it, you find it in the muscles of the heart very often; but the liver is the natural organ.

You have not seen the appearance of the stomach they attributed to arsenic?—No, I have not.

Do you suggest that the liver should be mashed up; you know three different parts of the liver were operated on by Mr. Davies and Dr. Stevenson, and the results were almost identical?—No, not identical, because Dr. Stevenson found more arsenic than Mr. Davies, so that the arsenic was not uniformly distributed.

[Mr. Addison referred to Dr. Humphreys' evidence-in-chief, in which he said, "Even a drop of water made him sick" on Sunday, 5th May. Sir Charles Russell read the passage from the evidence upon his notes, and asked—Was not that what you would call a high state of inflammation?—No; it was inflamed, but that is not a high state of inflammation.]

Re-examined by Sir CHARLES RUSSELL—We have had post-mortem notes, and you have heard the additions of Dr. Carter. There was no mention of petechiæ in his description before the coroner?—I recollect it perfectly.

There were, he said afterwards, "spots of bright arborescent vascularity." Does that agree with your description of petechiæ?—No, not at all.

You have his notes taken before the coroner, and he does not refer to that at all?—That is so.

As regards the question of dryness and thirst in the throat and gullet, do you find that also in many other illnesses?—Yes.

In no sense is it distinctive of arsenical poisoning?—Not at all.

Do you remember Dr. Humphreys' evidence, where he said that he put the fæces and the urine in hydrochloric acid cold, and kept them there until it boiled, and then inserted a copper foil?—Yes.

Could you say if there had been any arsenic there that he would have found a deposit?—He would probably have got it instantaneously, if there had been an appreciable quantity.

Sir CHARLES RUSSELL—In reference to an application that I made, I understood his lordship to say that the prisoner was to have no communication with any one outside between then and Monday.

Mr. JUSTICE STEPHEN—I think that is understood.

The Court then adjourned.

Evidence for Defence.

Fifth Day—Monday, 5th August, 1889.

The Court met at ten o'clock.

DR. RAWDON MACNAMARA, examined by Sir CHARLES RUSSELL—Rawdon
Macnamara
I am a Fellow of the Royal College of Surgeons of Ireland. I have been its President, and am its representative on the General Medical Council of the Kingdom. I am also a Doctor of Medicine of the University of London, and the author of a standard work on the action of medicine, which has passed through many editions. I am Professor of Materia Medica at the Royal College. I have been for many years senior surgeon at the Lock Hospital, Dublin, and I am also surgeon at the Meath Hospital.

Have you, in the course of your experience, had to administer arsenic in a large number of cases?—Yes, in a very large number of cases.

And for the purposes of administration it has been necessary to saturate the patient?—It has been on several occasions.

And has that not, owing to accident or the idiosyncrasies of the patient, been exceeded?—Yes, either by accident, or the peculiarities of the patient, or the necessities of the case.

That point has been reached, and what has been your observation of the effects of arsenic?—The most strong symptoms in the case of saturation is the redness of the eyelid, where the lashes come out upon the eyelid.

If it has been beyond that, are there marked peculiarities in the pit of the stomach?—Yes, about the size of a shilling, and that shilling burning hot, and thus spreading gradually down until the arsenic is eliminated.

Have you observed any marked symptom in the matter of vomiting and purging?—In cases of arsenic poisoning there is a group of symptoms, but in any one case some one or other of these may be absent.

You spoke of the purging and vomiting; describe what you mean by that in the case of these symptoms?—Vomiting is at first copious, violent, and persistent; the purging is of a severe character at first, but, of course, it passes into ineffectual effort eventually.

You have heard the description of the case by Dr. Humphreys, where he first describes the sickness when the deceased could not retain anything on the stomach, and then he went on to describe it as "hawking," rather than vomiting?—That points rather to inflammation of the stomach or bowels than to arsenical poisoning.

Trial of Mrs Maybrick.

Rawdon
Macnamara

Now, you have noticed in Dr. Humphreys' evidence where he describes the application of a blister to the stomach with the view to stopping the retching and vomiting, and where he describes that it seemed to be effective for a time—is it your experience that an application of that kind would stop arsenical vomiting?—It would not stop arsenical poisoning, but it would be very judicious in the case of gastro-enteritis, and would stop it.

You have used the words arsenical poisoning?—I meant the vomiting attending upon arsenical poisoning.

Now, some reference has been made to dryness in the throat and a sensation as if a hair were present. Can you say whether these are distinctive symptoms of arsenical poisoning?—In the great number of cases I have had under treatment in which I have been administering arsenic, I have never heard one of them complain of a hair in the throat; but I have had repeatedly very many patients to whom arsenic had never been administered, but who continually complained of this sensation—a reflex action of the throat.

In that case what was the patient suffering from?—Oh, scarcely anything. There is one lady I know now frequently complains of it, and is in perfect health.

You don't attach much importance to the symptom?—Not any.

As regards tenesmus, I must ask you, whenever there is tenesmus, does it follow or precede violent purging?—It follows in arsenical poisoning. It follows violent purging.

Have you ever known cases where it preceded it?—Never. I don't remember ever having read of such a case.

Now, you have spoken of cramps as a symptom—cramps, I understand you to say, in the calves of the leg?—Yes.

You have heard the description of Dr. Humphreys of pains in the thighs. Have you in your experience known of that in connection with cases of saturation or over-saturation with arsenic?—Never.

I would like to ask you this question. Have you ever in your experience diagnosed patients living, and then had the opportunity of examining the remains post-mortem?—I have.

And have you found that, on your post-mortem, diagnosis was not borne out?—Unfortunately I have.

Are there cases that you have not, from the post-mortem, been able to satisfy yourself as to the cause of death at all?—There are repeated cases of that kind.

Now, bringing your best judgment to bear upon the matter, you have been present at the whole of this trial, and heard the evidence, in your opinion was this a death from arsenical poisoning?—Certainly not.

Evidence for Defence.

Cross-examined by Mr. ADDISON—As you have listened to the case, and formed your own opinion, will you tell me what he died of?—To the best of my judgment and belief, he died of gastro-enteritis, not connected with arsenical poisoning.

Rawdon
Macnamara

You are agreed, then, with the gentlemen called for the Crown, and with Dr. Tidy, that he died of gastro-enteritis, which is an inflammation of the stomach and bowels?—I am.

And the gastro-enteritis is due also, I believe, to some foreign substance—I do not want to use the word poison, because Dr. Tidy guarded himself?—No, I do not agree with Dr. Tidy in that. I think foreign substances, in the manner in which he guarded himself, may give rise to gastro-enteritis; but I believe there are outside circumstances which, in a patient, would certainly result in gastro-enteritis.

But do outside circumstances mean, taking something that produces it in the system?—Oh, dear, no. Shall I explain? The case of a person affected or troubled with a weak stomach—suppose dyspepsia—exposed to wet for some time, and not taking proper care and precaution against getting wet; the result is, that the blood from the surface of the body is driven to the internal organs—amongst others, the stomach—and there produces that which you explain as congestion; and if, by any accident, such a patient committed any trifling error of diet, the result would be gastro-enteritis—a gastritis that would extend down to the bowels, constituting the congestion of the stomach and of the bowels.

Then, in other words, you disagree with Dr. Tidy, and you think that gastro-enteritis may be produced idiopathically?—I do not say idiopathically. I agree with Dr. Tidy, but I go beyond Dr. Tidy in my experience, in my belief.

You like to take him a little further, and you suggest that foreign substances or food may have disagreed with Mr. Maybrick?—I have known very serious—

Don't speak like that, doctor, please. Without going into abnormal cases, do you suggest that in this particular case it was any particular food that caused this?—Unless I was told what the food was, I could not particularise it.

Then does it require some to act as an irritant or poison upon that particular person?—Oh, no.

Then will harmless food do it?—I have seen pips of grapes produce very great gastric disturbance. I have seen skins of gooseberries and other equally harmless substances act in that way.

Does it require some sort of substance taken from the outside to produce it?—I do not think all the evidence goes in that direction.

You have spoken of a wetting. Will a wetting do it without

Trial of Mrs Maybrick.

Rawdon Macnamara taking pips of grapes or sausages?—I can perfectly believe that a wetting, coupled with neglect of precautions and a weak stomach and circulation, may produce these consequences.

Then, do you mean to say that by getting wet this illness of gastro-enteritis—this acute inflammation, may be produced in the stomach and bowels?—That, I think, is the evidence I have given.

In saying that gastro-enteritis would be produced by a man with a weak stomach getting wet, do you understand that to be the opinion of Dr. Tidy as well?—I do not; Dr. Tidy can speak for himself.

Did you hear him give his evidence?—I did.

Do you agree or disagree with him?—Will you kindly tell me what Dr. Tidy said?

Did you hear him?—I have heard so much in this Court that it would be very hard to tax my memory.

Dr. Tidy said gastro-enteritis was produced by the introduction of some foreign substance into the stomach, producing the effect of an irritant?—I bow to Dr. Tidy as a toxicologist, but not as a general practitioner.

By Mr. JUSTICE STEPHEN—Please answer the question. Do you agree with him or not?—I do not.

Cross-examination resumed—Do you agree that there is any diagnostic symptom in lifetime of arsenic. In other words, if you saw a case of arsenic in lifetime, is there anything to enable you to say this is arsenic rather than any other irritant?—Well, that is a very difficult question.

Well, pass on then. Probably it is a difficult question. All the symptoms—vomiting, purging, cramp, intense pulse—all these are symptoms of arsenical poisoning and other poisons?—Yes, and of other irritant poisons.

You have told us of a lady who was quite well in health, and who feels the sensation of a hair in her throat. Would you find intense thirst in that case?—No.

Do you find the throat dry, glazed?—No.

What is that the effect of?—Generally febrile disturbance; but, of course, may arise in different ways.

But if you find that accompanied by tenesmus, what does that arise from?—In that case it may be a case of gastritis or gastro-enteritis.

Supposing you leave out the dysentery?—It may be due to inflammation of the mucous membranes.

Suppose you find the temperature nearly normal, and no fever whatever?—Well, I should have to take into consideration the other symptoms.

Quite so. Do you believe that tenesmus is generally the result of the vomiting?—I do not understand your question.

Evidence for Defence.

What is tenesmus, ineffectual straining, due to; to what is it due?—It may be due to a great number of causes. Rawdon
Macnamara

But take this case?—I should say it is one of the phenomena of gastro-enteritis. I have heard none of the witnesses in this case speak of cramp.

You are quite right. Is it a fact that in cases of this kind the symptoms vary very much, both in degree, in order, and in the absence of some of them?—Certainly.

Re-examined by Sir CHARLES RUSSELL—I should like to ask you now, is dryness of the throat, according to your experience, in any way peculiar to any particular form of disease?—It is not.

As regards the temperature, we know it was only taken once, and then it was found to be one degree above what is supposed to be the normal temperature.

Mr. ADDISON—If my learned friend will allow me, the nurses' notes were put in, and they show that the temperature was taken at different times.

Sir CHARLES RUSSELL—I was referring to Dr. Humphreys' evidence.

(To Witness)—I wish to ask you this, doctor. Assume a case where there was a chronic weakness or derangement of the stomach, in the case of a man who had been taking various drugs, and who in that condition gets a wetting, such as that described, is a man in that condition the more liable from a slight cause to have set up in his system this gastro-enteritis?—Yes.

The weaker, from whatever cause, the patient is, the more likely is disease to be set up?—Yes, the weakest spot invariably suffers.

For instance, when you speak of cold or wet driving the blood to the parts and congesting, would it drive it to the weakest part?—Yes, to the lungs if they were, and the stomach if it was.

I think, doctor, you know nothing about the parties concerned in this case?—Neither directly nor indirectly.

FRANK THOMAS PAUL, F.R.C.S., examined by Sir CHARLES F. T. Paul
RUSSELL—I am Professor of Medical Jurisprudence at University College, Liverpool, and Examiner in Forensic Medicine and Toxicology to the Victoria University.

There are one or two smaller matters I must ask you about. In the first instance, you recollect the pan produced by Mr. Davies?—I do.

The glazed pan?—Yes.

Have you seen a pan made in the same way—glazed in the same way?—I believe so.

Did you yourself examine some of these pans?—I did.

Have you them here?—I have not them here.

Trial of Mrs Maybrick.

F. T. Paul It is a great pity you do not produce them. In how many minutes can it be sent for?—In a quarter of an hour.

Can any one go for it and bring it here?—Perhaps Dr. Tidy would go for it.

Are you satisfied yourself whether arsenic enters into the glazing of these pans?—I have found arsenic in all the pans that I have examined of this class, in the glazing.

I want to ask you how the arsenic in glazing is set free?—Anything that will tend to corrode the pan at all.

Does that mean any acid?—Yes.

According to the degree or the strength of the acid, the arsenic will be set free in a greater or less degree?—It will.

Would this show in any marked way on the glazing?—No, not unless it was carried to a great extent.

Well, will you just tell us what experiment you tried to show whether there was arsenic or not?—I added a little acid to some boiling water in the pan, and then applied Reinsch's test to the result, and found the copper was coated with a film of arsenic. I tried it four times over with four different pans.

[A pan was then handed to the witness, which, he stated, was exactly similar to the ones which he tested, and apparently of the same manufacture.]

Now, have you also tried the experiment of what quantity—what minute quantity—of arsenic in urine will reveal itself upon Reinsch's test?—Yes.

Just tell us what was the experiment?—I experimented with various quantities, and found 1-200th of a grain to 1 ounce, which would be readily detected by a person, scientific or otherwise, who saw the test; 1-1000th of a grain would be readily detected in this way.

Now, I wish just to follow that to thousandths of a grain. What I want to ask you is this. You can reduce that to proportion between the arsenic and the urine in which it was placed?—I can.

And how many times was there the quantity of urine that there was of arsenic?—About 55 thousand.

That would be 1 to 55 thousand?—Yes.

Then you hoiled it for how long did you say?—I heated it for nearly one minute on the lamp, but not boiled all the time.

And you introduced the copper foil?—We introduced the copper foil, and it showed the presence of arsenic.

Now, I wish to ask you this question. We have heard Dr. Humphreys' statement of his experiments, and also, it is proper to say, his expression of belief that it was perfectly carried out. Taking his account of what he did, viz., putting the urine and faeces upon the lamp for about a minute and heating it—

Mr. Justice Stephen—He said over the flame for two minutes till he had got it to a boiling point.

Evidence for Defence.

Examination continued—I want to ask, if a serious or fatal **F. T. Paul** dose had been administered within a fortnight of that time, must there have been, in your judgment, a deposit on the copper?—Yea, in my judgment.

Have you taken the test exactly as he described it?—Yes.

In your judgment, how long after the taking or administration of arsenic in a series of over-medicinal doses—how long after that may its presence be revealed in the system?—Do you mean if it has been continuous, or administered on one or two occasions?

First of all on one or two occasions?—I think it would be eliminated in a fortnight on one or two occasions.

And if taken over several occasions?—Then the elimination would not be complete probably for months.

Just explain that?—I take it, from my reading, that in cases of arsenical poisoning, elimination appears to take place very rapidly after only one or two doses. But when people take arsenic for a long time—they may have given it up for months before death—still arsenic will be found after incorporated in some of the tissues.

The liver particularly?—Yes.

Let me assume the case of this being taken medicinally over a considerable period, in medicinal doses, would you, long after its administration had been stopped, expect to find traces in the liver?—I should.

Now, as regards the symptoms of this case—the symptoms during life, what do you say of the common symptoms?—The common symptoms are those of an intense irritant in the stomach, producing violent vomiting, excessive purging, severe cramps, accompanied by pain over the stomach.

Would you expect to find tenesmus or straining to precede or to follow violent purging?—To follow violent purging.

Now, do you agree that one or the other of these symptoms may be wanting in cases of arsenical poisoning?—They may.

Is it the result of your study and reading that several of the most marked should be absent in any marked degree?—No, certainly not.

I think you have, as pathologist at the Royal Infirmary, assisted at a great many post-mortem examinations?—I have made between two and three thousand.

Have you assisted, amongst others, at post-mortems where the patient is supposed to have died from gastro-enteritis?—I have.

And where there was no suggestion of arsenical poisoning?—I have.

You know the symptoms described in this case?—I do.

Did they, or did they not, accord with your experience of

Trial of Mrs Maybrick.

F. T. Paul what you have found in cases of gastro-enteritis?—They agree with cases of gastro-enteritis pure and simple.

Was there anything in the post-mortem appearances which were wanting if you had expected to find a case of arsenical poisoning?—Yes. I would expect to find the stomach more affected, and to show the characteristics of the petechiæ spots.

You are aware that the petechiæ are not mentioned in the post-mortem notes?—I am.

You are aware that Dr. Humphreys, as he candidly told us, was looking the subject up. That he did mention the word petechiæ, and then proceeded to define what he thought was petechiæ. Were they petechiæ at all?—Certainly not; nothing like it.

I should ask you this. What in your judgment in the case of a man like the late Mr. Maybrick, described of such an age and so on, what would you describe as a fatal dose of arsenic?—Certainly not less than three grains.

You are aware there is one recorded case of two grains; that was the case of a woman, was it not?—Yes, it was.

Now, I ask you this. You have heard the account given by Dr. Stevenson and Mr. Davies as to the quantities actually found?—I have.

First of all, I should like to ask you, do you agree that it is proper or safe to argue upon the quantities actually found in certain parts as to the possible quantity that may have been embodied?—Certainly not.

And why not?—Because it varies very much.

Unequally distributed?—Yes.

And is the liver a part in which you would especially expect it?—Of course, the analysis shows that it was very unequally distributed.

Looking at the fact that there was no trace in the bile, the spleen, in the stomach and the heart, do you think that the calculation of Dr. Stevenson as to what might be assumed to be there is likely to be not very precise? His language was that there was possibly and approximately a fatal dose?—I do not think it was a justifiable assumption.

Taking altogether what was found by him and by Mr. Davies quantitatively, 88-1000ths or 92-1000ths, would you explain to the jury what that quantity would represent?—It is so very small that I hardly can. I don't know anything quite small enough to indicate it.

It would be a very minute quantity?—Very minute. A thousandth of a grain would be, I suppose, barely visible.

By Mr. JUSTICE STEPHEN—Can you give us what to the eye a grain of arsenic would represent?—A good big pin's head.

That would be a grain?—Yes, of solid arsenic.

Examination continued—What do you say would be visible to

Evidence for Defence.

the naked eye, a thousandth part of a grain? Divide a pin's F. T. Paul head into one thousand parts, it would only be very small—very, very minute?—Yes.

According to the figures given by Mr. Davies and Dr. Stevenson, the first of whom said 88-1000ths, and the second 92-1000ths, would that be visible?—Yes.

By Mr. JUSTICE STEPHEN—Can you compare them with anything?—I cannot think of anything I can suggest.

Examination continued—It would be altogether a little less than a tenth of a grain?—I can imagine in my own mind what it would be to cut up a grain into ten parts.

It would be extremely small?—Yes, a small dot would represent it.

You have heard of the minute quantities found in the places where there was arsenic in the body?—Yes.

Is that consistent with the case of a man who has been taking it medicinally?—Yes, quite consistent.

And who had left it off?—Yes, for a considerable time.

By Mr. JUSTICE STEPHEN—When you say a considerable time, what do you mean—weeks, months, or what?—I should say several months.

Examination continued—You have heard that the greatest eliminating agent is the kidneys?—Yes.

What is the action of repeated small or medicinal doses upon the kidneys?—It tends to check the amount of water, and checks elimination.

Where do you expect to find in such cases the strongest evidence of the presence of the uneliminated arsenic?—In the liver.

You told us you have assisted at a very large number of post-mortem examinations; does your experience enable you to say whether you are always able to verify on the post-mortem the diagnosis that has been arrived at during life?—No, frequently not.

And does it not frequently happen, though not, I presume, nearly so frequently, that on a post-mortem you are not able to satisfy yourself clearly as to the cause of death?—It does sometimes, but not frequently in the hands of a skilled practitioner.

In your judgment, do you say this is a case of arsenical poisoning?—I think it is a case of gastro-enteritis. The post-mortem appearances do not show that it was set up by arsenic.

If, in the case of a man who had been complaining for a considerable number of years of what you would call chronic dyspepsia, who had been drugging himself, or had been drugged, following the occurrences we heard of on the day of Wirral races—take the case of such a man, would a slighter

Trial of Mrs Maybrick.

F. T. Paul cause be sufficient on such a man to set up gastro-enteritis than in a man perfectly well?—Certainly; such a case is such a man would be more likely to be fatal.

Cross-examined by Mr. Addison—Did you hear of his going to Wirral races—his sickness—would such sickness be any indication of poisoning?—Oh, certainly.

[Some controversy here arose as to the evidence in respect of Wirral races day being wet, in the course of which his lordship pointed out that Sir Charles Russell was assuming that the day was wet, and that Mr. Maybrick got wet.]

Sir Charles Russell—We have tried, my lord, to get more evidence, but we could not; and he describes this man riding about during the day. I am informed that a witness has been called for the prosecution who can also speak to it. He will say that the deceased's clothes were saturated with wet.

Mr. Justice Stephen—Then there is direct evidence of his having been wet?

Cross-examination continued—I would just ask you about his sickness occurring and recurring twice before he went to the Wirral races. Sickness is the first indication of an irritant poison?—Violent vomiting is generally the first indication, not mere sickness.

As regards gastro-enteritis, all the gentlemen seem to be agreed that was what immediately followed—acute inflammation of the stomach and bowels, which set up exhaustion, which caused death in this case?—Yes.

Do you agree with Dr. Tidy and the gentleman from Ireland—Dr. Macnamara—that it was gastro-enteritis that caused such inflammation to be set up without foreign agency?—Yes, I think it could. I have seen a great deal more redness in cases of death from natural causes.

What natural cause?—Scirrhus of the liver particularly.

That is hardness of the liver?—Yes. Any condition which may produce congestion of the stomach and intestines is liable to run into inflammation.

Can you suggest any other cause than scirrhus to produce such an acute inflammation of the stomach?—There is disease of the heart.

Mr. Justice Stephen—I think every medical witness who has been examined has said that he would put special diseases tending to produce inflammation on the same footing as the introduction from without of a tainted body. The instances which they gave were in particular ulcers and cancers. And this gentleman seems to think that this scirrhus of the liver is a case of the same kind.

Cross-examination continued—It is a very fatal and terrible disease?—It slowly tends to a fatal end.

Evidence for Defence.

That is that all these diseases, such as heart disease and **F. T. Paul** scirrhus of the liver, produce such a state of the stomach or the intestines as would be readily ascertainable on a post-mortem without your skill?—I should think so.

You have told us that where arsenic was taken medicinally, the presence in the liver of those quantities might be attributable to the medicines which have been taken up to seven months before?—That is the longest case in my reading. I took an extreme case.

In your practice, how long? Have you ever started with a case in which there were traces in the liver of arsenic, and in which you could trace in the post-mortem how long before it had been taken?—I have never analysed the liver in such a case. I cannot answer from my own experience, I can only answer from my reading.

May I take it you have no experience of arsenic found in the liver as the remains of the administration some months or weeks before?—You can hardly find any man in England except a specialist who could answer that.

I don't suggest. It might have been that you had some practical knowledge of it. You have often found in post-mortem examinations arsenic in the liver?—Often; no.

Have you never had a case at all where you detected arsenic in the liver?—I have never analysed and found arsenic in such cases, having had no large experience.

Can you remember a case in which you have had arsenic in the liver?—I have not been engaged in an arsenical case before this.

Well, that does not detract from your general knowledge, but you cannot recollect any case in your own mind that you have found arsenic in the liver?—I have never had such a case.

Then, I think, I cannot ask you how long before finding it there, from the history of the case, it was administered?—Not from my own experience.

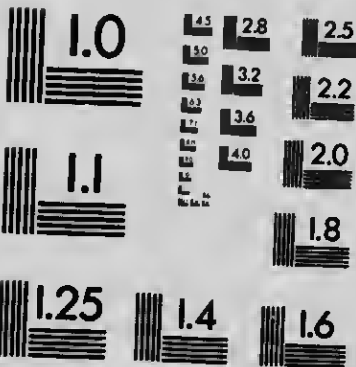
By **Mr. JUSTICE STEPHEN**—Have you carefully considered the question how long arsenic administered either medicinally or of some motive of his own by the person who took it, how long it remains in the liver?—Not personally, my lord. It is very clear to my mind what the conclusion is. When arsenic is taken for a great length of time it becomes very closely incorporated in the tissues of the body, and is very difficult to eliminate.

Cross-examination continued—We have had it from **Dr. Tidy** and **Dr. Stevenson**, both men of great experience, and I was seeing whether you had the same advantages of noticing the arsenic in the liver and were able to trace it back?—I have nothing like the experience of those gentlemen.



MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE Inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482 - 0300 - Phone
(716) 288 - 5989 - Fax

Trial of Mrs Maybrick.

F. T. Paul In your reading, you have read as an outside case of seven months?—Yes, as an outside case.

Then you have told us of those spots—which I find so difficult to pronounce—these petechiæ spots. Were you then speaking from your general skill and knowledge?—I was.

Now, with the matters of vomiting and purging, these are common symptoms of arsenical poisoning, but is not tenesmus the result of purging?—In my experience tenesmus results from severe purging.

But in the case of an irritant, assuming there was some irritant in this man's system, would not the purging lead to tenesmus?—I think it is far more common than you seem to assume.

In this case do you think it was from purging?—I cannot say positively. It is from some irritant in the blood.

Well, then, in the pains in the stomach. We are told that abdominal pains were first complained of, and these are produced, I think, by acute inflammation of the stomach?—We had rather to judge between one of the nurses and the doctors, and the doctors said nothing about pain. I always go by the doctors in these cases.

One of the nurses did speak of the pains on Friday,—I paid very little attention to this, because the nurses would tell the doctor, and if the pain was severe I can hardly imagine the nurse would pass over it.

Have you any doubt that inflammation of the stomach was there?—Surely he would have complained of it.

Have you any doubt after hearing the statement as to the condition of the stomach?—I don't think the condition of the stomach was at all unusual.

Do you mean that he did not die from it?—I presume that he died from exhaustion, produced by gastro-enteritis. I do not call this a severe case.

Don't you call a case which kills a man an indication of severe inflammation?—Some people are more easily killed than others. He merely had to get into a condition of exhaustion. I don't think there was pain in this case; I feel morally certain there was not.

Now, in the same way about the experiment you made, I suppose you used the same size of copper that Dr. Humphreys says he used?—I tried to get it the same size.

And did you perform the experiment lately?—I performed a number of the experiments on which Dr. Humphreys gave his evidence in order to prove them.

You are a skilled chemist?—Yes.

And the results on the copper required a skilled eye to detect?—Would you like to look at them?

No; probably the jury would like to see them. It would take

Evidence for Defence.

a skilled eye to detect them on the copper?—Certainly not; if F. T. Paul you only ask an unskilled person to look at it.

I will take your answer, but it is true that very often when the arsenic is there it is not traced in the urine?—I think it is there sometimes when not in the urine.

That arsenic when in the body sometimes cannot be traced in the urine?—I think that depends very much upon how recent the administration was. A single dose or two is rapidly eliminated, and certainly would be found in the urine; but if locked up in the liver for some time, the elimination would be extraordinarily slow.

May I ask you whether you have had any patients suffering from excessive doses of arsenic whom you have examined professionally?—I do not know that I have.

Then the result of your skill is from reading? None of your patients had been suffering from excessive doses, and you examined none to ascertain this point?—No.

The arsenic was found by Mr. Davies after the ordinary preparation in the food?—Yes.

I think he said he detected none after boiling water. The pan was one such as you have here. What did you use?—Hydrochloric acid.

What quantity?—About one in ten. I have tried it with soda, and found this enamel on the pan contained arsenic.

Did you try the experiment with warm water?—I did.

Could you detect arsenic in the pan?—Not simply with warm water. I examined it by Reinsch's test.

Did you find arsenic in the liver?—Yes.

To what extent?—I cannot say. I had only a small piece.

Re-examined by Sir CHARLES RUSSELL—You tried it by Reinsch's test to see whether it indicated the presence of arsenic?—That is so.

And you have no doubt that there was?—I have no doubt that there was.

As regards the detectability of arsenic, if a man has been taking it for a considerable time, you say it would be less quickly eliminated?—After the dosing is stopped, yes.

And in such cases as that, it may be in the system without necessarily revealing itself in the urine?—Yes.

As regards the pain in the pit of the stomach, does that increase on pressure? That is the pain you refer to?—Yes.

Let me remind you of what Dr. Humphreys said about the Wirral races. He said that Mr. Maybrick had told him that he had taken a double dose of his medicine, and he repeated the same thing to Mr. Thompson. Would that be sufficient to account for his sickness before he went to the Wirral races?—Yes.

Trial of Mrs Maybrick.

F. T. Paul Would it also probably have the effect of making his stomach more sensitive—increasing any normal derangement?—It would.

H. L. Jones **HUGH LLOYD JONES**, examined by Mr. PICKFORD—I am a chemist and druggist, carrying on business at Bangor. I was for some time assistant to Mr. Lathbury, a chemist, of Liverpool.

Can you speak, when you were there, as to the use of arsenic as a cosmetic?—I can speak to the fact that ladies came to 'buy fly-papers when no flies were about.

Apart from that, do you know from the usual experience of your business that arsenic is used as a cosmetic?—I do not know of my own experience; but I know there is an impression in the trade that it is used for that purpose.

J. Bioletti **JAMES BIOLETTI**, examined by Sir CHARLES RUSSELL—I am a hairdresser and perfumer, carrying on business in Dale Street, Liverpool. I have been in business some thirty years.

Can you tell my lord and the jury whether or not arsenic is used in cosmetic preparations?—It is used in toilet preparations.

In toilet preparations?—It is used a good deal in the hair for some purposes, and I have used it as a wash for the face on being asked for it by ladies. There is an impression among ladies that it is good for the complexion.

You only use it when you are asked for it?—Yes, on a few occasions.

I must ask you, was Mrs. Maybrick ever a customer of yours?—Not to my knowledge.

Cross-examined by Mr. ANNISON—You say it is used for the hair—you use it for the hair. Tell me how you use it?—Very largely for removing hair.

It is used on the face to remove whiskers?—Principally by ladies for removing hair from the arms as a depilatory.

What do you put in to do that?—It is mixed with lime.

How do you mix it?—Just mechanically.

How do you mean?—One-fourth of arsenic to three-fourths of lime.

In powder?—Yes.

White powdered arsenic?—No, I generally use yellow arsenic, but I have used white.

And what lime?—Slaked lime.

That is all?—Yes.

And do you put it together yourself?—Yes.

And what is the label?—Depilatory.

Do you put nothing else on it?—Directions.

And nothing to show there is arsenic in it?—No, sir.

Do you mean that you sell the stuff without any other label?

Evidence for Defence.

What weight is there in one of the packets?—It is generally J. Bioletti in a two-ounce hottle.

What weight? You as a chemist and druggist ought to know the weights.

Sir CHARLES RUSSELL—He is a hairdresser.

Cross-examination continued—And each packet will contain half an ounce of arsenic, and you put nothing on but the label?—Only the directions.

What are the directions?—To mix with water.

In what proportion?—Sufficient to make it to the consistency of cream.

Have you a bottle in the shop?—I think so.

Producing a small bottle, Mr. Addison read—“Depilatory, to remove superfluous hair; mix with a quantity of water to the consistency of a thick cream, and then spread one-eighth of an inch on the skin and all over it, to remain three minutes; if the skin is sensitive five minutes. Then remove it with a paper-knife. Wash with cold water, and apply a little cold cream. It should not touch a sore or it will be painful.” Is that so?—I think so.

[The hottle was handed to Sir Charles Russell.]

The lime would make yellow arsenic very nasty to the taste?—I never tasted it.

Tell me do you know at all whether it is used as a cosmetic?—Not as a rule.

Not unless asked for?—I have been asked for it a very few times in my life. I have been spoken to on the subject by ladies, asking as to its value as a cosmetic. It is generally supposed to be a good thing for improving the complexion.

But when do you prepare it?—I only prepare it just for the occasion, and only in small quantity. I only remember distinctly one occasion.

We know that it produces skin eruptions if persisted in?—(No answer.)

You do not know?—(No answer.)

Re-examined by Sir CHARLES RUSSELL—So far as this is concerned, it is only a depilatory for removing superfluous hairs from the face?—Or the arms.

Is this (holding up a small hottle) in common use?—It is in common use.

Although you do not have it for sale, are you sometimes asked for it for the purpose of cosmetics?—Yes.

In that case you would prepare it in that form, I suppose, in solution?—I would just put a little into milk of almonds.

Or any other purpose of the kind?—Yes; I have seen it in the country papers recommended for making the hair grow.

Trial of Mrs Maybrick.

J. Bioletti That is another matter ; that will do.

Sir CHARLES RUSSELL (producing a pill box)—I should like to call some one to speak to a box I have here, which is labelled, "Taylor Brothers, pharmaceutical chemists, Norfolk, Virginia," and the description of the contents of which says, "Iron, quinine, and arsenic, one capsule every three or four hours; to be taken after food." At the bottom of it is the name "Mr. Maybrick."

Mr. ADDISON—I shall call Mr. Edwin Maybrick at once to speak to it.

Sir CHARLES RUSSELL—I do not wish to make any complaint about this not being produced by any one.

Mr. ADDISON—It is in the printed list.

Sir CHARLES RUSSELL—It is not.

Mr. ADDISON—Mr. Edwin Maybrick will tell us all about it.

Sir CHARLES RUSSELL—I will quite accept his statement.

E. Maybrick **EDWIN MAYBRICK** recalled, examined by **Mr. ADDISON**—Where did you find this box?—I found it in the drawer of the wash-hand stand of my brother's bedroom.

It is dated Norfolk, Virginia ; how long is it since he was there?—Since 1884.

Was that the last time he was there?—Yes.

Cross-examined by Sir CHARLES RUSSELL—Do you know how this escaped being recorded amongst the things found?—I found it at the time the furniture was being removed from the house.

When did you find it?—A week or two after he died—before the furniture was removed.

Did you know that Mr. Cleaver, the president of the Law Society, was acting for this lady —I did.

Did you communicate it to him?—No.

By Mr. ADDISON—What did you do with it?—I kept it.

When did you first give it?—On the 1st of August.

By Sir CHARLES RUSSELL—What day was it when you found it?—I cannot say.

By Mr. ADDISON—Was it when the sale was on?—Just before the furniture was removed; that would be about two weeks after the death of my brother.

Sir James Poole **Sir JAMES POOLE**, examined by **Sir CHARLES RUSSELL**—I am a merchant. I have lived practically my whole business life here, and have served the office of Mayor.

Did you know the late Mr. James Maybrick?—I did. I belong to the Palatine Club, of which he was a member.

Do you recollect one day in the spring of the present year, 1889, coming out of the underwriters' room and meeting him and one or two other friends?—I do.

Evidence for Defence.

By Mr. JUSTICE STEPHEN—When was this?—As far as my recollection serves, it would be some time in the month of April. Examination continued—On a spring day?—Yes.

Did the conversation in some way turn on the use of poisonous drugs?—As far as poisonous medicines, it did.

Just tell us what he said and what you said?—Some one made the remark that it was becoming the common custom to take poisonous medicines. He had an impetuous way, and he blurted out, "I take poisonous medicines." I said, "How horrid. Don't you know, my dear friend, that the more you take of these things the more you require, and you will go on till they carry you off." I think he made some expression, shrugged his shoulders, and I went on.

Sir CHARLES RUSSELL—That is the evidence I place before you, my lord. I don't know what the desire of the lady may be now as to making any statement.

Mr. ADDISON—It appears to me that Sir Charles might very well make them himself if they are to be received.

Sir CHARLES RUSSELL—I will ask the lady what is now her wish.

Sir CHARLES RUSSELL held a short whispered conversation with Mrs. Maybrick.— Then he said, addressing his lordship—My lord, I wish to tell you what has taken place. I asked if it was her wish to make any statement, and she said "Yes." I asked her if it was written, and she said "No."

Mrs. MAYBRICK—My lord, I wish to make a statement, as well as I can, to you—a few facts in connection with the dreadfully crushing charge that has been made against me—namely, the wilful and deliberate poisoning of my husband, the father of my dear children. I wish principally to refer to the use of the fly-papers and to the hottle of meat essence. The fly-papers were bought with the intention of using as a cosmetic. Before my marriage, and since, for many years, I have been in the habit of using a face-wash prescribed for me by Dr. Greggs, of Brooklyn. It consisted principally of arsenic, tincture of benzoin, elderflower water, and some other ingredients. This prescription I lost or mislaid last April, and, as at that time I was suffering from slight eruption of the face, I thought I should like to try to make a substitute myself. I was anxious to get rid of this eruption before I went to a hall on the 30th of that month. When I had been in Germany many of my young friends there I had seen using a solution derived from fly-papers, elder water, lavender water, and other things mixed, and then applied to the face with a handkerchief well soaked in the solution. I used the fly-papers in the same manner. But to avoid the evaporation of the scent it was

Trial of Mrs Maybrick.

Mrs
Maybrick

necessary to exclude the air as much as possible, and for that purpose I put a plate over the fly-papers, and put a folded towel over that, and another towel over that. My mother has been aware for a great many years that I have used an arsenical cosmetic in solution. My lord, I now wish to refer to the bottle of meat essence. On Thursday night, the 9th of May, after Nurse Gore had given my husband beef tea, I went and sat on the bed beside him. He complained to me of being very sick and very depressed, and he implored me then to give him this powder, which he had referred to early in the evening, and which I had declined to give him. I was overwrought, terribly anxious, miserably unhappy, and his evident distress utterly unnerved me. He had told me that the powder would not harm him, and that I could put it in his food. I then consented. My lord, I had not one true or honest friend in that house. I had no one to consult, and no one to advise me. I was deposed from my position as mistress in my own house, and from the position of attending upon my husband, notwithstanding that he was so ill. Notwithstanding the evidence of the nurses and servants, I may say that he wished to have me with him. He missed me whenever I was not with him; whenever I went out of the room he asked for me, and, for four days before he died, I was not allowed to give him a piece of ice without its being taken out of my hand. When I found the powder, I took it into the inner room, with the beef juice, and in pushing through the door I upset the hottle, and, in order to make up the quantity of fluid spilled, I added a considerable quantity of water. On returning to the room, I found my husband asleep, and I placed the bottle on the table by the window. When he awoke he had a choking sensation in his throat, and vomited. After that he appeared a little better, and as he did not ask for the powder again, and as I was not anxious to give it to him, I removed the hottle from the small table, where it would attract his attention, to the top of the washstand, where he could not see it. There I left it, my lord, until, I believe, Mr. Michael Maybrick took possession of it. Until Tuesday, the 14th of May, the Tuesday after my husband's death, and until a few minutes before Mr. Bryning made this terrible charge against me, no one in that house had informed me of the fact that a death certificate had been refused, and that a post-mortem examination had taken place; or that there was any reason to suppose that my husband had died from other than natural causes. It was only when Mrs. Briggs alluded to the presence of arsenic in the meat juice that I was made aware of the nature of the powder my husband had asked me to give him. I then attempted to make an explanation to Mrs. Briggs, such as I am stating to your lordship, when a

that
wel
been
ical
the
ay,
and
sing
to
the
ver-
lent
der
I
end
vise
own
nd,
evi-
l to
with
nd,
n a
n I
beef
nd,
l a
e, I
ble
ion
ttle
s I
the
of
my
of
my
ing
nad
ed,
hat
om
ggs
was
ted
to
n



Sir Charles Russell, Q.C., M.P.



Mrs Maybrick's Statement.

policeman interrupted the conversation, and put a stop to it. Mrs
In conclusion, I have only to add that, for the love of our Maybrick
children, and for the sake of their future, a full and free reconcilia-
tion had taken place between us, and that on the day before his
death I had made a full and free confession to him, and received
his entire forgiveness for the fearful wrong I had done him.

Sir CHARLES RUSSELL—My lord, I now desire to call two
persons to whom that statement was made before the inquest,
to give evidence to that effect.

Mr. JUSTICE STEPHEN—I wish to say it is very painful to me
to have to refuse what I feel to be an essentially reasonable
request, but I think I cannot allow it. I cannot go beyond
what the law allows.

Sir CHARLES RUSSELL—I do not for one moment make any
complaint as to what your Lordship says.

Closing Speech for the Defence.

Sir CHARLES RUSSELL—My lord, gentlemen of the jury, I Sir Charles
will not at the outset make any allusion to the grave and Russell
remarkable statement which has been made by the woman
in the dock. Hereafter I will allude to it. Now that we are
approaching towards the end of this anxious and wearisome
case, which involves my addressing you upon the whole of the
facts of the evidence, I have to ask you, in view of all those
facts, in view of all that evidence, in view of the mysteries
which to a greater or less degree encompass this case, in
view of the contrariety of opinion expressed by men of great
eminence in their profession, I must ask you even at the
outset whether it is possible for you, the jury, to arrive with
satisfied judgment and with safe conscience to a verdict of
guilty in this case. I confess that, looking through the
momentous issues involved in it, I tremble to think that any
want of care, or of vigilance, or of skill on the part of my
able and loyal colleague and myself should in any way imperil
the interests of the client committed to our charge. But I
feel the utmost confidence that where our observations or
comments on the case may fall short, you, as men of the
world, and exercising your intelligence for yourselves, will
think out the matter as men of sense, and supplement any
shortcomings of ours.

I have a right to call your attention to one fact in connec-
tion with this prosecution. This lady has elected to take

Trial of Mrs Maybrick.

Sir Charles Russell her trial in Liverpool before a Liverpool jury, in the community with which her husband lived, in which he was known, and in which upon a bare recital of the supposed facts of this case it was inevitable that to ill-informed and to imperfectly-informed minds great and serious prejudice must have been caused. I think I shall probably secure the assent of my learned friend who conducts this prosecution if I say that, in view of those facts and of the extraordinary freedom of newspaper comment and announcement which have followed this case, if she had desired to shrink from meeting a jury drawn from this community she would not have had interposed in the way of those who represent the Crown any difficulty in the way of effecting a change of venue. She comes before you asking from you nothing but that you will willingly grant a careful, an attentive, and a sympathetic hearing in her case.

