

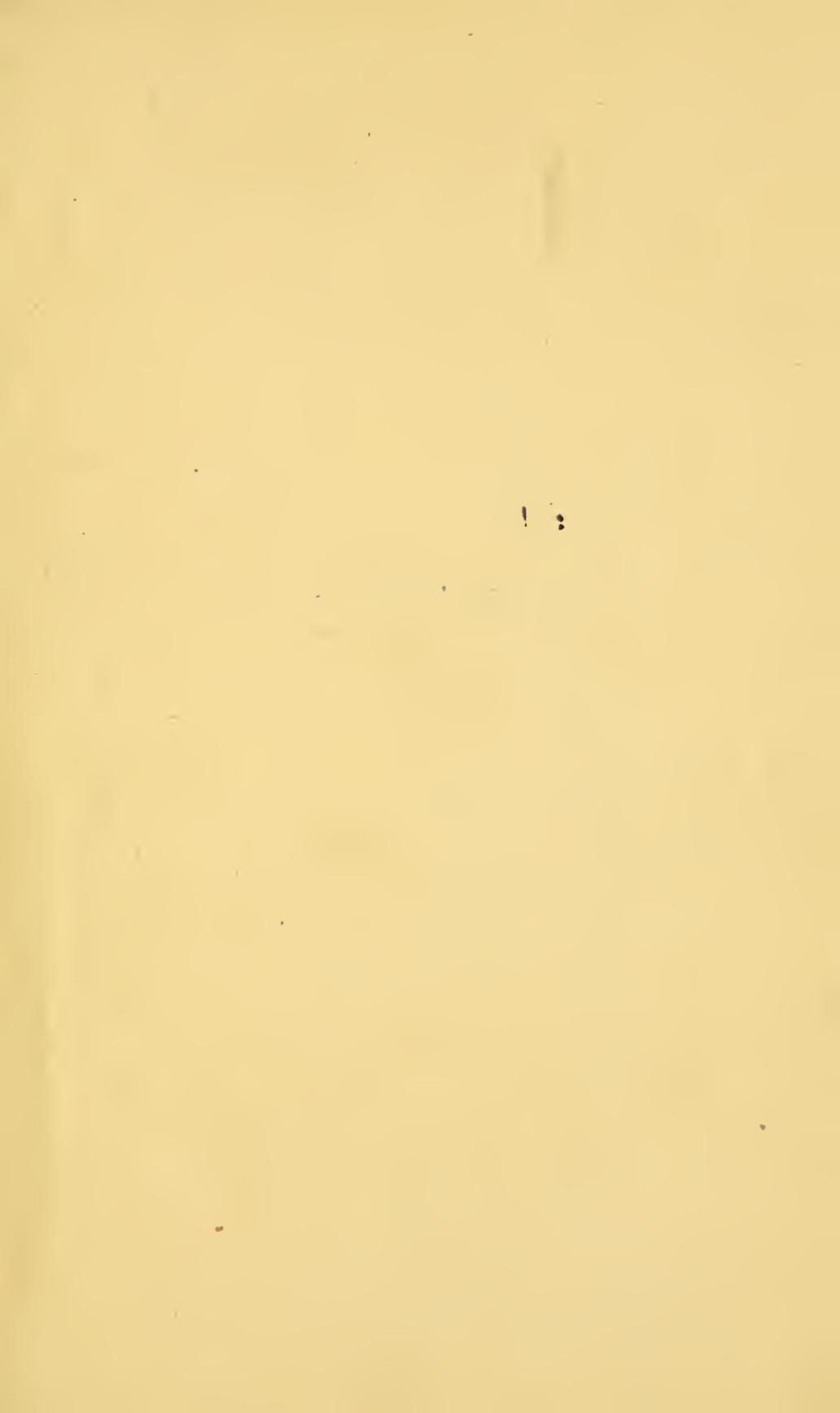
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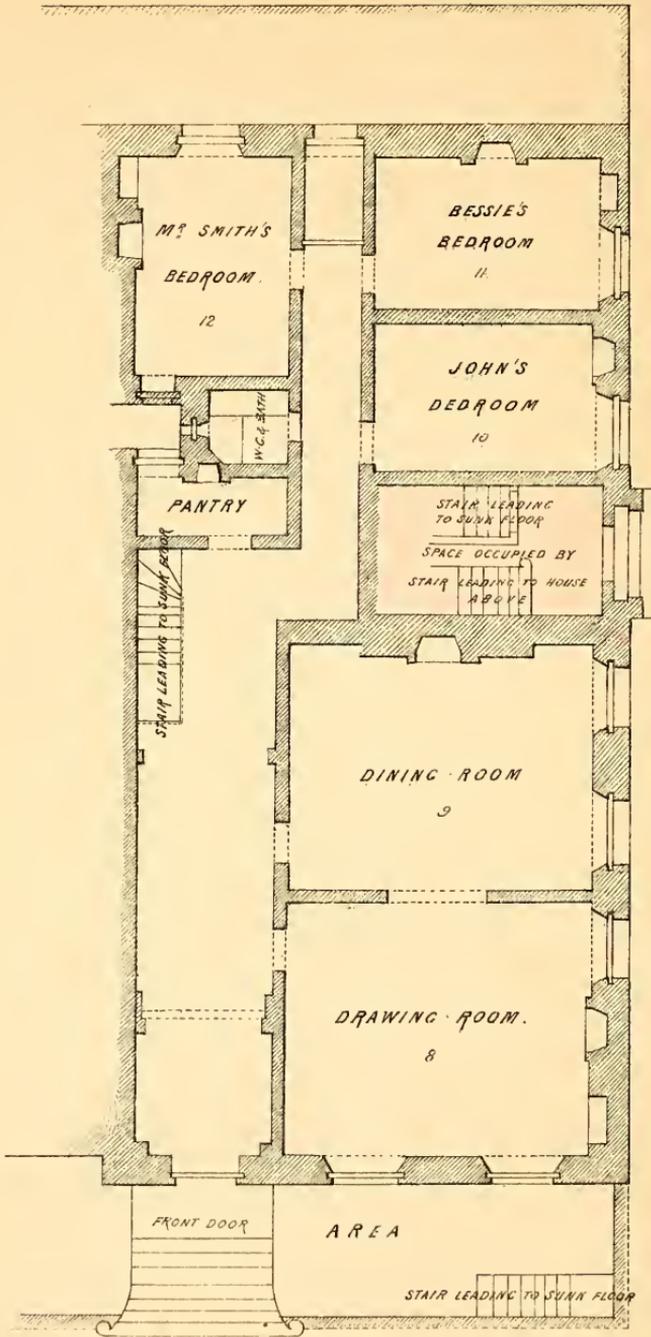


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No 715 Entrance to Houses occupied by M<sup>r</sup>. Minnoch & M<sup>r</sup>. Douglas.

M A I N S T R E E T

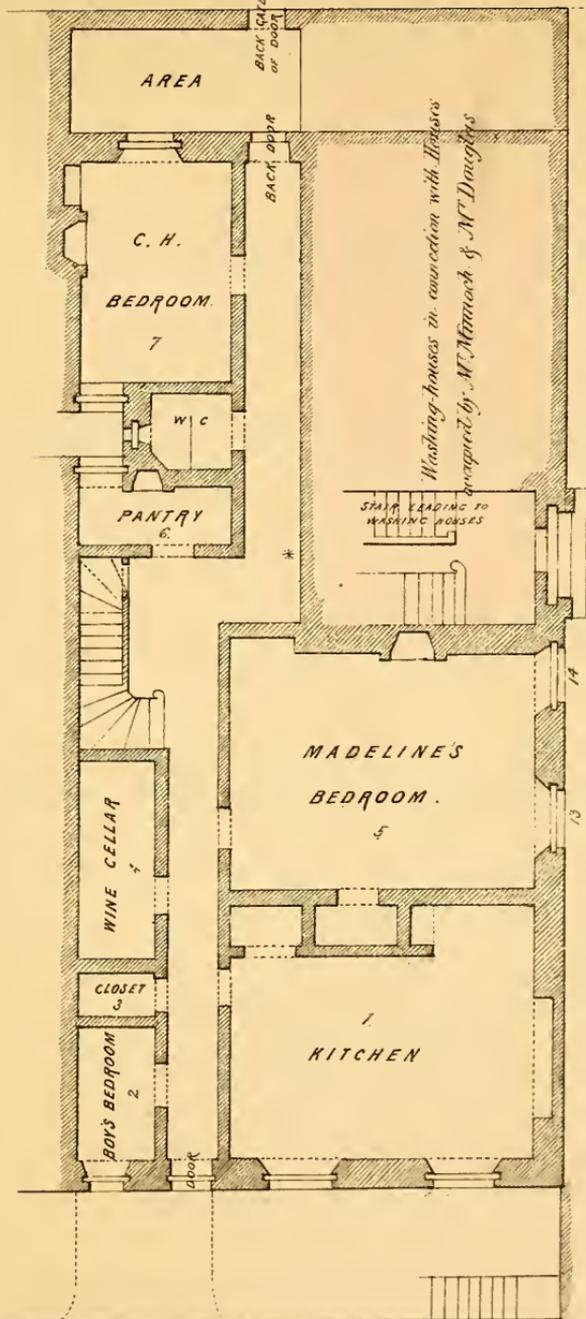
HOUSE N<sup>o</sup> 7 PLAN OF FIRST FLOOR.  
BLYTHWOOD SQUARE.