On Saturday I told you, gentlemen, there were two questions in this case; and those two questions are—is there, taking the whole of the facts and taking the whole of the evidence in relation to those facts—is there clear, safe, satisfactory, unequivocal proof either that this was in fact a death caused by arsenical poisoning or that she administered that poison, if to the poison the death of her husband was due? If upon either of those questions, after the whole of the case has been exhausted short of your verdict, there still remains upon one or other of those questions a real, a substantial doubt such as would operate upon your minds in determining your course of action in any ordinary affair of life of important moment, then it will be your duty to let this woman go free, for the law, tempered with mercy, just as it is, forbids the consigning to an ignominious death any human being unless the guilt of that human being has been established to your reasonable satisfaction, or so as to expel reasonable doubt.

A word about the unhappy man whose death we are inquiring into. I shall refer to him only where it is necessary, and I shall, I hope, be called upon to say nothing which will hurt the natural susceptibilities or the feelings of his living friends. He appears in the course of this case as a man who seems to have been liked by his friends, and not without a kindly or generous nature; but certainly in some respects, and in respects that touch closely some questions which we have to consider in this case, his history is a peculiar one. I am not referring, and do not propose to refer, on this subject at all, in any detail to the evidence given in relation to his course of life in America, but we have it believed upon all hands that from the first moment of which we have

Closing Speech for the Defence.

an, emphatic account of his life and habits, he seems to have been a man who suffered chronically from what appears to have been derangement of the stomach. He was not a man who was frequently ill in the sense that he was unable to attend to business, but he was, as far back as 1878 or 1879, complaining of his stonachic derangement, complaining to Dr. Hopper in 1882, to Dr. Humphreys and Dr. Drysdale in 1888, and to Dr. Fuller in 1889. Indeed, for the whole period of his authentic history, as far as we know, he so suffered. It is a peculiar feature—and it is a peculiar feature of this case—that the same symptoms in the illness which resulted in his death—I mean that coldness and numbness in the extremities, in his hands, legs, and feet—are symptoms spoken of as far back as his residence in America by Mr. Bateson amongst others, as far back as 1878 and 1879. He seems to have not merely a dyspeptic tendency, but what often accompanies it, he seems to have been of a hypochondriacal nature, given to exaggerate his own condition and the gravity of his symptoms; and I have no doubt that human experience shows that that kind of temperament, that working of the imagination constantly introspecting, if one may say so, his own symptoms, has upon a man a pernicious effect. We find also that he was given from the earliest time of which we have any authentic account to dosing himself. He displayed a familiarity with the properties and uses of poisonous drugs and medicines. He was given to dosing himself, and he was proud of his knowledge of these medicines and drugs, boasting of it, and, to use Dr. Humphreys' words, being extremely proud of it. He followed the suggestions of friends as to medicines which they had been in the habit of taking with beneficial results, and applying these medicines for use in his own case, and not always with benefit.

In 1881 he was married, and of that marriage there are two children living; they are not represented in this inquiry, but they are children whose interests are hound up to some extent in this trial. One is a child of seven, the other is a child of three years of age. It would seem that from 1881 up to the year 1889, in which I am now addressing you, that that was a happy marriage. We have had no suggestion from any one who knew Mr. and Mrs. Mayrick that there was up to 1889, when the man whose name has been referred to, unluckily for her and unluckily for him, crossed her path; we have no suggestion up to that time of any domestic unhappiness, and I have therefore a right to assume that, although there may have been from time to time differences of a minor character, and such as probably in most married lives, even the most happy, occasionally occur, that there

Sir Charles
Russell

Trial of Mrs Maybrick.

Sir Charles Russell was not any serious domestic unhappiness, any serious difference between man and wife. I mention this fact for the reason which I now give in order that I may point your attention to a fact, the importance of which, if I mistake not, can hardly be exaggerated in this inquiry. I mean the important statement made by Dr. Hopper either in the June of 1888 or in the September of that year, and which Dr. Hopper has deposed to, that as far back as that period Mrs. Maybrick called his attention—that is the medical man attending him—to the fact that although she did not know what it was, whether arsenic or otherwise, that her husband had been and was in the habit of using certain powders, the nature of which she did not know, but which she had observed after he had taken them had apparently not agreed with him. They made him irritable, and, as she believed, were doing him mischief. Again, let me remind you that that same observation was repeated to Dr. Humphreys in the early part of March, 1889, and still more remarkable, a letter written by the wife of James Maybrick to his brother, Michael Maybrick, in London, in which she repeated in the year following, namely, in 1889, in substance what she had in 1888 told to Dr. Hopper upon the subject of the powders or the drugs which her husband was in the habit of taking. Gentlemen, in 1889—unhappy time for her—she meets, becomes intimately acquainted with, the man Brierley.

But before I follow the story of that incident let me, in passing, call attention to what was done upon these statements and suggestions that had been made as to the drug-taking. Dr. Hopper contented himself with searching the dressing-room, or the inner room, and finding superphosphates, did not do more. Michael Maybrick appears to have made some suggestion of it to the deceased man, and to have received from him some denial, but with that he seems to have rested content, prosecuting no further inquiry. I would remind you, gentlemen, I would ask you to consider whether that was a satisfactory course to pursue in such a case, whether any real weight should be given to a denial so made, under such circumstances, in view of the facts established beyond any doubt that certainly not merely was this solution taken, but that in 1889, and for a considerable period before that time, going back for eighteen months, he had been in the habit of visiting constantly, several times a day, the shop of Mr. Heaton in Exchange Street East. These are habits of which men are not proud. They would not care about publishing them in all their fulness to the world. It might induce them to go the length of saying they were taking poisonous medicines, but not to the extent of admitting that

Closing Speech for the Defence.

they had been for a considerable period pursuing a life which had been marked by the habit of taking such medicines.

Sir Charles
Russell

In 1889 the incident of the visit to London took place on the eve of the Grand National. You have observed, acting of course upon instructions conveyed to me by the solicitor, who in turn received them from the prisoner, that I have not uttered one word of cross-examination as to that story of what took place in London. This lady fell. She forgot her self-respect. She forgot her duty to her husband. She and her husband formed part of the same party at the Grand National. Mrs. Mayhrick returned first, followed in the course of a few minutes by her husband. He did not know, not till it was told him on what proved to be his deathbed; he never did know, as Mr. Michael Mayhrick has told us, the extent of the gravity of her fault; but he complained of her conduct at the Grand National. A stormy scene then occurred between husband and wife, the first that came to the knowledge of any of the servants of the house, and apparently to the knowledge of any of the friends of the family. Then we have the painful, the touching incidents which followed—the wife dressing herself to leave her husband's house; a cab ordered to take her away; the threat of the husband that if she crossed the threshold she would not be allowed to return; the wife apparently unmoved by that threat, and in the hall proceeding to leave her home. Then one of the servants came, and a kindly thought rose in her mind as to what would be the most effective appeal to a mother. She says, "Come and see the baby," puts her arm about her in kindness, and the woman, hard and relenting up to that time, apparently unmoved by her husband's threat, yields to that appeal, and turns and remains in the house. Well, the woman's nature so yielding is not wholly bad. Then follows the story of the next day, the visit in company with Mrs. Briggs, who was then her friend, to Dr. Hopper's; the further visit to Mrs. Briggs' solicitor with the view of proceedings for a separation, the incident of the black eye, the only reference to such a subject that I will make; the reference to another person, a woman, concerned in the matter; and then finally Dr. Hopper visits the house, brings husband and wife together, and apparently this man, not of an ungenerous nature, appears to have made up his mind to forgive and to forget, and to all appearances a reconciliation took place between them.

Now, I have told you this part of the story in order to fix your attention upon this point. This is not a case in which it is suggested, or can be suggested, any base pecuniary motive, which is not an uncommon incident of a

Trial of Mrs Maybrick.

Sir Charles
Russell

charge of this kind. The sole suggested motive, as I understand, in this case is that she desired to conceal from her husband the fact that the grave error which she had committed, that she had conceived a feeling of estrangement towards her husband; and was tempted by wicked, deliberate, foul, criminal means to end his life. If there were not this act of infidelity on her part, there would be no motive assigned in this case, and surely there is a wide chasm between the moral guilt—the grave moral guilt I admit it to be—of the crime of unfaithfulness and the moral, ay, and the criminal, guilt involved in the deliberate plotting by such wicked and contrived means as these of the felonious death of her husband. Ah, gentlemen, for faults of this nature the judgments of the world are indeed unequal. In a man such faults are too often regarded with toleration, and they bring him often but few penal consequences. But in the case of a wife, in the case of a woman, it is with her sex the unforgivable sin. Those who should well consider throw stones at her from unworthy hands. She is regarded as a leper, deprived of the sympathy and encouragement and affection, and advice and consideration of friends and sympathetic hands. Now, is it true, I ask you, because she has committed—admits she has committed so grave a fault as this—because she sinned once is she, therefore, to be misjudged always? Ah, it appears likely to cast upon her life that stain which offences of this kind in domestic life—where woman falls—will cause. While there may be nothing to excuse, there may be something to palliate the offence. It may be found in selfishness, in want of sympathy, in giving the blow where the kindly and affectionate word of entreaty and advice to the woman ought to have been substituted.

These are the occurrences of March, 1889. Between that date and the date of the Wirral races—an important date—nothing of moment occurs except the fact of the purchase of some fly-papers from two persons, one from Wokes and the other from Hanson. Now, I wish you to try and put yourselves in the position of carefully scrutinising what would be the conduct and action of persons who had allowed to enter into their minds the guilty desire of endeavouring by foul means to take away the life of her husband. Would she be likely to go to persons to whom she was known for the purpose of obtaining the means, the instrument, by which to effect that wicked purpose? Would she be likely—all the more because she had opportunities in other and distant places as in London, where she was but little known—would she be likely to go to persons who knew her sufficiently well as to address her by her name, who knew her address, and who in one of these

Closing Speech for the Defence.

two instances actually sent to that address by the hoy for delivery one of the parcels of fly-papers? I dwell upon this fact because if I rightly understood the opening of my learned friend Mr. Addison, he dated the beginning of this design from the purchase of the fly-papers, and he dated the beginning of the attempt to put that design into execution as from the day of the Wirral races, or the night before the Wirral races, the 27th of April. Now, what took place on that day? We have it not upon Mrs. Mayhrick's suggestion only. We have it that Mrs. Maybrick says to Yapp that her master was ill, and that he was ill because he had taken a double dose of the medicine which never agreed with him, and we knew what that medicine was, namely, that nux vomica largely entered into it. Well, but was that statement of Mrs. Maybrick's an imagination, a contrivance, a lie that she invented? Not at all; it was a fact, a fact proved by two witnesses, one called for the prosecution, the second for the defence. The witness called for the prosecution is Dr. Humphreys, who has told you that when upon the next day, the 28th, he was called in under circumstances I will presently mention, to see James Maybrick, he explained to him that his first illness had begun with the taking of a double dose of medicine on the 27th, and I think he also made some reference as to the incidents which had occurred at the Wirral races. We called a gentleman, known to you in all probability, Mr. Thompson, who was called on Saturday, and who told us that at the Wirral races he had noticed, and some friends had noticed, that Mayhrick was not well. Mayhrick gave the same explanation; he had taken a double dose of medicine which never agreed with him. On the 27th April he goes to the Wirral races, and, I think, without expecting from us further witnesses upon that point—for you, I am sure, will understand the difficulties there are in getting witnesses, especially if they have been friends of Mr. Mayhrick, to come voluntarily forward, I am not complaining about it—we have sufficient proof to justify the statement that on that day at the Wirral races he was riding about in the wet. Thompson speaks of the heavy rain which had fallen during the day. He dines apparently on the other side of the water, under what circumstances we do not know, whether in the clothes he was wearing during the day we have no information. I do not know what the circumstances were, but the next day, the 28th, he is taken ill and complains of vomiting.

What does this wife do—the wife who has then entered upon this dark path of crime according to the suggestion of the prosecution? We have that clearly described by the evidence of the servants in the bell violently rung by Mrs. Maybrick,

Str Charles
Russell

Trial of Mrs Maybrick.

Sir Charles
Russell

and Mrs. Maybrick coming down to the kitchen and asking for a mustard emetic quickly, taking it to her husband and bidding the servant prepare another emetic at once. Then a messenger was sent for Dr. Humphreys, who had attended Mrs. Maybrick and her children. He is summoned to attend the man whom at that time she is beginning to try to poison. Again, later on the same night when there is a recurrence of his sickness the servant, Mary Cadwallader, is again sent for a doctor, and this by a wife who in these circumstances, it is suggested, was then engaged in a foul design against her husband's life. Between the 8th of April and the 3rd of May one or two incidents occurred which it is important I should now call your attention to. You will recollect the statement as to the preparation of food in the house which was sent down to the office. I shall be precise about this, and shall fix the days clearly by reference to the evidence. It seems that on three occasions Du Barry's food was prepared for him. On the third occasion the food was prepared for him, but it was not brought down to the office; it was forgotten. On the first occasion it was taken down, and on the second also. Now, it is suggested that into that food Mrs. Maybrick introduced the poison to take away her husband's life, and in that connection I will only ask you to bear in mind that I am speaking after a careful scrutiny of it—the evidence of Dr. Humphreys makes it clear that on neither of these occasions, on the 1st or 2nd May, was there any consequent illness which might be attributed to the taking of poisoned food. Dr. Humphreys says that he called on that Wednesday at the house after Mr. Maybrick's return from business. He found him better, without a headache, his tongue was cleaner, and he thought he was making progress. On the 2nd May he did not see him at all, and there is no suggestion in any part of the evidence, which I have inspected with as much care as I could, that with the food he had taken stuff which would injure him or bring on an illness.

The case continues under the charge of Dr. Humphreys up to Tuesday, the 7th, and what took place on Tuesday, the 7th, I wish to make clear to your minds. On that morning Mrs. Maybrick telegraphs to Hale to a nurse, Mrs. Howell, who had attended her, and who, as she said, would be agreeable to her husband as being no stranger; and it was on the same Tuesday she telegraphed to Liverpool to Mr. Edwin Maybrick to bring down a doctor of whom he had spoken to her, namely, a friend of his own, Dr. M'Cheyne. And, further, I wish to draw your attention to the fact—also important in judging of the probabilities of the kind of theory set up on the part of the prosecution—that on the 25th April, that is two days before the V'rral races, Edwin Maybrick arrived in Liverpool from

Closing Speech for the Defence.

America, and was constantly—I don't mean every day or every hour—but constantly to the end of the illness, to the death of his brother, frequently sleeping at the house, frequently dining at the house, and with a full opportunity of conversing as freely as he desired with his brother, and noting the progress of his brother's case. And I ought to have mentioned that after he had taken what he supposed to have been poisoned food on Wednesday, the 1st, he returned home and went to a dinner party, at which were Mr. Edwin Maybrick, Mr. and Mrs. Maybrick, and Captain Irving, of the steamship belonging to the White Star Line called the "Celtic." Mr. Edwin Maybrick did not bring out his friend Dr. M'Cheyne, but brought instead Dr. Carter, and instead of the nurse from Hale coming, a trained nurse, namely, Nurse Gore, arrived. Dr. Carter arrives on Tuesday, the 7th May, Nurse Gore on Wednesday, the 8th, at about half-past two o'clock.

Now, I beg you to follow carefully for one moment. Dr. Carter comes up after communicating with Edwin Maybrick, Nurse Gore comes out with Mrs. Briggs, who pays a visit with her sister, Mrs. Hughes, on Wednesday, the 8th. It is thought—and I think quite rightly thought—that skilled, trained nurses would be preferable to the nurse who had merely been attending upon Mrs. Maybrick at childbirth. I ask you if it is not clear from the story of this case that there were three nurses—Nurse Gore, Nurse Callery, and Nurse Wilson, of each of whom I desire to speak with entire respect—who came practically to watch, to check, and to control her, and that they did so watch, check, and control Mrs. Maybrick from that Wednesday until the day of Mr. Maybrick's death. I think that cannot be doubted, and as unhappily follows from that position of things all her acts, even of careful attention, even of what would at other times and under other circumstances be regarded as acts of solicitude and tenderness, are at once suspected, thoughts are suggested or raised in the mind, all such assume a different complexion, and if they are capable of being construed by ill suggestions probably receive that construction. But this at least is clear—from that Wednesday until the death, the words which this lady herself used in that statement this morning, she was deposed—she was not, in fact, allowed to render to her husband, who appears to have asked for her when she was absent from the room—she was not allowed to administer the smallest thing. Even pieces of ice to allay his thirst or mitigate his fever were taken from her hand and given to the hands of others.

On that Wednesday occurred an event, the importance of which I do not seek for one moment to conceal from myself—for so important do I regard it as even to suggest to you

Sir Charles
Russell

Trial of Mrs Maybrick.

Sir Charles
Russell

that if it had not taken place you never would have heard of this charge. You never would have heard of this prosecution. I mean the intercepted letter on the Wednesday to the man Brierley. Mr. Addison, in opening his case, referred to that letter. I don't at all complain of the way in which he referred to it. But that letter discloses clearly this, that she was addressing the man Brierley even then in terms in the highest degree improper, that she was betraying an anxiety to keep on close and affectionate terms with him so long as there was any chance of discovery of the guilty visit she had paid to London, and that she was speaking, ay, and, if you wish, speaking in exaggerated language of the illness of her husband as it then appeared, and of the serious character of the illness. In that letter she also speaks of the presence of his relatives, and of the anxiety which she shows, and when you come to recollect the story of Mrs. Briggs and her sister and the statement of Nurse Gore you cannot have any doubt how it came that that illness presented so serious an aspect to her, and how she came to describe the feelings of herself and of her husband's relatives as feelings of terrible anxiety. Why do I say this? Because Mrs. Briggs and her sister come, and they both tell you in the box they at once came to the conclusion that he was—I will not say in mortal peril—but in peril, and that it was a most serious state of things—far more serious than the doctors thought it was—and they said so to Mrs. Maybrick. When Nurse Gore came she thought it was a very serious case. The servant in the house, Yapp, speaks to the same effect. The letter was written and given to be posted, but it never was conveyed to the post office under the circumstances which you have heard. You may recollect my cross-examination of Nurse Yapp. That cross-examination was not directed to throwing any doubt upon the fact that the letter was written and was given to her to be posted, because there has been no contest about that at all, but in order that you might see how rapidly and how strongly suspicion had been generated in the minds of the servants in that house. Suspicion being generated, how probable it was that every act of this woman would, as far as they could scan it, be scanned by jealous and even suspicious eyes; and while it is not material to my purpose to do more than this, I do suggest that the story as to the reason why that letter was opened has not been truly and fully given to you by the nurse—that, if it fell, it fell as a contrivance to supply an excuse for opening it, for it is obvious that in the case of an intelligent person like that, even if it was the case that the address had been so smeared as not to be perfectly legible, the obvious course which a trustworthy servant would pursue, if there

Closing Speech for the Defence.

were not any motive to the contrary, would have been merely to enclose that letter unopened in another envelope. Even that letter—take it, read it, scan it as you will, with all its exaggerations—for exaggeration there is—read it, and ask yourselves is it the letter of a guilty woman who is then planning the murder of her husband?

Sir Charles
Russell

I pass on with the history of this case, until I come to examine a little more carefully into what I may call the medical aspect. I will ask you to note this fact, that it is not until Thursday, the 9th May—that is to say, two days before the death—that Dr. Humphreys makes any reference to diarrhoea as affecting his patient. There is, indeed, in the evidence of Dr. Carter a statement that, as early as the 7th—which was Tuesday—there had been what he described as a relaxed motion. That, I may remind you, is a very different thing from diarrhoea. You will find that of importance when I come to consider the medical evidence. On Thursday, the 9th May, the first allusion by Dr. Humphreys to purging occurs—and it occurs in a way which points it out clearly. At the coroner's inquiry he said—"He was *now* suffering from diarrhoea." Gentlemen, I have no criticism to make on the medical treatment of this case. No one suggests that treatment did more than to endeavour to allay some of the symptoma of the illness—jaborandi to increase the saliva and moisten the mouth; sedatives to allay the febrile symptoms which were described as of a depressing tendency; and finally, on Saturday, the 11th, Jamea Mayhrick dies.

Now, again let me remind you of the theory, the only theory suggested by the prosecution—the administration of poison by his wife, beginning to show itself from the day of the Wirral races, 27th April, continued more or less frequently down to close upon his death, and a suggestion coming from Dr. Carter, and I think from Dr. Carter alone, suggesting the probability of a serious dose being given to him on 3rd May. And now I have to ask you, in view of the evidence you have heard, what would you expect if that was a true account? If in this state of his illness she had given these doses, and a serious dose on 3rd May, what would you have expected according to the account of, I may say, all these so-called scientific gentlemen for the prosecution as well as for the defence—would you not have expected a more marked presence of arsenic in the man's system after death—from the 27th April to the 11th May, some fourteen days, from the 3rd to the 11th May, some eight days? I do not enlarge on this point now; I note it in passing. What was the condition, what was the conduct of the wife at this crisis? She knew certainly from Wednesday, the 8th, probably from

Trial of Mrs Maybrick.

Sir Charles
Russell Tuesday, the 7th, she suspected, that her brother-in-law, or brothers-in-law, were dissatisfied with her. On Wednesday they come to the knowledge of that letter intercepted. I am using this to test the theory of the prosecution upon the assumption of this woman's guilt. Is it conceivable that in that condition of things she would not have made any effort to remove from that house proofs of her guilt—traces and means by which her guilty design had been effected? There is not one of these things as to which there is evidence that could not have been removed some one of these days, destroyed, hidden, the contents vanished, leaving no trace behind by which her crime could be found out; and yet what was her conduct, what her condition? She had, you have heard, spent many watchful nights. When Nurse Gore arrived she had been up several times, and she went, at the instance of Nurse Gore, to rest, and when the end came she was utterly and completely prostrated; so much so that she was carried from the room into the spare bedroom, and there she lies from the day of the death until, unknown to her, she is practically in charge, in her stricken condition, of policemen standing on the landing outside the door. Although no charge has been formulated against her, and although no opportunity has been given her for explanation, and although there was no friend or other person who came to her to state the points which were alleged against her, and the circumstances which were supposed to bring suspicion home to her, was that the conduct or the action of a woman of guilt? It is more intelligible upon another hypothesis. If it be true, as she says, that in one of those confidential conversations, those whispered conversations which Nurse Callery spoke of—if it be true that in that illness she did tell her husband what was then unknown to him—the extent of her sin against him—if it be true that in view of that information this man was heard to murmur, "Oh, Bunny, Bunny, how could you do it?"—if it be true that she did make, as she has told you to-day she did make, a contrite statement of her fault, then, indeed, in view of her husband's death, her condition would be accounted for. She could not but feel, apart from the gravity of her moral offence, the pain, the anxiety that her conduct—although the full scope of her misconduct was not known—might have had something to do with her husband's illness. She could not but feel in such trying moments as these, the eve almost of his death, the bitter reproach, the ill part that she had played to the man who seems, on the whole and apart from a great temptation, to have been neither ungenerous nor unkind to her. Her condition of overwhelming grief can easily be accounted for, for one can understand under such circumstances the rising up

Closing Speech for the Defence.

in her mind of a recollection of better and happier times—recollections of the birth of her children, the kindness of her husband, and side by side with that bitter reproach in her own mind, how much she had done to forfeit his affection and how little she had done to repay him for his kindness, you will say whether, if a woman had the nerve and fibre enough to plan such a murder as this—cold, deliberate—she would not also have had the instinct of self-preservation strong enough in her to make some attempts at least to remove—and there was no difficulty in the operation—these evidences of the guilty means by which she had effected her foul purpose. Instead of that you find her prostrate, carried senseless from the room in which her husband died, and brought into another room, where she remained for seven days, until at last she left her husband's house under police escort for Walton Gaol.

Sir Charles Russell

At this stage the Court adjourned for luncheon.

On the resumption of the proceedings after luncheon, Sir CHARLES RUSSELL, continuing his address, said—I will now ask your closer consideration of the two main questions, the first of which, I take the liberty of reminding you, was this—What is the answer to the question—are you satisfied beyond a reasonable doubt that this was a case of poisoning by arsenic at all? In considering this I shall content myself with calling your attention to the views put forth by the evidence and the other, by the witnesses that have been called before you—gentlemen of experience and of eminence. First, let me remind you of what Dr. Humphreys, Dr. Carter, and Dr. Stevensan, whose services were called in after death, all agree upon. It is this—with regard to Dr. Carter and Dr. Humphreys, the notion of arsenical poisoning did not occur to their own minds until it was suggested to them. As far Dr. Carter, he was puzzled to know what it was; he believed it was some irritant poison, but what it was he could not tell. Dr. Stevensan, especially relying upon the statement of Dr. Humphreys, who went more fully into the matter, said—“Although the symptoms during life in my opinion point to arsenical poisoning, although the post-mortem appearances point in the same direction, yet I would abstain from expressing a pronounced judgment in the matter until I had known the results of the analysis.”

What does that mean except this, that if traces of arsenic had not been found in certain parts of the body, and more than a trace found in other parts, especially the liver, notwithstanding the view he expresses as to the character of the symptoms and the post-mortem appearances, he would not pronounce a judgment that the cause of death was arsenical

Trial of Mrs Maybrick.

Sir Charles
Russell

poisoning? And now it is important to bear in mind the small quantity that was in fact found, and in this connection it is also important to bear in mind the evidence which I will shortly call attention to, beginning with the evidence in America, of a definite purpose, to which I shall refer, and ending with the last bit of evidence, with the statement of the conversation as late as April of this year with Sir James Poole.

Now as to the symptoms, all the witnesses on both sides substantially agree in this, that the symptoms which they would expect to find in a case of arsenical poisoning they would also substantially expect to find in any case of gastritis or gastro-enteritis, however caused—that is to say, once the gastro-enteritis is set up involving both the stomach and the bowels, the symptoms are not distinguishable when that gastro-enteritis has been caused or occasioned by arsenical poisoning or by any of the other things capable of producing it. But they say that these symptoms point in the direction of arsenical poisoning, and when these symptoms came to be enumerated, which would be *a priori* expected, they were stated by my learned friend Mr. Addison, as Dr. Tidy said, with great correctness. They are—excessive and persistent vomiting, excessive purging or diarrhoea, pains in the stomach, increasing on pressure; they are, if it is a case of long administration of arsenical poison, affection of the eyes, and cramps in the calves of the legs. All those have been deposed to by the witnesses you have heard. Of course, the most reliable and most valuable witness on that head is Dr. Humphreys, because he was in charge of the case from the 28th April, at its beginning, until it closed with the death of James Maybrick. Dr. Carter has spoken of the much more limited time, namely, from Tuesday, the 7th of May, until Saturday, the 11th of May. Now, what was said by the witnesses on the other side? You have had Dr. Tidy, whose experience in these cases is certainly as great as that of any of the other gentlemen—I do not desire to depreciate at all their evidence. You have heard it from Dr. Macnamara, whose eminent position, especially that in which he represents the College of Surgeons on the General Medical Council, whose position vouches for his character in the estimation of his profession, and who had peculiar and exceptional opportunities for judging of cases of the action of arsenic from his position in connection with the Lock Hospital in Duhlin, of which he has told us he is the senior surgeon: “Our experience points to cases where arsenic given and causing death or injury may not produce this or that symptom, but we have never known a case of arsenical poisoning where there was an absence in a marked degree, as they allege there is in this, of three at least of the

Closing Speech for the Defence.

symptoms in conjunction." Dr. Macnamara says in the treatment of a class of patients who come to the Lock Hospital it has been necessary, to use his own expression, "to saturate those patients for the purpose of treatment with arsenic, and when the point of saturation is passed, either accidentally or because of the idiosyncracies or peculiarities of the physique or temperament of a particular patient, I in my large experience find these symptoms became strongly marked."

Sir Charles
Russell

Then there was the new opinion advanced by Dr. Stevenson, that this was a case of arsenical poisoning; but that, I venture to submit to you, must be to some extent discounted by the fact that even with the strong view he entertained he would have hesitated to pronounce a conclusive judgment on the point until he heard the result of the analysis. On the other hand, you have the evidence of Dr. Tidy, Mr. Paul, and Dr. Macnamara, in which, to use the language of Dr. Tidy, who is perhaps best entitled to speak upon this matter, the absence of these symptoms in conjunction points away from its being a case of arsenical poisoning. Now let us examine the further grounds of doubt. If I stopped there alone is it possible to say that you could with security—I use the common expression—express a judgment free from reasonable doubt? In this state of divided opinion could you safely arrive at the conclusion, if matters rested there, that this was arsenical poisoning at all? Let us take a further test, the test of the quantity found. In either view of the two theories suggested in this case—either the view that it was a case of repeated doses beginning somewhere about the 27th April, or the suggestion made by Dr. Carter, and I think by him alone—of the possibility of a fatal dose on the 3rd May, in face of the evidence you have heard as to the effect of arsenic upon the kidneys in depressing the action of the kidneys, which are the chief agents of elimination, would you or would you not, when so short a time has elapsed before the death, have expected to find much stronger indications of the existence of a large or serious quantity of arsenic than is present in this case?

That now leads me to the consideration of what in fact was found. You will understand that, of course, with regard to that which bears upon the case, we represent the prisoner, and are bound to accept the statements of fact discounted by the possibility of error as to these results given by Mr. Davies and by Dr. Stevenson, as to whom I do not suggest or desire to misrepresent them as to the facts. We come to the region of opinion. Of course, men's opinions are influenced in a great many different ways, sometimes quite unconsciously, and I wish, with regard to these gentlemen, not to attempt to suggest or in any way misrepresent the actual

Trial of Mrs Maybrick.

Sir Charles
Russell statement of facts. Dr. Stevenson on analysis of 4 ounces of liver found, according to his original statement 26, and upon his revised statement 27, one-thousandths of a grain. In 8 ounces of liver, according to his original calculation 46, according to his revised 49, one-thousandths of a grain. Mr. Davies, in 6 ounces of the liver, found a considerably smaller proportional quantity. It again bears out what Dr. Tidy pointed out to you—that it is impossible to rely upon a computation of what you find in a given part, however fairly you may have endeavoured to select it, and then upon that result derived from a given part to multiply that result by a proportion that the smaller part bears to the whole, and then say that in the whole there would probably be such and such a quantity. Whereas in 8 ounces of the liver Dr. Stevenson has found 49 thousandths, in 6 ounces of the liver Mr. Davies has found 16 one-thousandths only. Taking those two sets of figures together, putting together what was found by Dr. Stevenson and Mr. Davies, there were found altogether 88 one-thousandths, or, according to the later calculation or checking which Dr. Stevenson went through, 92 one-thousandths, or less than one-tenth of a grain. Now, you can imagine for yourselves what a grain is, and when it is divided by ten you can fancy what a minute part 't you have so arrived at. Now, I ought to add that in 8 ounces of the intestines were 15 one-thousandths of a grain, which would make altogether, taking the original figure of Dr. Stevenson of 88, 103 thousandths, taking the correct figure, 107 thousandths, or, again, in that case a little more than one-tenth of a grain. Is that a result which the evidence justifies you in thinking would naturally be expected if there had been, as according to either view suggested on the part of the prosecution had been the case, either a series of repeated administrations of arsenic in a noxious quantity beginning on the 27th, or still less, or still more, if there had been, as Dr. Carter suggested, the administration of a fatal dose on the 3rd of May?

You have had cases referred to by the witnesses for the defence, and with no question apparently of cross-examination, although a skilled suggestion was at command—cases where persons were treated medicinally with arsenic before their death, and where traces of that arsenic had been found in periods much greater than any which was involved in the consideration of this case. You have in the evidence of Mr. Paul and Dr. Tidy distinct statements that if there had been recent administration—and in answer to my lord he explained that by "recent" he meant not merely hours, but days and weeks—he would have expected to have found

Closing Speech for the Defence.

much stronger and clearer indications of the presence of arsenic. What does Dr. Stevenson say? Recollect that Dr. Stevenson is a very cautious man, and yet a man who has taken in this case a very strong view. His answer as to the conclusion which he built upon that very minute quantity found in the body was, that probably there was in the whole body approximately a possibly fatal dose. I do not know how many qualifications are involved in that short answer; but if it be an answer closely affecting any fatal question in this case, if it be important that you should form a judgment as to what was probably administered to the man, basing your opinion to some extent on what was found in the body, I ask you, is such a vague answer as that an answer, hedged round by probabilities and possibilities and approximations, any safe guide or assistance to you in a case where such serious issues are involved.

Mr Charles
Russell

Then it is important to bear in mind as regard other portions of the body—the stomach and the contents of the stomach, the spleen, the bile, the fluid from the mouth, the heart, and the lungs, and a portion of the bone which was tested—there was no arsenic found. Here comes in an answer—the important answer given by Dr. Tidy from his own experience, and supported by some cases to which he has referred, and corroborated by Dr. Paul—not a corroboration arising from his long experience, but from his reading—that after there has been an administration of poison on a succession of occasions, there is a direct action upon the kidneys which lessens their power as eliminating agents. His experience points to, and both witnesses, certainly one of them, speak of the storing up in the liver, and the very gradual and minute and sometimes imperceptible amount of elimination through the urine of arsenic. This is the conclusion which Dr. Humphreys arrives at from the tests which he applied. You will remember he afterwards sought to discount it, because he said he had not boiled long enough in hydrochloric acid either the fæces or the urine. But Dr. Paul assured us that taking a particle of arsenic and a prep ration of urine, so that the urine would bear the proportion of 60,000 to 1 of arsenic, after boiling two minutes under a light there was clear revelation on the foil of the presence of arsenic.

I therefore say that, so far as this part of the case is concerned, not only do the symptoms point in another direction than that of arsenical poisoning, but the post-mortem appearances, as it is agreed, correspond up to a certain point with those which would be discovered in gastro-enteritis, with one very important exception. What is that? It is that petechious or flea-bitten condition of the stomach. This con-

Trial of Mrs Maybrick.

Sir Charles
Russell

dition of the stomach, as Dr. Tidy had told them, was directed to his attention when a pupil of the celebrated Dr. Letheby many years ago. That was brought to his attention as one of the common signs of the condition of the stomach caused by the administration of arsenic. Now, Dr. Humphreys assisted at the post-mortem, and Dr. Carter took the notes, and it is admitted that the petechious condition is not referred to, and that the only thing referred to is what is described as a marked arborescent appearance of certain of the small vessels of the surface of the stomach. Dr. Humphreys had been reading up for it. He had noticed that this petechious condition was one of the signs usually associated with arsenical poisoning. He used that word when asked to explain his reference to this arborescent appearance. Says Dr. Tidy—and Dr. Paul and, I understand, Dr. Stevenson say nothing to the contrary—"That is not the petechious condition to which I have referred, which I have looked for in cases of alleged arsenical poisoning, and which my experience teaches me to expect."

Now, gentlemen, I therefore submit to you that upon this part of the case—I am but the mouthpiece of this creature in the dock, and have no right, even if I had formed opinions of my own, to convey them to you—I can only submit these views to you for your consideration as she would be entitled if she were speaking for herself. The question I have therefore to ask you in this connection in the case, touching the cause of death, can you say that you are satisfied, as reasonable men, beyond reasonable doubt, that this was a case of arsenical poisoning at all? If you are not, there is an end of this matter, and it would only be natural the thought should arise in your minds, if not arsenical poisoning, we should like to have some suggestion what it was. I will take leave to say in that connection—while I will make a suggestion to you in a moment or two—that I am not called upon as representing the prisoner in the dock to advance any theory to you. I am sure my lord will tell you that the counsel representing the prisoner is entitled to stand upon a defence, and to say, "You have not proved the case which you allege." But is there, passing that by, no reasonable hypothesis which may be suggested in a case with such extraordinary circumstances as this? Is it improbable—so improbable as to be scouted by reasonable minds—that a man who had lived his life, who had been dosing himself, who had been taking medicines recommended by his friends, who had been taking, as I shall presently endeavour to show you, until a comparatively recent period, admittedly taking, poisonous medicines—is it remarkable that this man's constitution had suffered so that he should always be complaining of derange-

Closing Speech for the Defence.

ment of the stomach, should be a chronic dyspeptic? Is it or is it not sound and reasonable to say that a man who had been pursuing—if he had been pursuing—such a course of treatment would have his constitution, and especially the organs connected with the stomach, considerably impaired, liable to be attacked, and seriously attacked, from causes which in the case of a man whose digestive organs were sound and healthy would be of non-effect? Is it not common experience that if from any cause illness overtakes a man—cold, whatever the particular thing is—it flies to, fixes, and fastens upon the weakest part? If the stomach is the weakest, catarrh; if the throat is the weakest, cold in the throat. If this is true, he, having taken that day, the 27th April, an overdose of medicine which never agreed with him, goes to this race meeting, and riding about on a wet day gets cold, and does not perhaps pay that close attention to the particular dietary considered necessary, is it not reasonable to suppose that such a man sets up conditions which cause gastro-enteritis, and so cause his death?

Sir Charles
Russell

There are some people who think that any fatal occurrence to human life is to be accounted for. Man in his pride of reason, his knowledge of science, his observation and stored experience of the past, can explain everything. Dr. Tidy had said that a post-mortem had shown that his diagnose of a case had been wrong at first. There are mysteries in human life, mysteries in the influence, the agencies that touch the springs of human life, that often even the advanced science of to-day has not fully mastered. Recollect the statement made by Dr. Macnamara and endorsed by Dr. Tidy that they have known from slight causes gastritis and gastro-enteritis implicating the bowels set up in men from very slight causes indeed. Therefore upon this part of the case I have to submit to you that there is in this state of evidence and facts with the contrariety of opinion that has been expressed—there is submitted to your judgment no safe resting-place on which you can securely and satisfactorily justify to yourselves a finding that this was a death of arsenical poisoning.

Now I come to the second question. If you are not satisfied as to the first, as I have said, there is an end of the case. If you are not satisfied as to the second there is equally an end of the case. That second question is—do the facts and the evidence bring home to your minds proof clear and satisfactory that Florence Maybrick administered the arsenic, if arsenic were indeed the cause of death? You will observe that the only means of obtaining arsenic directly traced to her is in the single case of the possession of fly-papers, and in connection with that it is equally true to say that there is no evidence forthcoming to show that the dead man, James Maybrick, had

Trial of Mrs Maybrick.

Air Charles
Russell

got arsenic any more than that there is evidence to show that she had got arsenic. The answer to that I submit is this. In the case of a woman it would be much more difficult without notice and without observation to get it. In the case of a man it would be less difficult, and again I would remind you that it is not a question of probability as to the one or the other; it is a question of clear and unequivocal proof. In this connection comes the question, who administered it? If it were administered, did the prisoner at the bar administer it? I should like to put two or three points to you that you may put the question to yourselves. I shall put them, asking you to give such weight to them as your common sense suggests they are worthy of. If, as is clear, there was in that house, Battlecrease, where James Maybrick and his wife lived, a quantity of poison capable of being fatally applied, with which fly-papers had nothing or nothing necessarily to do; if there was one packet of arsenic with which admittedly fly-papers have nothing to do; and a bottle in which grains of arsenic are found with which admittedly fly-papers have nothing to do; I ask if this was the woman of criminal designs, why with these means at her command if they were hers, should she have resorted to the clumsy, the stupid contrivance of trying to steep fly-papers in water? I ask you whether it accords with your experience of what is probable, and it is not suggested in the evidence that she had any skill in these matters, that in such a case as that, assuming still the hypothesis of wicked design and the desire of carrying it effectively to its end, she should resort to the use of a liquid taken from fly-papers, concerning the exact strength and potency and power of which she could know nothing? Would it be in accordance with your experience that if a woman desired to commit such a crime as this, is it not the experience in such cases that the poison is administered in large doses, leaving indelible traces behind them, doses which become speedily effective because speedily fatal? In truth, on this part of the case the prosecution do not rely upon, for they have not the evidence, any direct act of the prisoner, either in possessing herself of the poison except through the fly-papers or showing that she administered it.

Then, as regards the use of the fly-papers, which my learned friend will probably rely upon when he replies, it has been already given in evidence that they are purchased out of season by other persons under apparently perfectly innocent conditions, and the man Bioletti has spoken of arsenic entering largely or considerably into use for cosmetic purposes. In truth, as I was going to say, the prosecution mainly rely upon four or five suspicious circumstances, and there is evidence of a circumstantial kind not to be overlooked, not to be passed aside, but

Closing Speech for the Defence.

to be considered. The first is the fly-papers, and as regards that I should observe—was there ever less concealment than in this case of the fly-papers? She buys from one chemist, Wokes, and on the very day on which she buys she also buys elderflower and benzoin, which, as Hanson has stated, was commonly mixed with arsenic. He also mentions milk of almonds in which a solution of arsenic was put for the purpose of being used as a cosmetic. The bottle which was produced was not one used in the ordinary way, but as a depilatory, and was intended to be used in the form of a paste spread upon the skin for the purpose of removing surplus hairs. Was there ever more openness in this world displayed by a guilty woman than was here displayed? She buys it from two persons who know her. In one casa close upon the giving of that hall, to which she was accompanied by her brother-in-law, Mr. Edwin Maybrick, a parcel is sent by a boy who rings at the gate, and is told to leave the parcel on the hall table. It is then taken by a servant to the prisoner, in the presence of her husband; it is afterwards seen soaking in a basin of water with a plate and towel over it, in her bedroom, and in the morning the girl Brierley on entering the room sees it, and she tells you her mistress saw her going into the room. Later on in the day Brierley mentions it to the other servants, and the girl Yspp goes up in the afternoon of the same day, and forsooth! finds these suspicious fly-papers soaking for a wicked purpose still in the same place, having apparently continued there from morning in the same position in which the girl Brierley saw them.

Now, as to the Du Barry food. I wish to point out to you with respect to the Du Barry food and the medicine bottle that you are asked to believe three different things. First of all you are asked to be satisfied that there was arsenic; next, that it was put there with a criminal intention by some one; and next, that Mrs. Maybrick was the person who put it there. That applies both to the Du Barry food and the one bottle of medicine. Now, about these medicine bottles. If the medicine bottles in question had been made up at the same time by Clay & Abrahams, and were the same in substance, and one was found in one place under his keeping, and another in another under her keeping, and there is arsenic in one and no trace of it in the other, it would undoubtedly be a very strong fact, but far from conclusive against her, that she put arsenic in the bottle. But that is not the case. There are different prescriptions, containing different substances, made up of different compounds, made up undoubtedly at the same time and place. Mistakes do occur, and in this case it is not suggested, as I understand that such trace of arsenic as

Sir Charles
Russell

Trial of Mrs Maybrick.

Sir Charles Russell was found in the medicine bottle at the house was such as to suggest to Mr. Davies the desirability of going on to a quantitative analysis so as to see if there was any considerable quantity. He gave some reason why he did not even make the attempt. Now, as regards the Du Barry food, admittedly the food was got at the house with the view of being sent down from the house on three occasions—Wednesday, the 1st May, Thursday, the 2nd, and Friday, the 3rd. It is admitted that on two occasions, the 1st and 2nd May, it was in fact sent down and partaken of in a greater or lesser degree probably altogether by Mr. Maybrick; admittedly that on the third occasion it was forgotten, never sent down, and therefore was not consumed by him. What has been done is this: I do not know whether we have got—I have forgotten to ask the question—how the food was made, but the dishes out of which it was eaten, the dish in which it was carried, the pan in which it was cooked, remained neglected lying at the office of Mr. Maybrick until it occurred to Mr. Davies to see whether he could get some test from them. Thereupon he describes how he found particles of food adhering in the rim of the jug, and how, after employing Reinsch's test, he found traces of arsenic on the copper foil. You had the glass produced to you in which he found the trace of arsenic. It is not for me to account for these things. I could discharge my duty in pointing at the inconclusiveness of the facts as pointing to the guilt on the part of the prisoner. Undoubtedly in these vessels a trace of arsenic was found. The suggestion is undoubtedly made which is worthy of note, and that is, that in these vessels that are glazed undoubtedly arsenic enters, and the presence of a certain amount of arsenic to a small degree is let free in the usage, and if nothing of that kind occurs, even the presence of the sour remains of the food or milk must generate acid, which will account for the very minute traces which are found in the very minute example of which Mr. Davies made his analysis.

Now I come to find this out not by mere speculation, but by testing the actual occurrences. I told you of them this morning, and I will merely remind you of them now. On Wednesday, the 1st May, after he has presumably, according to the theory of the prosecution, eaten of a poisoned dish, namely, the Du Barry food, Dr. Humphreys called upon him at 6.30 and found him better. He had no headache, his tongue was cleaner, and he appeared to be making progress. On the 2nd May Dr. Humphreys does not see him at all. We have no statement therefore that either upon the 1st or 2nd May there was any indication whatever, so far as you can judge, of any injurious results following from his partaking of the food.

Closing Speech for the Defence.

Now I come to two other points—what I call suspicious circumstances. One is the gown, and the handkerchief in connection with the gown—the fact that there was a trace of arsenic in the pocket of the gown and on the handkerchief. Mr. Davies quite candidly said exactly what one would have supposed—assuming that there was anything in the suggestion of the legitimate use for which these fly-papers were designed. Mr. Davies said if she had been dipping her handkerchief for cosmetic purposes and for purposes of rubbing her face, and put her handkerchief in the pocket in that way, it would depend upon the extent to which it was wet or damp whether it would be sufficient to account for the traces of arsenic found in the pocket of the gown. Again, it is important to remind you of this, as to which all the witnesses agree, that there is no person apparently which reveals itself upon an attempt at analysis or by Reinsch's test more evidently and more easily than arsenic, as indeed is shown by the extraordinary instances given, and I believe instances more extreme than that might be given where, according to Dr. Paul's statement 1-55th part of a 1000th of arsenic was found; that is to say, 1 of arsenic to 55,000 of other matter—urine. He tested it by Reinsch's method, with hydrochloric acid added, and, after being boiled a minute, he could detect even so small a quantity.

I come now to the most serious and remarkable point of all in one sense, not serious in the sense that it had to do so much as the proved facts could have had to do with the actual cause of the death of this man, but serious unquestionably, because it did point to the fact that, if it were not explained, if there were no possible explanation to be given of it, it would show that the prisoner had attempted to tamper with some food which was intended to be given to her husband then on his sick bed. My lord has stated that he has followed the course which I understand was agreed to by a considerable number of the judges of the High Court in allowing that statement to be made by the prisoner. That statement has been made, a careful and very serious statement, but I have to ask you in connection with it how comes it that this woman makes, and was persistent in making this statement, that Nurse Gore's account of the incident was a substantially true account. Unless, in fact, prisoner's statement in relation to it is true, she might have rested content with leaving her counsel to point out to you, what I have already pointed out, that except for the possible light it may throw on the conduct of the prisoner, it would have been enough to say, and to stop there with having said it, that, according to the evidence of Nurse Gore, that could have had nothing to do with this man's death, because it is admitted he took no particle of the food which it was

Sir Charles
Russell

Trial of Mrs Maybrick.

Sir Charles Russell said was tampered with. According to Nurse Gore, her suspicion was naturally and justly aroused. She observed the woman take the hottle away and bring it back, and put it on the small table, and move it from the small table to the washstand, where neither the medicines nor the foods were placed. It is therefore at first sight a self-incriminating statement, although a statement which does not involve in any way the question of the direct cause of this man's death; because Nurse Gore's suspicions being aroused as she told you, she watched the hottle of meat juice, and when she left her post of watching and was succeeded by Nurse Callery she did, as was her duty—narrated to Nurse Callery the incident which she had observed, and gave her a similar caution; and each of these persons says that nothing was given from that small meat juice hottle to James Maybrick after that circumstance deposed to by Nurse Gore; and that on the next day, when Mr. Michael Maybrick came, it was given to him, and by him handed to Dr. Carter, and by Dr. Carter tested with Reinsch's test, with the result that arsenic was found. The statement on this that the prisoner has made is certainly a remarkable one, and made under remarkable circumstances. It is not made under such sanction as the giving of evidence on oath carries with it; it is not made under such securities as cross-examination affords; but it is made by a woman who is upon trial for her life. I state that to you fully and freely, and, having stated it, you who have heard it, you who have weighed its substance and its purport, making such allowances as you think the circumstances of the case suggest ought to be made, must ask yourselves whether it is or is not a statement which should have some effect on your minds. I will not enlarge on it. I leave it to speak with such effect on your ears and hearts as the circumstances under which it was delivered, and the way in which it was delivered, and the tone in which it was delivered, and the inherent probabilities of the delivery itself will suggest to you what ought to be its proper and legitimate result.

Now, if the case stopped here, if there were no more distinctive questions of fact relating to the personal habits of James Maybrick, I would ask you to consider whether it was possible to say whether, on these habits and inquiries, there could be a verdict against her. I must now refer to the new facts and evidence adduced in this case, and, again, let me remind you that, as regards the American evidence, I am not using it or seeking to use it for any purpose except one, and that is to show the familiarity and the use years ago of the knowledge which James Maybrick had of the qualities and properties of arsenic. I am willing to concede, in fact, I do not raise the

Closing Speech for the Defence.

question, that it was used over and over again as an anti-periodic at that time in reference to malarial fever; but can you doubt that he was using it under circumstances which suggest the possible danger of its use? You have had an undoubted account given by Mr. Bateson, who appears to be well and honourably known in Liverpool. He says that when he was living with James Maybrick he was unquestionably taking, amongst other things, arsenic. You have also the statement of Captain Thompson, and I fail to see what suggestion can be made to his prejudice, for the circumstances under which he appears in the case are entirely creditable to him. He arrived in this country a short time ago, and, reading the account in the paper, knowing Mr. Maybrick, and knowing that arsenic was one of the things suggested as the cause of death, he put himself in communication with my learned friend, Mr. Pickford, as to the facts in his knowledge. My learned friend did not suggest, and I am sure that he will not now suggest, that Thompson did other than meant to tell the truth. What did he say? That he brought two mastiffs to Mr. Bateson, in Norfolk, and Bateson introduced him to Maybrick, with whom he became on chummy terms. "I went with him to a drug store, where he asked for his desideratum, which the shopman handed him, and told him to be careful." A day or two afterwards he is sent to the shop for something in connection with the ship's drug stores, and the man who had served Mr. Maybrick recognises him as the person who had accompanied the Englishman, James Maybrick, and he makes a statement to him, which Thompson, after dinner in his cabin, over, I suppose, a friendly glass of grog, ventures to approach James Maybrick about, and then speaks of what he was told of the dangerous habit of taking arsenic. Thereupon Maybrick, as one might expect, becomes touchy, and resents a reference to the subject, and uses some strong expletive phrases respecting the impudence of the chemist in venturing to talk about his private habits to a comparative stranger.

One of you gentlemen quite intelligently put a question under that head, and it would certainly seem odd in this country at least that upon very slight acquaintance an assistant should venture to speak of the habits of one of his customers. But in a community where Englishmen were not so very numerous, and where an Englishman entered a shop with one of his friends for something which might be thought dangerous to his health or life, would it be an unnatural or an improper thing that some observations of that kind should be made? Follow this up. Is there any one of you who supposes that the man Stansell, who lived for years as a servant of Bateson and Maybrick when they lived together, has come to invent

Sir Charles
Russell

Trial of Mrs Maybrick.

Sir Charles
Russell

the story he has told you, where he describes how he was in the habit of buying half-dollar's worth of arsenic for Maybrick? He also describes him making the beef tea, how he took the least little bit of the arsenic on a spoon, put it into the beef tea, stirred it up, and then partook of it. If that is not an invention it is a very significant fact. You follow that up when you come to Liverpool. I am dealing with a man known to the public of Liverpool and to the men on Exchange, who carried on his business here for many years, and you are told he was in the habit of taking pick-me-ups with greater or less amounts of liquor arsenicalis. This habit, the chemist tells you, was not confined to Mr. James Maybrick. He describes the way he first came to make up the prescription which was brought to him—the prescription for arsenicalis. He describes how until a few months of his leaving business a certain number of drops was increased till the strength of the arsenic was increased 75 per cent., how it was originally taken once a day, and then increased to five times in one day. Mr. Heaton disappears, gives up business, is no longer in Exchange Street East. Does any one of you believe that when Heaton left, the deceased gave up suddenly the habit of taking these pick-me-ups—and pick-me-ups with the liquor arsenicalis in them—or taking it in some other form? I do not attach more significance to it than it properly deserves, but there is a curious continuity about this class of the evidence as to this man's habits. Sir James Poole this morning told us of a conversation in April last about the pernicious habit of taking poisonous drugs for medicines. He told us that the late Mr. Maybrick ridiculed the warning, that he would go on increasing his doses of the stuff until it became injurious, and finally ended him. After this warning Mr. James Maybrick shrugged his shoulders, did not deny that he used it, and went his way. Can any one believe that he, a respectable, well-known man in Liverpool, is not telling you the truth? Can any one think that if Heaton, a respectable and well-known man in Liverpool, is telling the truth, this man's use of liquor arsenicalis, or of arsenic in some form or other, ceased a few months before he gave up his business in Exchange Street East?

Allusion has been made to the pill-box produced this morning for the first time. I do not for one instant wish it to be understood that Mr. Maybrick, or either of the Messrs. Maybrick, wished to keep it back. I think it is quite possible that this may have been the box in which, upon the occasion of his last visit to Norfolk, in 1884, he had got Dr. Ward's

Closing Speech for the Defence.

prescription, which has been referred to. But, again, it is a curious bow, over the whole period we have got the same thing obviously made up from the same prescription, "iron-quinine-arsenic, one capsule every three or four hours with food," at Norfolk, Virginia. This may have been what he was taking out there as an anti-periodic; we cannot follow these things; but is it not clear that this story and the habits of this man are surrounded by certain curious phenomena? You cannot be sure that you have got to the bottom of the matter, and if you believe the evidence called for the defence, if you see reasonable grounds for supposing that in some form or another this man did go on taking the liquor arsenicalis or arsenic in any other form for a lengthened period, then the difficulty of finding that it was arsenical poisoning at all would be strengthened, and at the same time there would be sufficient evidence to account for the traces of arsenic which were, in fact, found on analysis. I have more than once said I do not think it is the duty, or obligation I would rather say, of those who represent the prisoner to explain by an affirmative theory what was the cause of death. I have already suggested one. It is one corroborated, or rather suggested, by the evidence of the medical men who have been called on both sides. But in this case, involving the question as it does—involving life or death—doubt, conjectures, ambiguities, suspicions, are not to take the place of that which I have described as being necessary to justify an adverse verdict, and I cannot better describe it now, a clear, direct, satisfactory, and unequivocal proof.

Gentlemen, I have said all that occurs to me to say on this matter. There is nothing of which the people of this island have greater right to be proud of than that settled order of the people and the respect for the law and administration of the law which the people honestly and heartily entertain—which they entertain because they believe the law to be just, because they believe the law to be honestly administered. And there is no more striking scene to the reflective mind than that which is presented on the trial of a criminal case where the charge is a grave one—a judge who tries with certain bands fairly to hold the scales of justice, and a jury calm, honest, dispassionate, with no desire except to do justice in the case according to their conscientious belief. To this has to be added the fact that the Crown, representing the law in its executive character, conduct their prosecutions in recent years without exception not as if a great effort were made, as in private litigation to wrest a verdict, but only so as to lay, as is the duty of those who represent the prosecution, fully

Sir Charles
Russell

Trial of Mrs Maybrick.

Str Charles Russell and completely and fairly before the jury all the grounds upon which the opinion of the jury should be asked in determining the grave question of guilt or of innocence. In the language of the officer of this Court giving the prisoner in charge to you, he informed you that the prisoner at the bar had put herself upon her country, which country you are. You are in number large enough to prevent, forgive me for suggesting it, the individual views and prejudices or prepossessions of one from affecting all, but in number small enough, limited enough to preserve to each one of you the undivided sense of individual responsibility. The verdict is to be the verdict of each one of you, and the verdict of all of you. I am not making in this case—let it be clearly understood—any appeal for mercy. You are administering a law which is merciful; you are administering a law which forbids you to pronounce a verdict of guilty unless all other reasonable hypothesis of innocence can be excluded. And now I end as I began, by asking you, each one of you, in the perplexities, in the doubts, in the mystery, in the difficulties which surround this case, in view of the contrariety of things and opinions presented to you, upon some points more or less important, can you, can any one of you, with satisfied judgment and with safe conscience, say that this woman is guilty? If your duty compels you to do it, you will do it, you must do it; but you cannot, you will not, you must not, unless the whole hurth. and facts and weight of the case fairly and fully considered with honest and impartial minds, drive you, drive you irresistibly, to that conclusion.

Mr. Addison's Closing Speech for the Prosecution.

Mr Addison Mr. ADDISON—There is another matter of which this country may be proud, and of which we may be proud as members of the great profession which my friend adorns, and that is of the great ability, of the fairness, and of the zeal with which he has defended his client. All that the trained intellect could have addressed to you, either to your feelings or to your judgment, has been put before you, and my friend has strained every nerve in defence of his client. I do not desire to do away with the effect of one single word that he has rightly said, and which ought rightly to weigh in your minds. My duty, as he has pointed out, is entirely different. When I am here for the

Closing Speech for the Prosecution.

Crown, all I can do dispassionately, without feeling, or certainly without any feeling against the unhappy prisoner at the bar, is to lay before you the case for the prosecution. In a case like this it is not merely the tradition of the bar and the practice of our profession that makes us do it. I confess we must naturally feel as enlisted on the same side. To have against a woman, attractive to all of us by her cleverness, by her appearance, by even the social position which puts us more or less into sympathy with ourselves, to have to urge before twelve men that she has been guilty of a deliberate and cruel murder is not by any means a pleasant or an amiable task. And I must say, as far as I can judge, everybody who has been concerned in the prosecution in this case has been impressed with the same feeling.

With regard to the expression which fell from my friend when he spoke of the hostility of servants, I cannot help pointing out to you that the very servants in the house in half a dozen different ways, notwithstanding this suspicion, have shown a kindness towards her from first to last. Every witness who spoke of her seemed to speak more or less in the same strain, and gave their evidence as calmly and guardedly as they could. My friend has alluded to the public Press. I may say this, and I quite accept what my friend says as being literally true, if he had made any sort of an appeal to me to try this case elsewhere I would have acceded to it, and not thought of making any objection. If this woman desired to be tried by a Liverpool jury, then let her have the full force and effect of that remark. But I must say, as my friend has alluded to the freedom of comment indulged in by the newspapers, that she certainly in that respect has no disadvantage in being tried here. So far as I can judge, having read those criticisms—and probably you have read them also—although they did try to gratify the natural curiosity of the public, the right of the public to know what was going on, they did so most carefully, and acted in a way which does them great credit without in any way seeming to prejudice the case against the woman at the bar. On the contrary, the only matter in which they may be said to have exceeded their duty was that they did suggest that powerful evidence might be forthcoming at the trial to vary the evidence that had already been given for the prosecution. Except that, I cannot remember that there has been any sort of prejudice in any human being against the unhappy woman at the bar. On the contrary, so far as I can judge, witnesses, counsel, police even, and certainly the Press have every one desired to give her the fullest consideration, and to secure that she should have a perfectly fair trial. Now, I quite

Trial of Mrs Maybrick.

Mr Addison re-echo what my friend says to this extent—that you who are the last persons to decide her case will not, I am sure, find her guilty unless you and each one of you is persuaded that the case is made out fairly and beyond such doubts as are removable by discussion. I know that if, upon a fair consideration of it, you came to the conclusion that our case is not sufficiently made out there is not a man among you that will not give his verdict with a feeling of freedom and elasticity that you cannot have in the contrary case, if you find yourselves compelled to say of this woman that she is guilty; you can only do it because you are forced to that conclusion in obedience to your duty, to your country, and to the oath you have taken. I desire now, as I must do the painful duty which the law imposes upon me, to point out to you how the case stands in its broad outline. As regards its detail you will have the further benefit of hearing my lord, and then you will be in a position to decide rightly and come to a true verdict.

One cannot help remarking upon the defence of my learned friend. His system of defence is not that which you would employ in the careful and serious affairs of life which surround your own family or your own honour. The system of defence is this—it is to take each one of these proofs which we say indicate guilt; to divest them of the circumstances of time and place; to show of each one of them that it is consistent with the theory of innocence, and having done that to suggest to you that the case fails. That is hardly the way in which a case can be considered. You must take circumstances with all their surroundings, and put them together. One thing you may explain away, two suspicious matters you must take to be a coincidence, but when it comes to three or four conviction may be driven into your minds, and there may be so many of them that they can only be put together upon one theory—that upon which, I submit to your judgments, the case alone depends. My friend takes the medical symptoms, and says, "I will show that they may be acceptable upon a different theory." Again, he says, "Death was from gastro-enteritis, and that may be explained by some other irritant, except arsenic"; and when arsenic is found that arsenic is not to be taken in connection with the symptoms. So when we get to the fly-papers, the handkerchief soaked in arsenic, the arsenic in the different bottles, in the medicine, and, above all, the terrible evidence of Nurse Gore, of the arsenic which was put into the meat juice the very night before he died, each of these circumstances is separately put before you and explained with the art and ability of my learned friend as something which in itself is not very much.

Closing Speech for the Prosecution.

In the remarks which I am bound to make to you I must put the facts before you as they occurred, and in the order in which they occurred, and ask you to take them in that way, and then say whether a fair hypothesis of innocence remains. We have had the life of Mr. Maybrick laid before us with that minuteness and a care which probably has never yet been bestowed on the life of anybody else in the same way. We know more about his habits, as regards medicine, than any other person of our acquaintance. He appears on the outside to be a strong, healthy, and cheerful man—that seems to have been his general disposition and character, although the doctors tell you that he was what is shortly called “hyp.”—yet he was only a “hyp.” in matters connected with his health, and even in this had a care and intelligence which is very rare with patients. I thought that my learned friend was, at the earlier stages of this case, going to make the suggestion that Mr. Maybrick was a sort of person who acquired the extraordinary habit of eating arsenic, that that habit he had continued until not long before his death, when illness had been brought on by leaving it off. I thought it was going to be suggested that the eating of arsenic was a sort of pleasurable habit somewhat like the habit of eating opium, and I thought that, until Dr. Tidy told us, he had never in his experience known anything of the kind in England, although he had read accounts in some books of the habits of Styrian peasants, he never met it in all his experience in this country.

We know that from 1877 to 1881 Mr. Maybrick was living in Norfolk, Virginia, and while living there he was attacked by fever—malaria, ague, or marsh fever—a fever which is common to the climate. Thereupon he consulted a doctor, who prescribed a common remedy in these cases, a mixture of arsenic and quinine, or some other substances of that sort. Then it was that under medical advice the quinine seems to have been eliminated, and some arsenic in some form or other prescribed for him. Although we have not the prescription, yet we know that it was carefully prepared for him and for his complaint. This was told us by Mr. Bateson, a gentleman in whom the most absolute reliance must be placed. Although the other two witnesses from America may not be known to us, it is for you to deal with their evidence as the evidence of people against whom you know nothing. First came the sea captain, who told you about going to the drug store with Mr. Maybrick, and then came the evidence of the black servant, who told you that three or four times Mr. Maybrick sent him with half a dollar to get arsenic. They evidently at the shop knew what to give him—it was a prescription for malarial fever. Sometimes it was in liquid, sometimes he was seen taking it at the end of

Trial of Mrs Maybrick.

Mr Addison a little spoon, whatever it was, and during the whole of the three or four years he had only taken it four times. I think that is what the black servant said.

Mr. JUSTICE STEPHEN—That he only hought it for him four times.

Mr. ADDISON—I asked him especially whether these times were spread over the whole period of his service of three or four years, or whether he only did this when he was actually ill of the fever, and the black man could not tell whether it was all in the one season or spread over three or four. From that time undoubtedly, probably the result of malarial or ague or marsh fever, he seems to have suffered from time to time from numhness, which always made him fear it might end in paralysis. The vomiting was only a nervous condition left in his system. But in 1881 he married. Now, we have Dr. Hopper on the scene, and Dr. Hopper tells us when he was first called in he told him all about what occurred in America. He told him the exact prescription he had had there, and how he had taken quinine and arsenic as an anti-periodic—that is to say, a specific against a recurrence of the fever. Dr. Hopper explains very much the temperament of Mr. Maybrick—that he was particularly free and open-handed in his manner—and we have it that although Mr. Maybrick told him what medicines he had taken, Dr. Hopper tells us that he is morally certain he from first to last never prescribed arsenic for him. Then we have it that Mr. Maybrick went to Heaton's, the chemist, off the Exchange Flags, and had "pick-me-ups." We know about his nervousness and numbness, and we are not astonished that he should take a "pick-me-up"; but when he came to put Fowler's solution of arsenic into his "pick-me-up" he came with a doctor's prescription, which he showed with some other tonics to Mr. Heaton. It was in that way his tonics were taken, because he was a careful man, priding himself upon his knowledge of medicine.

That, gentlemen, is all we know about him until we had a gentleman called before you—Dr. Drysdale—who must have impressed you as a very careful and accurate practitioner. He seems to have told Dr. Drysdale of his symptoms, but he never mentioned arsenic to him in any shape or form. He went on the 14th or 20th of April last to consult Dr. Fuller in London, who told him he need not fear paralysis from the numbness which for years he had suffered from. He gave him a prescription, which he varied on the Saturday, which contained no arsenic whatever, and which was not in any way calculated to injure him. That is, apart from all suggestions that may be made, the medical history of Mr. Maybrick. It shows

Closing Speech for the Prosecution.

nothing reckless or foolish; it shows a careful man as regards his health who had suffered from symptoms that were very real and readily accounted for. It is also to be remarked that when his place was searched and when that accumulation of medicine bottles found in his house and his office were looked at, nothing was found, except the old prescription from Norfolk, Virginia, that had anything connected with arsenic in it. That was the sort of man he appeared to be to his doctor and to all who knew him. It is not suggested that any of these things ever made him ill, or that he was ever sick or made ill by anything he took under medical advice. The clerks in his office described him as a cheerful and healthy man, although one of them had heard him discussing homœopathy, and, oddly enough, it may have been about the time when he went to consult Dr. Drysdale. His servants apparently had no knowledge that he had ever been ill at all except Yapp, who said he looked worse after the Grand National. It may have been that after the quarrel of which you have heard his ailments were rather mental than physical, but his brothers, servants, and everybody connected with him seemed to have looked upon him as a strong and healthy man. Undoubtedly, in September, Mrs. Maybrick, his wife, did tell Dr. Hopper that he was taking strong medicine, and Dr. Hopper said, "Don't let him take it." That is all we know until March.

I am compelled reluctantly to make the observation to you which I am about to make. In March, the exact day is not clear, at any rate before the 21st of March, Mrs. Maybrick told Dr. Hopper that her husband had been taking a white powder, and we do not know whether that was true or not. It certainly does seem, in connection now with the terrible story we know later, this taking of this white powder is a remarkable part of this case. But about the same time—namely, early in March—she writes a letter to Mr. Michael Maybrick in which she says, "He is taking a white powder, but do not tell him who told you so," or words to that effect; and in March, when Mr. Maybrick was told that he says to his own brother, "Who told you so? It's a d— lie." At the same time—the 21st March—she mentioned the white powder to Dr. Humphreys, who said off-handedly, not believing there was much point in the observation, "Should he ever die suddenly, ask me and I will say I had this conversation." Now, gentlemen, I am to ask you whether you believe him when he said it was a d— lie, or whether, recalling to mind what she was doing between the 14th and 21st March, you believe her. I feel very strongly on the general truth of the observation put forth

Trial of Mrs Maybrick.

Mr Addison by my learned friend, that because a woman has been unfaithful to her husband, to her marriage vows, she could be cruel to him, or kill him, or even be unkind to him. As my learned friend has said, there is a great chasm between the moral guilt of unfaithfulness and the guilt that would conceive the death of her own husband; and I also cannot help agreeing in what he said, that notwithstanding that many men, even very guilty ones, are ready to throw stones at an adulteress, certainly we know, as regards a woman, that "Every fault a tear may claim, except an erring sister's shame."

This is not a case in which discovery of adultery is put before you as a motive for the act. Unfortunately this woman, at that very time, by her own handwriting and her actual deeds, had so interwoven her adultery with her conduct that it was impossible to treat it as an ordinary case of adultery, and not treat it as having any actual connection with the alleged crime. We cannot help remembering that on the 16th, 17th, 18th March last it was shown that she was a woman capable of duplicity, deceit, and falsehood. There are some letters in which she is writing first of all from Battlecrease to a Mr. Flatman, in which she says she hopes she has not confused Mr. Flatman by writing for rooms for her sister and herself. His letter gives her the impression that he expects her and Mrs. T. Maybrick, whereas it is only she and her husband who are coming. On the 17th March she is writing again, and ordering very minutely a little dinner for a lady and her husband, and saying that Mrs. Maybrick has taken upon herself to make the arrangements for Mrs. T. Maybrick, who is a young lady, and has not very much experience. On the 18th she ordered a bedroom and sitting-room to be reserved for them, saying that the lady's husband could not possibly arrive till Friday. Remember, Mr. Brierley was not with her on the Thursday, and she again wrote saying she would be glad to know whether she could have what she wished on the day named. All I desire to do in bringing these painful letters before you is to show her relations with her husband at that time, and until we get to the story of the Grand National. Now, before that, we arrive at the story of the fly-papers. You may remember that Mr. Maybrick was first taken ill, sick for the first time in his life on 27th April, and we find that there were two purchases of fly-papers on the 25th and the 29th. Why did she want them, and for what purpose did she use them? In explanation of that I will read from her statement accurately taken down. [Having read an extract from the published report of the statement relating to the cosmetics, Mr. Addison proceeded]—I may remark upon that statement so ably ex-

Closing Speech for the Prosecution.

pressed and so well delivered to you by the prisoner to-day **Mr Addison** that it is fair to consider it carefully as either for or against her: for this reason, that, according to my learned friend, it is a statement which has been thought out and prepared for some time, that he himself was ready to open to you on Saturday, and was known to the legal advisers of this lady. It is said, indeed, that she was anxious to have made it at the very time when she first had suspicion that a charge was to be made against her—how that can be I do not know—when the police interrupted and prevented any statement being made in the fair, honourable discharge of their duties, and preventing her saying anything which they supposed might incriminate herself. But if she had desired to make it there were two occasions when she could have done so after due warning, namely, when the policeman formally charged her, and when she was before the magistrates.

I do not, as far as she is concerned, attach any importance to the fact that she did not make it before the magistrates. She was represented by Mr. Pickford, and he, even if it was known to him, had full discretion whether he would put it forward or not. But what I do say is that we are entitled to view it not as a hasty or hurried utterance under circumstances of excitement, but as a carefully prepared and thought-out statement, which can consequently be criticised as such. That statement amounts to this—that in Germany she had heard of the use of fly-papers for cosmetics, and that from them was extracted arsenic. She does not suggest—I should think nobody could have suggested—that she had heard of a proceeding of that kind in England. Up to April of last year she was in the habit of getting a prescription for the purpose of this cosmetic, and getting it made up, that it was only when she had lost this prescription that it struck her to do what she had seen done in Germany, and that was to procure arsenic from fly-papers for the purpose of cosmetics. I ask you whether you think that any woman who wanted it for a cosmetic would not have asked for papers for that lawful purpose, and whether fly-papers would have been bought by any lady for the purpose of abstracting arsenic from them. She said at the shop that the flies were beginning to be troublesome in the kitchen. That was undoubtedly untrue, because not one of the four witnesses in the kitchen ever heard anything of the kind or knew of the existence of these particular fly-papers. She never asked for fly-papers, for, according to the evidence of the cook, there were some from the October of the previous year.

It is again a remarkable occurrence, as showing, at least, that the servants were not actuated by hostility, that before

Trial of Mrs Maybrick.

Mr Addison Mr. Maybrick died, and when even there was a report that the police might come, two of them find behind a tray the fly-papers from the October before, and that they burn them. That is the story which they gave—a story which I did not at first understand, because it had not, as they admitted, been told before. But having put these fly-papers out of the way, they were not likely to tell it unless they were pressed upon it. That is the story about the fly-papers, and we cannot help remarking upon something else. You cannot leave out of this case the dates and the times at which these fly-papers were hought. These fly-papers, which in Germany Mrs. Maybrick knew arsenic could be distilled from, are hought within three days of the illness—on the day before he got the prescription made up at Clay & Ahraham's, and a day or two before Dr. Fuller's prescription came from London. On the 29th the two dozen were hought—at the very time when he was recovering from that first illness—and it would be one of those curious coincidences which might happen, but which would indeed be remarkable if so extraordinary a thing should have happened that she should have extracted the arsenic for cosmetic purposes from fly-papers twice within one week, and just before he was taken ill, and just when he got better. That is the history of the fly-papers.

We now find him getting ill on the 27th of April. Which of the medicines did he take, that from Clay & Ahraham's or that from London, before he went to the Wirral races? We do not know that. What we do know is this, that he was sick twice, and that when Mr. Thompson went to him at the races and asked him whether he was ill he said it was because he had an overdose of medicine. Nursc Yapp said he had been sick from a double dose of the medicine from London, that medicine in one of those bottles. In one of those hottles there was arsenic; the one from Clay & Ahraham's. Who put it there? How did Mr. Maybrick come to take it? How was he made sick by it? Clearly he did not know the arsenic was in it. If he had known, the first thing he would have done would have been to see that he should not receive an overdose. You will find that there was arsenic in that bottle, and that is a circumstance which my friend does not in any way attempt to explain. You know that at night he went to a dinner, where he felt in such a condition that he was afraid his friends would think him drunk. On the Sunday he was sick again, but that first illness, wherever the arsenic was procured, was over on the Monday. On the Wednesday Mr. Edwin Maybrick took down to his office some food, but that does not seem to have affected him much, and for that night he was better, but on Thursday he took the food himself, and the same evening did

Closing Speech for the Prosecution.

not feel so well. I must remind you of this, that the food was brought down in a jug, which was warmed in a pan newly bought, and taken by him in a basin. Where was the arsenic found? It was not found in the basin, it was not found in the pan. It was found in the jug. Mr Addison

Sir CHARLES RUSSELL—That is not so. Mr. Davies washed out both the pan, basin, and jug, and boiled the contents of all in hydrochloric acid.

Mr. ANNISON—If I am wrong I hope I will be set right. My impression was that it was taken from the inside of the rim of the jug, but it might be that he mixed all the washings together. If that was so I shall say no more, because one desires to be perfectly accurate in a case like this. I would rather assume for the moment that it was as my learned friend for the defence put it. All I can say is that thereupon Dr. Paul made an experiment to show that he could get arsenic from the glaze of the pan and basin by acid; and Mr. Davies, who carefully tested the basin by boiling water in it, had not been able to get anything at all; and according to Mr. Davies unless the arsenic had been put into the food when it was boiled the only inference would be that there was arsenic in it to begin with. On Friday, the 3rd, Mr. Maybrick was taken ill. From Friday until his death his illness showed most of the symptoms of which my friend has spoken. Up to the Thursday people supposed they were dyspepsia. Dr. Carter, when he came on the Tuesday, was in consultation—

Mr. JUSTICE STEPHEN—Here are my notes of Mr. Davies' evidence (reading)—“I poured water in and washed the jug out with it; then reduced the bulk of water and tested it for arsenic and found distinct traces of arsenic. I bought a new pan and boiled distilled water to see whether there was arsenic in the glaze of that pan, but found none.”

Sir CHARLES RUSSELL—If Mr. Davies is here he will say I was correct.

Mr. JUSTICE STEPHEN—Where is Mr. Davies?

Mr. Davies here stood up and said the washings of the pan, the basin, and the jug were all put together, but the acid was not added in the pan or the jug or the basin.

Mr. ADDISON—As my friend has said, after the washing of the jug there was something left which was mixed with the water in the pan, and these two together yielded arsenic. I will now pass on to the cause of illness. He said that he had not been very well, and the next day—on Friday, the 3rd—these symptoms began which continued more or less up to his death on the 11th. Now, upon that my friend says that the doctors were mistaken, because they

Trial of Mrs Maybrick.

Mr Addison alleged that it was dyspepsia. What else could they call it? On the Thursday, however, Dr. Carter said that he had a strong presumption of an irritant poison. Both doctors agree that they could not tell during life whether the poison was arsenic or not, and this was the reason, that there was no diagnostic symptom in arsenic—that is, that no single symptom taken by itself could be said to arise from arsenic and nothing else. You have apparently vomiting, this retching of the bowels, this tenesmus and intense thirst, you have the dry and glazed throat, you have all these symptoms, but at the same time they may point to any irritant poison. It is said these symptoms ought to have followed a regular sequence, including severe vomiting or severe diarrhoea. It is said by Dr. Tidy, and by our witnesses too, not only are arsenic symptoms different in this respect from any other irritant, except it may be in their intensity, and by the fact that at last there is the great symptom of all, Dr. Fuller says, death; but he says all these symptoms vary in their intensity. Some are present and some are absent, and they depend upon the idiosyncrasy of the patient, of his treatment, and his habit. That being so, when you find this man had intense thirst, and that vomiting and retching came on, and when you find all these symptoms pointed to some irritant poison, then what can you say except that you would like to know what occurred at the post-mortem, and when the analysis was made.

The post-mortem was attended by Dr. Barron on behalf of Mrs. Maybrick—that is to say, as an impartial person—and he has told us the examination indicated irritant poison. And when we look at this man's condition—the inflammation of the stomach and intestines—the doctors all say that death was the effect of an irritant, and they call it gastro-enteritis, which would be produced by poison of some kind. The doctors said there was irritant poison. Dr. Tidy agrees practically with that. He says of poison that what is poison to one man is not poison to another. He had heard of poisoning by sausages, lobsters, and mysterious causes in meat which he could not explain except that they were poison. There must be some evident matter put into the system to account for what there is there. Dr. Macnamara suggested it might be brought on almost by natural causes, but when you consider how, while he was at Wirral races and when riding about was taken ill, I think you may reject that. The doctors say what is the cause, and they open him and find arsenic. They found the effects of irritant poison when alive, and found arsenic in the liver when he was dead. As regards the extent of that arsenic, you have heard a good deal how it passes away. There was a fatal dose in this case. It barely amounted to a fatal dose, but there the

Closing Speech for the Prosecution.

arsenic was, and how did it get there? It has been suggested **Mr Addison** to you that he might have had some habit of taking arsenic within a few months of his death. We know nothing whatsoever of that, but is it not strange that if he had done so, that he who knew medicines so well, and was so fond of talking about them, should never have suggested to a soul, through all the course of this illness, that all these symptoms might have been due to his taking arsenic? Moreover, Dr. Paul is puzzled apparently by the presence of the arsenic, and Dr. Paul says that in his reading he has known arsenic to remain for seven months. That is the longest case he has known in his reading. Dr. Paul is not able to confirm that out of his own experience, but it is a case recorded in a book, and he and Dr. Tidy and Dr. Stevenson seemed to be agreed upon that point.

If this case depended upon the niceties and disputes about petechiæ between the doctors, it would be very difficult for the jury to come to a right conclusion. But we are not compelled to go into any of those niceties. Those are theories which are started to explain away facts. The medical gentlemen say that the symptoms showed the presence of an irritant, and upon analysis of parts of the body arsenic was found. Undoubtedly if I had no case against the prisoner except that she had some time previously been guilty of adultery, I might then think that the solicitude and tenderness were natural under the circumstances. Unfortunately, she has put on record feelings so inconsistent with that solicitude and that tenderness that they drive you to the conclusion that a strange and dreadful tragedy was at that time going on. Let us recall to mind how matters stood. On the Tuesday there was acute dyspepsia, but no one suggested a fatal termination. Mrs. Briggs came, and Nurse Gore when she arrived that afternoon saw that he was very ill, but the idea of death had not been mentioned by either doctor or nurse or friend, and if the anxious wife had it in her mind that he was going to die, was it not the first thing she would have asked the doctor whether or not there was any danger? Would she not have asked the nurse? But the fact was that the doctor did not think he was lying there in the condition in which he was. Then it was whilst he was in that way that she wrote that letter which now, when you understand the whole case, throws so much light upon it that it is impossible for me not to refer to it again. It goes to show that from Monday, the 6th, a week after she thought the fly-papers, when he had been ill from the Friday before, she was in correspondence with the man with whom she had committed adultery in London, she had written him two letters, and, if that be the case, are we talking about an

Trial of Mrs Maybrick.

Mr Addison ordinary case of adultery? Was the tenderness and solicitude real tenderness and real solicitude? She had said to him that which would induce him to come to her, being afraid she was discovered, and that there was something in the newspapers, and she had written to reproach him, and on Wednesday she had written to him.

Now, when Nurse Gore had been there one quarter of an hour and she had just given her patient some medicine, and had hardly time to spare, this is the letter that she is writing—whilst there is this illness she is still in correspondence with the man who is so much implicated with her in the way you know in London—“Dearest, your letter under cover to John K. came to hand just after I had written to you on Monday——” Now, you know what Monday the 6th was. “I did not expect to hear from you so soon, and had delayed in giving you any instructions. Since my return I have been nursing M. day and night. He is sick unto death.” Gentlemen, I don’t want to go away from the force of my learned friend’s observations. She might have thought that before anybody else thought it. I leave that for you to judge. Is that the natural expression of a woman who has tender solicitations for her husband? No, but it is the natural expression to write to her paramour—“The doctors held a consultation yesterday, and all now depends upon how long his strength will hold out.” Gentlemen, you know nobody had said that. “All my brothers-in-law are here, and we are terribly anxious. I cannot answer your letter fully to-day, my darling, but relieve your mind, as all fear of discovery is now at an end.” You see all fear of discovery was now at an end, not only then but for the future. “M. has been delirious since Sunday.” Delirious! Was she preparing the way for what was going to happen; for not only had he never been delirious at all, but he was never delirious until long after this—until the night before or the day before he died. “I know he is perfectly ignorant even of the name of the street, and also that he has not made any inquiries whatever.” Gentlemen, is it possible for a tender, solicitous wife, nursing her husband, to send such a letter? “You need not trouble to go abroad on this account, dearest. Please do not leave England until I have seen you once again.” She did not want him to go abroad, and she goes on to appeal to him in letters written under such circumstances. Whether she be guilty or innocent, in a case like this I cannot but protest against the notion of any tenderness or solicitude for a husband in a woman who wrote that letter. I can only say she was consummately cunning. Well, that was the state of things on the 8th.

Closing Speech for the Prosecution.

Now we get to the 9th. I can hardly help having a feeling Mr Addison of regret that the terrible statement which has been made to-day should have been made. I can not help thinking if my friend with his art had not intended to leave this case enshrouded in mystery and doubt, it is a great pity that statement was ever made. Well, on that day, the very day after this letter, Nurse Gore came on duty at noon. Nurse Gore made a statement, which, taken by itself, certainly outweighed a great many theories and probabilities in this case, because it looks something like proof positive of the administration of arsenic. She opened a fresh bottle of Valentine's meat juice at eleven o'clock, and she gave some of it to the patient after mixing it with water and tasting it herself. After she had done with it she put it down, and at twenty minutes past twelve, under circumstances which at least to her seemed suspicious, she saw the prisoner take the bottle into the small room, stay there two minutes, come back and put it upon the table, and then immediately—he was asleep at the time—suggested to Nurse Gore to leave the room to get some ice. Nurse Gore did not leave the room, and that Valentine's meat juice would have been administered to him if it had not been for Nurse Gore, who had seen this, and had told it to Nurse Callery. It was never administered to him, and my friends say it is actually in her favour that it was not administered to him, and that it could not be from that he died. But why was it not administered? Not by the will or act of this woman. She left it to be administered by the first nurse who would come on duty, and in that food was half a grain of arsenic, such a dose as being repeated would kill. One had hoped that upon that there might be some way of getting out of it, some suggestion that arsenic had found its way into this food without any act of the prisoner at the bar.