Note. The Red Colour shows the door & portion of Pavement in connection with the Houses of M<sup>r</sup>. Minnoch and M<sup>r</sup>. Douglas

J. COLLATLY EDIN<sup>g</sup>

LANE

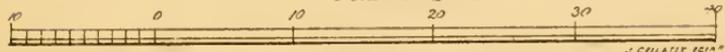


M A I N S S T R E E T .

HOUSE N<sup>o</sup> 7. PLAN OF SUNK FLOOR.

BLYTHSWOOD SQUARE

Scale of Feet



Note The Red Colour shows the door & portion of Tenement in connection with the Houses of M. Minnoch and M. Douglas



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# REPORT

OF THE

## TRIAL OF MADELEINE SMITH

BEFORE

THE HIGH COURT OF JUSTICIARY AT EDINBURGH,

JUNE 30TH TO JULY 9TH, 1857.

FOR THE ALLEGED POISONING

OF

PIERRE EMILE L'ANGELIER.

BY

ALEXANDER FORBES IRVINE,

ADVOCATE.

EDINBURGH:

T. & T. CLARK, LAW BOOKSELLERS, GEORGE STREET.

GLASGOW: SMITH AND SON. ABERDEEN: WYLLIE AND SON.

LONDON: STEVENS & NORTON, AND SIMPKIN & CO.

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MDCCLVII.

MURRAY AND GIBB, PRINTERS, EDINBURGH.

## N O T E .

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IN the following pages, the Reporter has endeavoured to lay before the Public and the Profession a full and accurate Report of one of the most remarkable and interesting Criminal Trials of modern times.

He would here acknowledge the facilities which have been afforded to him by the learned Judges who sat on the Bench on that occasion, as well as by the Counsel on both sides of the Bar.

The LORD JUSTICE-CLERK has favoured the Reporter by revising his charge to the Jury, as well as his opinions on the various points of law arising in the course of the trial.

The LORD ADVOCATE and the DEAN OF FACULTY have also done the Reporter the favour of revising their speeches.

Every care has been taken to secure a correct report of the evidence—particularly that of the Medical Witnesses.

EDINBURGH, 22, COATES CRESCENT,  
*September 8, 1857.*



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# TRIAL.

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TUESDAY, JUNE 30.

The Court met at Ten o'clock.

---

*Judges Present—*

THE LORD JUSTICE-CLERK.  
LORD IVORY.  
LORD HANDYSIDE.

---

*Counsel for the Crown—*

THE LORD ADVOCATE (*Moncreiff.*)  
THE SOLICITOR-GENERAL (*Maitland.*)  
DONALD MACKENZIE, Esq., *Advocate-Depute.*

*Agent—*

Mr JOHN CLERK BRODIE, W.S.,

---

*Counsel for the Panel—*

THE DEAN OF FACULTY (*Inglis.*)  
GEORGE YOUNG and ALEXANDER MONCRIEFF, Esqs., *Advocates.*

*Agents—*

Messrs RANKEN, WALKER, and JOHNSTON, W.S., Edinburgh;  
Messrs MONCRIEFF, PATERSON, FORBES, and BARR, Glasgow;  
and Mr JOHN WILKIE, of Messrs Wilkie and Faulds, Glasgow.

THE Panel was placed at the Bar, charged with the crime of wickedly and feloniously administering arsenic or other poison with intent to murder; as also with the crime of murder, as set forth in the following indictment against her, at the instance of Her Majesty's advocate:—

MADELEINE SMITH or MADELEINE HAMILTON SMITH, now or lately prisoner in the prison of Glasgow, you are indicted and accused, at the instance of James Moncreiff, Esquire, Her Majesty's advocate for Her Majesty's interest: That albeit, by the laws of this and of every other well-governed realm, the wickedly and feloniously administering arsenic, or other poison to any of the lieges with intent to murder; as also, murder, are crimes of an heinous nature, and severely punishable: YET TRUE IT IS AND OF VERITY, that you the said Madeleine Smith or Madeleine Hamilton Smith are guilty of the said crimes, or of one or other of them, actor, or art and part: IN SO FAR AS (1.), on the

19th or 20th day of February 1857, (Thursday or Friday),

or on one or other of the days of that month, or of January immediately preceding, or of March immediately following, within or near the house situated in or near Blythswood Square, in or near Glasgow, or situated in or near Blythswood Square, and in or near Mains Street, both in or near Glasgow, then occupied by James Smith, architect, your father, then residing there, and with whom you then and there resided, you the said Madeleine Smith or Madeleine Hamilton Smith did, wickedly and feloniously, administer to, [or cause to be taken by,] Emile L'Angelier or Pierre Emile L'Angelier, now deceased, and then or lately before in the employment of W. B. Huggins and Company, then and now or lately merchants in or near Bothwell Street, in or near Glasgow, as a clerk, or in some other capacity, and then or lately before lodging or residing with David Jenkins, a joiner, or with Ann Duthie or Jenkins, wife of the said David Jenkins, in or near Franklin Place, in or near Glasgow, a quantity or quantities of arsenic, or other poison to the prosecutor unknown, in cocoa, or in coffee, or in some other article or articles of food or drink to the prosecutor unknown, or in some other manner to the prosecutor unknown; and this you did with intent to murder the said Emile L'Angelier or Pierre Emile L'Angelier; and the said Emile L'Angelier or Pierre Emile L'Angelier having accordingly taken the said quantity or quantities of arsenic or other poison, or part thereof, so administered, [or caused to be taken] by you, did in consequence thereof, and immediately, or soon after taking the same, or part thereof, suffer severe illness: LIKEAS (2.), on the

22d or 23d day of February 1857, (Sunday or Monday),

or on one or other of the days of that month, or of January immediately preceding, or of March immediately following, within or near the said house situated in or near Blythswood Square aforesaid, or situated in or near Blythswood Square, and in or near Mains Street aforesaid, you the said Madeleine Smith or Madeleine Hamilton Smith did, wickedly and feloniously, administer to, [or cause to be taken by,] the said Emile L'Angelier or Pierre Emile L'Angelier, now deceased, a quantity or quantities of arsenic, or other poison to the prosecutor unknown, in cocoa, or in coffee, or in some other article or articles of food or drink to the prosecutor unknown, or in some other manner to the prosecutor unknown; and this you did with intent to murder the said Emile L'Angelier or Pierre Emile L'Angelier; and the said Emile L'Angelier or Pierre Emile L'Angelier having accordingly taken the said quantity or quantities of arsenic or other poison, or part thereof, so administered, [or caused to be taken] by you, did, in consequence thereof, and immediately, or soon after taking the same, or part thereof, suffer severe illness: LIKEAS (3.), on the

22d or 23d day of March 1857, (Sunday or Monday,)

or on one or other of the days of that month, or of February immediately preceding, or of April immediately following, within or near the said house situated in or near Blythswood Square aforesaid, or situated in or near Blythswood Square, and in or near Mains Street aforesaid, you the said Madeleine Smith or Madeleine Hamilton Smith did, wickedly and feloniously, administer to, or cause to be taken by, the said Emile L'Angelier or Pierre Emile L'Angelier, in some article or articles of food or drink to the prosecutor unknown, or in some other manner to the prosecutor unknown, a quantity or quantities of arsenic, or other poison to the prosecutor unknown; and the said Emile L'Angelier or Pierre Emile L'Angelier having accordingly taken the said quantity or quantities of arsenic or other poison, or part thereof, so administered, or caused to be taken by you, did, in consequence thereof, and immediately, or soon after taking the same, or part thereof, suffer severe illness, and did, on the 23d day of March 1857, or about that time, die in consequence of the said quantity or quantities of arsenic or other poison, or part thereof, having been so taken by him, and was thus murdered by you the said Madeleine Smith or Madeleine Hamilton Smith: And you the said Madeleine Smith or Madeleine Hamilton Smith having been apprehended and taken before Archibald Smith, Esquire, advocate, sheriff-substitute of Lanarkshire, did, in his presence at Glasgow, on the

31st day of March 1857,-

emit and subscribe a declaration: Which Declaration; As also the

papers, documents, letters, envelopes, prints, likenesses or portraits, books, and articles, or one or more of them, enumerated in an Inventory hereunto annexed, being to be used in evidence against you the said Madeleine Smith or Madeleine Hamilton Smith at your trial, will, for that purpose, be in due time lodged in the hands of the Clerk of the High Court of Justiciary, before which you are to be tried, that you may have an opportunity of seeing the same: ALL WHICH, or part thereof, being found proven by the verdict of an Assize, or admitted by the judicial confession of you the said Madeleine Smith or Madeleine Hamilton Smith, before the Lord Justice-General, Lord Justice-Clerk, and Lords Commissioners of Justiciary, you the said Madeleine Smith or Madeleine Hamilton Smith OUGHT to be punished with the pains of law, to deter others from committing the like crimes in all time coming.