The importance of this point has been felt by her, and in that statement so carefully prepared and so ably delivered she gives an account which you heard this morning. She stated that she had put a white powder in the glass because he asked her to do so, and had said it would do him no harm. Well, gentlemen, I shall stop here for a moment. In her statement she said—"I had no one to consult, no one to advise me; I was deposed from my position as mistress of my own house, and from the position of attendant on my husband, notwithstanding that he was so ill; and notwithstanding the evidence of the nurses and the servants, I may say that he missed me whenever I was not with him. Whenever I was out of the room he asked for me, and for four days before he died I was not allowed to give him a piece of ice." The statement was carefully prepared; she said that she put the white powder

Trial of Mrs Maybrick.

Mr Addison into it because she was asked to do so, as he said it would do him no harm. I cannot help recalling to you in this connection the story which she told at another time about the white powders to others, and was it possible that she could innocently have done this, thinking it would not do him any harm? After her experience in Germany, was it possible to suppose that she had put the white powder in in that way? If she had done it innocently, why did she not tell the nurse? What was the necessity for concealment? Why were the doctors and the nurses not told about it? What necessity was there to keep it quiet and secret? It was not a time when she could put a white powder in his food innocently or unsuspectingly. She had said he was dying. If that statement of the 8th was a true impression of his condition, why, on the day before, had she said that he was delirious, that he could not recover, he was sick unto death? Is not that an extraordinary time to put a white powder in? She is complaining that she is the object of suspicion, that the food is cooked by the nurse, the management of the house entirely taken away from her. She said that not only to Humphreys, but to others, and yet she thinks that a proper time to tamper with the meat juice, and put a white powder in it of which she knows nothing, and when at least it would be folly and madness on her part, unless she were carrying on a murderous design, to do this without mentioning it to any one. Let me remind you how little notion her husband ever had of arsenic. On the 27th it was a double dose of some medicine which he thought had made him ill; on the 28th he blamed some brandy he had; and again on another occasion he complained of symptoms in his chest and of headaches, which he thought were due to a strong cup of tea. Prisoner, on the occasion of one of these attacks, said to Yapp it was strange he should be sick again, it must have been from the sherry in the meat tea. On the 5th she said to Elizabeth Humphreys—"He has taken another dose of that horrid medicine from London. If he had taken a little more he would have been a dead man." He was sick on the 6th, after taking Valentine's meat food. On the 7th, he complained to Dr. Carter of something he had taken, which he suggested had probably brought on his sickness. On the 8th, when the nurses came in, and when she evidently saw that she was not above suspicion of all these little things, the beef tea, brandy, sherry, beef juice were all suggested as making him sick; but not one word about arsenic. Do you believe, therefore, that he ever voluntarily took arsenic or knew about it? Where did she get the arsenic? She must have found it in some part of the dressing-room, but we find no coloured powder except a powder for cats. If he took arsenic in his food, why did she put

Closing Speech for the Prosecution.

this powder in his food at dead of night? On the 10th he Mr Addison says to her before Nurse Callery, "Don't give me the wrong medicine again." She said, "Why, love, who has given you the wrong medicine?" Would it not have struck her to say in the presence of the nurse, "It was you that told me the night before; I have put the powder in it is true, but you told me." Then when spoken to by Mr. Michael Mayhrick, at two o'clock on the same day, the 10th, "How dare you tamper with the medicine?" she said in reply she had only changed the medicine on account of the sediment; there is not one word, not a single suggestion of the story she now tells. On the same Friday it was that Nurse Wilson came, and did she say to Wilson anything to suggest that she was putting a powder in his food? No, she said, "We cannot tell what is the matter with him, or what has brought this illness on." What a remarkable thing! That was a state of things in which they were supposed to say that you can believe one word of this statement, and to account for Nurse Gore's detection of the act which she saw. Well, what happens next? The next day was Friday, the day before he died, and she suggests now in her statement that on the Friday she revealed for the first time to her husband the fact that she had been to London and had committed adultery, and she does that very cleverly. If it is true it accounts for what he said several times in the presence of Nurse Wilson, "Oh, Bunny, Bunny, how could you do it? I didn't think you would treat me so." But you know by the letter that she was keeping it from him, and that he died in ignorance of it. But I pass on from that.

Mr. JUSTICE STEPHEN—I have no doubt about the fact, and my impression is that Mr. Mayhrick, when recalled yesterday, stated that he died in ignorance of it.

Mr. ADDISON—That his brother died in ignorance of the adultery of his wife in London. Now, gentlemen, he said to her on Friday, with evidently something on his mind, we do not know what, "Oh, Bunny, Bunny, how could you do it?" And with an art which is remarkable, if it is not true, she says that she had told him of her adultery on the Friday. Can you believe the woman who, believing that he was dying on the Wednesday, that the hand of death was then upon him, and that all the struggle was hopeless, can you believe that she, surrounded by suspicion, on the Friday night, without any notice to anybody else, told him of her mistake? But if she had done, and desired to make a clean breast of it, then, gentlemen, you would have found some indications of it, and some indications of repentance in that letter which she wrote to the very man with whom she had carried on the intrigue of which discovery was made afterwards, and when undoubtedly

Trial of Mrs Maybrick.

Mr Addison she was observing the suspicions of the others. She writes a letter in which there is not the remotest indication of the sorrow set out to-day. "I am writing to you," she says, "to give me every assistance in your power in this terrible trouble. . . . The truth is known about my visit to London, and my last letter to you is in the hands of the police. Appearances are terribly against me, but before God I swear I am innocent." Is that the letter of a woman who had confessed to her husband with shame and sorrow her sin the day before he died? If she had done that, do you imagine this man would be the first person to whom she would appeal for assistance, and would she say to him, "My last visit to London is known, and my last letter is in the hands of the police"? Would not she have applied to him, if she did apply, and if her story was true, in the language of repentance, and of a sorrowful woman—"I confessed all to him—all that happened on that day"? You have heard the statement she has read. It is inconsistent with the defence.

Now, there is another matter—the last matter with which I shall trouble you—that my friend has not in the least attempted to explain. In her room there was a box, and what was found in the box? In that box were found three bottles of arsenic in different degrees of solution, and no fly-paper, and on the top of these was a bottle of Valentine's meat essence, without any poison in it. What do you infer from that? Who put it there? Who had these three hottles of arsenic dissolving on the 11th and 12th of May? My friend said, and with force, that there was no evidence of how she got the arsenic. We have no evidence of how she got it, but she had it. It was there, dissolving there, and dissolving in those bottles. You have, above all, in another box the handkerchief steeped in arsenic in some milk in a tumbler. If the handkerchief was put in the dressing-gown it would certainly account for the appearance of the pocket, and it seems to be a very fair account of how that arsenic was there. We are subject to this observation, which I don't want to deprive of any force it ought to have, "Why on the day her husband died was not the arsenic removed, and all traces of her crime obliterated?" That does seem an observation that ought to carry a certain amount of weight with you. There may be an answer to it such as this, that those who commit offences of this kind are not always careful enough to remove traces of it, and they do leave behind them such an indication as this. My friend has gone on to say that some sort of suspicion had been directed to her since the Wednesday. There is one answer to that which I cannot help thinking is unanswerable, that in the same way that she did not remove

Closing Speech for the Prosecution.

the arsenic which was found in the place, the three letters of Mr Addison the 16th, 17th, and 18th, which were evidence of her guilt. were not destroyed, but found as the result of equal carelessness in a drawer.

These are the salient features of the case. If any one of you has in his mind a strong doubt remaining, and not removable by argument, of her guilt, then I hope you will act upon it. It must be a gratification to a great many people if you acquit her. The law throws the onus, as my learned friend has said, upon us of laying a firm and clear conviction. The details of it no doubt you will have to listen to from my lord, who will go carefully through the evidence. If, when you come to consider it, you find that our proofs have failed and the case is not made out, if you find it is not made out, as my learned friend has said, not only in the minds of all twelve, but in one mind, and if our proofs fail, then it is no sign of weakness in you—it is, on the contrary, the carrying out of the law in you to say, "We are not satisfied, and the prisoner is not guilty." It is no derogation at all from your duty, it is compliance with it. As you know, according to the solemn oath which you have taken, your duty is to act in accordance with the evidence, and if that evidence fails it is rather an indication, even if a crime has been committed and this woman be guilty, it is rather an indication that the proofs should be as clear as the light of noonday. It is only in the case of your minds being firm and clear that I would suggest to you to find this prisoner guilty. You have, as stern ministers of justice, to disregard all those feelings of sympathy which the age and the sex and the position of this unhappy woman would naturally create in your bosoms, and deal out to her the same justice as you would deal out to a poor and ill-favoured person who might be found guilty of this terrible crime. If she be guilty, if these facts satisfy your minds, then, gentlemen, we have, indeed, in this investigation, brought to light a very terrible deed of darkness, and proved a murder founded upon profligacy and adultery, and carried out with a hypocrisy and a cunning which have been rarely equalled in the annals of crime.

[As the Court was rising Mr. Pickford made an application to his lordship as to whether the attendance of the medical and other witnesses would be required on the following day.

His lordship said that he could say nothing about it. He had known cases in which questions asked at the last moment upon matters that could not have been foretold, had proved of the utmost importance, and said that he could not say that the attendance of any of the witnesses could be dispensed with.]

The Court then adjourned.

Trial of Mrs Maybrick.

Sixth Day—Tuesday, 6th August, 1889.

The Court met at ten o'clock.

The Judge's Summing Up.

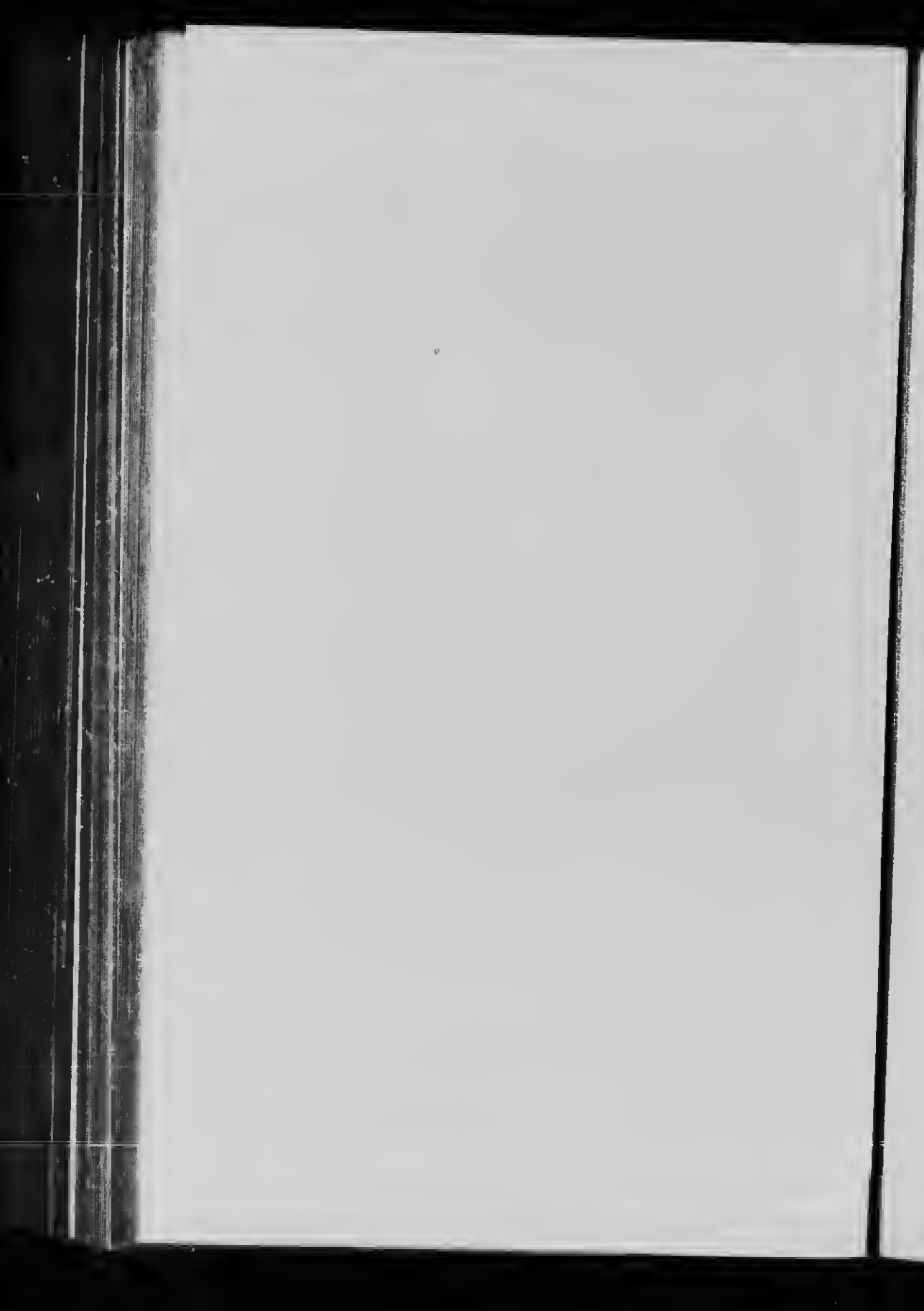
Mr Justice
Stephen

MR. JUSTICE STEPHEN—Gentlemen of the jury, it now becomes my duty to call your attention to the evidence which has been given in this case, and I feel myself bound, in consideration both of its importance—its terrible importance—and also of the great length to which it has run, to go through the whole of the evidence which has been given. I am sorry to say I shall not be able to arrange it before you exactly as I could wish, because when a large matter has to be placed before a party of persons like yourselves—I mean a body of men not too large to exclude individuality, and yet large enough to provide for full communication of ideas—it is very difficult, if not to say practically impossible, for the judge who is summing up to them to arrange the whole matter in his own way, and yet in such a way that he can be sure of doing complete justice to the evidence which has been put before you. Witnesses naturally are obliged to witness to a great number of matters quite unconnected with each other; and to dissect the evidence of each witness in such a way as to bring before you at one view the whole of the matters to which he has testified would be an enormous labour, and it would be a labour which would hardly be repaid in regard to its clearness for your consideration. I shall take the course, accordingly, of going through the evidence as it has already been given. It has already been carefully considered by those who have had the management of the case on both sides, and although in some instances to some extent the arrangement of the witnesses is not that which I should myself have chosen, it is that which presents the matter to you as you have heard it, and I think I should do more harm than good by attempting to rearrange it in a different way. This, unfortunately, in one sense, implies a good deal of repetition. You have the same thing testified to by a great many different witnesses, and although it may be somewhat more tedious for you to hear, the repetition makes it better to remember. I have very little to lay before you, to call your attention to, by way of a general introduction to the case. It is a case on which much might be said, and has been said, upon the topics of the absence of reasonable doubt, the well-worn topic of the prisoner being entitled to the benefit of the doubt, and

be-
hich
con-
ce—
ugh
orry
r as
aced
r of
arge
ery
who
own
ing
ou.
ber
ect
ore
has
our
our
ng
as
he
ne
is
ch
nk
ge
es
ed
be
es
ll
e.
d,
n
d



Mr. Justice Stephen.



The Judge's Summing Up.

a good deal of other general matter of that sort which it is not necessary for me to repeat, and on which I need only say that as to your duty in the matter I do not think that there is, or has been, expressed any difference of opinion, and I would adopt with equal readiness either the exhortations of Mr. Addison on the one side or those of Sir Charles Russell on the other.

Mr Justice
Stephen

I will just mention to you by way of more special introduction, in a very few words, the leading dates in the case, because they enable you to bear in mind, what is not always very easy to bear in mind, the general thread of the narrative; and to understand by these dates the stage which the matter has reached. Gentlemen, the time over which these transactions ranged is from somewhere about the 21st of March, and the last in the general narrative is the death of Mr. Maybrick, or possibly it was the post-mortem examination of his body, his death having taken place on Saturday, the 11th May, late in the evening, and the post-mortem was held on the following Monday. Now, these are the leading dates, and, subdividing them more carefully, I will point out to you how they come in. First of all, it was about the 21st of March Mrs. Maybrick went up to London. It was there that the relations which you have had described existed between her and Brierley. The next date after that took place is the Grand National something. I don't know whether it is a race, or a steeplechase, or what it is—but it is something which is called the Grand National, as if everybody knew what the substantive was—but the Grand National took place on the 29th March. Immediately after the Grand National the great quarrel between Mr. and Mrs. Maybrick took place, and for the purpose of settling the quarrel, so far as a settlement could be effected, Dr. Hopper, who had been the family physician, was called in on the 30th March, and some kind of reconciliation took place. Somewhere about this, at a date which is not correctly fixed, but about the 12th to the 19th March, took place the purchase of fly-papers, and some time shortly after that occurred—I think there were two purchases of fly-papers—a matter occurred in the middle of April. On the 27th April, or near the end of April, occurred the Wirral races; and after that there took place the illness of Mr. Maybrick, and that illness, as I understand, was the first illness which it is suggested was due to the poisoning.

Mr. PICKFORD—Will your lordship forgive me; in regard to the question of fly-papers, Wokes fixed the date as the 24th, and the second chemist the 29th April, and not March.

Mr. JUSTICE STEPHEN—I said April. There is no use in disputing about whether I used one word or another. However, about that date in April the Wirral races were followed by

Trial of Mrs Maybrick.

Mr Justice Stephen symptoms which were ascribed to arsenic. To a certain extent it may be said that Mr. Maybrick recovered from that illness, though it cannot be said that he recovered absolutely and entirely. It was at that time, and in connection with that illness, that Dr. Humphreys was called in; and the attendance of Dr. Humphreys did not entirely cease, although it nearly ceased for a few days, but he continued practically in attendance throughout the whole of the time. Now, the next circumstance that took place was the attendance of Mr. Maybrick at his office several times at the beginning of May. The food which he took to his office was prepared on four occasions, and taken down on three occasions. His last attendance at the office was on Friday morning, the 3rd May. He returned to his house from the office and took to his bed on that day. Then comes an interval from the 3rd May to the 11th May, a week and a day, during which he suffered with various symptoms which you have heard so much about, and he died about half-past eight in the evening of the 11th May. Those, in a few words, are the leading dates of the case; you will have to consider them very much more in detail as we go on with the evidence. Now, the next matter to be considered is the evidence on all these different points, and the range of evidence is in itself very wide; the circumstances connected with the evidence are very varied, and the different witnesses go backwards and forwards in a way which makes the evidence somewhat confusing from the beginning of the case to the end. The first witness called before you was the surveyor who prepared the plans, but there were no plans used except the plan of the bedroom in which the poor man died. I do not think any part of that was very material except the way in which the bedroom opened into the inner room which was used as a dressing-room. Now, that is the way upon which most of these occurrences that we have heard described passed. Now, the first witness who was called before you, after the architect and surveyor, was Mr. Michael Maybrick.

He is one of two brothers of the deceased. I do not know whether there are any more brothers, but there are two only concerned in this case, namely, Mr. Michael Maybrick and Mr. Edwin Maybrick. Some observations have been made upon their conduct, and I will say a word upon that before I go through the evidence of Michael. Mrs. Maybrick herself pathetically complained of the manner in which they treated her. Sir Charles Russell—though I don't think he exactly censured their conduct—pointed out that it was in his view somewhat harsh, and that it was needlessly suspicious, and that the suspicions they chose to entertain in their minds set the whole of this unhappy business in motion, although Mrs.

The Judge's Summing Up.

Maybrick was not to blame. Now, gentlemen, I think it is fair to say on a subject of that sort that the same remark applies to the servants and to the nurses, who were all placed in a most painful position. If you should arrive finally at the conclusion that Mrs. Maybrick is not guilty, well, then, no doubt, that will establish, amongst other things, that their conduct in the matter was needlessly suspicious; but, on the other hand, if she was guilty, you cannot charge them afterwards with entertaining undue suspicions, and I think the case really is not practically influenced one way or the other by the manner in which they behaved. They behaved as well as it occurred to them to behave at the time, and I think it is due to them, and to all persons who were placed in so dreadful a position as that of suspecting a secret treacherous domestic murder—it is due to them to say that it is almost as unhappy a position to be placed in as an innocent man can well occupy. If you think of it for one moment, you can hardly imagine a more dreadful necessity than that of supposing that your brother's wife, who probably very often is the person to whom you are in the ordinary course of human intercourse much attached, is carrying on a transaction of that kind—it is a thing exquisitely painful. How a man could so behave, if he is unhappy enough to conceive a suspicion—how he could so behave himself as to conduct himself quite properly and prevent himself from being reproached afterwards, either for wicked suspiciousness or for almost criminal indulgence, namely, reluctance to face a dreadful fact—how he could behave in such a way as to escape those reproaches is a difficulty which will present itself to you more and more vividly the more you consider the subject. I feel that, until your verdict decides the matter, I should abstain myself from having an opinion as to the way they behaved. At various points I feel they were placed in a very difficult position. I do not say they always took the best course in the matter at all; but I do not think, on the other hand, especially when you remember some of the circumstances brought to the attention of the medical men, that you can blame them for feeling in a most awkward position, for having suspicions, which they certainly had, for having to some extent interfered with Mrs. Maybrick's natural position in the house, and having prevented her, as far as possible, from pursuing a course which they thought she was pursuing. That is a matter on which I can really say nothing beyond this, that it is all part of one dreadful whole, and that their position in the case, and the amount of blame, if any, to be attached to them, must be determined by the ultimate result of your opinion as to the guilt or innocence of the prisoner. The first witness was Mr. Michael Maybrick, a

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice
Stephen

musical composer, of Regent's Park, London. Referring to the letter written by the prisoner to Brierley, and shown to Mr. Michael Maybrick by Mr. Edwin Maybrick, that letter is in the prisoner's handwriting. I pass it over at present, contenting myself with this, that, taken by itself, it establishes the unfaithfulness of Mrs. Maybrick to her husband. It contains other matters which certainly must have been a very great shock indeed to both of the brothers, especially in view of the circumstances in which it was found. It certainly justified amongst them a painful and miserable state of things.

His lordship then referred to the conversation which ensued between Mr. Michael Maybrick and Mrs. Maybrick, and to the statement of the former that he had a strong suspicion—upon which the learned counsel, Sir Charles Russell, did not cross-examine the witness as to what that suspicion was—and that he blamed her for not calling the nurses earlier and also a consulting physician. The letter of Brierley certainly was a ground upon which suspicion, strong or weak, might be raised. The mere not calling in a professional nurse and not calling in a second physician certainly seems very slight ground on which to base any very strong suspicion. There is a suggestion that one of her brothers-in-law had owed her a spite ever since her marriage. I do not know, however, that you ought to believe that very much, for various reasons. He was not asked any questions which would tend to confirm that opinion, and I do not myself see that we have material to form an opinion about it. He had heard as to Brierley's letter. There is no evidence as to the terms on which they were. The relationship might have been a very intimate one, or very little, according as it happens. Mr. Maybrick said in one case of strong suspicion—"I had heard that Dr. Humphreys was in attendance, and that there was a nurse in attendance, and that Dr. Carter was called in." That makes his strong suspicion more remarkable. However, she said that she had nursed her husband, and asked who had a better right to do so than his wife. I agree to that, of course; everybody must agree to it. "I will at once go and see Humphreys. I was very much dissatisfied with the case." Those remarks are well worth attending to, although they do not very greatly affect the ultimate result. Having seen this letter at the time, and viewing the condition in which he found his brother, those things go together to explain the very sad and altogether anomalous and terrible state of things which had existed in the house at the time. If Mr. Michael Maybrick had said straight out to Mrs. Maybrick, "I have seen this letter, and that dissatisfies me with the whole case, and suggests to my mind a suspicion that

The Judge's Summing Up.

you are murdering my brother"—if he had done that he would have done an act of extraordinary rashness and cruelty. I do not think it is fair to say of a man, "Why, you never clearly accused me at all. You never brought a clear accusation, and unless you can show on what grounds you ought to have brought such an accusation, the case must rest entirely on mere suspicion." It would have been cruel and wicked to make an accusation of that kind against a person without being in a position to support it. That is a remark doubtless on the one side somewhat against Mrs. Mayhrick, but it was a statement of things unmistakably suggestive under the circumstances.

Mr Justice
Stephen

[Continuing to read the evidence, his lordship commented on the fact of Mr. Michael Mayhrick having taken away the brandy from the sick room.] That shows that he had some suspicion of the brandy. "I went into the room and took from the washstand a hottle of Valentine's meat extract, a little more than half-full, which had been uncorked. I gave it to Carter." That, as I take it, is the hottle of which we have heard so much, and will he further comment upon later. Passing on, "In the bedroom I found Mrs. Mayhrick pouring from one bottle to another and patting the labels. I said, 'Florrie, how dare you tamper with the medicine?'" Verily this was a strange—I don't say strange considering the circumstances, but dreadfully unwelcome—remark to make to a lady in her own house, when she is in attendance on her husband, and something which showed the state of feeling in his mind, and must have attracted her attention. "I said I was much dissatisfied with the occurrence, and would have the prescription immediately made up, and I did so." That, again, is a circumstance which to some extent must have shown her the suspicion at that time in his mind. Passing on, after the hottle was given to Dr. Carter—"In the morning Carter made a statement to me about the bottle." We now know what that statement was, namely, that he had examined the bottle, and found in it something which he suspected to be arsenic, and which made him take the hottle to the analyst in order to be more fully examined. He mentions that he saw Yapp, and that she brought him up two parcels—this chocolate box and a parcel which had upon it the words "Arsenic—Poison for cats"—and, then, having found these, Mr. Steel, the solicitor, advised that he should seal the articles up. They were placed in the cellar, and they are now produced here. He also mentions that he searched in the bedroom with Edwin, where he found three letters. They are letters which you have heard repeatedly read, and which I shall have to read to you again. Mr. Michael Maybrick, in cross-examination, described

Trial of Mrs Maybrick.

Mr Justice Stephen the visit of his brother to Dr. Fuller. Then it was that Edwin told him about the letter to Brierley. Mrs. Briggs first saw him next day. "I thought he was better on Thursday," he says. "I expressed my suspicion to Mrs. Maybrick. I did not express suspicion to the nurses. They had received upon arrival instructions which would raise suspicion in their minds." The instructions were that they would be responsible for anything given to him, and that she was not to administer anything. In consequence of what he had heard he took possession of a bottle of brandy. Nurse Gore made a statement about the Valentine's meat juice. I shall reserve what I have to say about that till we come to consider Mrs. Maybrick's statement. Mr. Michael Maybrick says, "Nothing was given to my brother out of that." That is to say, nothing was given to him out of the bottle of Valentine's meat juice, which undoubtedly had arsenic in it. Its presence was detected, but of that bottle which was poisoned he certainly had none. He had a small taste out of it before it was poisoned, given to him by Nurse Gore. "The changing of the medicines was made on Friday afternoon, the 10th." Well, I do not see anything important in this. There was a brown paper parcel labelled "Poison," but that contained no arsenic. Then he was asked, on another head of evidence altogether, and said his brother was very particular about his personal appearance. He took podophyllin pills and phosphorus pills. Witness was asked whether his brother had had a habit of taking a powder, and he said that the first he heard of it was from a letter which Mrs. Maybrick sent to him in a private and confidential manner, but which he had destroyed. She said that she had searched the house, and found her husband had been taking a white powder, and asked witness not to let him know. He, however, mentioned it to his brother, who said, "Whoever told you; it is a damned lie." That certainly showed an irritable state of mind in James Maybrick. The brother understood that he took it for a certain purpose, and did not like to have it talked about. I may just observe about this that three or four witnesses all gave somewhat similar evidence about his irritability on matters of this kind being talked about. There was a Liverpool captain who went over to Norfolk, and an American, a chemist, and some Liverpool merchants. And the last witness called, Sir James Poole, said that he blurted out the fact that he was in the habit of taking poisonous drugs, but he did not seem to have sworn at Sir James Poole, because it was his own statement alone that was under conversation. I must say that from the way in which these different matters appeared to have been mentioned, he seemed to feel sore about it, and did not like to have it talked about.

The Judge's Summing Up.

Now, with regard to the evidence of Mr. Michael Maybrick, he was questioned about the disputes between Mr. and Mrs. Maybrick, and he said he did not know there was a dispute about a man, but there were complaints on both sides—there were disputes as soon as a certain woman's name was mentioned. The next witness was Dr. Hopper, and from his evidence it appears that the deceased was a man who complained very much. He attended on Mr. Maybrick between June and December, 1888, and prescribed a nerve tonic. He said he had a conversation with him about arsenic, and Mr. Maybrick said he knew of the use of it as an anti-periodic. On the 30th March of the present year Mrs. Maybrick went to him and complained that she had been awake all night. She had a black eye, which he had given her. This is an important fact, for this assault, she said, was the result of a quarrel on the occasion of the Grand National. She said she had a strong feeling against him, a dislike to him, and was going to a lawyer about a separation. Afterwards Dr. Hopper went to Mr. Maybrick's house and saw them together. They stated the reason of the quarrel, and Mr. Maybrick said she had walked along the course with a gentleman named Brierley after he had forbidden her. The result of this was that the husband agreed to pay the wife's debts, and there was apparently a reconciliation. I asked a question to ascertain the relations between Dr. Hopper and these Maybricks. He said he was just the family doctor, he had attended her on two occasions, and had attended the children. It is for you to consider the nature of the complaint for which the husband treated his wife so brutally, giving her a black eye as the result of the quarrel, and not only so, but did it with the serious question of jealousy; and though the doctor had arranged for the husband to pay her debts, you must consider whether that is a reconciliation. I should have thought when things had gone on to that length that a reconciliation, a growth of affection between these two persons, must be a slight and superficial thing until after a lapse of time, and the expression of kindness and good behaviour on both sides had brought about a perfect reconciliation. But after a desperate quarrel there simply comes the family doctor, who intervenes, and to say that that is a reconciliation does not accord with my knowledge of human nature. "In June and December, 1888—that is the last part of last year—I may have seen him fifteen or twenty times. I trusted him for complaints of the liver, digestive organs, and the nerves. He used to exaggerate the importance of his complaints. He was given to dosing himself, and used to take things suggested by his friends, which I had not prescribed. He told me that happened frequently. He told me he had taken double doses of

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice
Stephen some medicines, when single doses had produced no effect. For a considerable time he seems to have taken most deadly poisons—among other things prussic acid. This was certainly as dangerous a habit as one could well practise. In 1882 he complained of numbness in his hands and feet, also in his legs. He had been a long time in America; and he said that he knew there a doctor. I did not exactly catch the name of the doctor, but it was a doctor of New York who gave him certain prescriptions, the principal one of which contained nux vomica. Mrs. Maybrick told me, either in June or September, 1888, that he took a very bad medicine, which had a very bad effect upon him, and she wanted me to stop him from taking it." That is her second and other mention of the subject. She mentioned it once to the brother, and also seems to have mentioned it once to the doctor, and seemed to attach considerable importance to it, and was desirous that Dr. Hopper should prevent its going on. This is a very important matter to bear in your minds. Amongst other things she referred—as you heard on Monday—she referred to the powder which she had given him in terms such as to suggest, as far as I can recollect, that the powder she gave him was the powder which she supposed he was in the habit of taking. "When I called I made some sort of search." He seems to have looked about in the dressing-room and found nothing poisonous. "He told me in 1882 that he had taken arsenic periodically. I last saw him in December, 1885. I treated him for indigestion. He told me that he had deliberately taken Fellows' ayurp, which contains a minute dose of hypophosphite, quinine, iron, and strychnine, and podophyllin," and also I think arsenic was mentioned as well. I have the word arsenic certainly in my notes, although it is not in this witness's evidence. "He also mentioned to me that he had taken hop hitters. But he never mentioned arsenic as a thing he was in the habit of taking." That evidence of Dr. Hopper certainly shows some degree of familiarity on the part of Mr. Maybrick with patent medicines of a certain kind, and that Mrs. Maybrick had a suspicion that her husband was taking such medicines, as otherwise she would not have spoken to Dr. Hopper about the use of powder.

Matilda Briggs, an old friend of the family, was the next witness called by the prosecution. She was told by Mrs. Maybrick the day after the Grand National that her husband had struck her, and that they never had a serious quarrel before. That certainly was a pretty serious one to begin with; very serious indeed. Mrs. Briggs speaks about suggesting a nurse, and Mrs. Maybrick does not appear to have told the witness anything about the illness. I suppose that

The Judge's Summing Up.

at the latter part of Mr. Mayhrick's illness, if this were really an innocent illness, there would be nothing particular requiring notice; and a nurse would be absolutely necessary, or at least very convenient, as Mrs. Maybrick, having nursed her husband day and night, must have been fairly broken down. A letter was written by Mrs. Mayhrick, at Mrs. Briggs's suggestion, to the man Brierley, in which she said she was in fearful trouble, and asking Brierley to send her some money at once, and declaring that appearances were terrribly against her. Sir Charles Russell, in cross-examination, made a remark in connection with this letter which, I think, was perfectly fair. "I suggested the writing of the letter to Brierley in sarcasm." I do not know that that remark matters very much, but it was a curious observation to make. "I was asked to read the letter, which I did. I didn't expostulate with her, and the policeman kept it." That is a serious matter in the case, and Mrs. Briggs's remark about "sarcasm" is a very odd one. Mrs. Mayhrick was having a conversation when in her bedroom with Mrs. Briggs, and outside on the landing was Mrs. Hughes. The bottle of Valentine's meat juice in which arsenic had been found was mentioned in her presence. "But the police constable said I wasn't to speak, that was when I was telling how it came about that it had been found." I do not think that can be regarded as misconduct on the part of the policeman. He no doubt wished to avoid the imputation of allowing her to say before him what he thought she had better not say; and that is what an honourable man would naturally feel. It has a sort of very remote bearing upon the statement which she made on Monday; but what I have to say about that I will defer until I come to the subject of that statement. There are so many circumstances, and it is so very difficult to tell what is due to each person, that it introduced a great deal of difficulty into the case. I do not see that any inference can be drawn either as to the prisoner's guilt or innocence from her having told Brierley that she wanted money for necessary purposes, especially for such purposes as telegrams to America, postage, &c. No doubt she did want money, and it certainly adds nothing at all to what else had passed between them. Mrs. Hughes was called as a witness to corroborate her sister. She mentions finding certain things, but I do not see that her evidence adds much to the case. It confirms the history of what the policeman said; but her testimony all comes into these words: "I recollect the policeman interrupting a conversation. It was about Valentine's meat juice." I have no doubt I shall be reminded if there is anything in the rest of her statement which it is wished should be read, but a good deal of it has practically ceased to be of any interest.

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice
Stephen

I will now pass on to the evidence of Mr. Edwin Maybrick. He says his brother went to the Wirral races, and when there complained of numbness in the limbs and right hand. That does not appear to be a subject to which any one attaches much importance. Such numbness is not uncommon. This, I think, is the first notice we have had of the Wirral races, but some of the other witnesses say it was a very rainy day that he went there, that he was unwell all the day and attracted notice. He said something to one of them about having an overdose of medicine, and then went off home. He dined at a friend's house on the way, and his arms there shook in such a way that he spilled some wine, and was afraid that they would think he had been drinking too much. This evidence fills up some things mentioned by others, but I don't think it of very great importance in the case. "I handed the things to Mr. Barendse. Mrs. Maybrick sat up most of the night with her husband. I was not there when she sent for Dr. Humphreys. He had attended from the 7th May till the 11th of May. He attended from the date of the Wirral races till the day of his death. On Saturday, the 11th May, he died at 8.30 in the evening." Then there was the question of Dr. M'Cheyne. She telegraphed to bring up Dr. M'Cheyne, and then he said, "I sent for Dr. Carter." She does seem to have sent for nurses. I don't see anything upon which you can ground a suggestion that she kept people away from her husband, or prevented the medical men or nurses seeing him on every occasion when they could be of use to him. There are a good many small observations I will pass over, because the mass of the evidence is so great that I do not feel called upon to call your attention to every particular incident that is mentioned. "From Wednesday, the 8th, until the death, I forbade Mrs. Maybrick to give food or medicine to the patient. I said that I should hold them responsible for the medicine and food given to Mr. Maybrick. I did not tell Mrs. Maybrick I had given these instructions." This is the time she complains of as being excluded from attendance upon her husband, and I can hardly imagine anything more irritating or more terrible to any woman than to be treated in that way in her own house. Whether or not this thing was necessary to be done is one of the things which your verdict will decide. Of course, if she really was poisoning her husband, it is the best reason for it. I don't think it could be avoided. If she was not, it was one of the misfortunes from which she has suffered. He and his wife and Captain Irving dined together on Wednesday, the 5th, and there is some evidence about prescriptions and other small matters about things at the office. I may just observe that really nothing seemed to come of what was in the office, with one exception—the jug in which there was a certain amount of arsenic said to be found when the

The Judge's Summing Up.

contents of the other vessels in which he had had his luncheon had been washed. But there is nothing else of importance at the office. Mr Justice
Stephens

That concludes Mr. Edwin Maybrick, and the next witness is Thomas Symington Wokes, who says that Mrs. Maybrick bought fly-paper, and told him that the flies were troublesome in the kitchen. You will be able to know whether flies are troublesome in the middle of April or not. With reference to her statement, I will speak at more length later on. On the 29th of April she purchased some lotion and twenty-four fly-papers, paying for them at the time. I attach no importance whatever as to why she paid for them at the time; it would be a hard thing to say, because she did not book them that she wanted to conceal the matter, and if they did so they would have to say why did she deceive Wokes more than Hanson. It seems to me to be hypercritical to attach any importance to her paying for the fly-papers on that occasion. The fly-papers were in a conspicuous position in the shops, and as often happens when people go into a place and see some things they want to buy them; she bought on this occasion a lotion—I think elder flower—and according to the evidence of one or two witnesses arsenic is the natural thing to put in it. These fly-papers have been analysed, and found to contain arsenic.

Then we come to the morning of the 27th April, the day of the Wirral races. George Smith, one of the servants of the deceased at the office, said that he saw his master on that occasion at the office, and he did not look well. On the 1st May he saw him warm something in a pan, and on the Wednesday he said he felt very seedy. This witness saw him on the Thursday, and he seemed very well. He left on the Friday, and never came again. Friday was the day on which began the symptoms of what may be called the fatal dose. Thomas Lowry, clerk to the deceased for nearly five years, says he came to the office on the 27th, about 11.15, and left to go home before twelve,* and comes to the office again on Monday. "He did not at all seem well. When at his house I ordered his food." He ordered him to buy a saucepan, a basin, and the spoon he showed us. He poured the liquid out of the jug into the saucepan and cooked it. It was proved that there was some very slight trace of poison found in the inside of this jug, and that was boiled up with other matters so as to suggest some amount of arsenic found in it. Elizabeth Busher, the charwoman who cleaned Mr. Maybrick's office, washed out the saucepan and jug. But she could not get her hand in the latter. You see, it is a small jug which she could not possibly get her hand in to clean it out thoroughly, but she

* Not "to go home." The 27th was the day of the Wirral races.

Trial of Mrs Maybrick.

Mr Justice washed it. There was one morning in the jug a dark sediment
Stephen at the bottom, and the next a white.

The next witness called was Dr. Charles Fuller, who lives in Albany Street, London, and who by appointment made by Mr. Michael Maybrick met him on 14th April. He went with Michael Maybrick to see his brother James. "I examined him," he says, and amongst other remarkable points in this case is the very, very remarkable one that at literally every stage of the case, almost every incident of it takes place under the eye of one at least, often of several separate medical men, and that all these medical men not only prescribed for, but examined and re-examined the patient. The consequence is that you have such minute medical testimony as to what took place which has been rarely equalled in trials of this nature. "I examined him," Dr. Fuller says, and he complained about numbness in his legs. He seemed to have a misconception as to the importance of this numbness. He had an hour's consultation with Dr. Fuller. An hour is a longish time to be in consultation with a doctor. Such doctors as I have seen—but I have not seen many—would think an hour's consultation a great deal too long, and it certainly would be very unpleasant for the other party. Dr. Fuller told him there was no appearance of paralysis, and two prescriptions were given by Dr. Fuller, but in none of these was there any mixture of arsenic. There was cascara, antimony, diluted hydrochloric acid—I do not know, gentlemen, whether these names convey much to your minds; they certainly leave me in absolute ignorance, but they are none of the medicines which need frighten any one. One was an aperient, the other a tonic. None of them taken by themselves appear to have been of any great moment. On Saturday, the 20th April, Mr. Maybrick called again, and he was then better; and he was again given some medicine, of which some of the compounds were copper and sulphur; lozenges, with sweet spirits of nitre added as a tonic. "There was no arsenic," says Dr. Fuller, "in any of my prescriptions." And it certainly is one of the most remarkable points of this case that two of these prescriptions were made up in Liverpool, and in one of these prescriptions arsenic was found. Dr. Fuller says he put no arsenic in, and you have heard what the chemist said about it. You will have to draw your own conclusions as to who put the arsenic in. Dr. Fuller says that when he saw Mr. Maybrick he showed no signs of taking arsenic, there was nothing about his eyelids to indicate it, nor any tenderness about the pit of the stomach. The medical evidence given before the coroner at the inquest, and that given before the magistrates, was pretty much the same as to the symptoms of arsenic, but Dr. Fuller says he found no indications of it. On this subject the doctors do not seem to mention one particularly

The Judge's Summing Up.

distinctive symptom of arsenic, and I should prefer to deal with the whole medical evidence together. It has been stated in the course of the case that the Styrian peasants use arsenic for the sake of enabling them to be long-winded, but that is not a very important fact.

Mr Justice
Stephen

The next person who gave evidence was Christopher Robinson, assistant to Messrs. Clay & Ahrsham, well-known chemists in Liverpool, and he says that James Maybrick brought prescriptions to the shop, and that he (witness) checked them and handed the medicines to Maybrick on the 24th of April. Both the hottles were supplied, and there was no arsenic in them, neither was there Fowler's solution. Then comes Frederick Tozer, a person to whom I did a slight injustice. He was a little man, and I spoke to him as a boy, although he was a man of thirty-two. But I have already apologised for that, and it will be a satisfaction to his employers that he should be spoken of with proper respect. He is a chemist at Clay & Abraham's, and made up the prescriptions for the two hottles of medicines. There is no arsenic in them, and that is a very important fact to bear in mind. The substance of this is, that Dr. Fuller's prescriptions which were made up for Mr. Maybrick had no arsenic in them, and were in a pure state, and neither was any found in the store or dispensary of Messrs. Clay & Abraham; but afterwards one of the hottles was found to contain arsenic when analysed.

We come now to a different kind of witnesses, and that is the evidence of the domestic servants, and you find that the servants are Alice Yapp, and she was the nurse; Brierley, she was housemaid; Csdwallader, she was the parlour-maid; and Elizsheth Humphreys, the cook. The evidence gives you the main outline of the case, but they form a class by themselves, as it were, and I don't think that there is any very great difference between them as to the story they tell. Alice Yapp, the nurse, said in her evidence that there was an inner room in which Mrs. Maybrick sometimes slept. Continuing, she said—"I remember the Grand National on the 29th of March. On the Thursday week before she (meaning Mrs. Maybrick) went up to town"—that is when she went to see Brierley—"she said I was to write to her to the Grand Hotel. At the Grand National she came home before seven, and he (Mr. Maybrick) came home about 7.15. She went into the nursery and so did he; they did not speak. She afterwards heard him say to Mrs. Maybrick—"It will be all over the town to-morrow" (meaning the scandal), and he further said, 'Florrie, Florrie, I never thought it would come to this, and if you once cross this door you will never return.' I asked Mrs. Maybrick to come and see the baby, and I put my arm round her and took her up to the nursery, and she very will-

Trial of Mrs Maybrick.

Mr Justice
Stephen

ingly came, and I made her a bed in the dressing-room." Now, they had certainly had a quarrel to the very extreme limit, all but his turning her out of the house, but he did actually strike her. Well, about a fortnight or three weeks after the Grand National, Briarley, the housemaid, took Yapp to Mrs. Maybrick's room, and there was a basin there, and under a towel and in the basin were some fly-papers. It has been shown that arsenic was found in this medicine, and you have Mr. Maybrick saying he was very sick and in great pain after taking it. These, gentlemen, are the important facts of the case. I don't dwell upon them, but they come altogether in a very oppressive manner. Passing on, we come to the incident where Nurse Yapp is summoned to her master's bedroom. "I found him lying outside the bed in his dressing-gown." That was suggested by Mr. Addison to be the first occasion of the administration of poison, and you will see that one of the symptoms, sickness and pain, although the locality of the latter is not mentioned, were present. According to Yapp's description, this immediately followed on the taking of the medicine. If Mrs. Maybrick's account of what he said was right, it was taking an overdose. She went and got him an emetic, and said that she would "remove the brandy at any rate."* That is an act, I suppose, that if a man had taken arsenic, would give him relief—at all events, would not do him any harm. From what I know, I don't think any of the witnesses were asked about it, but it would likely do him good, and no doubt was the best thing to do. She was no doubt doing her best to counteract the effects of the medicine. It seems to me one must simply take the facts as they come. He seems to have taken a dose of medicine; he was sick afterwards, and she did her best to relieve the sickness by giving him mustard and water, stirring it with her finger because she would not wait for a spoon. You must take this all together. "On Friday, the 1st of May, Mrs. Maybrick said he had been very bad. I said it was very strange he had been sick, and I suggested another doctor. She said the doctors were fools." I suppose most people would have said that, in their hastiness, about the doctors. It is a very common expression that all doctors are fools, and all lawyers rogues. It is a mere expression of temper, and not a thing to draw an inference from in this case. There has been very little attack upon the conduct of any of the medical men in this case; I am happy to say no great objection has been taken to their conduct. "On Monday, the 6th, I found him moaning, very flushed, and restless. I saw Mrs. Maybrick,

* Maybrick took the overdose of the medicine from London on April 27th, and Mrs. Maybrick gave him the emetic of mustard and water on 28th.

The Judge's Summing Up.

and advised sending for another doctor. Mrs. Maybrick said she wanted to send for Dr. Hopper, but Mr. Maybrick said he would not see him if he came, or take anything from him. I said I think he would see him." This is a somewhat singular thing. It is one of the singularities of the case, if you take the past relations between Dr. Hopper and the Maybricks. They seem to have consulted him, and to have been most intimate friends, on terms of the strictest confidence. For some reason or other she had a regard for him, and placed confidence in him. It seems a very odd thing, and it stands out very strangly. However, Yapp said, "I think he would see Dr. Hopper if he came." I do not know that there is anything much about it, but it is one of the very sad points in the case. Whether Mrs. Maybrick was correct in saying her husband had told her that I do not know. Well, then, the medicines were kept on the landing, near the bedroom. On Tuesday, the 7th May, she saw Mrs. Maybrick pour the contents of one medicine bottle into another. I do not know what to make of that at all. She was at that time managing in her own house, nursing her own husband, and I cannot see the act in itself can be called a suspicious one. It is one of those which might afterwards turn out to have been suspicious when afterwards strengthened by further evidence. I cannot see what this particular action has to do with the case. We next come to 8th May, a date of the utmost importance, and one which contains the whole history of the case. She continues, "I asked him how he was, and heard him ask Mrs. Maybrick to rub his hands." She said, "You are always wanting your hands rubbed. It does them no good, and I can't do it." This is the only incident in the whole case that gives one occasion to say anything. It is rather a hard speech, but it is a long way from showing anything like a criminal mind, or even from intentional unkindness. Yet it is an unkind thing, and one could almost wish that she had not said it. "In the afternoon Mrs. Maybrick came to see me again, and gave me a letter to post. I opened it, and about five o'clock gave it to Edwin Maybrick, outside the house, in the garden." This is the letter on which so much turns. Sir Charles Russell asked her several times whether she did not drop the letter in the mud in order to make an excuse to open it afterwards—whether her object was not to intercept the correspondence. I don't think it makes the smallest difference as to Mrs. Maybrick's guilt or innocence; but I should be sorry if a woman who seemed to be well spoken and respectable should commit wilful and corrupt perjury. The circumstance is not of the slightest importance in the case, but the letter itself is of the greatest importance, and is one of the critical points of the case. The conduct of this

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice
Stephen woman, supposing she had intercepted this letter, does not matter; even if she had stolen it, it could make no difference in the case. There has been a good deal said about the marking of the letter and as to how she got it, but I shall not say a single word about that; it is not a critical point whether she told the exact truth as to how she came to open the letter.

From the evidence of Nurse Yapp Mrs. Maybrick had a conversation as to her husband's illness with the nurse, and said, "Do you know I am blamed for this?" Yapp asked why, and Mrs. Maybrick answered, "By Mr. Michael Maybrick, for not having another doctor and a nurse." I don't see that I can usefully say any more upon that letter than I have already said. "After the death I found," says the witness, "a powder in the chocolate box, and a parcel in Mrs. Maybrick's trunk, which I afterwards gave to Mr. Michael Maybrick." Then she is cross-examined, and she says there was no quarrel before the 3rd April.* It does not appear that there was. The husband and wife seemed to have lived on perfectly good terms until the 21st of April.† The cross-examination certainly was very judicious, and brought out a series of facts. Before Brierley—that is Brierley the housemaid—saw the fly-papers in the morning, Yapp saw the fly-papers on the washstand in the principal bedroom by the door of an inner room. That shows that there was no concealment. They were put there for everybody to see. She afterwards said that Mrs. Maybrick was about at the time when the woman Yapp was looking at the fly-papers, so that she had every opportunity of seeing them and knowing that they were there. They were, you will understand, on the washstand in the principal bedroom. The master did not dine at home on the 27th April. On the 25th April Edwin Maybrick came home, and appeared to be on friendly terms with his brother. He seems to have used his house as a kind of home. On the 28th April, Mrs. Maybrick sent for Dr. Humphreys; and afterwards she was seen pouring medicine from one bottle to another. I myself cannot see much in this circumstance, unless you make all sorts of suppositions which you have no right to make. The witness goes on to say she put the letter in a clean envelope, because it was dirty through being dropped into the mud. She says, "I gave it to the baby to carry, and she dropped it on the way to the post office." The only important part of her evidence with regard to that was where she says, "I didn't open the letter because I suspected my mistress." The next witness was Elizabeth Brierley, the housemaid, who describes the finding of fly-

* This should be the 29th of March.

† Here the judge must mean the 21st of March.

The Judge's Summing Up.

papers, to which she never drew her mistress's attention. She got hot water for the deceased's feet, and gave Mrs. Maybrick bread and milk which she had received from the cook for Mr. Maybrick. She also speaks about asking to change the clothes, and the mistress objecting to the master's bed being touched.

Mr Justice
Stephen

Mary Cadwallader's evidence follows, and she refers to Mrs. Maybrick saying that the doctor had ordered all Mr. Maybrick's medicines and food to pass through her hands, and it was perhaps a natural thing for them to do so, if they had done it, having no reason to put anything but confidence in the patient's wife. As to the sweetening of the deceased's food, there seemed to be no objection on his part to have his food sweetened, and I do not think anything much depends on it. Witness also speaks to the boy fetching fly-papers from the chemist's. With reference to the destruction of the fly-papers, according to the statement of Mrs. Maybrick they were prepared as a cosmetic for her face, and when she went to that hall. The fact that the servants destroyed these papers does not show any great ill-will to the prisoner at all events, although one might say it would have been better and of great importance if these fly-papers had been preserved and examined. One of the servants said that the extract from the fly-papers had been used for cleaning silk. I never heard of that before, and it is a strange kind of statement, although we know, or have been told, that they were applied for cosmetic purposes. After the evidence of another girl then comes the story of Humphreys, the cook, who overheard her master say to the prisoner, "Beware, if you leave this house you return no more." She also states that, in October, 1888, she found some fly-papers in the hutler's pantry, and destroyed them. There does not seem to be much in that. She found them in October, a good time for destroying them, but she did not destroy them then, but waited until the date she mentions before burning them. I do not think, however, much turns upon that point to deserve the attention of the jury. The cook also says, "On Saturday, 4th May, the chemist's lad came, and I took what he brought to Mr. Maybrick's room, and I knocked at the door, and took in the medicine. Mrs. Maybrick said he was no better, and added that if he had taken so much more medicine than the quantity he had taken it would have killed him." I don't think we ought to press it, as it is very unlikely for a person to say this if she had given him a dose. "On the Wednesday I asked her how he was, and she said very much worse; he was quite delirious. I asked her to take some rest, and that I would go upstairs, but she said she would manage." Then there was the question of the lemonade, which Mrs. Maybrick took from the cook's hand and placed on the washhand

Trial of Mrs Maybrick.

Mr Justice Stephen stand. There was no evidence to show that what was done was done out of any unkindness. Dr. Humphreys, when he came to examine Mr. Maybrick, said he was to have as little to drink as possible, only to moisten his mouth, and not to be allowed to drink. Passing on, his lordship reviewed the remainder of Humphreys' evidence. Her conduct, he said, shows that she was very kindly disposed, and sympathised with the various insults that she understood Mrs. Maybrick had sustained. That is the end of her evidence in chief. Then comes the cross-examination, in which the witness said she did not regard Mrs. Maybrick with any suspicion, as she spent most of her time with him, and was much grieved when not with him. This evidence she gives with a good deal of feeling. She speaks of Mrs. Maybrick saying there were "strange things knocking about," but that I take to mean the hospital nurses coming in and out. This is the conclusion of that class of evidence, that given by the servants in the house.

We go on now to the medical evidence, and the first witness who is called on the subject is, in my judgment, very nearly—is, indeed, very, very important; I don't mean because of special opportunities, for he was the doctor in charge, seeing him all the time during his illness, and, of course, knew as nobody else could know from day to day all the circumstances which, as the medical man in attendance, he only would know. With that remark upon his evidence I will go on to read it to you. [His lordship then proceeded to read Dr. Humphreys' evidence, and coming to the point where he said Mrs. Maybrick told him that deceased was taking a white powder, his lordship said]—That is a remarkable circumstance to be considered with what she tells us in her own statement made to you. Dr. Humphreys says, "I first called to see him on Sunday, 28th April, and Mrs. Maybrick was present. He said he was afraid of paralysis, and thought his symptoms were the result of drinking a cup of strong tea. He complained of his tongue being furred and dirty. He said he had been to Wirral races, and felt very stiff. He said he had dined with a friend, and his hands were so unsteady that he upset some wine. He was distressed lest they should think he was drunk. I prescribed for him, and advised him to drink nothing but soda and milk. He did not tell me he had been sick the day before. I saw him again the same evening, when he complained of stiffness in the legs. In the morning he showed me Dr. Fuller's prescription. He thought the stiffness in the limbs much worse. He said, 'My liver is wrong.' I did not contradict him. I remained about an hour. He said, 'My friends call me hypochondriacal, but I am not.' I called next day, and found he was in bed, but he said the

The Judge's Summing Up.

symptoms had disappeared. On Wednesday, the 1st of May, I found him better. He said, 'You need not come again.' On Friday, the 3rd of May, he was not so well. He said, 'Your medicine does not agree with me.' Mrs. Maybrick said, 'You always say so after taking medicine for two or three days.' I said, 'Your tongue is not so clean as it was, but there is nothing the matter with you.' He asked if he might go to town, and I said 'Yes.' I saw him in the afternoon, and he was in great pain from the hips to the knees. Mrs. Maybrick and Edwin were present. He had rubbed his legs inside with turpentine. He complained of a gnawing pain in the back. He said he had been sick after coming home and attributed it to his drinking inferior sherry." On the 4th of May, Saturday, he was sick and vomiting, but when these symptoms were referred to, and the question was under discussion about his sickness, Dr. Stevenson* said he did not recognise in that the particular kind of sickness which would be produced by arsenic. I will have more to say about this afterwards. On the 5th, he was sick, and complained of a pain in his head. On the 6th he took some Valentine's meat juice, which did not agree with him, and Dr. Humphreys says, "I told him to stop it, as I was not surprised at it making him sick. I prescribed Fowler's solution, and mixed the medicine myself." [His lordship, after reading over the evidence of Dr. Humphreys in reference to the earlier stages of Mr. Maybrick's illness, observed]—Dr. Humphreys, on seeing his patient on the Tuesday, said he was getting on favourably, and would probably be well in a few days. He saw him again on the Wednesday, and he was then getting on favourably. Now, this is important, because on Wednesday the letter was sent by the prisoner to Brierley, in which she used the words, "He is sick unto death." Then Mr. Michael Maybrick came down from London, and had a conversation with Dr. Humphreys on the case. This was on the Thursday, and on that night there was a great deal of straining in the bowels. Dr. Humphreys said he was not satisfied with the case. Suspicion seemed to have been excited in Mr. Michael Maybrick's mind, and he appears to have communicated those suspicions to Dr. Humphreys; but how far those affected Dr. Humphreys, and whether his opinions were the result of his suspicions, must be considered by you. Dr. Humphreys, on being examined as to the urine and feces experimented upon, said he had not much faith or confidence in his experiments. On the other hand, Dr. Paul talked about it as if it was a thing any one could do. If anybody could not do such a small thing as extract a small amount of arsenic—supposing there was in the

Mr Justice
Stephen

* This should be "Dr. Tidy."

Trial of Mrs Maybrick.

Mr Justice Stephen substance an appreciable quantity—then it seemed to Dr. Paul as if he must be a mere bungler. If it were so, it would be that Dr. Humphreys by his experiment proved the negative—there was no arsenic in these matters. I would only say this, that it was very possible Dr. Paul, who was eminent in these matters, and would devote a great deal of time to such experiments, would detect a very small quantity of arsenic infinitely easier than Dr. Humphreys, who was an ordinary general practitioner. The difference between the two doctors is one of those neat differences which sometimes arise between scientific witnesses, and I merely direct your attention to it. Dr. Humphreys stated that forty-eight hours before death he apprehended no serious results, and this has an important bearing upon the state of the mind of Mrs. Maybrick when she, about the same time, wrote her letter to Brierley, and it was certainly remarkable that at so late a period of the disease, and so short a period before death, the medical attendants did not apprehend any serious results.

Mr. Adnaon—Would your lordship allow me to qualify my statement which I made yesterday? My lord, I said in regard to the handkerchief which was found in the bottle saturated with arsenic, that it had been used—probably used—might have been used—on the deceased man's mouth, to which a handkerchief had been applied for the purpose of allaying the thirst. Although that was prescribed, there seems to have been no evidence of it having been done, and I want to guard myself in that way for fear I should be unintentionally unfair.

Mr. Justice Stephen—I do not think the evidence justifies that assumption.

Mr. Adnaon—I do not think so, my lord.

[**Mr. Justice Stephen** continued to deal with the evidence of Dr. Humphreys, describing the condition of Mr. Maybrick till the Saturday, when he gradually sank and died.] The doctor told us, "I did not direct that all food and medicine should be given by Mrs. Maybrick." If that is correctly taken, if that is really what was said, there is a contradiction between him and Mrs. Maybrick, but the value of that contradiction and the degree in which it bears on the subject is another matter. It may be very easily taken in different ways, and words may be differently interpreted. Coming to the effect of Dr. Humphreys' evidence, he says, "My opinion is that he died of some irritant poison, probably arsenic." There is one part of the matter in which there is some slight difference in point of fact, and that was when Dr. Humphreys spoke of some spots called petechiae, which were explained as small points or spots of bright red, compared to flea-bites. That does not give one the least idea in the world of a small red point,

The Judge's Summing Up.

but he said it was from an Italian word, *petechiæ*. I was anxious to find out what the word was, and found it in an Italian dictionary; and I looked for the word *sea-bite*, but it was quite a different form of expression altogether. The word *petechiæ* was translated as by spots observed in some particular kind of fever. I was anxious to find out whether there was any particular meaning, but I could not find it. It did not matter very much, however, for among medical men it is applied to a small red spot under the mucous surface. There was no question whatever from the notes taken at the time that such had occurred. Dr. Humphreys had said that he had seen them; but he was not corroborated by any note or report made at the time, or by any other person who had observed them. I now go on to the cross-examination. I will tell you, in general terms, where I understand the difference to be between the two sets of medical men, the one called on behalf of the Crown and the other on behalf of the accused, but first I will go on with Dr. Humphreys. In cross-examination he gave somewhat general answers, which were given to Sir Charles Russell, and which I have not taken down so fully as I could wish. I will read them to you from one of the newspaper reports, which appears to be a verbatim report, and which certainly agrees with my recollection of the examination. [His lordship then proceeded to read from a book containing clippings from a newspaper, forming a complete report of the case.] Speaking about not giving a certificate of death, he said the usual course was, when the doctor refuses to give a certificate of death the police were sent for. The effect of Dr. Humphreys' evidence in regard to the post-mortem examination is, that from the different things found in the body of all kinds, including what was found in the intestines, putting all that together, he says he founded his opinion that the deceased died from arsenical poisoning. He said, I think, that the different symptoms indicate arsenical poisoning. During the time he was attending the deceased he did not suspect arsenic or poison, until it had been suggested to him by Michael Mayhew. I did not consider this a very important answer, because the question is not whether Mr. Mayhew had suggested this thing to Dr. Humphreys first, but that, taking the whole of the examinations, what did he think it was? He seems to think now that it was arsenical poisoning. There are, as you will remember, several doctors who have been examined on the point, who generally gave an entirely different opinion. I won't go into that question about their opinions, but I will try and give them, and vary as they require to be varied. I will try to give them as I go on. Now, going on to what he says about the symptoms during life, on which he appears to

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice
Stephen

have been cross-examined, "I attended," he says, "Mr. Maybrick on the 28th April. He told me that he had been at the Wirral races; but he did not say that he had got wet." He did get wet, no doubt, as is proved by the evidence. "He said he had dined with a friend, and complained to me afterwards that he had a headache," and so on; and also that he had had discomfort in the neighbourhood of the heart. "He complained of stiffness in his knees. I should suspect that this might arise from catching cold. I was able to loosen the stiffness." You remember how the witness described the moving about of deceased's legs. "I connected this," the witness goes on to say, "with his conversation about this having been caused by his having taken the nux vomica contained in Fuller's medicine. His tongue was dirty on Sunday; on the 29th it was cleaner; and on the 30th of April and 1st and 2nd May he was in the office. On Friday, the 3rd, he complained that his medicine did not agree with him. I said that nothing was the matter with him except dyspepsia. I saw him from eleven to twelve on the 3rd May. He then complained of pains in his legs, from the hips to the knees." Those pains in the limbs, it seems to be the general opinion of every doctor who has been examined that with regard to the calves of the legs it is a very strong sign of poisoning by arsenic, but no one of them seems to say that pains in the limbs are a strong sign of the administration of arsenic. Also Dr. Humphreys suggested a morphine suppository at the time deceased said he was sick after coming home from the Turkish baths, although Dr. Humphreys did not connect the sickness with the bath. He described the deceased as taking no food from Saturday at twelve o'clock until Monday at 8.30 a.m. "All Sunday afternoon and Monday he took nothing. He was unable to retain things in his stomach. I put a blister on his stomach, which stopped the vomiting. He complained about the action of the food in the stomach on Tuesday, the 7th. I saw him twice on Wednesday, the 8th. He was going on favourably." He speaks further on of a loose motion. I think all the medical men agree that purging—continual and constant purging—are marks or proofs of arsenical poisoning. They are all, I think, of one mind in this, that if this man did die of arsenical poisoning, one of the symptoms most frequently associated with it—that is to say, obstinate and irremediable diarrhoea—did not occur; and it is pointed out and insisted upon by the medical men, those called for the prisoner as well as those called for the prosecution, that that is a circumstance indicating the absence of arsenical poisoning. He was suffering from tenesmus. That is very rare, but it appears in this particular case that it did occur. Some of the medical men—but there is great difference of opinion

The Judge's Summing Up.

among them—deny that it is so very rare, and say it is more frequently to be seen than others admitted. It has been said many times over that it is a symptom of dysentery, common, I might almost say expected, to attend upon dysentery, a distressing disease, though it is not common in this country. But the desire to relieve the bowels and the absence of any evacuation is, I believe, one of the marked, very marked, symptoms of dysentery. Then there is the account of the doctor's experiment to extract arsenic from the fæces, about which he was not very confident; and he gives an account of the patient's condition on the 8th, and in this part of his evidence he tells you that he never said to Mrs. Maybrick that all depended on how long his strength would hold out. He says he never told her that her husband was sick unto death, and that he never gave such a gloomy account as she appears to have given. All the medical men agree that the cause of this man's death was exhaustion, which exhaustion was caused by gastro-enteritis. But what caused the gastro-enteritis is the question between the two sets of evidence. The one part say it was arsenic, and the other say it was not arsenic. And that is the great medical question between them. Supposing that two ounces or some other large quantity of arsenic had been extracted from this man's body, nobody could have doubted that the arsenic was the cause of death. The difficulty here arises, as I understand it, from the comparative smallness of the dose, and from the suggestion that that small quantity was not discovered in the right place, and also from the suggestion that it might have got into the place where it was found by other means than the wilful introduction of poison. It seems to me, though it is very difficult to put the matter fairly, that the real crucial question seems to be, how did the poison found in that man's liver and other organs get there? Did it get there in such a degree, and in such a way, as to show that the cause of death was arsenical poisoning, or did it get there in a way which would otherwise be accounted for? When you have gone through the whole of the case, and when I have called your attention to every part of it, you will find that that is the main question for your decision. The answer to that question will really and substantially settle the case, according as you think one way or the other. If you can show a sufficient quantity to cause death, why, you need not go further. It seems to me that is too plain for argument—if you can show that you really got a deadly dose of that poison in that man. I am so much brought to that opinion that I feel rather inclined to miss out a good deal of the evidence which has been given, because it all comes to that, look at it how you please. For instance, there is a long account of all

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice Stephen the different things which he swallowed at times—caecara, nitro-hydrochloric acid, nux vomica. Then there was a little antimony in Plummer's pills, and a little bromide of potassium. The doctor mentions the different reasons why all these things were swallowed, and he gives his account of them. But I do not understand, I have not heard anything mentioned from the beginning to the end of this trial to show, that any one of these things in itself, or each one administered, could produce any symptoms which caused this man's death, so that you can put your hand on them and say that each one of these things have caused it. The thing you have to assure yourselves about is whether he died from arsenical poisoning—the opinions of the doctors where they differ is as to whether the arsenic found in his body was sufficient, and whether that arsenic was the cause of death. If any one wishes me to read that part of the evidence, of course, I will read it fully.

A great deal appears to me to turn upon the circumstances which do not go right to the proof or disproof of the matter. A great deal has been said as to the redness of the stomach, which was a very bright red. There was a long story about these small spots, and mention was made of a brilliant arborescent vascularity, which I understand means something of the nature of a bloodshot eye—any spot which is blood, but which is under the skin, and therefore is not exactly flowing about. He says there were a great number of very minute spots, petechiæ. I must say that I should have thought that if an intelligent and observant doctor said, "Well, whatever I wrote down, and whatever interpretation you like to put on this arborescent vascularity, I do mean to say that I saw spots," and if he positively said that, I should be very apt to believe him. However, you must put whatever application you like upon it. We have heard over and over again that there were these petechious spots which have been spoken of, this brilliant arborescent vascularity. Arborescent certainly does not go very well with the rest of the description, as it means treelike. These spots were more netlike. There were other traces indicating more of a fibrine nature, there were lines going about from part to part. The question therefore seems to be whether or not Dr. Humphreys observed that the actual cause of death was something in the nature—I don't think it matters whether you use the word or not—of an irritant. Whichever you call it, the cause of death was the presence of an irritant substance, which produced all the train of things described in the stomach and bowels, a state of things which could have been produced by arsenic if there were arsenic there, but a state of things which, on the other hand, does not absolutely imply arsenic, as it may be produced by a variety of other causes. Dr. Tidy gave us several causes likely to cause an unpleasant feeling to people,

The Judge's Summing Up.

like sausages, cheese, and lobster. All these things have been known to produce this kind of inflammation. This is the obvious difficulty of the case. We certainly know this man as far as we can know anybody, and know that for a considerable period before he died he never ate lobster, or cheese, or sausages. His dietary we know was prescribed for him. There is no suggestion whatever of his having eaten any one of these particularly mentioned things, or indeed anything except the diet prescribed for him by different doctors. There did not seem to have been an opportunity for the administration of food of these things. There was not any food of that kind, or anything which might have had any effect of the kind which we speak of as poison, or lobster, or such things may produce. A good deal has been said about Dr. Humphreys' answer when he was asked what he would have certified if he had died on the Wednesday. He replied, "I should have given a certificate of death from acute inflammation." But it is very difficult, gentlemen, to be quite plain in the many assumptions which come together in these conditional questions. "Suppose he had died on the Wednesday, what would you have certified?" "I should have certified so and so." Yes, but suppose he had died on the Friday, what then? It is an extremely difficult question taking such suppositions. With regard to what Dr. Humphreys would have certified, he would do as all doctors would—he would have certified in accordance with the knowledge he had up to the death. One of the medical men, I think it was Dr. Carter, said, "I really could not certify that he died of arsenic poisoning unless arsenic had been discovered." Of course, till you have exhausted the very difficult points in working out the question, you can't give a final opinion upon the case, or upon any case into which you have to inquire. You have to exhaust things before coming to a final conclusion. At this very moment, although I hardly like to draw illustrations from this very case, until you have heard the whole of the evidence in the case, have heard the summing up in the case, and have discussed amongst yourselves your views on the subject, you can hardly lay down what will be your verdict—I hope there is no man in that box at this moment who would do so—it is a virtue to keep your mind open to any new argument placed before you. That is a great intellectual virtue which all persons should assiduously cultivate. And you can hardly expect any doctor to give an opinion as to what he would have done under certain circumstances before he knew all he now knows, or to give his opinion as to what he would have done had it occurred a week or a month or ten days before. He cannot answer such questions. I don't think, either, they exercise any great effect upon your opinion. The evidence of a certain number of these medical men is, "I think he died of arsenic poisoning," or, "I don't

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice
Stephen

think he died of arsenic poisoning, but of gastro-enteritis, caused by the administration, or, at any rate, caused by something capable of causing gastro-enteritis, but not necessarily arsenic," and in some instances "probably not arsenic." These parts may be passed over as really more fit for medical jurisprudence than for a jury actually engaged upon the administration of criminal law. It is the great tendency of all cases of this kind to run into scholastic discussion. Gentlemen, you probably are men engaged in different ranks of life, and I should think it probable that a very small number of you have any other knowledge of medicine than that which we all pick up in the course of our lives and in the course of our general experience. This would be a kind of guide. There is no use telling you how far you may rely upon it. But you must infallibly rely upon it to a greater or less extent. I have gone through the evidence of Dr. Humphreys, and having gone through his evidence and that of Dr. Carter, I feel disposed not to go through the evidence of the doctors who have been called merely to give an opinion.

The next point was the evidence of Dr. Carter, which was very important, because of Dr. Carter's reputation in the city of Liverpool, and because he had the opportunity of seeing the deceased Mr. Maybrick, and because the deceased was under his personal observation. He says, "I saw a great deal of vomiting," and I do not know whether that was explained by Dr. Tidy, but I do not think it was, but it rather qualifies the evidence of Dr. Humphreys and the servants and Dr. Carter. Vomiting is certainly one of the symptoms of arsenical poisoning, but, according to Dr. Tidy, it ought to be a special kind of vomiting. Some of the symptoms were similar to those which might have been caused by irritant poisoning. Dr. Carter described him as suffering from looseness of the bowels on the Thursday, but there is a great difference between a man having looseness and having that kind of violent purging which we are told is usually the accompaniment of arsenical poisoning. Dr. Carter wished to examine the patient as to the condition of the bowels, but he was unable to do so on account of the pain which resulted from pressure. Dr. Carter attributed death to arsenical poisoning, and stated that the appearance of deceased's body at the post-mortem examination was not consistent with death from dyspepsia. Dr. Carter judged the death to be the result of arsenical poisoning. Two grains of it given in five successive days would have killed him.* Then Dr. Carter gives his account of various matters connected with the use of arsenic. He said the idea of poison did not occur to him until it was

* Dr. Carter said "not less than three grains" would have been a fatal dose to a man of Maybrick's age and habits.

The Judge's Summing Up.

suggested to him. When one considers what a tremendous thing the administration of poison is, what an awful thought it is to admit into the mind of any one, one cannot wonder that any medical man should admit it only at the very last extremity, and to find that he does find himself justified in excluding the idea. I could not imagine a more dreadful thing than that of a doctor, going to cure by his skill a suffering man, finding that he is the victim of a diabolical kind of plot, the existence of which he (the doctor) is perfectly unfamiliar with.

Mr Justice
Stephen

Well, that is the evidence of the different doctors, and you have the whole body of evidence of the medical men who formed opinions upon this case. Here comes in the great controversy in this case, and that controversy I will, to the best of my ability, call your attention to. I do not propose to read through the whole of that evidence, as I do not think it would be a reasonable way of employing your time. You have heard the evidence, and not only heard it, but you have seen the men and fully noticed their different peculiarities of manner and expression, and you have been able to form your own judgment to a certain extent upon that. I do not wish to say anything definite about it, but you have formed your own opinion about these gentlemen, and formed an opinion as to their impartiality and as to their partisanship, as to their understanding and judgment generally. You will by these means have the ground of forming in your own mind a more or less definite opinion of their character, and of the value to be attached to the evidence of each. I do not say for one moment that they are not to be thoroughly relied upon. I do not think that any imputation is cast upon them, upon their good faith, but they certainly do differ very much as to the conclusions at which they arrive. You must be guided in a general way as to the value of the evidence of each, and you must be guided by the credit which you attach to the evidence, and by the reasons given for their opinions. I think I shall be of more use to you in this matter by telling you, in somewhat general terms, what are the different views for which these gentlemen contend; how in the main, as I understand, they support those views; and what are the observations which the best attention I have been able to give to their discourses upon the subject have suggested to my mind. It is for you to decide, and not for me. I will content myself, as I am bound to do, and as it is my duty, to indicate to you the way in which you ought to view the subject, and the views which you may probably arrive at. You know perfectly well that there is such a thing in scientific and legal questions, and questions of forensic medicine more particularly—there is such a thing as subtle partisanship, which very much diminishes the value of the evidence given under such circumstances. Any

Trial of Mrs Maybrick.

Mr Justice
Stephen

person who has been in the habit of attending Committees of the Houses of Parliament and hearing the evidence which is given there by different engineers, or of persons connected with the mechanical arts, and sees the way in which they deliver their views on subjects of very considerable national importance, must have learnt that the mere fact of a man coming into a Court and swearing this, that, and the other, does not by any means give a reason for unqualified belief in what he says.

You have to take off a good deal of discount from the testimony of skilled witnesses on the ground of their becoming, probably insensibly to themselves, advocates rather than witnesses. I certainly would not like to be invidious, and I would not do so unjust a thing as to impute in this awful inquiry advocacy to those gentlemen who have given the Court the benefit of their experience. Well, you must exercise your own free judgment, free from all unnecessary modesty about your own opinion, and free from all unnecessary respect for the opinions and special knowledge of men especially acquainted with these things. You must give them due weight, and treat them with a discreet and rational freedom of mind. I have no concealed meaning. I don't attribute this kind of thing to anybody, but I say you must be all on your guard against all indiscriminately. This is purely a general remark. Now, what appeared to be the opinions of these gentlemen on this great subject? I do not mean scientifically, but these opinions are supremely important to the woman at the bar and highly important to the administration of justice, and all-important for your own feelings, peace of mind, self-respect, when you reflect on what you have to do on this occasion; and I feel what is required of you is an act of high moral and civil courage, that is to say, you must look all these things straight in the face and decide them like free and honourable men, not afraid of your own opinions, and, on the other hand, free from all bias. Now, let me consider what the question is. Up to a certain point, as I have pointed out already, it appears to be that all the witnesses are at one. The question being, Did this man die of arsenical poisoning? all the witnesses agree that this man's death was caused through gastro-enteritis, that is to say, inflammation of the stomach.

Then arises the question as to what that state of things led to. You have the whole history detailed to you at great length of his disease, of the disease getting worse and worse, and ultimately causing death. That death you have had described with the minutest detail. The illness is a matter which I don't think there is any doubt about at all; none is suggested. It is described by the medical men who attended him, by the people who had care of him, right from its commencement at the

The Judge's Summing Up.

Wirral races to his death in May. To what is the death to be ascribed? The first matter that suggests itself is his illness. He became ill, and his illness, seizing the weak point, attacked his stomach. The stomach became congested, and the congestion went on until it reached the stage of inflammation, and it became acute. Acute inflammation involved both the stomach and the bowels. In that way the man died of a severe attack of gastro-enteritis. That is what it is said to be in various forms, with no very substantial difference of opinion, by Dr. Tidy, Dr. Macnamara, and other doctors whose names I do not remember. What is the other view? That this is a case of gastro-enteritis caused by arsenic. You find it in different parts of the body, in the liver principally, and in several other parts of the body, and that poisoning was produced by a wicked plot devised by his wife, and with the motive of disposing of him, and with the result known. Gentlemen, there are a great many subordinate questions connected with that which I postpone till I come to the last part of my summing up, such as the question of motive, which I will now pass over. For instance, the fly-papers I pass over, and the question about Valentine's meat juice I pass over. I pass over a variety of questions which are brought together for the purpose of showing that, in point of fact, she did it. You have been told that, if you are not satisfied in your minds about poison, if you think he may have died from some disease, then the case is not made out against the prisoner. It is a necessary step—it is essential to this charge—that the man died of poison, and the poison suggested is arsenic. This question you have to consider, and it must be the foundation of a judgment unfavourable to the prisoner that he died of arsenic. Now, then, let us see what the doctors say. Some said death was caused by arsenic, and others said it was not by arsenic—that he died of gastro-enteritis. I think slight traces of arsenic were found in the intestines. There was none in the heart, none in the blood, nor in other parts of the body where, in the case of death by arsenic, you would suppose arsenic to be found. But there certainly was arsenic found; it was found in the liver, in the intestines, but we are not equally sure whether it was found in other places.

Mr. M'CONNELL—In the kidney, my lord; a trace.

Mr. PICKFORD—A trace only, my lord.

Mr. JUSTICE STEPHEN—Yes, very well; it was very small; it was a trace, I believe. Well, now, these are the places in which it was found, and there are several explanations of it; there are several things to be said about it. There was one thing which I don't think was said about it, but which I think everybody will be tempted to say—there was so very little of it.

Trial of Mrs Maybrick.

Mr Justice
Stephen

And I share with the feeling which you must have, and more particularly every man who has not had a scientific training, that they would have to look very closely, and would have to have a great deal of faith in science generally to attach the importance which medical men attach even in this case, and which they all attach to matters physically so very, very small. I do not know how far you were successful. I don't say anything about myself in detecting in some of those test tubes the barely visible little bits of bright shining metal which were said to be arsenic. I don't ask, and I do not know anything about it. But, however these things were, all the medical men agreed that there the thing was if you could see it; and they said they could see it, and there was no attempt in the defence to deny that there actually was arsenic in the places which I have named. Now, this is the introduction to another question, and this is a question of terrible interest. Who put it there? Well, as far as one could see, it could not come there itself. So who put it there? Now, there are several ways of answering that question which do not involve guilt on the part of any one. You must consider what is the degree of probability which may be attached to each of these different ways. I have been following these ways, and if I omit any I hope I may be corrected. The first way which was suggested is that Mr. Maybrick put it there himself, namely, that he, owing to grounds which must be more carefully considered, had been in the habit of eating arsenic. Gentlemen, the first way which is suggested is that Mr. Maybrick put, on grounds known only to himself, arsenic into his food through this dreadful habit which he had acquired. Another way, and the only way suggested in which the arsenic could not have been administered criminally, was by the improper taking of it as medicine. The only other way which is suggested, that I know of, in which arsenic could have been put into him is by crime. It might have been put in by himself through a very unwise and injudicious act of self-indulgence, or it may have been put in by somebody else by crime. When you come to consider the matter carefully, you will find that in one way, or either of these two ways, this matter must have been got into his body. There are various points to deal with which may be consistent. The arsenic may have been taken by reason of unwise and injudicious habits of self-indulgence; that is one thing. It may have been by the taking of medicine improperly, or by some means of the kind; and if it was taken in this way, the presence of the arsenic may reasonably be accounted for. If, however, you think there is a possibility of doubt, you ought to acquit the prisoner. If, however, it did not come into his body in either of these ways, I can hardly see how it has been

The Judge's Summing Up.

administered except by crime, and it has not been suggested that any one could well be the criminal except the prisoner in the dock, and some observations will have to be made to you on that when I deal with the matter. Mr Justice
Stephen

Now, first of all, is it possible, is it reasonably possible, to suppose that he took it himself? We have heard a great deal on the subject from first to last about it; a doctor was called who was acquainted with the deceased, and knew him in the prime of life. Some twelve years ago he was out in Norfolk, Virginia. Now, what is the evidence as to his taking arsenic at that time there? You have had several stories told you. The first is the account of Mr. Bateson, who lived with him, and that account is carried out and made stronger by several additional witnesses. There was the black man, who used to be sent out to buy half a dollar's worth of arsenic, and who saw him take it on several occasions by putting it in a kind of beef tea, and who said the deceased was in the habit of taking arsenic. Well, there was also a ship captain, who was with him, and who saw him served in several drug stores in Norfolk, Virginia, in a particular manner with certain quantities of arsenic, and who swore to Mr. Maybrick taking arsenic. Now, with regard to that, it was not suggested by Sir Charles Russell—indeed, he expressly repudiated the notion—that he meant to suggest that arsenic which was taken by James Maybrick in the year when he lived in Virginia—somewhere about the year 1877—that the arsenic taken so long ago as that could rationally be supposed to have been present in his body so as to account for the arsenic found when, in point of fact, it was found—that it remained there all those many years. Sir Charles Russell repudiated this notion. An advocate owes it to his own self-respect and to his professional position to found his defence, at any rate, upon reasonable, possible grounds, and that ground would be so very remote that I do not think any reasonable man could purposely put it before a jury and expect them to accept it. If it is not reliable for that purpose, all that evidence becomes, I won't say altogether irrelevant to the case, but its relevancy is very narrowly confined, although it shows that he was accustomed to take arsenic otherwise than—at that time and place—so far as I can find by medical prescription. There seems to have been no medical man present when he went into the drug store, where he received that warning "to be careful." There does not seem to have been any medical man present when the matter was talked over by the person who served in the drug store, or when he talked it over with the foolish ship captain afterwards, but at the same time Mr. Addison—and I will speak of this directly—got an answer from Mr. Maybrick's own friend that Mr. Maybrick did take arsenic under prescrip-

Trial of Mrs Maybrick.

Mr Justice Stephen tion from his doctor; but there were occasions when this did not appear to be the case, and that was probably the way he took it in Norfolk, Virginia. A gentleman named Bateson, who apparently knew Mr. James Meybrick on terms of intimacy, said that his taking of arsenic began in connection with what is now called fevers and chills in that neighbourhood, which is a swampy kind of country, whose people suffer from malarial fever, and, amongst others, Mr. Meybrick suffered from these fevers. He used to get arsenic prescribed for him, that arsenic being regarded at the time and in that place as a more powerful remedy for that kind of disease than quinine, which, as we all know, is the constant remedy in most parts of the world for malarial fever. It seems that in that country arsenic answers the case in a more powerful manner, and, in consequence of having attacks of chills and fever—in consequence of being prescribed arsenic, he was cured of that disease. That would certainly give him the knowledge of arsenic. He seems to have been on that subject an inquisitive man, and it is very natural that he should learn that arsenic was good (as he afterwards said) as an antiperiodic. He learnt by taking it that effects might be obtained for which quinine is the common means, but which in certain cases fails. That is the first time he is shown to have had to do with arsenic at all. The witnesses who prove that are Bateson, and then Thompson, of Liverpool, and then Stensall. His evidence was that the deceased used to send Stensall out, and he gave him half a dollar to get a small packet, described as the size of Sir Charles Russell's snuffbox, but, however, he used to be sent out for a packet three or four times in the course of his service; he afterwards opened the packet and put in a very little on the end of a spoon in some beef tea, and, after stirring it, the deceased drank it. That is the evidence, and I don't think that it was in any way contradicted or shaken, but that is the thing he (the servant) said the deceased used to do. This is the first connection which was made between him and arsenic.