D. MACKENZIE, A.D.

---

INVENTORY OF PAPERS, DOCUMENTS, LETTERS, ENVELOPES, PRINTS, LIKENESSES OR PORTRAITS, BOOKS, AND ARTICLES, REFERRED TO IN THE FOREGOING INDICTMENT.

1. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "My dear Emile I do not feel;" and an Envelope, bearing to be addressed "Emile L'Angelier Esq. 10 Bothwell Street Glasgow," or bearing to be similarly addressed, all attached to a label, marked "No. 1 of Inventory;" and also the said label.

2. A Print, containing a copy of said Letter or Writing, and a copy of the address on said Envelope, both mentioned in No. 1 hereof, and marked on the back "No. 2 of Inventory."

3. A Letter or Writing on three pieces of paper, commencing with the following or similar words, "My dear Emile Many thanks for your last kind epistle;" and an Envelope, bearing to be addressed "Emile L'Angelier Esq. 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 3 of Inventory;" and also the said label.

4. A Print, containing a copy of said Letter or Writing, and a copy of the address on said Envelope, both mentioned in No. 3 hereof, and marked on the back "No. 4 of Inventory."

5. A Letter or Writing, or part of a Letter or Writing, commencing with the following or similar words, "My dear Emile I now perform the promise;" and an Envelope, bearing to be addressed "Emile L'Angelier, Esq. — Clark, Esq. Botanical Gardens Glasgow," or bearing a similar address, both attached to a label, marked "No. 5 of Inventory;" and also the said label.

6. A Print, containing a copy of said Letter or Writing, and a copy of the address on said Envelope, both mentioned in No. 5 hereof, and marked on the back "No. 6 of Inventory."

7. A Letter or Writing, or copy of a Letter or Writing, commencing with the following or similar words, "In the first place I do not deserve,"

and ending with the words, "I cannot put it into my mind that you are at the bottom of all this," and attached to a label, marked "No. 7 of Inventory; and also the said label.

8. A Print, containing a copy of the said Letter or Writing, or of said copy of a Letter or Writing, mentioned in No. 7 hereof, and marked on the back "No. 8 of Inventory."

9. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Wednesday My dearest own Emile Another letter so soon;" As also, an Envelope, bearing to be addressed "Emile L'Angelier Esq. No. 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 9 of Inventory;" and also the said label.

10. A. Print, containing a copy of said Letter or Writing, and a copy of the address on said Envelope, both mentioned in No. 9 hereof, and marked on the back "No. 10 of Inventory."

11. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "dearest Miss Perry Many, Many, kind thanks," both attached to a label, marked "No. 11 of Inventory;" and also the said label.

12. A Print, containing a copy of said Letter or Writing, mentioned in No. 11 hereof, marked on the back "No. 12 of Inventory."

13. A Letter or Writing, commencing with the following or similar words, "Monday 3rd My dearest Emile How I long to see you. It looks an age;" As also, a Letter or Writing, commencing with the following or similar words, "Tuesday Morning Beloved Emile I have dreamt all night of you;" As also an Envelope, bearing to be addressed "Mr L'Angelier Post Office Jersey" or bearing a similar address; As also, a piece of an Envelope or piece of paper, all attached to a label, marked "No. 13 of Inventory;" and also the said label.

14. A Print, containing a copy of said Letters or Writings, and a copy of the address on said Envelope, all mentioned in No. 13 hereof, and marked on the back "No. 14 of Inventory."

15. A Letter or Writing, commencing with the following or similar words, "Tuesday 2 o'clock My own darling husband I am afraid," and an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, and both attached to a label, marked "No. 15 of Inventory;" and also the said label.

16. A Print, containing a copy of said Letter or Writing, and a copy of the address on said Envelope, both mentioned in No. 15 hereof, and marked on the back "No. 16 of Inventory."

17. A Letter or Writing, on two pieces of paper, bearing to be dated "Tuesday 29th April/56," and commencing with the following or similar words, "My own my beloved Emile I wrote you Sunday night;" and an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address; and a piece of paper with part of an Envelope, all attached to a label, marked "No. 17 of Inventory;" and also the said label.

18. A Print, containing a copy of said Letter or Writing, and a copy of the address on said Envelope, both mentioned in No. 17 hereof, and marked on the back "No. 18 of Inventory."

19. A Letter or writing on two pieces of paper, commencing with the following or similar words, "dearest Mary Emile will have told you that."

and attached to a label, marked "No. 19 of Inventory;" and also the said label.

20. A Print, containing a copy of said Letter or Writing, mentioned in No. 19 hereof, and marked on the back "No 20 of Inventory."

21. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Friday My own my beloved Emile—The thought of seeing you so soon;" and an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell St Glasgow," or bearing a similar address, and all attached to a label, marked "No. 21 of Inventory;" and also the said label.

22. A Print, containing a copy of said Letter or Writing, and a copy of the address on said Envelope, both mentioned in No. 21 hereof, and marked on the back "No. 22 of Inventory."

23. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Wednesday Morning 5 o'clock My own my beloved husband I trust to God;" and an Envelope, bearing to be addressed "Emile L'Angelier Esq. No. 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 23 of Inventory;" and also the said label.

24. A Print, containing a copy of said Letter or Writing, and a copy of the address on said Envelope both mentioned in No. 23 hereof, and marked on the back "No. 24 of Inventory."

25. A Letter or Writing, or copy of a Letter or Writing, commencing with the following or similar words, "My dearest and beloved Wife Mimi Since I saw you;" and an Envelope, bearing the word or name, "Mimi," or a similar word or name thereon, both attached to a label, bearing the date "Glasgow, 30 March 1857," and the signatures "John Murray," "Bernard M'Lauchlin," and all attached to another label, marked "No. 25 of Inventory;" and also the said labels.

26. A Print, containing a copy of said Letter or Writing, or of said copy of a Letter or Writing, and of the address or word or name on said Envelope, both mentioned in No. 25 hereof, and marked on the back "No. 26 of Inventory."

27. A Letter or Writing, commencing with the following or similar words, "My dear Mary—I cannot thank you enough for writing to me in such a free and friendly style;" and attached to a label, marked "No. 27 of Inventory;" and also the said label.

28. A Print containing a copy of said Letter or Writing, mentioned in No. 27 hereof, and marked on the back "No. 28 of Inventory."

29. A Letter or Writing, commencing with the following or similar words, "Monday Night—My dearest Mary a thousand thanks for your dear kind note," and attached to a label, marked "No. 29 of Inventory;" and also the said label.

30. A Print, containing a copy of said Letter or Writing, mentioned in No. 29 hereof, and marked on the back "No. 30 of Inventory."

31. A Letter or Writing or Letters or Writings, on two pieces of paper, commencing with the following or similar words, "My own my darling husband. Tomorrow night by this time;" and an Envelope, bearing to be addressed "Emile L'Angelier Esq. Botanical Gardens near Glasgow," or bearing a similar address, all attached to a label, marked "No. 31 of Inventory;" and also the said label.

32. A Print, containing a copy of said Letter or Writing, or Letters or

Writings, and of the address on said Envelope, all mentioned in No. 31 hereof, and marked on the back "No. 32 of Inventory."

33. A Letter or Writing, on three pieces of paper, commencing with the following or similar words, "My own my dearest my kindest husband how I have reproached myself;" and an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 33 of Inventory;" and also the said label.

34. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 33 hereof, and marked on the back "No. 34 of Inventory."

35. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Friday night—Beloved dearly beloved husband sweet Emile;" As also, a piece of paper with writing thereon, commencing with the following or similar words, "If dear love you could write me;" As also, an Envelope bearing to be addressed "Mr L'Angelier Botanical Gardens Glasgow," or bearing a similar address, all attached to a label, marked "No. 35 of Inventory;" and also the said label.