Then comes the witness Edwin Gernett Heaton, a retired chemist, who used in 1888 to keep a shop in this city near the Exchange. With regard to this evidence I will call your attention to a matter. Apparently Mr. Heaton saw a newspaper (referring to the *Liverpool Echo*) in this town, containing what he described as a very good likeness of Mr. Meybrick. He then went to the solicitors in the case, and they produced to him a photograph, which is placed before you, and upon being shown that photograph he said, "I know him quite well; I am quite sure that is the man." He did not seem to have known him by name. He did not go after him as a matter of name, he never seems to have known his name, but he said, "That is the man who used to come to me for a

The Judge's Summing Up.

pick-me-up." A pick-me-up is a thing which does not generally contain any arsenic at all, but this man used to have pick-me-ups specially made for him. They contained a certain amount of arsenic. He went on taking these till within six months before the chemist left business, for a period of eighteen months in all. I shall warn you that you ought not to allow yourself to consider this absolutely proved. The man was only identified by a photograph. I don't put forward my own opinions on the matter, but although I don't speak on authority, I think I have been told that in the Divorce Court, where identification is constantly practised, the evidence of a photograph is not admitted. If it be as I say that the judge does not allow the production of a photograph in his Court, it should be sufficient to say that there must be considerable difficulty in the identification of a man by a photograph. Heaton stated, "He used to come to me for pick-me-ups," all of which, when you come to translate it, shows that he ceased to make his visits to the witness for eighteen months before his death. It has been argued that a man in the habit of taking arsenic would not give up the habit because a chemist changed his place of business, and that he would go somewhere else, but this is the only definite fact we know about it.

It is a very singular thing, gentlemen, that in this case, where so many eminent persons have been engaged, and where there has been so much exertion to arrive at the facts, that in this case the degree of evidence we have got as to the length of time where arsenic may remain in the human body is most imperfectly ascertained. I think Dr. Stevenson, or some other witness, spoke with very great want of confidence on the subject. It is not many people who get the opportunity of making experiments. In the present opportunity the necessary experiments have been made, and some witness spoke to seven months as the extreme limit he had known any trace to be shown as remaining in the body of a person taking it. There is no doubt, they say, arsenic leaves the body principally through the kidneys, and they also say the effect of taking arsenic is to considerably retard the operations of the kidneys, and so delay the elimination of the arsenic, and so it remains much longer in the body than otherwise would be possible. The subject and the evidence in this case is but one of the many instances which has satisfied me, if I had not already been satisfied of it before, that medicine and everything connected with medicine is so much a matter of fact, and experience of facts which do not readily present themselves for inspection, that you never can arrive at medical conclusions with anything like the same degree of certainty in your conclusions as you are entitled to expect in science which deals with mathematical demonstration or legal argument. I would not for

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice
Stephan the world say anything disrespectful of a science to which we all owe so very much; but it is a science based upon more or less conjecture, and good sense and good fortune in making guesses. A celebrated physician in olden times said that a physician spent his time in putting drugs of which he knows little into a body of which he knows less. This is one of those pointed sayings which are convenient, but there is a degree of truth at the bottom of it. Persons who are employed for the time being in the tremendous functions confided to us ought to be very modest in their conclusions. That modesty cuts on an occasion like this all ways. It cuts to a certain extent against the prosecution, and it cuts against the defence, and it diminishes and lowers the degree of assurance with which we receive medical evidence of all kinds.

I will just recall to your memory the different remarks of Mrs. Maybrick to her brother-in-law about the white powder, and the remarks to him by Sir James Poole, when he blurted out, "I take poisonous drugs." Well, this is a proof showing that this man for some extraordinary reason did contract a habit of taking this kind of medicine; and I was very much struck with the medical witnesses not definitely saying—if you put together all that they said you will find it gave Sir Charles Russell a foundation for the remark, when I say foundation I mean it suggested the remark—does a man who takes medicines of this kind contract the habit of taking it in various forms, and if so late as January* he admitted to Sir James Poole that he was in the habit of doing so, and if that was arsenic, might that not account for the quantity found in his body? I don't wish to discuss the matter now till I state to you how I understood Sir Charles Russell to put it. He says that if that accounted for the small quantity of arsenic found in the body they had destroyed the case against the prisoner, because it would show her to be innocent. That is part of the argument which tends—I do not say it answers the case for the Crown—but it tends to explain what is certainly the strongest part of the case for the Crown, namely, that arsenic was found in this man at his death. I feel some kind of delicacy about developing that argument before you, because in doing so I think I might go in advance of what was said by Sir Charles Russell, and this I should always be sorry to do—however, I understood him to say this in substance, that this fact explains the presence of arsenic. I leave the matter in your hands.

Now, then, we will pass on to consider the other matters concerned with regard to the nature of the administration of arsenic. It is given in a variety of ways. The argument

*It was some time in April that the conversation referred to between Sir James Poole and Maybrick took place.

The Judge's Summing Up.

that the prisoner administered the arsenic is an argument depending upon the combination of a great variety of circumstances of suspicion, which no doubt are much more suspicious when they are put together and considered with reference to the time when they arose than they are when considered each of them alone. It is no use saying this or that, gentlemen. I don't think, however, I shall have to consider the different circumstances in her case, the different matters which have been referred to. It is now a quarter past four, and I have been addressing you now for six hours and a quarter; and I am afraid I shall not be able to go on much beyond five. I will go on with you for three-quarters of an hour. I hope to-morrow I shall have said all I have to say.

Now I should like particularly to read to you the evidence of two witnesses, because it is the evidence of highly skilled men. They are strongly opposed to each other, and you must decide as far as you think proper, and as far as you are fully qualified to go into such a discussion—you must decide which of the two is correct. I mean Dr. Tidy on the one hand and Dr. Stevenson on the other. I will tell you a little more before I go on to that matter. I will tell you something more of the nature of the controversy, which I understand to exist. The controversy seems to me to come very much—if you look at it as a matter of symptoms—it comes, I say, very much to this sort of form. The doctors—the medical men—who do not believe in the arsenic, do not believe that the symptoms of that sort were the symptoms of arsenic; and that is, of course, of great importance—although I fear that we are there getting amongst questions which I have already warned you are really, speaking quite plainly, too difficult for us. At all events, they are too difficult for me. But still, having been mentioned as they have, I will certainly state them, and as well as I can go into them, although I am bound to tell you that in all probability I should have to go into them at the expense of saying a good many things which had better not be said, and of showing my own extreme ignorance of the great difficulty of the subject. But there is this question upon which there seems to have been a great deal of evidence before us. There are the medical men who speak of the administration of arsenic because they thought there were symptoms of arsenic; and there are the medical men who speak against the doctrine of the administration of arsenic who strongly rely upon the absence of a large number of characteristic symptoms of arsenical poisoning according to their experience. They take this view, that decidedly it is not a case of arsenical poisoning, for this reason, that poisoning by arsenic may well be present, although one or two of the particular symptoms are absent, but you cannot

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice
Stephen

have poisoning by arsenic where so many of the characteristic symptoms are absent, as they are in this case.

What are the characteristic symptoms of arsenic? We have heard them over and over again. One symptom is constant purging, very violent purging. Another symptom is constant sickness, very violent sickness, symptoms which one or two of the witnesses, Dr. Tidy, for instance, speak of as a sort of sickness which in ordinary conversation we have no adequate phrase for, but it is a very violent kind of sickness. The third symptom is pain in the pit of the stomach, which pain is greatly increased by pressure. The simile by which Dr. Macnamara tried to bring it home to our minds was this. He said—"Suppose you get a red-hot shilling and press it on the pit of the stomach, and supposing that you get some one to violently press that, then you would have a notion of the kind of pain of which I have been speaking, and of which I have had very great experience." The fourth symptom is itching of the eyelids, and inflammation generally attending. The fifth symptom is cramps in the calves of the legs. Now, says Dr. Macnamara—and several other doctors said the same—the argument taken in general comes to this, "I can understand a man poisoned with arsenic having no cramps in the calves of the legs; I can understand a man poisoned with arsenic having no swelling or discomfort about his eyelids; but I cannot understand poisoning from arsenic not being followed by great sickness, great itching, great pain in the stomach, such as have been described to you by these gentlemen." That is a very general argument. It is the very argument by which the Jews detected those unfortunate people who could not frame their mouths to say "Shibboleth." They could only say "Sihholeth." The principle is exactly the same. You may be a Jew, and do this, that, and the other, but you cannot say "Shibboleth," and that was the test by which they tried the matter. I do not think in this instance any such test is proposed. In fact, the doctors who dealt with this topic felt great difficulty in finding a test of that kind. Indeed, they found it absolutely impossible to find such a test, and went so far as to say so. I am bound to tell you that the medical witnesses in this case do all of them concur in general things about arsenic, and one of them, I think Dr. Stevenson, said it was a very anomalous disease. That is to say, there are characteristic features, and plenty of them; and there is no doubt that those which I have enumerated are the great characteristic features. But, although the disease is thoroughly well characterised (and if all those symptoms occur the disease may be said to be established), yet they do not always occur in the same order, nor do they occur with the same degree of

The Judge's Summing Up.

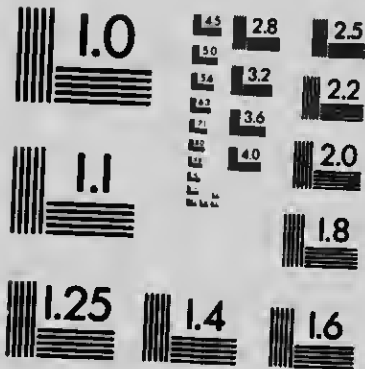
relative severity. When you have once made this admission, you find that the belief or unbelief in certain symptoms as symptoms of arsenic become very much a question of degree. I well recollect saying to a most eminent advocate of the English bar (when he put a question)—“Well, is not that a question of degree?” to which he replied, “But will your lordship tell me anything which is not a question of degree?” Everything is a question of degree. But, at the same time, that is the great argument in this case, that the symptoms, or a large number of those most characteristic of arsenic poison, are absent. I shall just point out some other matters connected with that. They all agree that of the five symptoms which I pointed out there are two, cramps in the legs and itchings of the eyes, which had not been mentioned at all. It has also been said that the pain in the stomach increased on pressure, and that has not been mentioned. I don't think there is any mention of pains increasing on pressure, unless some remarks, some incidents towards the very close of the evidence, can be regarded in that light. This sickness undoubtedly occurred, but, according to one of the medical witnesses, it was not the right kind of sickness. I heard with some degree of incredulity that the man was in such a state of vomiting for days together that he was unable to keep anything on his stomach, and that he was told by his doctor that he must abstain from food altogether; and that if he was in a condition that he was made sick by a drop of hot water, he was told for that reason to keep a damp cloth to his mouth to assuage his thirst. If that was his state, I confess that I cannot understand how he could be said not to have been persistently sick. However, I am always very conscious of my own ignorance, and am always ready to improve my knowledge, and I just make that sort of protest as to what had been said. Then there is another thing about diarrhoea. Now, gentlemen, the sort of diarrhoea that existed in this case was much less than one was accustomed to hear spoken of in connection with arsenical poisoning. The fatal dose was said to have been administered on the 3rd May, and that would be an interval of six days before the diarrhoea set in. I think the absence of diarrhoea, the absence of cramps in the calves of the legs, the absence of any itching of the eyes, are certainly together a remarkable list of deficiencies in the symptoms you would expect in arsenical poisoning. With regard to the sickness, there seems to be a considerable difference of opinion as to the distinctive symptoms of arsenical sickness. With regard to that I am unable to assist you. I think I am correct in saying there is an absence of the characteristic symptoms which are necessary to establish the arsenical state of this man's body. I am very sorry I can do

Mr Justice
Stephen



MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE Inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482 - 0300 - Phone
(716) 288 - 5989 - Fax

Trial of Mrs Maybrick.

Mr Justice Stephen so little to help you in this great matter, but it is a great relief to me that, under the constitutional law of this country, it is you who have to decide the case and not I, and all I have a right to do is to call your attention to the different matters in the case as they suggest themselves to my mind. I am afraid that I see a good deal on which I shall have to occupy your attention as well as I can, comparing together the evidence, I will not say of all the witnesses, but the evidence of Dr. Stevenson and the evidence of Dr. Tidy, and also the evidence of several other doctors who have favoured us with their testimony.

I think the time which is still at my disposal I will expend in a way which I hope will be to some extent useful to you, that is, in reading the evidence of a witness who has given most remarkable evidence in this case—evidence not too long to be read through to you at this late hour of the afternoon. It is very well worth hearing by itself, the evidence of Dr. Macnamara, who is a very eminent medical man in Dublin, and occupies a very distinguished position among the medical men of that city. Another thing, he is Surgeon of the Dublin Lock Hospital, and he says that he has had to administer arsenic in a very large number of cases. (To Dr. Macnamara)—You say, “We have to administer arsenic in a very large number of cases.” What class of cases did you refer to?

Dr. MACNAMARA—As an alterative in specific diseases, my lord.

Mr. JUSTICE STEPHEN—I quite understand; thank you. I thought arsenic was used for that kind of purpose. Of course, we all know what the object of Lock Hospitals is, and we have got Dr. Macnamara from the Dublin Hospital, who has said he has to administer arsenic in a very large number of cases. He says—“I have several times had to ‘saturate’ them.” In cases of this kind saturation means to administer as much arsenic as the patient will bear without very serious consequences. “And in some cases the point of saturation has been exceeded.” That, of course, would lead him to examine the different results. He says the commonest result has been upon the eyelids, and after that comes the stomach and bowels. In the case of Mr. Maybrick it was not the vomiting which resulted from arsenical poisoning, and he never heard of persons complaining of a hair in the throat from arsenical poisoning. Dr. Macnamara is not by any means satisfied with the description of the throat, in which he does not recognise any arsenical symptoms. And, again, in the purging, he does not consider the evidence points to that sort of poisoning. He says, “In my opinion this was certainly not a case of arsenical poisoning.” This is a very strong expression; and I think it all comes to the general

The Judge's Summing Up.

argument advanced by all the doctors called for the prisoner on this occasion—the suggestion of gastro-enteritis unattended by any poisoning—a state of things which may arise from dyspepsia. Riding in the rain at Wirral, and partaking of unwholesome food, might produce the state described—so say the doctors called for the prisoner; but the doctors for the Crown, all of them say that they do not believe that gastro-enteritis was idiopathic, which means that it in a sort of way arises of itself. Of course, speaking with precision, such a thing as an absolutely idiopathic disease can hardly exist at all; it could not arise except by some means, though one does not always know what it is. The doctors are divided in opinion, and, of course, I cannot answer the question whether there was arsenical poisoning or not; the symptoms of arsenical poisoning, the witnesses told us, vary very much, or, as one medical man described it, there are anomalies; and several of the proofs relied upon as showing arsenical poisoning were by some of the medical men suggested to be capable of a different interpretation. Dr. Tidy expresses his opinion that this was not a case of arsenical poisoning at all. It was a case of gastro-enteritis, produced by so small a cause as a wetting. I may just remark that Dr. Macnamara is almost the only witness called to prove that symptoms of this sort have been produced by so common a cause, and have also produced symptoms of irritant poisoning, which include a great number of the effects of irritant poison, and which have led a variety of other medical men of distinguished attainments of various kinds to the opinion that this was actually a case of arsenical poisoning. But I have taken an analysis of it, as I thought it was remarkable in itself; and I thought there was just about time to read it before the Court rises, but I regret to say that I will have to leave that over till to-morrow. I feel that our duty in this case is to consider it fully out to the very utmost extremity, and I am sorry to say that I must require your attendance to-morrow at the usual hour of ten o'clock.

Mr Justice
Stephen

The Court then adjourned.

Trial of Mrs Maybrick.

Seventh Day—Wednesday, 7th August, 1889.

The Court met at ten o'clock.

Mr Justice
Stephen

Mr. JUSTICE STEPHEN—I am about to continue what I was pointing out to you yesterday on this subject. I have passed through the greater part of the medical evidence, and since the adjournment I have been through the rest, with the view of seeing how far I could substantially add to your knowledge of the case if I took the course of reading the whole of it. I intend to read Dr. Stevenson's evidence for the purpose of contrasting it with the evidence of Dr. Tidy upon the other hand in the central points of each. The evidence of Dr. Stevenson, who is a lecturer upon forensic medicine at Guy's Hospital, and is very well known in his profession, is that on analysis he found arsenic and hismuth. He took 8 ounces of the intestines to test with, and he found 1-53-1000th part of a grain.* I have already said that I decline to say anything of what I saw in those tubes. I am ignorant in the matter, and do not know what it was, but the skilled witnesses all appear to have accepted the results, and state that this is arsenic. Now, before you can go into an arithmetical calculation as to the quantity of arsenic in the liver you have to consider this—you cannot say that if in 8 ounces you get so much, then in dealing with the whole of it you would get so much proportionately more, because it is a very uncertain calculation, the proportion of arsenic present varying. I think it was Dr. Tidy who went to the rather horrible expedient of mashing up a liver, and taking part of the whole for the purpose of a test. I do not understand that very well, for it appears to me that you want previous proof that, if you mash animal matter in that way, mechanical mashing will produce the effect which Nature did not produce. The whole of the liver in this case weighed 48 ounces when pounded all up. I don't understand why that should produce an equal distribution of the mineral, which is, to a certain extent, distributed over every part of it. In another vessel containing a portion of the kidneys Dr. Stevenson says he found a trace of arsenic, but not enough to be accurately weighed. The liver was contained in two vessels; the larger quantity this witness analysed, and found in it a quantity of arsenic corresponding to a third of a grain in the whole of the liver. The body, Dr. Stevenson says, contained at the time a nearly fatal dose of arsenic.

Upon that point there is certainly a strong controversy,

* This should be one 15-1000th of a grain.

The Judge's Summing Up.

because Dr. Tidy most certainly contradicts that opinion. He does not think, in the first place, that you could get the whole of what was contained in the liver; and if you did get the whole quantity, he does not think that you could draw the inference which is drawn in this case. It is extremely difficult to decide in this matter. It is a special science, of which I know nothing, and of which, I think, it is very unlikely that any one of you could possibly know very much. It is not a kind of knowledge that is likely, in the ordinary course of affairs, to fall to your lot. Two eminent men are put forward as very great authorities on this subject, and they both arrive at different conclusions on the matter; and the point in dispute is one upon which I cannot myself profess to form an opinion; and I don't see how to suggest to you that you should form an opinion. But, however, that is the opinion of Dr. Stevenson, and I will read you some portions of Dr. Tidy's evidence afterwards. If the cause of death is arsenical poisoning, the liver is the chief organ in which it is found, and in the largest quantity. "There was no arsenic in Valentine's meat juice," he says. Then he says, in answer to a general question, "I have heard the whole of the evidence in this case, and I have formed an opinion. I have no doubt deceased died from the effects of arsenic." Then he seeks to support that opinion by saying that the symptoms were those of an irritant poison, and they resemble those of arsenic more than any other, the glazed throat and so on being so. In regard to that he is not agreed with other of the doctors, Dr. Macnamara especially, who said the glazed throat was not distinctively characteristic of arsenic. Then the first appearance of certain symptoms was usually within half an hour of taking the drug—nausea, vomiting which gives no relief. That is a point on which the doctors all agree, with regard to vomiting being a symptom of arsenical poisoning when it is characterised especially by the fact that it gives no relief. In this case there was certainly a great deal of vomiting, as you have heard described, it appearing again and again in the earlier stages of the case. Then of the pain in the stomach we have but some very slight mention towards the close of the case; but one of the medical men—Dr. Macnamara, I think—says that pain, if produced by arsenic, should be very much more decided than it was, and he described what it would be more specifically and pointedly than any of the other doctors. Then, "the patient becomes restless." The poor man was restless, no doubt, until the very last. It was described that he was restless in the earlier stages, and one of the doctors—Dr. Humphreys, I think—says, "I did not see he was particularly weak, but he was very restless." Certainly the throat on this occasion was the great point of

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice Stephen complaint. The pain extended down to the stomach, but I hardly know that is distinctively known; but it is difficult to say, when the man's throat was in a state of inflammation, and the appearances were presented which are described, where the pain stopped. The tongue was foul and furred, but there was no bad smell. The foulness of the tongue was a matter of complaint very nearly all through. The tongue continued to give great difficulty to Dr. Humphreys in dealing with it, and Dr. Humphreys did what he could with a view of relieving it. This symptom itself was continued down, so far as I am aware, very nearly through the whole matter. The tongue was foul and furred, and it is a remarkable thing in connection with this that there was no had breath. The patient after that collapses with rapid and feeble pulse, and he added, "In the last day the pulse was so high that it could not be counted." Great thirst was, of course, there, and the evacuations were frequently stained with blood. "That does not appear to have been the case;" and then the patient dies. Dr. Stevenson says the symptoms are very anomalous, and the resemblances between case and case were so different that it was impossible to lay down any rule, and the differences were to be considered comparatively with each other, and with the personal peculiarities of the patient himself. Those, I think, are the principal things Dr. Stevenson says. He adds a variety of matters which I do not think are important, and he adds that solid arsenic often becomes entangled in the coats of the stomach. One glass of water, the doctor continues, would hold a fatal dose of arsenic in solution. That appears to me to be a summary of his evidence, and he adds that on the 27th April, and on the 2nd and 3rd of May, he could not have said that this was a case of arsenical poisoning. In that case he would not have had the post-mortem analysis to support him; but he says, "I think now they may be referred to arsenical poisoning." He says that up to Friday, the 3rd May, he could not have said any more than that. You will see, gentlemen, that a number of the medical men speak of symptoms of the living body, and of the appearances after death, and they speak further of the results of the analysis. "The post-mortem appearances were those of an irritant poison, and more those of arsenic than of any other irritant poison." Then he adds, "The immediate cause of death is gastro-enteritis, but that is developed only by an irritant." Then he goes on to describe gastro-enteritis, which is caused by an irritant poison, and which he supposes to be arsenic in this case, because arsenic was actually found. He says that injurious food produces post-mortem appearances in the bowels rather than in the stomach, and he adds, "The

The Judge's Summing Up.

analyst proves my opinion that an irritant poison was the cause of death. I searched for antimony and mercury, but found none. As to the absence of arsenic in the stomach, I have found cases of arsenical poisoning in which I could find no traces in the stomach. It is absorbed into the circulation, and goes to the liver. As far as I can see, it enters the mouth, passes into the stomach, then goes into the liver, and leaves the body by secretions through the kidneys." The witness proceeds, "I should say that more arsenic was administered on the 3rd of May." The theory is that there was poisoning by successive doses, and it is rather suggested that there may have been several doses. But I do not know that there was any effort made to point out the precise times at which doses may have been administered. "Arsenic disappears from the urine in about a fortnight, though I have known it to go on longer. Arsenic taken years ago would have disappeared." That is admitted, as I have already said, by Sir Charles Russell. He does not ask you to suppose that the early taking of arsenic had anything to do with this poisoning. "Taking the symptoms and the post-mortem appearances, I have no doubt that he died from arsenic." That is Dr. Stevenson's evidence. He is cross-examined, and a good many theories are then admitted. He says, however, that arsenic generally acts in half an hour, or in some such time, and that vomiting is absent in an appreciable percentage of cases. In this case vomiting was not absent, because it went on in one form or another. The diarrhoea is sometimes absent. In this case it was not quite absent, but it might be said to be substantially absent. Then he speaks of the petechiæ or small blood pricks, which is a symptom one would expect with arsenical poisoning. If arsenic is taken in solid form, it does not entirely disappear at once; it passes into the kidneys and irritates them, and that would to a certain extent check the arsenic which it is their function to pass out of the body. "I found rather more arsenic than Mr. Davics," and then he gives some calculations. He says, "I had 28 ounces of liver out of 48 ounces, which the liver weighed, and I found 27-1000ths of a grain. I actually weighed from the liver '034 of sulphide of arsenic, equivalent to '026 of a grain of white arsenic," and he makes out '087 or '091 of a grain—altogether 100-1000ths of a grain, which is, of course, 1-10th of a grain, and this would be less. I cannot convey to your minds, or to any human being's mind, anything to enable you to attach any meaning to figures representing such very small quantities. I don't think anybody has ever succeeded in making men imagine very small quantities or very great quantities. When we are told of billions and trillions and numbers of that kind, they mean only to you a very large

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice Stephen number indeed, which is practically too great for you to think about or realise. The globules of blood in a man's body are so small that there are more than a billion, but really that conveys no idea whatever to our minds.

Well, that, gentlemen, is the evidence of Dr. Stevenson about that. Now I will take the evidence of Dr. Tidy, and I am happy to say it is not very long, although very much importance is attached to it. He says the distinctive features of arsenical poisoning are purging and vomiting in a very excessive degree, pain in the abdomen, more marked in the pit of the stomach, and this is usually associated with cramps in the calves of the legs, and after an interval there is suffusion in the eyes, irritability about the eyeballs, and tenesmus more or less present. Now, as to the purging and vomiting, it becomes a question as to whether it was in an exceptional degree in this case. There was plenty of vomiting, but not much purging, throughout the whole time, and the degree of vomiting is a point on which it is difficult to form an opinion. Dr. Tidy admits that there are anomalies in arsenical poisoning, but he says that the presence of arsenic is easily detected. I daresay familiarity in dealing with such a matter makes it appear easy, although it might appear almost impossible to other people. I do not think in this case, however, that vomiting was excessive and persistent, nor do I think from what we have heard that vomiting did relieve this man, for he kept on; and when he was not vomiting he was doing what Dr. Humphreys describes as "hawking," a motion towards vomiting. He was reduced to that state that apparently he had nothing in his stomach, and the least thing—a drop of water—was enough to excite vomiting. The looseness of the bowels was not noticed till the 9th May, and if poisoning took place on the 27th or 28th April, and no diarrhoea took place until 9th May, Dr. Tidy said that is an exceptional case. He said further, that he would have expected vomiting to take place after the administration of the poison within from half an hour to two hours. Then he says that whether a dose containing supposed arsenic, or whatever it may be, comes in contact with the mucous membrane depends upon circumstances. "I think," he goes on to say, "the absence of pain in the stomach would be a toxicological curiosity." You will remember that some rather foolish people in Court thought fit to laugh at that expression. It seems to me to be a perfectly proper expression. It was accompanied possibly by some slight peculiarity in Dr. Tidy's manner of speaking, which perhaps struck some one's fancy, and made people laugh. It certainly appears to me to be a weighty remark—namely, that it would have been a very remarkable thing if there was absence of pain of that kind in the stomach

The Judge's Summing Up.

in a case of poisoning by arsenic. That is his opinion. You must give what weight to it you think fit. Then Dr. Tidy goes on to say, with regard to the symptoms, that they were not symptoms of arsenical poisoning, and did not point to that fact. There is a difference of opinion on that point. You have heard different views expressed by the different doctors. I should feel inclined to say, looking at the matter as an unprofessional person should look at it, that a great deal of controversy of that sort depends upon the result. When one medical man says that he thinks these were symptoms of arsenical poisoning, and that he thinks that they were caused by arsenic, but that he does not mean to say that they were all the symptoms that one would expect to find in a case of arsenical poisoning; another medical man then comes and says that if arsenic had been administered, symptoms usually found in the body were in this case deficient, and that he should have expected more symptoms—that he should think it very odd if it was a case of arsenical poisoning, because these things were not present. He says it is very odd and singular. Still, the poison was present, and to my mind that means a great deal to consider. Then he says the redness is all over the external surface of the stomach, and is of a very peculiar colour in arsenic poisoning. Then he refers to these petechial spots, all varying within limits, and that he calls "the most distinctive characteristic I know of." That is his opinion on it. I don't know whether you will try to compare colours which you don't see. That is to my mind practically impossible, and other doctors don't take his view. They don't disagree with Dr. Tidy in general. They all agree with the general facts in this case, but they take different views about the colour they saw. He also says he would expect certain fatty changes, but that appears to be another of the uncertainties of this case.

Dr. Tidy and Sir Charles Russell said a good deal about the negative kind of evidence, that there were not present symptoms which they would expect in arsenic poisoning. But I think that is an unsatisfactory mode of treating the subject, and is inherently weak. What you want to find is some theory as to how this disease arose, and what it came from. I think the prosecution have to prove their case, because the defence only try to show that they have not done so. But it would obviously have given much consistency, power, and vigour to the defence had they been able to point out some other thing which had produced this disease. If their position was not merely "I take my stand upon the question of reasonable doubt," that is, in a certain way, a very good position to occupy, but it is very inferior to this position—"I will tell you all about it; I will tell you how it arose." There was a theory set up and

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice Stephen an explanation given of the causes producing gastro-enteritis, from which—as all agree—he died. Dr. Macnamara said a man naturally dyspeptic getting wet, and going about in his wet clothes, might easily take the disease from that. In other cases Dr. Tidy suggests that it was done by bad food, and that had food would set up this trouble, might have caused gastro-enteritis. He says that almost any kind of food would do it; game too high, fowl too high—or high at all, in fact—and he mentioned particularly three things which in his experience had set up the disease. Sausage poison, although it could not be found in the sausage, would do it, for by some means that poison appeared to be set up in the making. Then came cheese, of which I suppose he means a certain kind; and it is a singular thing that in one case he tells us that the attendants who also partook of it suffered from the same symptoms. But it contained nothing which chemical inspection can tell us of. Then he also spoke of lobsters as particularly setting up this terrible disease. But from the 28th of April, from the beginning of his illness, we know everything that was administered, and it has not been suggested that he had in any way anything to cause that. Everything that was given him was given under the most careful and watchful *régime* of medical men and nurses, and he could hardly have taken anything to cause these painful symptoms.

Now, I shall go on to speak of what was said by other medical men with respect to arsenic not being equally distributed over the whole of the body. He (Dr. Tidy) speaks of the quantity weighed being from 82-1000ths to 86-1000ths of a grain found in the liver. Dr. Tidy says—“I have known arsenic to be obtained from the body after three months or five months.” That is a very important point of the case. It is certainly one in which Dr. Tidy gives his evidence less directly and closely in that matter than it might have been. In the five-months' case, where the arsenic was found after five months' administration, there was found in the liver 174-1000ths of a grain of arsenious matter, but there was no suggestion in that case of poisoning. And there are even longer cases than that, and that is a very important piece of evidence, which I will leave to your consideration. Dr. Tidy says that the trace of arsenic in the kidneys suggests nothing to him; the absence of it in the heart suggests nothing; and that there are cases recorded in which no arsenic at all was found. There was a case in which, though a man was shown to have died of arsenic, none could be found afterwards. In regard to that, I put a question in reference to the great discussions there were on the subject a good many years ago in a case which attracted as much attention as this has, or even more. It was pointed out

The Judge's Summing Up.

then that what kills in regard to arsenic was the part which was in process of going through the body, and not the part which remained in the body; that death was caused by some unknown means, by which great injury was inflicted upon the body by the arsenic which passed through it by degrees. As regarded that matter, if they could imagine a sufficiently skilful person who could carefully watch an experiment at the rate at which arsenic passed out, and the rate at which it passed through a person who happened to die of arsenic, just after the last had left him, he would be found without arsenic, although he died of arsenical poisoning. I remember instances being mentioned in which experiments were performed for the purposes of a great trial.* A dog was poisoned, and was known to have taken a large number of grains of arsenic in the course of his life. It was known what was the quantity of arsenic the dog had taken when it died. I do not pretend to give figures, although I could give some; although it had many grains of arsenic they did not find a single grain—it was less than a grain. That is a kind of thing which may be taken into consideration when you come to consider the small quantity of arsenic which was found in Mr. Maybrick's body. Dr. Tidy says—"I cannot suggest what caused his death; I cannot suggest what substance it was which acted on him as an irritant. The sickness was not like that of arsenic." That is the whole of Dr. Tidy's evidence, and I have given you the whole of Dr. Stevenson's testimony also. So that you have the matter fairly before you as far as I know how to put it, and I will say no more about that part of the case.

I ought just to mention Dr. Paul's evidence. He certainly gave some remarkable testimony, and, as he is probably well known in Liverpool, where he occupies a responsible position, it will be a matter of special interest for you to hear what he said. The first point he mentioned was an entirely new one, and that was about this pan. Mr. Davios, the analyst, stated that he washed out the pan and the two other vessels, and that in the course of doing so he cleared away certain films which were in this jug. Testing the result for arsenic, he found that poison. He stated that the only place where it is supposed to have come from was from the jug. Well, that would be an important piece of evidence. It occurred to Dr. Paul, however, that there might be arsenic in the glaze of the jug, or in the glaze of some of the other things; and, accordingly, he tested it with distilled water, with which he washed out the vessels. Now, of course, the very object of distilling the water was

* The judge here alludes to the Smethurst case. Dr. Smethurst was tried at the Central Criminal Court in 1859 for the murder of Isabella Banks by poisoning with arsenic. The case had not been referred to in the course of the trial, except in the judge's one question to Dr. Tidy.

Trial of Mrs Maybrick.

Mr Justice
Stephen

that it should be quite pure, and nothing in it except what was got out of the particular vessels. "Well," says Dr. Paul, "I put in some acid, and I dissolved (by putting in that acid) a portion of the glaze, and when I examined the solution which contained some portion of the glaze of the vessel I found arsenic." So he supposed there was arsenic in the glaze of the vessel. No doubt that is a perfectly fair thing to say, and there is not a word to be said against the doctor for saying it. But the analyst, Mr. Davies, did not put in acid, and he did not find any arsenic in the liquor which came from the vessels; that is to say, he might have found some arsenic probably if he had put in acid tending to dissolve the arsenic and set it free, which arsenic is contained in the glaze. But he did not put in that acid. He wanted to test what was in the vessels themselves, and accordingly he put nothing into them. He did not wish to put any acid into them, except such as might be contained in the fragments of Du Barry's food, which was found in the vessels. It is therefore the result of Dr. Paul's evidence, as it strikes me, that you get arsenic by dissolving the glaze of a jug of exactly the same make and the same composition. Yet it is the fact that that jug was not treated in such a manner as to set the arsenic free. If that was not done, the jug itself would not affect anything that was put into it with arsenic unless those things contained arsenic. This is the position in which the thing stands. If the little fragments of food which remained in the jug owing to the defective washing, if they contained arsenic, you would detect it by washing the jug up quite clean, and then applying the proper test as described by Mr. Davies, and nothing was found to contain arsenic except in the food. But it does not follow that the vessels themselves would communicate arsenic unless that arsenic was put in by somebody else. I must say, when we get highly experienced chemists against one another, we are involved in great difficulties. I have told you, and you must consider whether you think it worth anything, or whether the inference ought to be that no arsenic has been proved to be present in that jug. Dr. Humphreys, you will remember, said he attached very little importance to the test he performed, when he took some of the fæces and a small portion of the water and tested for arsenic. Dr. Paul says Reinsch's test is a certain test. He himself had taken a small quantity of water, and had put in it a small quantity of arsenic, equal, I believe, to 1-55-1000ths of the bulk of the whole matter in the test tube, and he obtained a distinct trace of arsenic in a very short time. With regard to that, I need not add that it is worthy of note. I can understand a rough test conducted even by a man who is properly acquainted with something of these matters may have gone wrong. You must consider how far it is different from the

The Judge's Summing Up.

test of a highly skilled chemist, how far that will go against Dr. Humphreys, who says that his experiment is not an indicative test to show that there was arsenic—whether he is justified in saying that for such and such reasons he does not think much of the test. Dr. Paul says, if the arsenic had been there you would have found an appreciable quantity of arsenic, and the test is such that you could discover it in a minute, and without any difficulty whatever. Dr. Paul further said, if arsenic be administered in one or two doses it would pass away in a fortnight; but if it were administered in a number of doses it would take a longer period. He said, by the way, one little thing which it is well to know. He said, "I think that a 1000th part may be possibly measured of a grain of arsenic, and that it would be scarcely the size of the smallest pin's lead." This is a case in which skilled experience suggests what to look for, and to know how to look for it, and which further enabled a man to see so small a thing as 1000th part of a grain. It gives, however, no idea to the mind of a man who has all his life been dealing with tangible articles of appreciable size and weight. Then he also says that the quantity of arsenic supposed to be found in the body was consistent with the presence of the traces for months after medicinal administration. The question might have been put to Mr. Tidy very nearly in this form—"What verdict do you think the jury ought to find?" He says that he thought this was a case of gastro-enteritis, but that there is no evidence to show that it was caused by arsenic. It is for you to consider whether you think it is so or not. I don't think you ought to allow any one to find a verdict for you. You are there—and you alone are the persons—to find a verdict in this case. This witness mentioned a disease I never heard of before, and which I hope never to hear of again. It was a horrible complaint called by some such name as erosion. He has described it as one that almost always terminates fatally. This disease, he says, is very likely indeed to have caused gastro-enteritis. He then went on to enumerate various other diseases and complaints into which the symptoms of gastro-enteritis enter, and any of which might have caused gastro-enteritis. You are getting there into that portion of the medical questions which I have warned you against at every step. You cannot decide upon medical refinements. I have now gone through the whole of the subject of the medical and chemical controversy in this case. I shall not attempt to sum it up more fully than I have done. I have brought, as far as I know, all the points—at all events, all the principal points—of the subject before your minds, and I shall show you more fully afterwards how they apply. But I must point out to you again and again that I think that Mr. Addison was perfectly justified in what he said,

Mr Justice
Stephens

Trial of Mrs Maybrick.

Mr Justice Stephen that you are not to decide this case as if it consisted of some one argument. It might do so. That is possible, but I do not think it does so. It depends upon a combination—a great number of different things—and it is according to the conclusions at which you arrive upon that number of things that you must ground the verdict you have to deliver.

Now, gentlemen, I have to go to another part of the question, and it is certainly the one I approach with the greatest feeling of responsibility, with the greatest wish that I may not in any way unduly influence your minds upon the question of which I am going to treat. The question which I have to deal with now is the question of that variety of general circumstances with which the case—the series of matters, more or less matters of the suspicion—I should say matters full of the suspicion—with which the case is surrounded, and you will have to put your own value on what I say before you can arrive at a fair conclusion, before you can really and properly discharge your duties, before you can come to a fair conclusion upon the whole of the subject. Gentlemen, in this matter I must point out to you that one general remark, which was suggested to me through connection with this very case, and which I think well worthy of your consideration. If I were to put it in a paradoxical form, I should put it thus—that facts are not always fair. I should put it in that form merely for the purpose of drawing attention to it. It may appear a strange statement to make; and, if taken literally, it is, of course, a strange statement to make. I will tell you what I mean by it, in order that you may guard against a real danger in such a case as this and other similar cases. You see here an impressive sight; you are taking part in a memorable transaction. You have heard evidence of great importance for many days, and you have been exhorted by eloquent counsel, and with perfect truth and justice, to perform a most arduous duty, and, above all, to perform the duty of saying aye or no—is that woman guilty or not guilty?—which is identical—that you are sure beyond all reasonable doubt that she is guilty or that she is not guilty. Now, gentlemen, in order to enable you to discharge that function, great efforts have been made to provide you with every material which, according to rules established by the experience of centuries—I may almost say by the experience of a thousand years—have been ascertained to give the best chance of arriving at a right conclusion. You have heard all that has been said, and all that could be said, upon a considerable variety of subjects, and now I am bound to say to you that facts are not always fair, because it is meant to sound very surprising. The danger against which I wish to warn you is this—that as soon as you are told that a particular circumstance takes place in connection with a great trial of this kind, as soon as any circumstance

The Judge's Summing Up.

associated with such a trial as this occurs, it is a natural tendency of the human mind to separate it from common things, and say that this is part of the evidence that we are to look upon as a very serious matter—as an element in the Maybrick case—as a thing which has been brought forward, sorted out and set before us in order, because it is an element in that case. We must look upon it, therefore, as a very serious kind of thing, and there undoubtedly is—I have seen it again and again—there undoubtedly is a disposition in persons who are called upon to decide upon great matters of this sort—there is a disposition to give some degree of undue weight to any bit of evidence put before them, just because it is a bit of evidence; you are apt to assume a connection between the thing which is a proof in the result at which you are to arrive—because it is put before you—and in that way you may be led to do a greater or less degree of injustice according to the state of the case. With respect to these matters I would suggest to you to be on your guard against being unduly influenced by small matters—very small matters—and to remember there are a number of instances which take place in the ordinary course of life which neither have, nor are meant to have, any connection whatever with any great matter at all, but which arise from causes to which you cannot really attach any importance. I will give you a few instances, a few pointed instances, taken from this very trial, to show you what I mean, and to show you the wisdom, and to impress upon you the importance, of not allowing your minds to be affected by things very slight in themselves, and which it is attempted to elevate into matters of great importance. In the course of this trial evidence was given with regard to the purchase of fly-papers—evidence was given that although Mrs. Maybrick had a bill running at each of these shops, at Mr. Wokes' and at Mr. Hanson's, she paid for the fly-papers out of her own pocket, and, of course, the suggestion would be that she had been actuated in doing so by the desire to avoid detection.

Mr. ADDISON—I studiously avoided making any such suggestion.