36. A Print, containing a copy of said Letter or Writing, and of the Writing on said piece of Paper, and of the address on said Envelope, all mentioned in No. 35 hereof, and marked on the back "No. 36 of Inventory."

37. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Dearest and beloved Emile—I shall begin and answer;" As also, a Letter or Writing, commencing with the following or similar words, "My sweet beloved & dearest Emile I shall begin and answer your dear long letter;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 37 of Inventory;" and also the said label.

38. A Print, containing a copy of said Letters or Writings, and of the address on said Envelope, all mentioned in No. 37 hereof, and marked on the back "No. 38 of Inventory."

39. A Letter or Writing, commencing with the following or similar words, "Friday evening—My beloved my ever darling Emile. I got home this evening;" As also, a Letter or Writing, commencing with the following or similar words, "Saturday morning—dearest and ever beloved I am just going down to Helensburgh;" As also, an Envelope, bearing to be addressed, "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 39 of Inventory;" and also the said label.

40. A Print, containing a copy of said Letters or Writings, and of the address on said Envelope, all mentioned in No. 39 hereof, and marked on the back "No. 40 of Inventory."

41. A Letter or Writing, on two pieces of paper, bearing to be dated "Tuesday morning July 24th," or bearing a similar date, and commencing with the following or similar words, "My own Beloved Emile I hope and trust you arrived safe home on Monday," and attached to a label, marked "No. 41 of Inventory;" and also the said label.

42. A Print, containing a copy of said Letter or Writing, mentioned in No. 41 hereof, and marked on the back "No. 42 of Inventory."

43. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Saturday night 11 o'clock Beloved and darling husband dear Emile I have just received your letter;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 43 of Inventory;" and also the said label.

44. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 43 hereof, and marked on the back "No. 44 of Inventory."

45. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "dearest Mary What a length of time since I have written you," and attached to a label, marked "No. 45 of Inventory;" and also the said label.

46. A Print, containing a copy of said Letter or Writing, mentioned in No. 45 hereof, and marked on the back "No. 46 of Inventory."

47. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Wednesday afternoon beloved & ever dear Emile—All by myself so I shall write to you dear husband;" As also, a Letter or Writing, commencing with the following or similar words, "Wednesday night 11 o'clock Beloved husband—This time last night you were with me;" As also, an Envelope, bearing to be addressed "For Mr L'Angelier at 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 47 of Inventory;" and also the said label.

48. A Print, containing a copy of said Letters or Writings, and of the address on said Envelope, all mentioned in No. 47 hereof, and marked on the back "No. 48 of Inventory."

49. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Thursday evening—My own dear Emile how must I thank you for your kind dear letter;" As also, a Letter or Writing, commencing with the following or similar words, "Saturday night half-past 12 o'clock My own dear Emile I must bid you adieu;" As also, an Envelope, bearing to be addressed "Mr L'Angelier at 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 49 of Inventory;" and also the said label.

50. A Print, containing a copy of said Letters or Writings, and of the address on said Envelope, all mentioned in No. 49 hereof, and marked on the back "No. 50 of Inventory."

51. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "My own ever dear Emile—I did not write you on Saturday, as C. H. was not;" As also, a Letter, or part of a Letter or Writing, commencing with the following or similar words, "I have just got word of;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 51 of Inventory;" and also the said label.

52. A Print, containing a copy of said Letters or Writings, and of the address on said Envelope, all mentioned in No. 51 hereof, and marked on the back "No. 52 of Inventory."

53. A Letter or Writing, on three pieces of paper, commencing with the following or similar words, "Tuesday morning My dear Emile—The day is cold so I shall not go out;" As also, a Letter or Writing, com-

mencing with the following or similar words, "Wednesday My own dear little pet—I hope you are well;" As also, an Envelope, bearing to be addressed "Mr L'Angelier Mrs Jenkins 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, all attached to a label, marked "No. 53 of Inventory;" and also the said label.

54. A Print, containing a copy of said Letters or Writings, and of the address on said Envelope, all mentioned in No. 53 hereof, and marked on the back "No. 54 of Inventory."

55. A Letter or Writing, on two pieces of paper, commencing with the following or similar words "Sunday evening 11 o'clock My very dear Emile—This has been a long wet nasty day;" As also, an Envelope, bearing to be addressed "Mr L'Angelier Mrs Jenkins 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, and all attached to a label, marked "No. 55 of Inventory;" and also the said label.

56. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 55 hereof, and marked on the back "No. 56 of Inventory."

57. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Friday night 12 o'clock—My own darling my dearest Emile—I would have written you ere this;" As also, an Envelope, bearing to be addressed "Mr L'Angelier at Mrs Jenkins 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, and all attached to a label, marked "No. 57 of Inventory;" and also the said label.

58. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 57 hereof, and marked on the back "No. 58 of Inventory."

59. A Letter or Writing, written in pencil, bearing to be addressed "Mr L'Angelier," or to be similarly addressed, and commencing with the following or similar words, "Beloved Emile I hope you will have this tonight," and attached to a label, marked "No. 59 of Inventory;" and also the said label.

60. A Print, containing a copy of said Letter or Writing, mentioned in No. 59 hereof, and marked on the back "No. 60 of Inventory."

61. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Monday evening My own sweet darling—I am at home all safe;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, and all attached to a label, marked "No. 61 of Inventory, and also the said label.

62. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 61 hereof, and marked on the back "No. 62 of Inventory."

63. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Thursday evening 11 o'clock. My very dear Emile—I do not know when this may be posted;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, and all attached to a label, marked "No. 63 of Inventory;" and also the said label.

64. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 63 hereof, and marked on the back "No. 64 of Inventory."

65. A Letter or Writing, commencing with the following or similar words, "Tuesday afternoon—I received your Note my own my ever darling and dearest Emile. I thank you much;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, both attached to a label, marked "No. 65 of Inventory;" and also the said label.

66. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 65 hereof, and marked on the back "No. 66 of Inventory."

67. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "I wish I had been with you to nurse you;" and also a Letter or Writing, commencing with the following or similar words, "Sunday evening 11 o'clock—My very dearest Emile—Your Note of Friday pained me;" As also, an Envelope, bearing to be addressed "Mr L'Angelier Mrs Jenkins 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, all attached to a label, marked "No. 67 of Inventory;" and also the said label.

68. A Print, containing a copy of said Letters or Writings, and of the address on said Envelope, all mentioned in No. 67 hereof, and marked on the back "No. 68 of Inventory."

69. A Letter or Writing, on three pieces of paper, commencing with the following or similar words, "Thursday evening  $\frac{1}{2}$  past 11 o'clock—My dearest love my own fond husband my sweet Emile—I cannot resist the temptation of writing you a line;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 69 of Inventory;" and also the said label.

70. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 69 hereof, and marked on the back "No. 70 of Inventory."

71. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Sunday Morning 1 o'clock—Beloved and best of Husbands;" As also, a Letter, commencing with the following or similar words, "My dear L'Angelier, I met Mimi again to-day with Bessie;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell St Glasgow," or bearing a similar address, all attached to a label, marked "No. 71 of Inventory;" and also the said label.

72. A Print, containing a copy of the Letter or Writing first mentioned in No. 71 hereof, and of the address on the said Envelope mentioned in No. 71 hereof, and marked on the back "No. 72 of Inventory."

73. A Letter or writing, on two pieces of paper, commencing with the following or similar words, "Tuesday Night 12 o'clock My own Beloved my darling I am longing for;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 73 of Inventory;" and also the said label.

74. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 73 hereof, and marked on the back "No. 74 of Inventory."

75. A Letter or Writing, on three pieces of paper, commencing with the following or similar words, "Thursday night 11 o'clock My beloved my

darling Do you for a second think ;” As also an Envelope, bearing to be addressed “Glasgow—Mr L’Angelier 10 Bothwell St,” or bearing a similar address, all attached to a label, marked “No. 75 of Inventory ;” and also the said label.

76. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 75 hereof, and marked “No. 76 of Inventory.”

77. A Letter or Writing, commencing with the following or similar words, “Thursday night 11 o’c My very dear Emile I hope you are well this night ;” As also, an Envelope, bearing to be addressed “Mr L’Angelier Bothwell Street Glasgow,” or bearing a similar address, and both attached to a label, marked “No. 77 of Inventory ;” and also the said label.

78. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 77 hereof, and marked on the back “No. 78 of Inventory.”

79. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, “Monday My beloved my darling husband Why did I ever do anything to displease you ;” As also, an Envelope, bearing to be addressed “Mr L’Angelier 10 Bothwell Street Glasgow,” or bearing a similar address, all attached to a label, marked “No. 79 of Inventory ;” and also the said label.

80. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 79 hereof, and marked on the back “No. 80 of Inventory.”

81. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, “Saturday night My own ever beloved Emile Your dear letter of Thursday ;” As also, an Envelope, bearing to be addressed “Mr L’Angelier at 10 Bothwell Street Glasgow,” or bearing a similar address, all attached to a label, marked “No. 81 of Inventory ;” and also the said label.

82. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 81 hereof, and marked on the back “No. 82 of Inventory.”

83. A Letter or Writing, commencing with the following or similar words, “Monday evening My dear Mary how very kind of you to remember me,” and attached to a label, marked No. 83 of Inventory ;” and also the said label.

84. A Print, containing a copy of said Letter or Writing, mentioned in No. 83 hereof, and marked on the back “No. 84 of Inventory.”

85. A Letter or Writing, commencing with the following or similar words and date, “Friday evening January 9th It is just 11 o’c and no letter from you ;” As also, a Letter or Writing, commencing with the following or similar words, “My own sweet one,” and an Envelope, bearing to be addressed “Mr L’Angelier Mrs Jenkins at 11 Franklin Place Great Western Road Glasgow,” or bearing a similar address, all attached to a label, marked “No. 85 of Inventory ;” and also the said label.

86. A Print, containing a Copy of said Letters or Writings, and of the address on said Envelope, all mentioned in No. 85 hereof, and marked on the back “No. 86 of Inventory.”

87. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Saturday night 12 o'clock My own dear beloved Emile I cannot tell you;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, all attached to a label, marked "No. 87 of Inventory;" and also the said label.

88. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 87 hereof, and marked on the back "No. 88 of Inventory."

89. A Letter or Writing, commencing with the following or similar words, "Monday night My own beloved darling Husband I have written;" As also, a Letter or Writing, commencing with the following or similar words, "Tuesday My dear Emile it is very late;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell St Glasgow," or bearing a similar address, all attached to a label, marked "No. 89 of Inventory;" and also the said label.

90. Print, containing a copy of said Letters or Writings, and of the address on said Envelope, all mentioned in No. 89 hereof, and marked on the back "No. 90 of Inventory."

91. A Letter or Writing, commencing with the following or similar words, "Friday 3 o'clock Afternoon—My very dear Emile I ought ere this to have written you;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell Street Glasgow," or bearing a similar address, both attached to a label, marked "No. 91 of Inventory;" and also the said label.

92. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 91 hereof, and marked on the back "No. 92 of Inventory."

93. A Letter or Writing in pencil, commencing with the following or similar words, "Monday 5 o'clock. My sweet Beloved—I could not get this posted for you to day;" As also, a Letter or Writing, or part of a Letter or Writing, in pencil, commencing with the following or similar words, "P.S. I don't think I should send;" As also, an Envelope, bearing to be addressed "Mr L'Angelier Mrs Jenkin's 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, all attached to a label, marked "No. 93 of Inventory;" and also the said label.

94. A Print, containing a copy of said Letters or Writings, or part of a Letter or Writing, and of the address on said Envelope, all mentioned in No. 93 hereof, and marked on the back "No. 94 of Inventory."

95. A Letter or Writing, commencing with the following or similar words, "5 o'clock Wednesday afternoon My dearest Emile I have just 5 minutes to spare;" As also, an Envelope, bearing to be addressed "Mr L'Angelier 10 Bothwell St Glasgow," or bearing a similar address, and both attached to a label, marked "No. 95 of Inventory;" and also the said label.

96. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 95 hereof, and marked on the back "No. 96 of Inventory."

97. A Letter or Writing in pencil, and commencing with the following or similar words, "Sunday night  $\frac{1}{2}$  past 11 o'clock—Emile my own Beloved—You have just left me;" As also, a Letter or Writing, com-

commencing with the following or similar words, "Thursday 12 o'clock My dear Emile I was so very sorry that I could not see you to night;" and an Envelope, bearing to be addressed "For Mr L'Angelier at Mrs Jenkins 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, and all attached to a label, marked "No. 97 of Inventory;" and also the said label.

98. A Print, containing a copy of said Letters or Writings, and of the address on said Envelope, all mentioned in No. 97 hereof, and marked on the back "No. 98 of Inventory."

99. Two Envelopes, the one bearing to be addressed "Mr L'Angelier Mrs Jenkins at 11 Franklin place Great Western Road Glasgow;" and the other, bearing to be addressed "Mr L'Angelier Mrs Jenkins at No. 11 Franklin Place Great Western Road Glasgow," or bearing respectively to be similarly addressed, and both attached to a label, marked "No. 99 of Inventory;" and also the said label.

100. A Print, containing a copy of the respective addresses on said two Envelopes mentioned in No. 99 hereof, and marked on the back "No. 100 of Inventory."

101. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "I felt truly astonished to have my last letter returned to me;" As also, a Letter or Writing, or part of a Letter or Writing, commencing with the following or similar words, "You may be astonished at this sudden change;" As also, an Envelope, bearing to be addressed "Glasgow Mr E. L'Angelier Mrs Jenkins 11 Franklin Place Great Western Road," or bearing a similar address, and all attached to a label, marked "No. 101 of Inventory;" and also the said label.

102. A Print, containing a copy of said Letters or Writings, or part of a Letter or Writing, and of the address on said Envelope, all mentioned in No. 101 hereof, and marked on the back "No. 102 of Inventory."

103. A Letter or Writing, commencing with the following or similar words, "I attribute it to your having cold that I had no answer to my last Note;" As also, an Envelope, bearing to be addressed "Mr L'Angelier Mrs Jenkins at 11 Franklin Place Great Western Road Glasgow," and both attached to a label, marked "No. 103 of Inventory;" and also the said label.

104. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 103 hereof, and marked on the back "No. 104 of Inventory."

105. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "Monday night Emile I have just had your Note," As also, an Envelope, bearing to be addressed "*Immediately* Mr L'Angelier Mrs Jenkins 11 Franklin Place Great Western Road Glasgow;" or bearing a similar address, all attached to a label, marked "No. 105 of Inventory;" and also the said label.

106. A Print, containing a copy of said Letter or Writing, and of the address of said Envelope, both mentioned in No. 105 hereof, and marked on the back, "No. 106 of Inventory."

107. A Letter or Writing, on two pieces paper, commencing with the following or similar words, "Tuesday evening 12 o'clock—Emile I have this night received your Note," and an Envelope, bearing to be addressed

"Mr L'Angelier Mrs Jenkins at 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, all attached to a label, marked "No. 107 of Inventory;" and also the said label.

108. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 107 hereof, and marked on the back "No. 108 of Inventory."

109. A Letter or Writing, commencing with the following or similar words, "Saturday My dear Emile I have got my finger cut," and an Envelope, bearing to be addressed "Mr E. L'Angelier Mrs Jenkins 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, and both attached to a label, marked "No. 109 of Inventory;" and also the said label.

110. A Print, containing a copy of said Letter, and of the address on said Envelope, both mentioned in No. 109 hereof, and marked on the back "No. 110 of Inventory."

111. A Letter or writing, commencing with the following or similar words, "Wednesday dearest sweet Emile I am so sorry to hear you are ill;" and an Envelope, bearing to be addressed "Glasgow Mr E. L'Angelier 11 Franklin Place Mrs Jenkins Great Western Road," or bearing a similar address, and both attached to a label, marked "No. 111 of Inventory;" and also the said label.

112. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 111 hereof, and marked "No. 112 of Inventory."

113. A Letter or Writing, commencing with the following or similar words, "Friday My dear sweet Emile I can not see you this week;" As also, an Envelope, bearing to be addressed "Mr E. L'Angelier Mrs Jenkins 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, and both attached to a label, marked "No. 113 of Inventory;" and also the said label.

114. A Print, containing a copy of said Letter, and of the address on said Envelope, both mentioned in No. 113 hereof, and marked on the back "No. 114 of Inventory."

115. A Letter or Writing, commencing with the following or similar word, "My dearest Emile I hope by this time you are quite well;" As also, an Envelope, bearing to be addressed "Mr E. L'Angelier Mrs Jenkins Franklin Place Great Western Road Glasgow," or bearing a similar address, and both attached to a label, marked "No. 115 of Inventory;" and also the said label.

116. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 115 hereof, and marked on the back "No. 116 of Inventory."

117. A Letter or Writing, commencing with the following or similar words, "dearest Emile I have just time to give you a line;" As also, an Envelope, bearing to be addressed "Mr E. L'Angelier Mrs Jenkins 11 Franklin Place Great Western Road Glasgow, or bearing a similar address, and both attached to a label, marked "No. 117 of Inventory;" and also the said label.

118. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 117 hereof, and marked on the back "No. 118 of Inventory."