Mr. JUSTICE STEPHEN—I am quite aware of that, Mr. Addison. I know perfectly well that you avoided it, and that you avoided it wisely and properly, but it was brought out in evidence, and I think you will agree with me in what I have said, because this is not a vindictive, cruel, or unfair prosecution, and I think I have very seldom heard of such a thing in my life, although I have been in the habit of listening to prosecutions during the last five and twenty or thirty years, and I have known a great deal about such things. I have instanced this to show you what a foolish argument that would be, a very unjust argument to be advanced in such a serious question as one of life or death—it

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice Stephen is so foolish an argument that I just mentioned it—I do not say that any kind of weight attaches to it. Go on to another matter. With regard to these things I have pointed out, and which I think ought to be pointed out, and which it was my duty to point out, in order to show that no weight whatever is to be attached to these matters, I will also mention what has been given in evidence about Mrs. Maybrick saying to the druggist that the flies were beginning to be troublesome in the kitchen—a statement which at the time, and under the circumstances, you can hardly doubt that it was not truly made; but there is a great proportion of people who are in the habit—I do not like to use the harsh word “lie”—but there are a great many people who are in the habit of telling little untruths, little fibs, almost without having any particular object in view. I may point out that when Mrs. Maybrick purchased these, as she says, for the purpose of preparing a cosmetic, she might not like to tell the chemist what her purpose was, and not being a very scrupulous person—as we all ought to be about telling falsehoods—she might have said that the flies were troublesome in order not to excite the man’s curiosity as to her little devices of dress. That is another instance of what I have described of attaching too much importance to small things, and I ask you to be on your guard against, and not to attach a degree of weight to them to which they are not entitled. No doubt we all know that when a person in a novel is going to commit a crime there are a number of these things which occur to the novelist, and are skilfully arranged, so that one may say afterwards, “Oh, what a clever fellow you are, how surprisingly well you have written that. You have introduced every kind of precaution that was possible. How much you know of the way of criminals.” But that is one of the distinctions—one of the very many distinctions—between what passes in novels and what passes in real life. You may, if a person is addicted to the habit of reading novels, you can tell after reading only one or two pages not only who is going to marry who, but also who is going to poison who. But that is not the way in which you must look upon grave matters of this description. You must take things as they happen in real life, and be on your watch against doing otherwise; for if you do, you are almost certain to attach great importance to things which are probably mere trifles. If you do attach any importance to such things they are almost sure to make against the prisoner, and for the very reason that if they did not make against the prisoner they would not have been introduced by the writer. They may be also accounts that are entirely fictitious arising from the charge that is ultimately made. I mention this, though perhaps it is hardly worth mentioning, in order to remind you in dealing with this topic, that you must form your opinion of materials

The Judge's Summing Up.

of firm, solid moment, excluding all those which are not of that class, especially as they usually more or less militate against the person implicated.

Mr Justice
Stephen

I now come to other points. A question always gone into in matters of this nature is the question of motive. I do not myself think that the impossibility of assigning a motive—I do not myself think that it is always possible to assign a motive, or that it is always desirable to do so. If you cannot find a motive, well you can't, and you must consider the fact without the light that motive would throw upon it. But when clear evidence of motive can be given, that clear evidence is a matter of the very first importance to consider. Now, gentlemen, in this case I am bound reluctantly to say that there is strong evidence for your consideration of the prisoner having been actuated by a motive at once strong and disgraceful. The learned counsel for the defence found himself called upon to speak with pathos and eloquence upon this subject, and some familiar quotations to you have been made, and some familiar observations repeated, about the inequality with which the world judges, and in particular about the inequality with which the world at large judges the conduct of men and the conduct of women. I shall say absolutely nothing upon that subject. It is not to the point. We have not to determine any moral question at all, but simply to look at the matter as it comes before us, and with reference to the well-known and well-established principles of human conduct. There is one thing in this matter upon which there can be no doubt whatever; in fact, we have it now stated by Mrs. Maybrick herself, that she did, about the latter part of March last, carry on an adulterous intercourse with this man Brierley. She went up to London for that purpose, and she stayed for some nights at the hotel there with him. They stayed together as man and wife, and she afterwards returned and went about her other duties. I do not think it necessary or desirable—it certainly is not desirable—to read anything which is not necessary in such a matter. I do not think it desirable to say anything or read to you the correspondence between the prisoner and Mr. Flatman, who kept the hotel in question. It proves nothing except that she did make preparations to come up to London, and made preparations to stay at this hotel for the purpose of meeting Mr. Brierley. What certainly is the most remarkable feature in the case about her conduct is that Brierley is not the first person who appeared at the hotel in London, or who appeared at the hotel in a very questionable position. We cannot go into the matter in detail. We do not know precisely what happened, or who was the person, or what he did. As we do know, some person, not being Brierley, met her at that hotel earlier in the evening, that he went out with

Trial of Mrs Maybrick.

Mr Justice Stephen her to various places. That the waiter, a man named Schweiso—I should suppose a Swiss or a German—said that they had not come home when he went to bed. So that she had left her husband, coming to London, meeting a man who has not been recognised, who is not known, and with him passing a very large portion of this day apparently.* It was a very curious transaction indeed. Whoever this man is, she is seen at breakfast with another man, who probably may have been Mr. Brierley, but he has not been positively identified, and he seems to have disappeared in the course of the day. After that she was undoubtedly in the company of Brierley; that is clear. I do not think there is much evidence as to where they went that day—but this is not a divorce case, and we will not go into those details—but she did sleep with Brierley that night. They stopped that night at the hotel, and the result was they stayed together for two or three nights. These are letters which were found in her room at Battlecrease House; and I confess that it is to me a most extraordinary thing that any woman having the least regard for her character and reputation should not have put the letters in the fire the moment she received them. However, she did not; and this is rather curious, in view of a remark made by Mr. Addison in relation to another part of the case, to which I will call your attention afterwards—I mean the keeping of a large number of poisons which were found in the house. There are several letters which have been given in evidence, and which bear upon this subject. It appears that the guilty visit to London, which took place somewhere about the 21st March, had excited a great deal of anxiety in the minds of her friends who were living in London, and to whom, from what we can gather, she would naturally have gone, but to whom she did not go. I am bound to tell you what I think of this case, and I am bound to say it is remarkable, because it appears from the correspondence that her relations seem to have complained bitterly of the mass of falsehoods which she told them on those matters. I will just read them to you, and then you will say what you think; I may just observe that they appear to be connected with the guilty intrigue itself. It is not my business to speak as a moralist, but there is one horrible and lamentable result of a connection of that sort which renders it almost a moral necessity, it furnishes the strongest possible provocation, the strongest possible inducement, for entering upon a system of the most disgraceful intrigue, and telling a great number of lies. There is a letter on the 13th April from Mrs. Baillie to

* The judge would seem to have assumed rather too much here. Mr. Levy in a footnote says, "This gentleman, an old family friend of the Maybricks, could easily have been produced and have proved that nothing improper passed between them, if that had been necessary."

The Judge's Summing Up.

Mrs. Maybrick, having reference to the Grand Hotel incident, and speaking of the great anxiety all were in, and this letter charges Mrs. Maybrick with systematic falsehood; but as to whether this systematic falsehood would be actuated by this intrigue, I am afraid I shall have to refer to in another part of this case. Well, there is another letter on the 7th of May, 1889, to Mrs. Maybrick, and that letter is signed "Your sincere friend, John." Who John is we don't know, but don't think it matters in this case to ascertain who he was, but it is a very strange letter. The letter was found by Nurse Yapp, when Mr. Maybrick was very ill. It says—"I intended to write you fully, but I have, of course, been afraid to do so, for my own sake and your own. In consequence I have been compelled to submit to several censorious letters. You certainly did make a mess of it when you were last in London, and really it was quite unnecessary and still worse to tell so many fibs. When one once gets into the meshes, the least *contretemps* is quite enough to spoil everything. I told my aunts the truth, as it seemed to be the best thing for me to do. I said I went to the Grand Hotel, and went to the Gaiety, and went home in a cab." This certainly seems to imply that this John must have been the man who took her out when she came to London, and met her at the hotel in Henrietta Street. "I went to the Grand Hotel and dined, and then went to the Gaiety, and came home in a cab." That letter is dated "Junior Travellers' Club, 8 St. James's Square." Then comes another letter, but I am not quite sure whether it was proved to be in Brierley's handwriting. It is signed "A. B." Can you tell me, Mr. Addison, about this letter? It commences, "My dear Florrie."

Mr. ADDISON—Yes, my lord.

Mr. JUSTICE STEPHEN—Do you know Mr. Brierley's handwriting?

Mr. PICKFORD—The handwriting is not proved; that is my recollection.

Mr. JUSTICE STEPHEN—Well, is there any witness in Court who is acquainted with Brierley's handwriting? Is Brierley here?

Mr. ADDISON—Yes, he was subpoenaed by the prosecution.

Mr. JUSTICE STEPHEN—It is a very painful thing to call him here. However, this letter is not brought for the purpose of evidence,* but it was found in her possession. The writer further stated that he thought there would be some difficulty about Mrs. Maybrick's reception at their house again. He further said, "I forgot to say, also, that my aunts discovered that you did not stay at the Grand" . . . "and now,

* Was the judge justified in reading this letter of "John K." to the jury? It had not apparently been put in by Mr. Addison.

Trial of Mrs Maybrick.

Mr Justice Stephen once for all, I am not going to be led into telling any more lies or doing any underhand and dangerous missions. I am quite in the dark as to what all this mystery is for." . . . "I am tired of all this scheming, which seems to be endangering your reputation at a most critical time. If I could see I was serving your interests in any way, I would not speak as strongly; besides, I have my own interests to think of, and, although you might think me very selfish I shall take the utmost care of them. I shall be glad to have a long letter from you in reply to this, but I will have no abuse. Address me here. I am thinking of going away from here for a night or two." [The learned judge then quoted the letter, in which the writer spoke of a previous communication as a staggerer, and in which he spoke of taking a round trip to the Mediterranean. Commenting on these letters, he continued]— I do not know that the letter is of itself a circumstance of much importance, but these two letters certainly do show in the most unmistakable terms what was the position of this woman as regards wicked falsehoods. Here are different persons connected with her, charging her with living in a maze of falsehoods, which was really essential for the position in which she has placed herself. That is a specimen of the correspondence she was carrying on at the time at which she wrote a letter like this, a very grave and great disgrace. I am not going to say another word about the circumstances under which that letter came to the hands of Bryning, for that letter is genuine, and that it is here before you admits of no sort of doubt. The letter, and not the means by which it was obtained, is of such terrible importance. The letter begins thus, "Dearest." That shows they were, therefore, on affectionate terms, and the day on which it was written was the day on which it was discovered, Wednesday, the 8th of May. At that time you will recollect, that was the day on which Nurse Gore came into charge. It was on the day on which, certainly, Mr. Maybrick was very ill, and on which she afterwards declared that she was suffering under the greatest feeling of degradation because her place was taken from her by her relations. Yet, on that day, she unhappily writes this letter, which I have read at various times with feelings which I shall not describe—"Your letter under cover to John K— came in just after I had written to you on Monday." She had, therefore, written to him on Monday, but the letter is not before us. "I did not expect to hear from you so soon, and had delayed giving the necessary instructions. Since my return I have been nursing M. day and night. He is sick unto death. The doctors held a consultation yesterday, and now all depends upon how long his strength will hold out." I will just observe, the account given by certain of the doctors on that day is exactly opposed

The Judge's Summing Up.

to that. So far from being sick unto death, and it being a mere question of how long his strength would hold out even, I will say for some days after that Dr. Humphreys still expected a favourable result. However, she says—"He is sick unto death. Both my brothers-in-law are here; we are terribly anxious. I can't answer your letter fully to-day, my darling." I will just point out here for your attention how strangely words of endearment, and such words of endearment as we usually find in the very closest and lovable relations of life, how strangely they read on this occasion. "But relieve your mind from all fear of discovery now or in the future." That is very much like saying—"My husband is going to die, and you needn't be afraid that anybody will ever know as to what has passed between us." "He has been delirious since Sunday." But that was not so, as she knew, having been with him all the time. "I know that he is perfectly ignorant of everything, even the name of the street, and I think he has not been making any inquiries whatever, that all he told me was a pure fabrication, and only invented to frighten the truth out of me. I am sure he believes me, although he won't admit it. You needn't therefore go abroad on this account, dearest, but in any case please do not leave England until I have seen you once again. You must feel that those two letters of mine were written under circumstances which can never excuse their injustice in your eyes." What they were we do not know. "Do you suppose I could act as I am doing if I really meant and felt what I inferred then?" From this it would appear that there must have been some kind of misunderstanding between them; and that appears from what I read just now in the letter which I said was apparently for him. "If you wish to write to me about anything do so now, as all letters pass through my hands at present. Excuse this scrawl, my own darling, but I dare not leave the room for a moment, and I do not know when I shall be able to write to you again.—In haste, yours ever, Florrie." Gentlemen, that is the letter which came into the possession of Mr. Edwin Maybrick, and which was shown by him to his brother Michael in the course of Wednesday, when Mr. James Maybrick was very ill, although not so ill, not by any means so ill, as that letter implies. In order not to do any injustice in the matter, I think it necessary to read to you a word or two from Dr. Humphreys' evidence as to the history of the case, and as to what passed that afternoon. "I saw him at 8.30 on Wednesday (that is this date). He was going on favourably, and no worse. I saw Mrs. Maybrick that morning. I don't remember saying anything to her on his state. There was no sickness. He had had a restless night. He said his throat was better. I did

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice Stephen not tell Mrs. Maybrick that it depended upon how long his strength would hold, or that he was sick unto death, or that he had been delirious from Sunday." There is nothing to show that he had been delirious at all at that time. I will look through my notes and see. Oh, there is this. "On Sunday I saw Mrs. Maybrick, and said to her, 'Would you like to see any doctor, as he is worse than he has ever been before?' She then said she did not think it necessary, as he had had so many doctors, and that there was very little good done him." Dr. Carter was called in on the Tuesday, and Dr. Humphreys consulted with him. That is really the whole of what happened at that time. Now, as I say I know nothing to justify the expressions in this letter, I think that Dr. Humphreys expressed that he did not apprehend even so late as that night that Mr. Maybrick would die—he did not at that time apprehend that he would die.

And this is the position in which she reported his health to be on the day on which she wrote this letter. What can you infer from that, except that she wished this man to believe that her husband was very ill and likely to die? "It is all a question how long his strength will hold out, and that he will soon die." Now you have the matter put plainly. What does that show to you? I know, in some cases of illness, apprehension that a person to whom you are fondly attached will die is one of the dreadful thoughts which most of us have had occasion in the course of our lives to know only too well. But it may be—I am only saying it is possible—a thought which gives a dreadful satisfaction if the woman really hopes and wishes that her husband should die. And if she tells a man with whom she has lately committed adultery in the manner described, then is it not a very strong and cogent reason for thinking that she wished she might be free to live with the man to whom she made the greatest sacrifice that a woman can possibly make, that she might be rid of her husband, for whom she entertained little affection? Gentlemen, I am on the question of motive, and I point out to you a motive which I feel to be my duty not to overlook—I cannot. It is a sad and terrible case. It is a case which in many ways appeals to the feelings of every man who has a heart; but I feel to do my duty is to see that things are put before you which ought to be put before you, and I ask you whether the matter which I now suggest is not supported by terrible evidence? And look back for a moment, when you speak of it now, on the scenes which took place before. A blow, a black eye, a half-leaving the house, readiness to leave the house, consultation with Dr. Hopper, and then is it a complete reconciliation for the sake of the children? Do you believe that

The Judge's Summing Up.

people change in that kind of way? Do you think that a quarrel of the sort can be made up by the family doctor, who is not very intimate with them—that the saying, “Oh! you had better make it up; kiss and be friends,” would settle it? You must act upon your own experience; and do you think that if such a reconciliation had been sincere, and that there had been a real putting away of causes of strife, after that would she have made an assignation with the lover of whom he had apparently been jealous when he saw her with him—for I should be apt to assume that it was with him—after going up to London and living with him in the commission of adultery for two days?

Mr Justice
Stephen

You are to be the judges in this matter, but this terrible consideration—which it is impossible—from which it is impossible, and from which it would be a terrible dereliction of duty to avert your minds—you must fully consider before you give your final answer. Now, so much as to motive in such a case as this; she had an awful temptation, and I have pointed out to you such evidence as there was that she may have given way to it.

Mr. ANNISON—May I point out to you, my lord, in favour of the prisoner, that the Grand National was on the 29th of March, and the reconciliation took place on the 30th—the week after she was in London.

Mr. JUSTICE STEPHEN—You are quite right.

Mr. ANNISON—The only assignation after that is a letter in which she says she would like to see him.

Mr. JUSTICE STEPHEN—You are quite right; I have made a mistake, and I am sorry I have done so in a case of this importance. But I have made a mistake, and Mr. Addison has done very properly in reminding me of it, and I thank him for doing so. It certainly does appear that the reconciliation took place some time before—that which is called the reconciliation took place on the 30th March, the Grand National having taken place on the 28th or 29th. But although I have certainly made a mistake with regard to that which took place after the meeting in London, and no doubt it is true that it deprives my remarks of part of their weight, yet I do not think it deprives them of all weight in this way, that after the reconciliation had taken place, after the meeting in London, she writes this letter. Can you think this reconciliation was true, when on the 8th May she is writing to this man in terms of endearment and in the spirit of a lover? If you desire to find whether the reconciliation is true, I say look at the conduct of the parties afterwards, and I ask you if the reconciliation could be really sincere when it took place on the 30th April*

* This should be March.

Trial of Mrs Maybrick.

Mr Justice Stephen and this letter was written on the 8th May! That is how it stands, and how the matter of motive presents itself to my mind.

Gentlemen, I will pass away from that part of the subject. I will pass to other circumstances in the case which are greatly suspicious, and therefore I will use the greater precaution in dealing with them. There are some highly serious matters which are distinguished by this peculiarity, that the prisoner has made a statement about them. Before I comment on that I will make a few observations with regard to the fact that she was able to do so. Gentlemen, it is one of the distinctive peculiarities of England—if I were a lecturer on the subject I could give you the history about how that law came into force—but it is one of the distinctive peculiarities of the law of England, although not written down in any statute, that no one is allowed to question the prisoner. In foreign countries the questioning of the prisoner is sometimes the most important part of the whole proceedings, and it has been considered to give rise to scenes which lead to a contest between the prisoner and the judge of a nature extremely displeasing to all British feeling, and the more particularly on occasions such as this. I shall say nothing about that, except that at one time it was the practice of England, although that practice has now been long forgotten—disused, roughly speaking, and with a very few slight exceptions, for over two hundred years, and the practice of asking the prisoner no questions has arisen up in place of it. Gentlemen, some time ago, some years ago, there was a very great question which arose as to the conduct of a member of the bar, who said, "I know nothing about the matter, but as the mouth of the prisoner is closed I tell you so and so." That was carefully considered by the judges who deliberated whether that practice was permissive or not, and the majority of the judges ruled it was not permissive. If you consider the matter you will see very readily it may be reasonable enough to let the prisoner say what he likes; but to let the counsel say what the prisoner likes is exposing the prisoner's counsel to temptations to throw what is told him into his own manner, to use his own expressions in dressing up that which the prisoner has told him, and this is likely to injure the administration of justice. And therefore it was held it was not proper to allow the prisoner's counsel to make himself the mouthpiece of the prisoner. And then arose the other question—"How if the prisoner wishes to make a statement himself?" and that was a good deal discussed. No uniform practice has prevailed since that time; but a considerable number of judges (myself for one) were of opinion that if the prisoner chose to make a statement he should not be prevented from doing so. It ought to be made in such a way as to be the

The Judge's Summing Up.

statement of the prisoner himself, and not to be a matter arranged between the prisoner and the prisoner's counsel. That was and is now some years ago. Since this took place, and I on a good many occasions since that time always—when I have been requested to do so—I have always said, "If you like to make a statement you can make it yourself; you may make it, and say what you like, but I, as the Court at large, nobody has any right to ask you any questions about it; nobody has any right." I, as a general rule, said, "That you had no right at all to allow the prisoner in any way to make such a statement." I said, if Mrs. Moybrick wished to make a statement precautions must be taken that it shall be her own statement, and I would not allow anybody to ask her questions. The result accordingly was that the whole of Sunday she managed so that she should be able to make any statement that she thought well to make, and she did make her statement, after Sir Charles Russell had an opportunity of examining all his witnesses. I said on that occasion that I had gone to the very utmost length to which the law would allow me to go, and that I did not think it would be right that the witness should be called who would say what she had said about the matter before. I thought the effect of that would be contrary to the principles of English justice, and that it would be in effect allowing the prisoner, by going and making a statement to some persons who repeat it afterwards, and therefore would be cross-examined upon it—it would be doing away with that part of the law of England which at present, to my mind most unhappily, most unjustly—say, rather most unwisely than unjustly—prevents prisoners from being called as witnesses on their own behalf. I should have much preferred if it had been in my power to allow her to be called as a witness and questioned, instead of leaving her merely to give her own account of this matter in her own language. Well, the result was that she did make a statement, and you heard it, and I will proceed to read it over to you, and to comment upon it; and in doing so, or rather as a preparation for doing so, I wish to say a word or two to some persons who, I think, have not quite understood the principles upon which certain things have been reported in the course of this trial. Mr. Addison objected to the introduction of newspaper statements, and in particular to a statement contained in a copy of the *Lancet*, wherein he held certain statements were made which were not right and proper to lay before the jury. Yet it may be said in connection with his remarks upon the subject that it was proposed to receive a shorter note taken of the statement which was made. I will point out to you that there is really no inconsistency between the two things. The statement in the *Lancet*, and similar

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice Stephen statements to which reference was made, were statements about medical cases involving the result of a great number of medical and other observations, which nobody ever thought at the time of inquiring into and rendering fit to be put before the jury in the way in which we have been occupied during the last week. I said, as I always say, that should it be said, for instance, that we did not say the person who died of arsenic was a man of such an age, that he was taken ill on such a day, and he manifested this, that, and the other symptoms—I should reply at once to the remarks, "Why we have come here in order to ascertain how that was—we have exhausted. I may say, all the sciences of the law of England in order to be sure that that was done; and why take as a solemn legal proof of all these important matters the statements in some medical work, the author of which probably may take fair care about it, but could not possibly have had a right to put these things forward as a matter which must be taken for granted in any judicial inquiry?" The difficulty of letting in statements made in books of that kind is the difficulty that it assumes that they are themselves the result of such procedure as this, whereas they are the result of nothing of the kind. We don't know now they are stated, who observes them, what degree of talent the writer had for taking down necessary facts, or what was the degree of information he had with regard to the particular facts mentioned. Therefore, as we don't know how far the statements are correct, we will only attend to the sworn testimony, which we can test, and not the testimony of books which we cannot test. Suppose we imagine that there has been a battle fought in Egypt. Suppose you were to take, for the purpose of a criminal trial, a newspaper account of that battle, how could you possibly rely upon it—I mean rely upon it with that degree of definite decision which is absolutely necessary when you are dealing with any facts that you have to consider? But you can use it, because it is within the competency of gentlemen connected with newspapers to take down a short statement of that kind in almost absolute accuracy, and because every one of us who has experience of taking notes knows perfectly well that the reporter who does nothing but catch the words which are repeated before him would give a far better account of the statement than one who is not so engaged. I feel, therefore, that in reading what I am about to read to you I am appealing to my own recollection of what Mrs Maybrick said. I therefore feel that I shall do her no injustice by reading her statement from a newspaper report which I know to be substantially what she stated.

[The judge quoted the statement at length, and then continued.]

The Judge's Summing Up.

About the fly-papers there is some kind of evidence, though I must say it is very insufficient, about some of these things being used for cosmetic purposes. I think the very last witness, Mr. James Bioletti, said something about it. He said, "I have used arsenic as a toilet preparation. I have used it on a few occasions as a depilatory for hair with three parts of slaked lime. I sell it in bottles. I have often been asked about arsenic as a cosmetic, but I have only occasionally prepared it when specially asked for it. I remember mixing once some arsenic with milk of almonds." It is a singular thing that, if this is a fact she has stated, there should not be witnesses to prove it. Gentlemen, this statement is made under circumstances which you can well remember. It was stated that it was known before, and Sir Charles Russell wished to call witnesses who had heard it long before it was brought before the Court. It must, therefore, have been under the consideration of Mrs. Mayhew's legal advisers. Why are there no witnesses to prove it? If she knew that her young friends were in the habit of using things of this kind, why was it more difficult, or why would it take more time or cost more money, to get witnesses from Germany? This is a thing which might have been done. She is a person who—very likely owing to the kindness of Mr. Cleaver, but that is not the point—obviously has the means of procuring excellent legal advice, and of providing evidence which costs considerable sums of money. Why is there no evidence? Why is the matter brought forward only at the last moment in this way when it is no longer possible to test it in any way? She was in the habit of using a face-wash prescribed by Dr. Gregg, of Brooklyn, which prescription she says she lost. Surely if she was in the habit of using that face-wash, she was comparatively in the habit of getting prescriptions made up somewhere in the neighbourhood of the place where she lives, at some chemist's. And he would be in a position to know about Dr. Gregg, of Brooklyn, and would be able to testify to that portion; but on that subject no evidence is forthcoming. It is certainly very strange that there is no evidence of this matter in the defence. What Mr. Mayhew did many years ago in America, when he lived in Norfolk, Virginia, we have heard. We have the retired chemist, who recognised him from a photograph, and said he was in the habit of taking pick-me-ups with liquor arsenicis in them for eighteen months. It is very singular there is no evidence brought forward to substantiate this part of the case about Dr. Gregg, of Brooklyn. Then, again, she mentions her mother, saying that she knew her habit for years of using arsenic face-wash. Where is her mother? In that unhappy correspondence which I read to you there is reference to her mother. Mrs. Baillie points out that

Mr Justice
Stephen

Trial of Mrs Maybrick.

**Mr Justice
Stephens** she wrote to her, and exchanged letters with her mother, with a view to relieving her own anxiety. But why is not her mother called if she knew this, if she knew that Mrs. Meybrick had been in the habit for many years of using an arsenical cosmetic? It may be said because she never thought of it, and that she could not be expected to know the importance of calling her mother. If that is so, it puzzles me still more, because evidence was tendered to show that she made this statement, or substantially the same statement, long ago before she was committed. There has been ample time to call her mother to prove anything, and to call some other of those young friends in Germany whom she says used this solution from fly-papers. This is very curious; I might say a much stronger word. It is a most painful duty for me to make those observations; but I cannot refuse to say to you that which occurs to my mind upon reading a statement like this.

Now, we will go on—"My lord, I wish to refer to the bottle of meat essence. On Thursday night, the 9th of May, after Nurse Gore had given my husband the beef tea, I went and set on the bed beside him. He complained to me of feeling very sick, very weak, and very depressed. But he implored me then to give him this powder which he had referred to early in the evening, and which I declined to give him. I was overwrought, terribly anxious, miserably unhappy, and his evident distress utterly unnerved me. He had told me that the powder would not harm him, and that I could put it in his food. I then consented. My lord, I hadn't one true and honest friend in the house. I had no one to consult and no one to advise me. I was deposed from my position as mistress in my own house, and from the position of attending on my husband, notwithstanding that he was ill. Notwithstanding the evidence of the nurses and servants, I may say that he wished to have me with him." I understand the nurse and the servants to testify to the same fact. I thought, certainly, that all of them were asked about it, and they said that she behaved very kindly to him, that he used to ask for her, and that she used to be continually with him. That is quite true. "Whenever I went out of the room he asked for me; and for four days before he died I was not allowed to give him a piece of ice without its being taken out of my hand. When I found the powder I took it into the inner room with the beef juice, and in pushing through the door I upset the bottle. And in order to make up the quantity of fluid spilled I added a considerable quantity of water." It was obvious to observe, "When I found the powder I took it into the inner room with the meat juice." I do not quite understand why she should take it, but I suppose to put into the meat juice, but this is a thing which strikes

The Judge's Summing Up.

me as being very remarkable. "When I found the powder I took it into the inner room." I am sure I speak with the greatest possible reluctance, and with the greatest diffidence, but when I look at the mass of papers and evidence which have been given on the subject, I recollect no evidence of any powder lying about on the table, or that she could take the powder into the inner room, nor do I recollect—I shall come more fully to remind you of the number of things which Mr. Davies said were found—but I do not recollect any mention of any powder being found of this kind either as being in the sick room or as being in the inner room. If Mr. Pickford, or any other gentleman connected with the case, can refer me to any place where such powder is mentioned, certainly I shall feel grateful to him, and partly by examining my own notes, and partly by examining the evidence, I will do my best to give any evidence that may have been given on the point. I certainly at the present moment recollect no mention of any white powder being placed in the room in such a way that it could be seen. Well, I feel, too, that there is another difficulty which suggests itself immediately—What powder? Well, I suppose she means to say some powder which he wished to drink, or that she would put into his food. Now, nowhere in the whole evidence, so far as I can see, is there any reference to his wishing to have any powder, unless those prescribed for him to put into his food for the purpose of relieving his symptoms. Gentlemen, the evidence about powder in the case is this—that on several occasions and to several persons she expressed great anxiety about a habit which her husband, as she supposed, had of taking—secretly taking—some kind of powder. I remind you of the evidence of Dr. Hopper, the evidence of Dr. Humphreys, the evidence of Mr. Mayhrick, as to the letter which she wrote to him—three persons at once—and I am not sure that there are not more. I may also point out evidence to this effect, that she was zealously objecting to his making use of some powder—I think she spoke of powder—which she was afraid was of an objectionable kind. And, indeed, she spoke to Dr. Humphreys as to what would be the effect of his taking strychnine. He gave the only answer he could give, "When a man takes too much strychnine it kills him." Then there was that further conversation to the effect that if Mr. Mayhrick ever died—it struck me at the time as being a strange conversation to hold—if he ever died suddenly, "You can mention" (said Dr. Humphreys) "that you mentioned the matter to me." In that state of things was it natural that an affectionate wife should all of a sudden give way to that which her sick husband suggested she should do, and do so extraordinary a thing as to put an unknown white powder into her sick husband's meat juice? This is a

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice
Stephen

point which presses very hard upon her. You have heard Mr. Addison upon it; you heard him speak about it with a degree of earnestness and impressiveness which I am sure I appreciated, which I do not think was answered. But I will say no more about it; you have heard him say what was his view of the question, and you must ask yourselves whether you think that you can find a proper answer to the questions which he put together on that subject. They very greatly impressed my mind. I am happy to think that I have not to find any positive answer to them, but it is a matter for you to see if you can, and you must say what you think about it. [His lordship proceeded to read another portion of the statement of the prisoner, in which she said]—"On returning to my room I found my husband asleep, and I placed the hottle on the table by the window. When he awoke he had a choking sensation in his throat and vomiting. After that he appeared a little better, and as he did not ask for the powder again, and as I was not anxious to give it to him, I removed the hottle from the small table, where it would attract his attention, to the top of the washstand." Here is a man craving for this powder, hegging to have it—no doubt she was in a terrible condition at the time—and the woman goes to get it, and when she gets it she does not give it to him—a very strange result to arrive at on this subject. If that story is true, if you can accept it—it is a matter for you to decide, but you must take account of the imputations of falsehood made against her in those letters. Certainly Sir Charles Russell must have known what the effect was of the statement she was to make, and I ask you if the cross-exsmination was not in a degree influenced by the knowledge of it? I do not like it—I am afraid I may be going too far in speaking about the counsel's asking a particular question—but this story was an essential part of the case, and was to be supported as we have heard; and in connection with the meat juice, it is rather a striking circumstance that a counsel of the eminence of Sir Charles Russell, who must have had the whole thing in his mind, took so little notice of it as he did. I have said enough about that; I will go on with the rest of the case. It is certainly a fsir observation in this mstter. I have already brought to your attention the dreadful state of distress, alarm, and confusion of every kind which existed in that house owing to the discovery of that dreadful letter—I call it so advisedly—and which must have thrown all the persons into disorder. The prisoner said, "Until Tuesday, the 14th of May, the Tuesday after my husband's death, and until a few minutes before Mr. Bryning made this terrible charge against me, no one in that house had informed me of the fact that a death certificate had been refused, and that a post-mortem

The Judge's Summing Up.

examination had taken place, or that there was any reason to suppose that my husband had died from other than natural causes. It was only when Mrs. Briggs alluded to the presence of arsenic in the meat juice that I was made aware of the nature of the powder my husband had asked me to give him. I then attempted to make an explanation to Mrs. Briggs, such as I am stating to your lordship, when a policeman interrupted the conversation, and put a stop to it." Mr Justice
Stephen

I pass no opinion on those persons who were so rarely tried—it was a severe ordeal. I have already made such remarks as occur to me on the subject. I bewail the misery of the whole transaction, but I think, from the way it is mentioned here, it would be almost impossible to expect any woman in the world to be just to others under such circumstances, or not to feel a deep and solemn indignation against them and their doings. But the whole question comes back to this—whether their suspicions were right, or whether their suspicions were wrong? If it was that they were right, the matter is at an end one way; if it was that they were wrong, which I suppose every person in the Court hopes will be the case, then it will be a question upon which much cannot be said. I have told you what I thought of the conduct of the policeman. I thought he acted like an honourable man. He felt that the conversation which was about to take place was not one which he would have wished to hear, which probably he ought not to hear, and, therefore, he checked it. I think his action was wise. I have to make one remark more. At the end of the examination of the prisoner before the magistrates a question is always put to the prisoner, and which, I have no doubt, was put in this case, and that question is, "You have heard the evidence against you, do you wish to say anything about it?" The form in which it was put was, "Florence Elizabeth Mayhew, having heard the evidence, do you wish to say anything in reply to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you at your trial. And you are also clearly to understand that you have nothing to hope from any promise or favour that might be held out to you, and nothing to fear from any threat to induce you to make any admission of your guilt; but whatever you now say will be taken down in writing, and may be given in evidence against you at your trial, notwithstanding such promise or threat." Whereupon she said, by the advice of Mr. Pickford, "I reserve my defence." That is what the prisoner said in answer to that question. I can hardly—I think Mr. Pickford has done his duty throughout the whole of these proceedings in a manner

Trial of Mrs Maybrick.

Mr Justice Stephen which deserves the highest respect and satisfaction, and it must be a satisfaction for him to reflect upon; but I cannot help thinking that if on that occasion he had said, "Say what you have to say now about the fly-papers and the meat juice," and if she had then told the story which she has now told, I think it would have been better. I don't say—I have no right to say—*mora*. I have the greatest confidence in Mr. Pickford's judgment, and I should be sorry to say that he did not act properly. He might have acted properly as far as I know, but if he had thought fit to advise her to tell them the account given now, I think it would have been a wiser course to take. I may say that in the course of my long and wide experience of administering criminal justice, I have had the same thought occurring to me many many times when I have heard that answer given. I think if the prisoner really has important things to say which are capable of being made the basis of defence, than, for his own and the public interest, the sooner he distinctly says them the better for him and for all concerned. "In conclusion, I have only to add that for the love of our children and for the sake of their future, a perfect reconciliation had taken place between us, and that on the day before his death I made a full and free confession to him and received his entire forgiveness for the fearful wrong I had done him." A person cannot but be deeply moved on hearing such a statement. Whatever one's feelings may be, one is obliged to ask oneself whether that story is true or not—whether she really did make a confession to her husband of her intrigue with Mr. Brierley, and whether under those circumstances a reconciliation did take place, which we may all hope did. I don't know that the legal aspect of the case is affected by its taking place or not taking place. But no doubt it will be a satisfaction to think that so terrible and sad—particularly dark in respect of that part of it—a story may have ended, I won't say happily, but not without one last gleam of sunshine. When we come to consider that statement we find that its truth depends upon the evidence.

Before I entirely leave this matter I shall read over to you part of the evidence which I have not before read, but which it appears to me will come in at this time in an appropriate way—that is, the evidence of the nurses who were attendant on her and her unhappy husband at this time. The whole thing hangs together. There are several incidents in it on which I wish to remark, and I will therefore read this evidence to you. It is the evidence of Nursa Gore, who says she is a certified nurse, and was called in to attend Mr. James Maybrick on the 8th of May. She was then ill in bed. "I heard," she says, "she had been vomiting before I arrived. He did not on that day

The Judge's Summing Up.

vomit after I arrived. He seemed quite conscious. I asked Mrs. Maybrick what was the matter. She said that the doctor did not know, but that she believed he was suffering from fevered stomach. Shortly after I arrived I gave him some medicine. Mrs. Maybrick brought it from the lavatory, and told me to give it him. I put the glass on the table in the bedroom, and afterwards threw the medicine out, as I wanted the glass to give him food." It seems rather strange that there was but one glass for both food and medicine, but it evidently was so. Continuing, she says, "On Thursday night I moistened his mouth with glycerine and borax." There was some little doubt about a handkerchief being used, but it would be, if used, evidently in this way (his lordship here illustrated the action by putting his handkerchief to his mouth). After that the nurse says he had a restless night, and slept only two hours and fifty five minutes. About 11.20 on the Friday morning Mrs. Maybrick passed through the room where the nurse was then, and took a Valentine's meat juice bottle, which she carried into the inner room, and there remained about two minutes. The door was not locked, but was shut to. I do not think that that agrees with Mrs. Maybrick's account of it, though I do not know that the two accounts are altogether inconsistent. The witness said, "Mrs. Maybrick took away the meat juice and went into the dressing-room. The door was not latched, but pushed to." This is not the impression that Mrs. Maybrick's statement gives; and I think I may safely say there is no evidence at all to confirm Mrs. Maybrick's statement that her husband was anxious for this powder, and that she should put it into his food. The witness said, "She told me to get ice and bathe his head. She raised her hand and put the bottle on the table from which she had taken it." The witness seems to have had a special warning about Mrs. Maybrick not administering food or medicine to her husband. In cross-examination, Nurse Gore said she entered the room before midnight and gave the deceased some of Valentine's meat juice. It was a few minutes after eleven. She got the bottle from Mr. Edwin Maybrick on Wednesday night, and it was a fresh one. On Thursday night she opened the bottle, taking the cover off, and the cork out. She gave one or two spoonfuls in water to Mr. Maybrick, and he was not sick after taking it, though it was said he had been sick before after having had it. [His lordship here read from the *Liverpool Daily Post* verbatim report the account which Nurse Gore gave of the suspicious circumstance of Mrs. Maybrick taking the bottle of meat juice out of the room and depositing it on the table again. Coming to the part where the nurse said Mrs. Maybrick had told her to leave the room and fetch some ice, his lordship

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice Stephen commented]—That certainly did suggest to my mind that Mrs. Maybrick made an excuse, and tried, by sending Nurse Gore out of the room, to get an opportunity of putting arsenic into her husband's meat juice. Nurse Gore, when asked to explain how the putting down of the bottle was done, made a gesture, and the impression made on my mind was that she struggled to say that Mrs. Maybrick had acted secretly so as to conceal what she was doing. Nurse Gore goes on to say that her reply was, "I said the patient was asleep, and that I could go out when he awoke." She also says "When he woke up it was with a choking sensation in his throat." That is what Mrs. Maybrick says, and I do not think there is much difference about what took place between the nurse's account and her statement. I do not think I need read to you the cross-examination; nothing seems to me very much to turn upon it, but it appears that Miss Callery, who succeeded her, was instructed to take care and not give any of the meat juice to the patient, and in point of fact it remained where it was until taken away by Mr. Maybrick and given by him to the medical men.

[At this stage the Court adjourned for lunch, the learned judge saying he expected to finish in no great length of time. Upon his lordship entering the Court after luncheon.]

Mr. PICKFORD said—My lord, before the jury come in I should like to say something in reference to a remark of your lordship about the prisoner reserving her defence when before the magistrates. Whether it was wrong, my lord, it was entirely my act, and—

Mr. JUSTICE STEPHEN—Oh, pray, Mr. Pickford, dismiss from your mind the notion that I in the smallest possible way censure what was done, or that I assume there was any kind of division between you and Sir Charles Russell.

Mr. PICKFORD—It is not that I wish to speak for myself, but for Mrs. Maybrick. I only wish to say the action was mine, and I take the entire responsibility. Whatever might have been the nature of the defence, the magistrates would have committed on such a charge, and therefore I reserved the whole of the defence.

Mr. JUSTICE STEPHEN—Before the adjournment I was reading you the evidence of Nurse Gore, and we had just come to the conclusion of it. The next witness is Nurse Callery, in whose evidence there is not much particularly important. In Nurse Gore's evidence there is much which was important after the statement made by the prisoner. Nurse Callery speaks more as to the state of her patient, of which you have already heard, also as to the food and medicines she administered. She said, "Mrs. Maybrick was there most of the time. She went some-

The Judge's Summing Up.

times into the inner room and sometimes into the passage." But this witness says very little that bears upon the matter we are dealing with. I think the only part of her evidence deserving to be mentioned here is that where she spoke about his complaining about pains in the abdomen. The witness also stated that he said to Mrs. Mayhrick, "Don't give me the wrong medicine again," and she replied, "What are you talking about? You never had any wrong medicine." "She was then persuading him," the witness said, "to take some medicine which I was offering him. I went off duty at half-past four, and Wilson succeeded me. I did not see him again. I administered all the medicine; Mrs. Mayhrick did not give him any at all." I do not think all this is of much importance. The next evidence that I will mention to you is that of Nurse Wilson. She came on duty at five minutes past four on Friday, and she stayed till eleven o'clock on Saturday, the day when he died. She said that on the Friday night Mr. Mayhrick said to his wife, "Oh, Bunny, Bunny, how could you do it? I did not think it of you." He said this three times over, and he seemed to be quite conscious. She said, "You silly old darling, don't trouble your head about anything." She afterwards remarked to the witness, "He can't tell what is the matter with him, or what has brought the illness on." As I have already said in other matters, I do not wish to inquire too curiously into what that means. It may be that these words bear out what has been said by the prisoner, and that those expressions showed that she had made the full confession to him of which she speaks as having been made the night before his death, and that he made a remark to this effect (calling her by a pet name), "How could you forget yourself so far as to be guilty of this adulterous intercourse? I did not think it of you. I never in all the world could have thought it." If he said so, it would be a most pathetic way of speaking, and I cannot suggest any other explanation of the remark. It has been pointed out to me that Dr. Carter spoke of his not being delirious, but if that were so it contrasts strongly with what the prisoner said in her letter to Mr. Brierley. That is the evidence of the three nurses which I have read. I have gone through a very large proportion, and perhaps most, of the evidence which bears upon that statement of hers.