119. A Copy of a Letter or Writing, on three pieces of paper, bearing

to be dated "Glasgow March 5th 1857," or bearing some other date to the prosecutor unknown, and commencing with the following or similar words, "My dear sweet pet Mimi I feel indeed very vexed that the answer," and a label attached thereto bearing to be dated, "Glasgow 30 March 1857," and to be signed "John Murray W. A Stevenson," or to be similarly dated and signed, and all attached to a label marked "No. 119 of Inventory;" and also the last mentioned label.

120. A Print, containing a copy of said copy of a Letter or Writing, mentioned in No. 119 hereof, and marked on the back "No. 120 of Inventory."

121. A Letter or Writing, commencing with the following or similar words "My sweet dear pet—I am so sorry you should be so vexed," and an Envelope, bearing the following or similar address or words, "For my dear and ever-beloved sweet little Emile," and both attached to a label, marked "No. 121 of Inventory;" and also the said label.

122. A Print, containing a copy of said Letter or Writing, and of the address or words on said Envelope, both mentioned in No. 121 hereof, and marked on the back "No. 122 of Inventory."

123. A Letter or Writing, commencing with the following or similar words "My own best loved pet. I hope you are well;" and an Envelope bearing to be addressed "Mr E. L'Angelier Mrs Jenkins 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, and both attached to a label, marked "No. 123 of Inventory;" and also the said label.

124. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 123 hereof, and marked on the back "No. 124 of Inventory."

125. A Letter or Writing, commencing with the following or similar words "dearest and Beloved—I hope you are well I am very well and anxious," and an Envelope, bearing to be addressed "Mr L'Angelier Mrs Jenkins 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, and both attached to a label, marked "No. 125 of Inventory;" and also the said label.

126. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 125 hereof, and marked on the back "No. 126 of Inventory."

127. A Letter or Writing in pencil, commencing with the following or similar words, "Dear Tom I arrived safe and feel a deal better," and bearing to be subscribed in pencil "Emile L'Angelier," or bearing to be similarly subscribed; As also, a Letter or Writing in ink on same sheet of paper, bearing to be initialed "G. M'C," or bearing to be similarly initialed, and an Envelope bearing to be addressed "Thomas F. Kennedy Esq. 10 Bothwell St Glasgow," or bearing a similar address, and both attached to a label, marked "No. 127 of Inventory;" and also the said label.

128. A Print, containing a copy of said Letters or Writings, and of the address on said Envelope, all mentioned in No. 127 hereof, and marked on the back "No. 128 of Inventory."

129. A Letter or Writing, commencing with the following or similar words "Edinburg Monday Dear Tom We recd your note on Saturday," and bearing to be subscribed "Emile L'Angelier," or bearing to be similarly subscribed, and an Envelope bearing to be addressed "T. F.

Kennedy Esq W B Huggins & Co 10 Bothwell Street Glasgow," or bearing a similar address, and both attached to a label, marked "No. 129 of Inventory;" and also the said label.

130. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 129 hereof, and marked on the back "No. 130 of Inventory."

131. A Letter or Writing, in the French language, commencing with the following or similar words, "Mon cher Monsieur Je viens de recevoir la votre," and bearing to be subscribed "Emile Langelier," or bearing to be similarly subscribed; As also, an Envelope, bearing to be addressed "Monsieur Thuau Mrs Jenkins 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, and both attached to a label, marked "No. 131 of Inventory;" and also the said label.

132. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No 131 hereof, and marked on the back "No. 132 of Inventory."

133. A Letter or Writing, on two pieces of paper, commencing with the following or similar words, "My dearest William It is but fair after your kindness to me," and an Envelope, bearing to be addressed "William Minnoch Esq. 124 St Vincent St Glasgow," or bearing a similar address, and all attached to a label, marked "No. 133 of Inventory;" and also the said label.

134. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 133 hereof, and marked on the back "No. 134 of Inventory."

135. A Memorandum or Piece of Paper, bearing the following or similar words, "Jusqu'a demain dix heures Post Office Stirling après dix heures Post Office Bridge of Allan," and attached to a label, marked "No. 135 of Inventory;" and also the said label.

136. A Print, containing a copy of said Memorandum, or words on said piece of paper, mentioned in No. 135 hereof, and marked on the back "No. 136 of Inventory."

137. An Envelope, bearing the address "Mr L'Angelier Mrs Jenkins 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, and attached to a label, marked "No. 137 of Inventory;" and also the said label.

138. A Print, containing a copy of the address on said Envelope, mentioned in No. 137 hereof, and marked on the back "No. 138 of Inventory."

139. An Envelope, bearing the address "Mr Langelier Post Office Stirling," or bearing a similar address, and attached to a label, marked "No. 139 of Inventory;" and also the said label.

140. A Print, containing a copy of the address on said Envelope, mentioned in No. 139 hereof, and marked on the back "No. 140 of Inventory."

141. A Letter or Writing, commencing with the following or similar words and date, "Bridge of Allan 20th March—Dear Mary I should have written to you before;" and an Envelope, bearing to be addressed "Miss Perry 144 Renfrew St Glasgow," or bearing a similar address, and both attached to a label, marked "No. 141 of Inventory;" and also the said label.

142. A Print, containing a copy of said Letter or Writing, and of the

address on said Envelope, both mentioned in No. 141 hereof, and marked on the back "No. 142 of Inventory."

143. A Letter or Writing, commencing with the following or similar words, "Bridge of Allan Friday Dear William I am happy to say I feel much better," and bearing to be subscribed "P. Emile Langelier," or bearing to be similarly subscribed; as also, an Envelope, bearing to be addressed "W. A. Stevenson Esq. 10 Bothwell Street Glasgow," or bearing a similar address, and both attached to a label, marked "No. 143 of Inventory;" and also the said label.

144. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 143 hereof, and marked on the back "No. 144 of Inventory."

145. A Letter or Writing, commencing with the following or similar words and date, "Bridge of Allan Friday 20 March Dear Tom I was sorry to hear from Thuau," and bearing to be subscribed "P. Emile L'Angelier, or bearing to be similarly subscribed; as also, an Envelope, bearing to be addressed "T. F. Kennedy Esq. Western Lodge Woodlands Road Glasgow," or bearing a similar address, and both attached to a label, marked "No. 145 of Inventory;" and also the said label.

146. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 145 hereof, and marked on the back "No. 146 of Inventory."

147. A Letter or Writing, bearing to be dated "39 Abercorn Street 21st March 1857," and to be subscribed "W. A. Stevenson," or bearing to be similarly dated and subscribed; as also, an Envelope, bearing to be addressed "P. E. L'Angelier Esq. Post Office Bridge of Allan," or bearing a similar address, and both attached to a label, marked "No. 147 of Inventory;" and also the said label.

148. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 147 hereof, and marked on the back "No. 148 of Inventory."

149. A Letter or Writing, commencing with the following or similar words "Why my beloved did you not come to me;" and an Envelope, bearing to be addressed "Mr E. L'Angelier Mrs Jenkins 11 Franklin Place Great Western Road Glasgow," or bearing a similar address, and both attached to a label, marked "No. 149 of Inventory;" and also the said label.

150. A Print, containing a copy of said Letter or Writing, and of the address on said Envelope, both mentioned in No. 149 hereof, and marked on the back "No. 150 of Inventory."

151. A Letter or Writing, in the French Language, commencing with the following or similar words, "Samedi soir 6 heures Mon Cher Monsieur," and bearing to be subscribed "A. Thuau," or bearing to be similarly subscribed, and attached to a label, marked "No. 151 of Inventory;" and also the said label.

152. A Print, containing a copy of said Letter or Writing, mentioned in No. 151 hereof, and marked on the back "No. 152 of Inventory."

153. An Envelope, bearing to be addressed "Mr L'Angelier Post Office Bridge of Allan," or bearing a similar address, and attached to a label marked "No. 153 of Inventory;" and also the said label.

154. A Print, containing a copy of the address on said Envelope, mentioned in No. 153 hereof, and marked on the back "No. 154 of Inventory."

155. A Medical Report or Certificate, bearing to be dated "At Glasgow this Twenty-eighth day of March One Thousand eight hundred and fifty seven years," and to be subscribed "Hugh Thomson M.D. 35 Bath Street James Steven M.D. 168 Stafford Place Glasgow," or bearing to be similarly dated and subscribed.

156. A Medical Report or Certificate, bearing to be dated "Glasgow 3d April 1857," and to be subscribed "Hugh Thomson, Doctor of Medicine 35 Bath Street—James Steven M.D., 168 Stafford Place—Robert T. Corbett, M.D.," or bearing to be similarly dated and subscribed."

157. A Chemical or other Report or Certificate, bearing to be dated "Andersonian University, Glasgow 6th April 1857," and to be subscribed "Frederick Penny Professor of Chemistry," or bearing to be similarly dated and subscribed.

158. A Chemical or other Report or Certificate, bearing to be dated "Andersonian University Glasgow 8th April 1857," and to be subscribed "Frederick Penny Professor of Chemistry," or bearing to be similarly dated and subscribed.

159. A Chemical, or other Report or Certificate, bearing to be dated "Andersonian University Glasgow 30th April 1857," and to be subscribed "Frederick Penny Profr. of Chemistry," or bearing to be similarly dated and subscribed.

160. A Chemical or other Report or Certificate, bearing to be dated "Edinburgh 8th May 1857," and to be subscribed "R. Christison M.D. &c.," or bearing to be similarly dated and subscribed.

161. A Chemical or other Report or Certificate, bearing to be dated "Edinburgh 26th May 1857," and to be subscribed "R. Christison," or bearing to be similarly dated and subscribed.

162. A Phial, with a brown or other liquid therein, labelled "The Draught to be taken as directed, Mr L'Angelier," and having a label attached thereto, marked "No. 162 of Inventory;" and also said labels.

163. A Bottle, labelled "Cough Mixture," and containing cough mixture or other contents, and having a label attached thereto, marked "No. 163 of Inventory;" and also said labels.

164. A Bottle, labelled "Camphorated Oil," and containing camphorated oil or other liquid, and having a label attached thereto, marked "No. 164 of Inventory;" and also said labels.

165. A Phial, labelled "Laudanum," and containing laudanum or other liquid, and having a label attached thereto, marked "No. 165 of Inventory;" and also said labels.

166. A Phial, containing a quantity of liquid, labelled "A teaspoonful every two hours in water," and having a label attached thereto, marked "No. 166 of Inventory;" and also said labels.

167. A Bottle, containing a white or other powder, labelled "For Cholera," and having a label attached thereto, marked "No. 167 of Inventory;" and also said labels.

168. A Bottle, containing Oil or other liquid, and having a label attached thereto, marked "No. 168 of Inventory;" and also said label.

169. A Bottle, containing a brown or other liquid, labelled "A table-spoonful to be taken thrice daily," and having a label attached thereto, marked "No. 169 of Inventory;" and also said labels.

170. Four Packets, containing Powders, and having a label attached

thereto, marked "No. 170 of Inventory;" and bearing to be respectively marked A. B. C. D.; and also the said label.

171. A Bottle, containing Eau de Cologne, or other liquid, and having a label attached thereto, marked "No. 171 of Inventory;" and also the said label.

172. A Bottle, containing a White or other powder, and having a label attached thereto, marked "No. 172 of Inventory;" and also the said label.

173. Part of a Cake of Cocoa or Chocolate, or other substance, having a label attached thereto, marked "No. 173 of Inventory;" and also the said label.

174. Some Dried Plants, having a label attached thereto, marked "No. 174 of Inventory;" and also the said label.

175. A Leather or other Dressing-Case and Fittings, having a label attached thereto, marked "No. 175 of Inventory;" and also the said label.

176. A Leather-Bag, having a label attached thereto, marked "No. 176 of Inventory;" and also the said label.

177. A Pocket-Book or other Book, entitled "The Glasgow Commercial Memorandum-Book or Pocket Journal, with Almanack 1857," containing memoranda, or entries, or other writing therein, and having a label attached thereto, bearing the date, "Glasgow 30 March 1857," and bearing to be subscribed, "John Murray Bernard M'Lachlin W. A. Stevenson," or bearing to be similarly dated and subscribed, and having another label attached, marked "No. 177 of Inventory;" and also said labels.

178. A copy of said Pocket-Book or other Book, mentioned in No. 177 hereof, and containing a copy of the memoranda or entries or other writing, contained in the Pocket-Book or other Book mentioned in No. 177 hereof, and having a label attached thereto, marked "No. 178 of Inventory;" as also said label.

179. A Likeness or Portrait, and a Frame, having a label attached thereto, bearing to be dated "Glasgow 30 March 1857," and to be subscribed "John Murray Bernard M'Lachlin," or bearing to be similarly dated and subscribed, and having another label attached thereto, marked "No. 179 of Inventory;" as also said labels.

180. A Likeness or Portrait, and a Leather or other Case, having a label attached thereto, bearing to be dated "Glasgow 31 March 1857," and to be subscribed "John Murray Bernard M'Lachlin," or bearing to be similarly dated and subscribed, and having another label attached thereto, bearing to be marked "No. 180 of Inventory;" as also said labels.

181. A Top or other coat.

182. A Balmoral or other Bonnet.

183. A Phial, containing glycerine or other fluid, labelled "Glycerine and Rose Water," and having a label attached thereto, marked "No. 183 of Inventory;" as also said labels.

184. A Phial, containing a yellowish or other substance, having a label attached thereto, marked "No. 184 of Inventory;" as also said label.

185. A Book, entitled "Fisher's Sale of Poisons Registry Book," or bearing to be similarly entitled, having entries or writing therein, and

bearing a docquet thereon in the following or similar terms, "Glasgow 3 April 1857 Produced & referred to by George Murdoch James Dickie," and having a label attached thereto, marked "No. 185 of Inventory;" as also said label.

186. A Book, entitled "Fisher's Sale of Poisons Registry Book," or bearing to be similarly entitled, having entries or writing therein, and bearing a docquet thereon in the following or similar terms, "Glasgow 3 April 1857 Produced & referred to by G. C. Haliburton John Currie," and having a label attached thereto, marked "No. 186 of Inventory;" as also said label.

187. A Glass Bottle, labelled "Pickles," and having a label attached thereto, marked "No. 187 of Inventory;" as also said labels.

188. A Crest Die or other Die, and a Wax Impression of said Crest or other Die, both attached to a label, marked "No. 188 of Inventory;" as also said label.

189. A Document, entitled on the back "Plan of the House occupied by Mr James Smith at No. 7 Blythwood Square 1857," and bearing to be subscribed "Charles O'Neil Glasgow April 1857," or bearing to be similarly subscribed.

190. Two Pasteboard or other Boxes.

191. A Pass-Book, commencing with the following or similar words, "Mr Langelier Falkland Place to J Chalmers 42 St Georges Road."

192. A Pass-Book, labelled on the outside "Mr Langelier with John Stewart 38 St Georges Road," or bearing to be similarly labelled.

193. A Book, bearing to be titled "Stamp Book post office Glasgow," and to commence with the date of 21 July 1856, and to end with the date of 7 March 1857, or bearing a similar title and date.

194. A Card, bearing the words "Emile L'Angelier."

195. A Book, entitled on the back "Oliver & Boyd's New Edinburgh Almanac 1857."

196. A Book, entitled on the back "Oliver and Boyd's New Edinburgh Almanac 1856."

197. A Book, entitled "Oliver and Boyd's New Edinburgh Almanac 1855."

198. A Tube, labelled "Powder from contents of Stomach," and having a label attached thereto, marked "No. 198 of Inventory;" as also said labels.

199. A Bottle, having a label attached, bearing the date and words "27th March 1857. Portion of prepared fluid from contents of stomach," and bearing to be subscribed "Frederick Penny," or bearing a similar date, words, and signature, and having another label attached, marked "No. 199 of Inventory;" and also said labels.

200. A Bottle, containing a liquid, and labelled "L'Angelier Portion of prepared Fluid from stomach 27th March 1857, Frederick Penny," and having a label attached, marked "No. 200 of Inventory;" as also said labels.

201. A Bottle, having a label attached, bearing the words "Contents of Small Intestine," and bearing to be subscribed "Frederick Penny," or bearing similar words and subscription, and having another label attached, marked "No. 201 of Inventory;" as also said labels.

202. A Jar, containing a portion of small intestine or other substance or substances, and having a label attached, bearing to be dated "31st

March 1857," and to be subscribed "Frederick Penny," and having another label attached, marked "No. 202 of Inventory;" as also said labels.

203. A Jar, having a label attached, bearing the date and words "Large intestine 31st March 1857," and bearing to be subscribed "Frederick Penny," or bearing a similar date, words, and subscription, and having another label attached, marked "No. 203 of Inventory;" as also said labels.

204. A Jar, having a label attached, bearing the date and words "31st March 1857 Portion of Liver," and to be subscribed "Frederick Penny," or bearing a similar date, words, and subscription, and having another label attached, marked "No. 204 of Inventory;" as also said labels.

205. A Jar, having a piece of leather attached, bearing the date and words "31st March 1857 Portion of Brain," and to be subscribed "Frederick Penny," or bearing a similar date, words, and subscription, and having a label attached, marked "No. 205 of Inventory;" as also said labels.