There are now some other topics which I must direct your attention to. I must point out to you for one thing that there is one part of this case which is of a most remarkable character, and which has not been put so clearly as I wish, but which, I think, it is your duty to carefully consider, and that is the question about poison. There is evidence about a very considerable quantity of poison in this house, and more particularly

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice Stephen about one or two receptacles which were in the inner room, as it has been pointed out. Gentlemen, I think there was undoubtedly a large quantity of poison; it was poison, of which it might be said with certainty Mrs. Maybrick had—I don't use the word possession, but to which she undoubtedly had access. The room in which the illness took place was the room which Mr. and Mrs. Maybrick used to occupy as husband and wife; the inner room to a certain extent seems to have been used as a separate room for Mr. Maybrick when he wished for it. Whether Mrs. Maybrick slept there, except on special occasions, I don't profess to know, but there were in that room various things, and in particular there were two hatboxes, which stood side by side, and, by the way, I had a plan here pointing out the bedroom. [His lordship then referred to the plan, and pointed out the bedroom and the room which the witnesses stated was used as a dressing-room.] Just look at the different articles of furniture that were in it (pointing to the plan). First of all there is the bed in this corner here. Then here is a table; and here is another table, which stands before the window; and here is the place where the two hatboxes were found of which I have been speaking. With that explanation, and with some further explanation which I shall give you as I go along, you will perhaps be able to understand this matter about the poisons. As I said, you must begin the whole subject of poison with this, which is a remarkable fact in the case, and which it seems to me tells favourably rather than otherwise for the prisoner—you must take notice of it and consider what inference you draw from it—in the whole case from first to last there is no evidence at all of her having bought any poison, or definitely had anything to do with the procuring of any, with the exception of those fly-papers. But there is evidence of a considerable quantity having been found in various things which were kept—some here and some there—kept principally, as I gather, in the dressing-room, which was also spoken of as the inner room during the course of the case. All these things were collected together and finally passed through the hands of Mr. Davies, who is an analyst very well known to you no doubt. His credit does not appear to have been attacked by any of the witnesses who have also examined the articles that were submitted to him, and who appear to arrive at not identically the same, but at substantially the same, results as to the presence or absence of arsenic from the different things which they have dealt with. Now, first of all, Mr. Davies is called and examined about his attainments, and so on, and then he says that on the 11th of May, namely, Saturday, "Dr. Carter came to me about half-past ten, and brought with him a bottle of Valentine's meat essence to be examined by me. I took it to the laboratory and tested

The Judge's Summing Up.

it there, and found the presence of arsenic in it." That is the bottle which you have already heard so much about, and upon which the statements have been made which I have already remarked upon. Afterwards, on the 23rd, he determined the amount of arsenic, and found a part of a grain of white arsenic. That arsenic was put in solution, and, of course, it acts more readily in solution than if it was put in solid, as it would take a considerable time to dissolve. It was found that the specific gravity was less than that of the meat juice generally. Mr. Davies, it appeared, had analysed the contents of several bottles which had been given to him, and he detected arsenic in some of the organs. Dr. Stevenson also made an analysis, and, while detecting arsenic in the liver, he failed to find any in the spleen, which had been reduced to a condition in which it was no longer capable of being separately examined. Then there was a series of hottles containing matters which were taken from the sinks and from the lavatory. There is an account of each, and in some of the bottles a trace of arsenic was found. The medical men treated them very lightly, and said that in a house which had contained arsenic they would expect to find a certain amount of arsenic in the sinks and drains, and that could be accounted for by other means. There is also a handkerchief and a bottle, which is labelled 1A, and is said to have been found by Mrs. Briggs in Mrs. Mayhrick's room covered with the handkerchief. There was no arsenic in the hottle, but there was in the handkerchief. There is another hottle which was found in the small wooden box in a box in the sleeping or dressing room. That, I think, is the box Mrs. Mayhrick used, and which was packed up for the children. There was some arsenic in that, twelve or fifteen grains of solid arsenic in the water. There was also some powdered charcoal, which was identical with the small parcel produced, labelled "Poison—for cats." There was some powdered arsenic—the only powdered arsenic which was found—found in a little box, if I remember rightly, in one of the hat-boxes to which I have referred. That had apparently been used to put into water, because there was some other part of arsenic found which was coloured in the same way with the same matter. There was other liquid in the hottle, and that was a saturated solution of arsenic in the water, and a small portion of solid arsenic in the hottle in crystals.

Gentlemen, that shows that there was a large quantity in the hottle. A saturated solution is a solution which has taken up as much arsenic as it can; and the water becoming saturated with arsenic, the remainder of the arsenic is found at the bottom. In this case there was a saturated solution of arsenic in the water and a small portion of solid arsenic at the bottom.

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice
Stephen

With regard to that these questions arise—What was it for, and who was wanting such a quantity of strong solution of arsenic? who would put it there, and how was it to be used? These are questions in the solution of which I cannot help you. There is nothing definite to connect Mr. Maybrick with it. Certainly if he was in the habit of arsenic eating, he would not keep it saturated in water in quantities which he could not possibly use. There was another bottle said to contain saturated and solid arsenic, and it is supposed to contain ten to twelve grains of solid arsenic. Then there was a glass found in a handbox, and it contained a liquid in which a handkerchief was soaked. A portion of the fluid was found to contain 94 per cent. of arsenic.* There would be a very considerable quantity of arsenic. We have already got three or four bottles containing a very considerable quantity of arsenic, part in a saturated state and part more or less dissolved. Then, as to the handkerchief, it is identical with the two others. I should think it not unlikely that these handkerchiefs were Mrs. Maybrick's. Sir Charles Russell pointed out with regard to one of them that if she had possession of the handkerchief, and put it into the pocket of her dressing-gown, that would be a very likely way for the dressing-gown to get spotted with arsenic. That seemed to be acquiesced in by Mr. Addison, and probably is the way in which that dressing-gown came to be marked with arsenic. Well, gentlemen, that is all very well, and it only forces one's attention to this question—What could anybody want with a handkerchief saturated with arsenic? What could she want carrying it about with her, and having her dressing-gown spotted with the poison? I don't know why any one should saturate any part of their clothes with arsenic, or carry it about in their pocket. The next article is the chocolate box, in which was found arsenic powder, with the inscription on it "Poison—for cats," and this on being analysed contained 71 grains of arsenic. And of this 65 2-10ths were pure arsenic; while the remaining quantity was apparently colouring matter—powdered charcoal. It was brought out by Sir Charles Russell that there is an Act of Parliament which requires arsenic sold under a certain quantity, four ounces I think, to be coloured either with soot or charcoal. There would be a difficulty found in getting the arsenic unless it were coloured in this way. Well, then, there was a handkerchief in the chocolate box. On that some liquid had escaped; it had become stiff, and in the stiff part there was found a good deal of arsenic. The next place in which arsenic was found—in which it is supposed to have been found—is one to which refer-

* The correct figure is 2.94, or rather less than 3 per cent. It is not always possible to say whether such errors as these in the report are those of the reporter or the judge.

The Judge's Summing Up.

once has been repeatedly made; it is supposed to have been found in certain films, which formed part of the washings out of this jug (pointing to the article). I need not mention further, as I have mentioned it already, the evidence Mr. Davies gave on one side on this point and Dr. Paul on the other. There was a bottle produced by a policeman named Davenport, which is said to have contained a very weak solution of arsenic, and that bottle was found in the linen closet over which the mistress of the house would naturally have more control than the master.* Then we come to some medicine apparently prepared on Dr. Fuller's prescription by Messrs. Clay & Abraham. There was a thick liquid in the bottle when Mr. Davies got it. "I put water in it, and shook it well up, and took half of it for examination. There was distinct evidence of arsenic, though not enough to make a quantitative examination. I went to Clay & Abraham and examined samples from all the bottles from which this prescription had been made up, and when examined I found no arsenic in them." Then you get to the blue bottle, which contained Price's glycerine. Here is the bottle, and a considerable portion is still left. That glycerine was found in the lavatory outside, and if the bottle were filled and the same proportion of arsenic added, there would be two-thirds of a grain of arsenic in it. You have heard already that his mouth was moistened with glycerine and borax apparently the night before he died. If that is so, and the glycerine really be poisoned, it is certainly a very shocking result to arrive at. †

Sir CHARLES RUSSELL—I think the evidence of Nurse Gore is that the bottle that was used on the night before his death was taken not from the lavatory but from the cupboard on the washstand.

Mr. JUSTICE STEPHEN—It does not follow that that was the same bottle. One does not know the history of that bottle, or where it went to. It may or may not have been the glycerine which was used for the purpose I have mentioned—namely, for moistening his lips. But what does appear in the case is, that the bottle was found in the lavatory, and that it contained a grain of arsenic, and that his mouth was moistened with glycerine and borax during the night in question, but the

* This bottle, according to Mrs. Maybrick, contained the face-wash she had prepared from the fly-papers. Mr. Davies described it "a very weak solution of arsenic," 1-10th of a grain to the full bottle. It had "no inscription, and had contained scum of some kind."

† Mr. Levy in a footnote points out that the sulphuric acid used in preparing glycerine is often obtained from iron pyrites which contains arsenic, and so arsenic is often found in glycerine. In this instance the quantity of arsenic found was one part in 10,500, a not unusual proportion.

Trial of Mrs Maybrick.

Mr Justice
Stephen

identity between that bottle and the bottle which contained the glycerine is not established and not proved.

As to the dressing-gown, that was given to Mr. Davies by Inspector Bazendale, and he received it on the 28th June from Mr. Edwin Maybrick, and when the dressing-gown was examined it was found to have been stained with cocoa, so that there was no harm in that. As to the stain showing the trace of arsenic in the pocket, it is suggested that the stain had been caused by the handkerchief, which had been apparently steeped in some solution. "There was some amount of arsenic found in that handkerchief, and probably some amount in the right-hand pocket of the dressing-gown itself. There was an apron stained with powder, and on that I found distinct evidence of arsenic." Now, gentlemen, you cannot by any means exclude from the case the circumstance that a large quantity of different matters which I have mentioned, all of them more or less infected with arsenic, were found in the room, and in the house and in the places where Mrs Maybrick continually was, and many of them I have lately mentioned to you. Several of them did certainly contain very considerable quantities of liquid saturated with arsenic. It is very difficult indeed to have to suggest any reason why an ordinary person should require that quantity of arsenic in that kind of state, and I find a difficulty in finding words moderate enough, and which would fully express my opinion—but I should say that a person is somewhat unfortunately situated who, being supposed to have been guilty of poisoning her husband, with a large quantity of arsenic such as I have described to you, distributed about with a variety of articles immediately under her command, at the time when it was suggested that she did commit so horrible a crime. God forbid that I should suggest to you that there may not be explanations of this circumstance, that they do not exclude doubt upon the subject of her guilt, because it comes plainly to that. What was the state of things in the room? That is a question I cannot exclude from your consideration when you are solving this very important and complicated question.

Gentlemen, I think I have very nearly finished what I have to say. I must just say something—I cannot pass it over—something of a more general character of the nature of the evidence you have to consider. I must repeat, at the expense of being tedious, that your verdict must depend on the consideration of the whole of these different circumstances in their bearing on each other. You must not consider the case as a mere medical case, in which you are to decide whether the man did or did not die of arsenic according to the medical evidence. You must not consider it as a medical case, in

The Judge's Summing Up.

which you decide whether the man died from arsenic, which was discovered as the result of a chemical analysis. You must decide it as a great and highly important case, involving in itself not only medical and chemical questions, but involving in itself a most highly important moral question. And by that term moral question, I do not mean questions of what is right or wrong in a moral point of view, but questions into which human nature enters, and on which you must rely on your knowledge of human nature in determining on the resolution you arrive at. You have in the first place to consider—far be it from me to exclude or try to get others to exclude from their own minds—what I myself must feel vividly conscious—all the evidence in this matter. I think that every human being in this case must feel vividly conscious of what you have to consider—but I had almost better say you ought not to consider for fear you might consider it too much—the horrible nature of the inquiry in which you are engaged. I feel that it is a dreadful thing that you are deliberately considering whether or not you are to convict that woman of really as horrible, as dreadful a crime as ever any poor wretch who stood in the dock was accused of. If she is guilty—I am saying “if”—my object is rather to heighten your feeling of the solemnity of the circumstances, and in no way to prevent you from feeling as you do feel and as you ought to feel.

I could say a good many other things about the awful nature of the charge, but I do not think it necessary to say any one thing. Your own hearts must tell you what it is. For a person to go on deliberately administering poison to a poor, helpless, sick man upon whom she has already inflicted a dreadful injury—an injury fatal to married life—the person who could do such a thing as that must indeed be destitute of the least trace of human feeling. But I need not say more about it, and if I were to say much it would be easy to say more than it would be decent to say, and I should be engaged in an odious task, for very few people in this Court but feel the fact that you are honestly able to arrive at a just verdict. We have to consider this not in an unfeeling spirit, far from it, but in the spirit of people resolving to solve by intellectual means an intellectual problem of great difficulty. I need not say more on that, because all I could say upon it has been said with greater force than I could command and with better language than I could use, by the learned counsel engaged in the case. Then you have to consider, you have to take into account, if you go through the whole story, the question of motives which might act upon this woman's mind. When you come to consider that, you must remember the intrigue which she carried on with this man Brierley, and the feelings—it seems horrible to compara-

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice Stephen . tively ordinary innocent people—a horrible and incredible thought that a woman should be plotting the death of her husband in order that she might be left at liberty to follow her own degrading vices. There is a presumption of innocence in favour of every one whatever, and, of course, the presumption becomes stronger and stronger as the imputation made upon the person becomes more and more horrible. You ought not to convict a woman of such a crime as this unless you are sure in your own mind that she really committed it. That is what I have to say. There is no doubt that the propensities which lead persons to vices of that kind do kill all the more tender, all the more manly, or all the more womanly feelings of the human mind. That is a comment upon which I will not insist; I will spare you what would be very painful to me, exquisitely painful to her, and not necessary to you. I will not say anything about it, except that it is easy enough to conceive how a horrible woman, in so terrible a position, might be assailed by some fearful and terrible temptation. When you take that into account, you must look to some extent at the feelings which are shown, which the evidence shows you, remained in her mind. I have read to you what the learned counsel have both read to you, that terrible letter which she wrote on Wednesday, the 8th of May. Gentlemen, it is a matter to which again I will, as I have endeavoured to do at every stage of this inquiry, suppress the feelings upon it which one is at any moment tempted to enlarge. But recollect what is said—recollect that in two or three unmistakable expressions she has intimated that it is a mere question of strength. She has intimated that he is sick unto death—and untruly stated so; recollect that she said he was labouring under symptoms which in point of fact were not present. Recollect that you will have a somewhat difficult task; recollect on the one hand that it is very difficult to say that she did not at that time know she was the subject of suspicion among those who were in the house, her brother-in-law and other persons; and recollect, on the other hand, that she, while her husband lived, and, according to her own account, while his life was trembling in the balance—even at that awful moment, there arose in her heart and flowed from her pen various terms of endearment to the man with whom she had behaved so disgracefully. That was an awful thing to think of, and a thing you will have to consider in asking yourselves whether she is guilty or not guilty. You will have to consider that motive, and you must bear in mind, as I said before, all the circumstances; you will bear in mind that you have been addressed by men of the greatest eminence in a great profession, who have told you distinctly that they did not think there is evidence enough to induce them to say that he died of

The Judge's Summing Up.

arsenical poisoning, and there are others equally eminent who say that he did die of arsenical poisoning. On the other hand, you have no say with equal clearness and equal distinctness whether he died from gastro-enteritis—inflammation of the stomach. The question for you is, by what was the illness caused—was it caused by arsenic or by some other means? If you consider that his death was caused by arsenic, then you settle on the side of the prosecution one great question, by no means the least or only one of the great questions which you have to consider. You must also consider how far you think them—I won't say satisfactory—in themselves, but how far you think that they are consistent with the facts, and how far you think they may be satisfactory, that it might be so satisfactory as might lead you to say, as Dr. Paul said, "We think that he died from gastro-enteritis, but we see no sufficient reason to connect that with arsenic." You have heard that gastro-enteritis may be produced by what I may call some common cause. On the other hand, you have it suggested, especially by Dr. Tidy, that it was a case in which impure or injurious—I cannot find exactly a suitable adjective, but I think if I say impure—food may have caused all those symptoms, but I certainly cannot; I don't mention—I have to avoid expressing any opinion upon the case or parts of the case, and I don't express any opinion about it—but I don't feel that Dr. Tidy dealt in a manner very satisfactory to me with this question, which I asked, "What impure food do you think the man took?" He mentioned certain things which might have caused it if he had been going about through the ordinary course of life, eating and drinking like other people, and not very particular as to the kind of food he was taking. Then they might have said that he, in some unguarded or neglectful moment, might have taken some of these things; but it seems rather going out of the way to ascribe the symptoms of which he died to any of the causes that were subsequently mentioned. The things which were chosen—certainly not as an exhaustive list, but by way of illustration—were three. He should not have taken in that period any of these things—sausages, cheese, or lobster. There is certainly no evidence that he took anything of the sort, but a good deal, I think, of medical improbability that he was able to take any of them. Those parts of the case you will have to consider. As to the symptoms, you have very considerable conflict of evidence about them. You will have heard over and over again, and no doubt formed some opinion about, these particulars of vomiting which were present all along. It was said by some of the witnesses, by Dr. Tidy, who has taken a very prominent part—I am not speaking in any dispraise of him; on the contrary—that it was not the sort of

Mr Justice
Stephen

Trial of Mrs Maybrick.

Mr Justice
Stephen sickness he should have expected in a case of arsenical poisoning, and not the sort of internal pain he should have expected. You have heard that on the one side. The opposite view of the subject is taken on the other side. You must consider what you think of that, and what you think of the gentlemen who gave evidence on the subject, and who no doubt have produced on your mind a certain effect. You must say what is the effect of the evidence given by these gentlemen.

Well, then, when you have gone through that you have still another, and I am not sure that it is not the most difficult part of the task, because, as I have said so often, and as I think it has been said to you different times throughout, and by different persons, you must decide upon the whole case. There are three or four circumstances in the case which are circumstances of very grave suspicion indeed; and where you find a case in which this dreadful accusation is made, and is accompanied by circumstances which, apart from the physical, chemical, and medical aspects of the case, are of such a character as are likely to produce suspicion, you must consider how far they corroborate the other evidence that has been given. If I were to illustrate from the general run of criminal cases, I should say if there were circumstances of suspicion against a man which led you to believe he had committed a burglary, and if, on examination of his pockets, there were found burglars' implements, and if those instruments were found on examination to correspond with the marks found at the house broken into, the existence of this would be an important thing for you to consider in determining his guilt or innocence. I desire to avoid all illustration except what is just enough to make you understand the way in which I wish you to look at the case, and with which I think you have a right to look at it when you come to deal with the questions. For one thing there is the subject of food, for another thing there is the subject of the fly-papers to be considered. I am not going to say more—I do not think I could say more usefully, but there is another subject—a highly important subject—about the meat juice, about which I have said all I intend to say. I may say this, however, supposing you find a man dying of arsenic, and it is proved that a person put arsenic in his plate, and if he gives an explanation which you do not consider satisfactory, that is a very strong question to be considered. How far it goes, what its logical value is, what the general effect of it may be, I do not say; I am not prepared to say. I could not say, and unless I had to write my verdict I should not say how I should deal with the verdict; but being no jurymen, but only a judge, I can say only this, it is a matter for your serious consideration. I have pointed out to you the circumstances connected with that statement, and I do not need

The Judge's Summing Up.

to refer to that. But I may just say that I really think it is better to avoid any foolish excitement or talk by mentioning openly what the contents of a letter are, which I will not read to you. It is signed by a name which I do not choose to say, and I venture to apply to that person the words, "Mind your own business," but he gives a series of suggestions about some of the incidents of the case which he thinks should be inquired into. Well, gentlemen, I have been telling you of these remarks about her statements in Court, which I think a reasonable man would have kept to himself, and which were no business of his. I have done my best upon all I think necessary to say to you upon that painful subject. I think no doubt you have carefully considered that statement, and do not think you want very much to be addressed by anybody else upon the matter. It is a foolish letter, and I will just pass on.

Mr Justice
Stephen

Gentlemen, these are really the combination of questions to which you have got to apply your minds. I have dealt with all the matters. I have certainly dealt with all the matters which have occurred to me in my consideration of the case. I do not wish to spin out the last words to you, and I accordingly will ask you to consider your verdict.

Verdict.

The jury, after the hailiffs had been sworn, retired to consider the verdict at eighteen minutes past three.

The jury returned at four minutes to four, after an absence of about thirty-five minutes.

The CLERK OF ARRAIONS (Mr. Shuttleworth) having called the list of the jury, asked—Have you agreed upon a verdict, gentlemen?

The FOREMAN—We have.

CLERK OF ARRAIONS—And do you find the prisoner guilty of the murder of James Maybrick or not guilty?

The FOREMAN—Guilty.

The CLERK OF ARRAIONS (to the prisoner)—Florence Elizabeth Maybrick, you have been found guilty of wilful murder; have you anything to say why the Court should not pronounce sentence upon you?

The PRISONER—Although I have been found guilty, with the exception of my intimacy with Mr. Brierley, I am not guilty of this crime.

Trial of Mrs Maybrick.

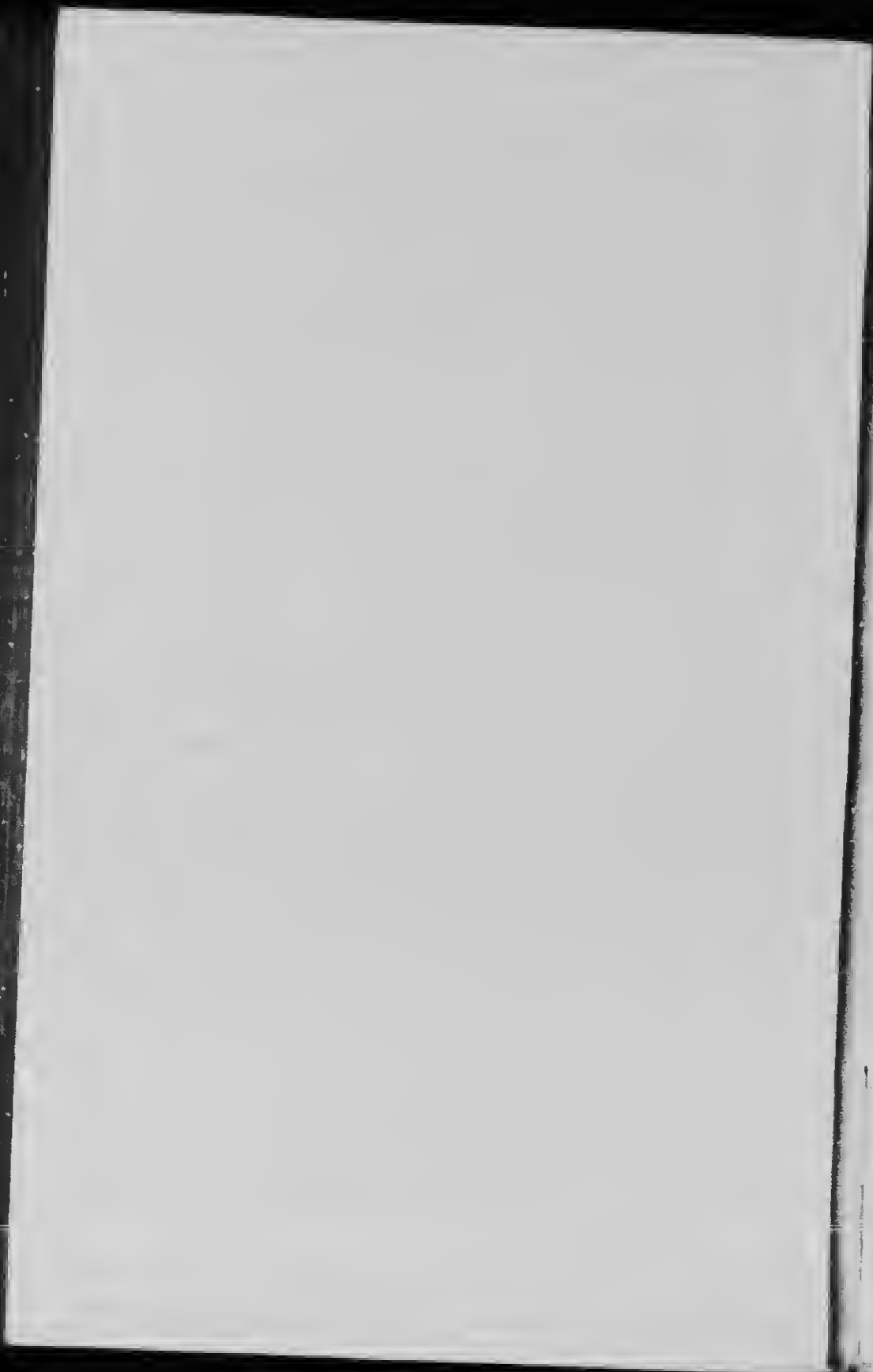
The Sentence.

Mr Justice Stephen Mr. JUSTICE STEPHEN (having assumed the black cap)—Prisoner at the bar, I am no further able to treat you as being innocent of the dreadful crime laid to your charge. You have been convicted by a jury of this city,* after a lengthy and most painful investigation, followed by a defence which was in every respect worthy of the case. The jury have convicted you, and the law leaves to me no discretion, and I must pass on you the sentence of the law; and this sentence of the law is—This Court doth ordain you to be taken from hence to the place from whence you came, and from thence to the place of execution, and that you be there hanged by the neck until you are dead; and that your body be afterwards hurried within the precincts of the prison in which you shall have been confined after your conviction, and may the Lord have mercy on your soul.

* The jury was a Lancashire and not a Liverpool jury.

er
nt
en
a-
y
,
u
is
n
,
;
s
r

APPENDICES.



APPENDIX I.

PASSAGE FROM MR. JUSTICE STEPHEN'S CHARGE TO THE GRAND JURY AT THE LIVERPOOL ASSIZES, JULY 26, 1889, RELATING TO MRS. MAY- BRICK'S CASE.

"The next case I will mention to you is a case which I have reason to believe has excited very great attention in this country, and certainly if the prisoner is guilty of the crime alleged to her in the charge, it is the most cruel and horrible murder that could be committed.

"I refer to the case of Florence Elizabeth Maybrick, who is charged with the wilful murder of her husband, James Maybrick. The case is one which will no doubt occupy a very considerable time, and, as I have said, it has attracted a great deal of attention. I will speak very shortly on the nature of the circumstances and the nature of the case, because to any one who has been accustomed to the transaction of criminal business it is perfectly obvious that the case is one in which every part of the allegations will be vigorously contradicted, and in which the circumstances will be questioned. I know not, of course what the defence may be which may be set up for Mrs. Maybrick, but it is quite possible that evidence may be given on her behalf which may be of very great importance. You have nothing to do with that however, and all I have to say is to point out to you, very shortly, the facts apparently proved by the prosecution as far as they bear on the case.

"Gentlemen, I think you know Mrs. Maybrick's husband was a cotton merchant in the city, and although these matters are hardly contested, he appears to have been unhappy enough to have had an unfaithful wife. Whatever may be thought of the rest of the case, letters are produced which render it very difficult not to believe—in fact I should think it almost necessary to admit—that she was carrying on an adulterous intrigue with a man of the name of Brierley. It appears that either with the object or for some other reason not very clearly set forth, on the occasion of the Grand National Steeplechase, which took place on the 29th of March, there was a very violent quarrel between Mrs Maybrick and her husband. Some time after that quarrel took place suspicious circumstances were noticed. I think the first circumstance of any leading or remarkable kind which was noticed was the fact that she used to put into water a certain quantity of fly-papers, the proper use of which is the destruction of flies, but which contain a certain quantity of arsenic. These papers, which nobody can have proper occasion to use except it be to kill flies, were found in, not exactly her room, but a room to which, of course, she had access. They were found soaking in water, and that water in which they were soaked would become impregnated with arsenic, and might have been used for poisonous purposes. A good many incidents occurred, some in the month of April and in the early part of May, which produced symptoms in Mr. Maybrick, the nature

Trial of Mrs Maybrick.

of which can be explained to you by the medical men whom he consulted. He stated that his legs felt very much numbed, and complained of what he suffered in that way. There were many minor matters—a crowd of things which happened about the early part of May. On the 3rd of May he was taken very ill. The illness appears to have consisted principally of very great congestion and disturbance of the stomach, which went so far that as time went on he was in very great and continued sickness. The disturbances of the stomach went to the extent that he was unable to retain anything on his stomach. That went on with several alterations of better and worse for several days. On the 8th of May, a very striking and remarkable incident happened, to which your attention will be directed. Mrs. Maybrick in the course of that day gave one of her servants, a nurse, a letter addressed to Mr. Brierley in Liverpool, which she wished her to post by a particular post—I think it was between three and four o'clock. The servant went out with a child whom she called the baby, I suppose it was the youngest child of the Maybricks, and she gave it the letter to hold. The child carried it for some distance and, in crossing the road, she dropped it into a puddle. The nurse took it up and found it was very dirty. She then went to the Post-office with the intention, as she said, of getting a new envelope, and redirecting it—I suppose, at all events in order to post it. However, when she got to the Post-office she seems to have opened the letter, and in doing so she noticed some expressions in it which attracted her attention, indeed, would have attracted anyone's attention. The girl, after seeing these expressions, did not post the letter, but took it home and gave it to one of Mr. Maybrick's brothers, who was in attendance on the sick man. There can hardly be any doubt that the letter implied in its terms an adulterous connection between Mrs. Maybrick and Mr. Brierley. Then, in addition to that, there are in that letter expressions which there may be many ways of reading. I merely wish to speak here of what will be read actually on the depositions, and do not wish to go into commentaries which may be made on the reading of the letter. But it contained these expressions very nearly in the first lines: "He is sick unto death," the reference, apparently, being to Mr. Maybrick, who had been referred to in the very beginning of the letter as "M," whom she, Mrs. Maybrick (as she said) had been nursing for some days. So she had. Then she said, "He is sick unto death." That, of course, if it is interpreted, meant that Mr. Maybrick was sick unto death, when at the time it did not appear that any one had told her that he was in danger, a circumstance of the greatest possible suspicion. However, whatever that may be, what follows shows the terms on which she was with Mr. Brierley. And I should observe, in addition to that, that there is evidence on the depositions to show that she had been to London, and that she met a gentleman. There are some strange peculiarities about that part of the story, which I leave out. She had been to London, and there met Mr. Brierley, with whom she slept on two occasions, during her absence from home. Of course, if that is proved, there can be no doubt as to what her relations to him were. But certainly if she stood in those relations to him, I hardly know how to put it otherwise than this: that if a woman does carry on an adulterous intrigue with another man, it may supply every sort of motive—that of saving her own reputation;

Appendix I.

that of breaking through the connection, which, under such circumstances, one would think would be dreadfully painful to the party to it. It certainly may quite supply—I won't go further—a very strong motive why she should wish to get rid of her husband. Gentlemen, those matters will be brought before you, and you will have to consider them. After that, Mr. Maybrick appears to have got worse. He had but a short time to live. This took place on Friday, and he died on Saturday afternoon. There will be a great deal of evidence as to the different things of which he took a part; but he got worse, and finally died on Saturday afternoon, the 11th May. I will pass over very lightly indeed what was found immediately after his death. A variety of things were found, which rendered it natural to suppose he had been poisoned. There was what I have already mentioned, the fly-papers; but I will also mention several things which, when the medical men came to examine them, were, they say, found to contain arsenic. There was a bottle of what is described as Valentine's meat juice, that contained arsenic; there were some other things which also contained arsenic, a bottle of brandy, and other things, all of which were said to have arsenic in them. In the course of the post-mortem examination it appeared that they found arsenic in a number of the parts of the body. There was arsenic in the liver, and some other places—but I am speaking entirely from memory. They found arsenic in various portions of the body. That, of course, is a matter of the utmost suspicion. It appears she administered the medicine to him until they called in a nurse. There were several professional nurses, but I don't think they were called in until a day or two before his death. It was by them that the medicine and things were found.

“After the death, after the examination of the man himself, I may tell you that they made a search through the house, and they found a variety of things, some of which contained arsenic. There were some things kept in a chocolate box which contained arsenic; and there was in addition—I hardly know what to call it—some kind of stuff which apparently contained arsenic, because there was the word ‘poison’ on it, and afterwards like a sort of postscript written in ink the words, ‘for cats,’ so as to make it read ‘poison for cats.’ That appears to have been found in a box over which Mrs. Maybrick had charge, but which was used for the children who were about the house. That is a very bare outline of the case, and I have made it a very bare outline, because you have to consider not whether she is guilty or not guilty, but whether there is sufficient evidence to put her on her trial for poisoning her husband with arsenic, and for causing his death. There are very many circumstances of the case which will be brought out, on one side or the other, fully—circumstances such as I have mentioned, and such as will be suggested in the course of the inquiry—and you will have to consider whether they are sufficiently suspicious to put the prisoner on her trial. I may sum it all up in a very few words, which, however, may be sufficient to guide you in your inquiries. It seems that a state of things existed between her and her husband and Mr. Brierley, which might—although it was not certain to say—operate as a strong motive to her to get rid of him. It appears that she nursed him during very nearly the whole of his illness—nursed him and administered to him the food and medicine which he took. It appears, I say again, it is in evidence, although you have not evidence on the other side, and do not know what may be put in,

Trial of Mrs Maybrick.

but there certainly is evidence that poison was found in various parts of his body, and that the symptoms of the disease from which he suffered, and which I do not think it necessary to insist upon, were symptoms of arsenical poisoning. If, after that, you think it desirable that the matter should have further investigation, you will find a true bill against her."

APPENDIX II.

SHORT ACCOUNT OF THE JUDGE AND COUNSEL ENGAGED IN THE MAYBRICK TRIAL.

SIR JAMES FITZJAMES STEPHEN, K.C.S.I. (1829-1894), was the second son of Sir James Stephen, Under Secretary for the Colonies from 1836 to 1847, Regius Professor of Modern History at Cambridge University (1847-1859). He was educated at Eton and Trinity College, Cambridge. He was called to the bar at the Inner Temple in 1854, and joined the Midland Circuit. His rise at the bar was slow. In 1859 he was appointed Recorder of Newark, and in 1861 he defended Dr. Rowland Williams on his trial for Treason before the Court of Arches. In 1868 he was made a Queen's Counsel, and a year later was appointed legal Member of Council in India. There he spent two and a half years, during which he was mostly employed in carrying on the work of codifying the Indian laws. On his return to England he resumed his work at the bar. In 1873 he unsuccessfully contested Dundee as a supporter of Gladstone. He was appointed Professor of Common Law at the Inns of Court in 1875, and in 1879 became a Judge of the Queen's Bench. In 1887 Mr. Justice Stephen presided at the trial of Lipski, a Pole, convicted at the Central Criminal Court of the brutal murder of a woman in Whitechapel. An appeal, vigorously supported by the *Pall Mall Gazette*, at that time under the editorship of W. T. Stead, was addressed to Mr. Matthews, then Home Secretary, to commute the sentence, on the ground of the weakness of some of the evidence against the prisoner. After careful consultation with Mr. Justice Stephen, Mr. Matthews decided that the law must take its course. Lipski, before execution, confessed his guilt. In 1885 the Judge was attacked by serious illness, but recovered sufficiently to resume his duties. In 1891, in consequence of certain public comments brought to his attention, and acting on medical advice, Mr. Justice Stephen retired from the bench and was created a baronet. He died at Ipswich in 1894. In his early years Stephen had been a frequent contributor to the *Pall Mall Gazette* and the *Saturday Review*. His chief works are his "History of the Criminal Law," "Liberty, Equality, and Fraternity," a criticism of J. S. Mill's "Liberty," and "The Story of Nuncumar and Sir Elijah Impey," a defence of the latter against Macaulay's unjust accusations. The Judge was succeeded in the baronetcy by Sir Herbert Stephen, who is the present Clerk of Assize on the Northern Circuit, and has edited some of his father's legal works. The Judge's second son was James Kenneth Stephen, the brilliant scholar and author of "Lapsus Calami" and "Quo Musa, Tendis?" Another son, Mr. H. L. Stephen, is a judge of the High

Appendix II.

Court of Bengal. There is a life of Sir James Stephen, by his brother, Sir Leslie Stephen, the distinguished critic and man of letters.

JOHN EDMUND WENTWORTH ADDISON, Q.C. (1838-1907), was the son of Colonel H. R. Addison. He was educated at Trinity College, Dublin, and called to the Bar at the Inner Temple in 1862. Addison joined the Northern Circuit, and, in spite of the rivalry of such competitors as Russell, Herschell, and Gully, acquired a considerable practice. From 1874 to 1890 he was Recorder of Preston. In 1890 Addison took silk, and five years later entered Parliament as Conservative Member for Ashton-under-Lyme. He represented that constituency for ten years until, in 1895, he accepted a County Court judgeship, sitting first in Norfolk and Cambridge, later at Southwark. Judge Addison died in 1907, having shortly before resigned his appointment.

WILLIAM ROBERT M'CONNELL, K.C. (1837-1906), was the son of Mr. David M'Connell, a magistrate of County Down. Educated in Belfast and at London University, M'Connell was called to the bar in 1862. He joined the Northern Circuit, where he soon became one of the leading juniors. He was made revising barrister for Liverpool in 1868, and later became junior counsel to the Board of Trade and the Board of Customs. He was a member of the Royal Commission appointed to inquire into the corrupt practices at Gloucester. In 1896 M'Connell succeeded Sir Peter Edlin as Chairman of the County of London Sessions, a post he held until his death ten years later. On his appointment as Chairman he became a Queen's Counsel. As showing his fairness and sympathy in dealing with the prisoners who came before him at the London Sessions, M'Connell's characteristic phrase, "Tell me all the good of yourself," may be quoted.

SIR CHARLES RUSSELL, LORD RUSSELL OF KILLOWEN (1832-1900), came of an Ulster family of Roman Catholics. His father, Arthur Russell, died when he was a boy. His uncle, Charles William Russell, was President of Maynooth College. Charles Russell was educated in Ireland, where he began his career as a solicitor in 1854. In 1859 he was called to the English Bar and joined the Northern Circuit. There he acquired a considerable reputation, and in 1872 became a Queen's Counsel. It was not until 1878 that Russell made his mark in London. The moment was propitious. Ballantine, Parry, Karlake, and Holker—all prominent leaders—were in failing health, Hawkins had just become a judge. In November, 1878, Russell gained a signal victory over Ballantine in the case of *Wybrow Robertson v. Labouchere*, in which Russell appeared for the defendant, the proprietor of *Truth*, and in 1880 he defeated Sir Hardinge Giffard on behalf of the same client in the action of *Lambri v. Labouchere*. He obtained for Clement Scott, the dramatic critic, £1500 damages for libel against Sampson, the proprietor of the *Referee* newspaper. In 1882 he appeared for the defendant in *Belt v. Laws*, when Sir Hardinge Giffard, for the plaintiff, won a verdict for £5000. In 1883 Russell visited America with the Lord Chief Justice, Lord Coleridge, and Sir James Hannen. In the same year he defended O'Donnell, who was executed for the murder of James Carey, the Irish informer. In 1880 Russell entered Parliament as Liberal member for Dundalk. In 1882 he was

Trial of Mrs Maybrick.

offered, and declined, a judgeship. Elected member for South Hackney in 1885, he was appointed Attorney-General by Gladstone during his brief term of office in 1896. While acting as Attorney-General, he conducted the prosecution of Mrs. Bartlett, who was tried at the Central Criminal Court for the murder of her husband by poisoning him with chloroform. She was brilliantly defended by Mr. (now Sir) Edward Clarke, Q.C., and acquitted. Russell was leading counsel for Parnell before the Parnell Commission, 1889-1890, when he greatly distinguished himself by his cross-examination of Pigott, the forger, and his speech, lasting six days, in defence of the Irish members. In 1891 Russell was briefed for the defendants in Sir W. Gordon-Cumming's unsuccessful action for slander against Mr. Berkeley Levett and others, who had accused him of cheating at cards; Sir Edward Clarke appeared for the plaintiff. In the same year Russell represented Mrs. Osborne, the plaintiff, in the action of *Osborne v. Hargreave*, better known as "The Pearl Case." Attorney-General again under Gladstone in 1892, Russell, with Sir Richard Webster, now Lord Alverstone, represented England before the Behring Sea Arbitration Court in 1893. In May, 1894, Russell quitted the bar, accepting a Lordship of Appeal and a life-peerage as Lord Russell of Killowen. A month later he succeeded Lord Coleridge as Lord Chief Justice of England. In 1896 he presided at the trial of the Jameson raiders, and in the same year, with Sir Frank Lockwood, visited America a second time, to deliver the annual address before the American Bar Association. He was one of the arbitrators, with Lord Justice Henn Collins, on the Venezuelan Boundary dispute in 1899. He died in August, 1900, after a brief illness. As a judge, Russell more than fulfilled the expectations of those who believed in his fitness for high judicial office, and, on the bench, showed a freedom from a certain impatience and hastiness of temper which, at the bar, had been among his few infirmities. Lord Russell's eldest son, the Hon. Arthur Russell, who was a County Court Judge, died in 1907. His second son, the Hon. Charles Russell, is the well known solicitor and a member of the London County Council, and another son, the Hon. Frank Russell, K.C., is one of the present leaders at the Chancery Bar.

SIR WILLIAM PICKFORD, born 1848, is the son of Thomas Edward Pickford. He was educated at Liverpool College and Exeter College, Oxford. In 1875 Mr. Pickford joined the Northern Circuit, where he soon obtained a very considerable practice, chiefly in commercial and shipping cases. He took silk in 1893. He represented the British Government in the North Sea Inquiry into the Dogger Bank incident with the Russian fleet, and at the International Diplomatic Conference on the Unification of Maritime Law. Mr. Pickford was Recorder of Oldham, 1901-1904, and of Liverpool, from 1904 to 1907. In 1906 Mr. Pickford went as Commissioner of Assize on the North-Eastern Circuit, and in the following year was appointed a Judge of the King's Bench Division.

Jackey
ing his
the con-
Central
n with
Edward
Parnell
gulsed
speech,
li we
cessful
no had
for the
aintiff,
Case."
h Sir
re the
ted the
all of
Chief
meson
merica
n Bar
Honn
ugust,
ed the
office,
e and
nties.
ounty
ell, is
l, and
aders

Edward
illego,
re he
and
ritish
with
n the
ham,
kford
n the