206. A Bottle, having a label attached, bearing to be dated "Glasgow 18th April 1857," and to be subscribed "Frederick Penny," and having another label attached, marked "No. 206 of Inventory;" as also said labels.

207. A Bottle, having a label attached, bearing to be dated "Glasgow 18th April 1857," and to be subscribed "Frederick Penny," and having another label attached, marked "No. 207 of Inventory;" as also said labels.

208. A Jar, containing portions of lungs and heart, or other substance or substances, and having a label attached, bearing to be dated "31st March 1857," and to be subscribed "Frederick Penny," and having another label attached, marked "No. 208 of Inventory;" as also said labels.

209. A Document, bearing to be entitled on the back "Death of Pierre Emile L'Angelier, List of Articles taken by Dr Penny to Dr Christison 11th April 1857," and to be initialed "F. P.," or bearing to be similarly entitled and initialed.

210. A Packet containing Arsenic or other Powder, bearing to be marked "Murdoch's Arsenic," and to be subscribed "Frederick Penny."

211. A Packet, bearing to be marked "Currie's Arsenic," and to be subscribed "Frederick Penny."

212. A Bottle, containing Arsenic or other Powder, and bearing to be labelled "Arsenic Poison," and having a piece of paper attached, bearing the signature "George Carruthers Haliburton," and dated "April 1857," or bearing a similar signature and date.

213. A Bottle, containing Arsenic or other Powder, and bearing to be labelled "Arsenic Poison, and having a piece of paper attached, bearing the signature "James Dickie," and the date "18th April 1857," or bearing a similar signature and date.

214. A Portmanteau.

D. MACKENZIE, A.D.

## LIST OF WITNESSES.

1. Archibald Smith, Esquire, advocate, sheriff-substitute of Lanarkshire.
2. William Hart, writer in Glasgow.
3. George Gray, now or lately clerk in the sheriff-clerk's office in Glasgow.
4. William Wilson, now or lately clerk to Hart and Young, writers, Glasgow.
5. James Thomson, now or lately sheriff-officer in Glasgow.
6. Ann Duthie or Jenkins, wife of, and now or lately residing with, David Jenkins, joiner, in or near Franklin Place, Great Western Road, in or near Glasgow.
7. James Heggie, now or lately shopman to John Chalmers, provision-dealer, in or near Saint George's Road, in or near Glasgow, and residing in Shamrock Street, in or near Glasgow.
8. John Stewart, flesher, in or near Saint George's Road, Glasgow, and now or lately residing in or near West Graham Street, in or near Glasgow.
9. Alexander Jenkins, son of, and now or lately residing with, the said David Jenkins.
10. James Steven, physician and surgeon, now or lately residing in or near Stafford Place, New City Road, in or near Glasgow.
11. Amedee Thuau, clerk, now or lately residing with Agnes Hamilton or Selkirk, widow, in or near South Portland Street, in or near Glasgow.
12. James Galloway, mason, now or lately residing in or near Saint George's Road, in or near Glasgow.
13. Mary Tweedle, now or lately servant to, and residing with, Janet Morrison or Miller, a widow, in or near Saint Vincent Street, in or near Glasgow.
14. Edward Lyon McAlester, clerk, now or lately residing with Martha Dixon or Parr, lodging-keeper, in or near Terrace Street Saint Vincent Street, in or near Glasgow.
15. Thomas Kavan, now or lately a night-constable in the Glasgow Police.
16. John Chalmers, baker and confectioner, now or lately residing in or near Saint Vincent Street, in or near Glasgow.
17. Jane Gillon or Bayne, wife of, and now or lately residing with, James Bayne, tailor, in or near Union Place, Bridge of Allan, in the parish of Logie, and shire of Stirling.
18. Alison Waugh, now or lately servant to, and residing with, the said James Bayne.
19. Charles Neil Rutherford, druggist and postmaster, now or lately residing in or near Bridge of Allan aforesaid.
20. William Jeremiah Hay, surveyor of taxes, now or lately residing at or near Causewayhead, in the parish of Logie aforesaid.
21. Helen M'Laren, now or lately servant to, and residing with, Charles Watt, innkeeper, at or near Bridge of Allan aforesaid.
22. John Walkinshaw, now or lately ticket-clerk at the Greenhill

Junction of the Scottish Central and Caledonian Railway, and residing with Catherine Grindly or Taylor, widow, at or near Bogside, near Greenhill, in the parish of Falkirk, and shire of Stirling.

23. John McKay, now or lately porter at the Stirling Station of the Scottish Central Railway, and residing in or near the Shore Road, in or near Stirling.

24. William Fairfoul, now or lately guard in the employment of the Caledonian Railway Company, and residing in or near Academy Street, Coatbridge, in the shire of Lanark.

25. Thomas Ross, auctioneer, now or lately residing in or near Govan Street of Hutchesontown, in or near Glasgow.

26. Auguste Vauvert de Mean, chancellor of the French consulate in Glasgow, and now or lately residing at or near Elmbank House, in or near Helensburgh, in the shire of Dumbarton.

27. William Young, now or lately photographer, and residing in or near William Street, in or near Helensburgh, in the parish of Row, and shire of Dumbarton.

28. Janet McDougall, keeper of the post-office at Row, and now or lately residing with Jane Ross or McDougal, at or near Row, in the parish of Row aforesaid.

29. Christina Haggart or McKenzie, wife of, and now or lately residing with, Duncan McKenzie, joiner, in or near Saint George's Road, in or near Glasgow.

30. Charlotte McLean, now or lately servant to, and residing with, James Smith, architect, at Rowaleyn, in the parish of Row aforesaid, or now or lately servant to, and residing with, Lady Campbell, at or near Oriel Cottage, in or near Suffolk Street, in or near Helensburgh aforesaid.

31. William Murray, now or lately page to, and residing with, the said James Smith.

32. Duncan McKenzie before designed.

33. George Yeaman, now or lately physician in or near Sauchiehall Street, in or near Glasgow, and now or lately residing in or near Renfrew Street, in or near Glasgow.

34. James Stewart, painter, now or lately residing with Farquhar Kinnaird, tailor, in or near Dunblane, in the parish of Dunblane, and shire of Perth.

35. George Murdoch, now or lately a partner of the firm of Murdoch Brothers, druggists in Sauchiehall Street, Glasgow, and residing in or near Saint George's Road, in or near Glasgow.

36. James Dickie, now or lately assistant to the said firm of Murdoch Brothers, and residing in or near North Street, Anderston, in or near Glasgow.

37. George Carruthers Haliburton, now or lately assistant to John Currie, now or lately chemist and druggist in Sauchiehall Street aforesaid, and residing with Peter Carmichael, pitheadman, in or near Carnarvon Street, in or near Glasgow.

38. John Currie, before designed.

39. Hugh Thomson, physician and surgeon, now or lately residing in or near Bath Street, in or near Glasgow.

40. Robert Telfer Corbett, physician and surgeon, now or lately residing in or near West Regent Street, in or near Glasgow.

41. Robert Stewart, now or lately assistant sheriff-officer at the County Buildings, Glasgow, and residing in or near Warwick Street of Laurieston, in or near Glasgow.

42. Frederick Penny, professor of chemistry in the Andersonian University of Glasgow, and now or lately residing in or near Newton Street, in or near Glasgow.

43. Robert Christison, physician, residing in or near Moray Place, Edinburgh.

44. Charles O'Neill, civil engineer and architect, now or lately residing in or near Abbotsford Place of Laurieston, in or near Glasgow.

45. William Harper Minnoch, merchant, now or lately residing in or near Main Street, in or near Glasgow.

46. James Smith, architect, now or lately residing at or near Rowaleyn, in the parish of Row aforesaid.

47. Janet Hamilton or Smith, wife of, and now or lately residing with, the said James Smith.

48. Elizabeth or Bessie Smith, daughter of, and now or lately residing with, the said James Smith.

49. Janet Hamilton Smith, daughter of, and now or lately residing with, the said James Smith.

50. John Smith, clerk, son of, and now or lately residing with the said James Smith.

51. Catherine M'Donald, lodging-house keeper, now or lately residing at Prospect Villa, Bridge of Allan aforesaid.

52. Mary Wilson, now or lately servant to, and residing with, the said Catherine M'Donald.

53. Mary Arthur Perry, now or lately residing in or near Renfrew Street, in or near Glasgow.

54. James Towers, now or lately residing in or near Brighton Place, in or near Portobello, in the shire of Edinburgh.

55. Jane Scott Perry or Towers, wife of, and now or lately residing with, the said James Towers.

56. Robert Monteith, a packer, now or lately residing in or near South Wellington Street of Hutchesontown, in or near Glasgow.

57. Robert Sinclair, a packer, now or lately residing in or near Maxwell Street, in or near Glasgow.

58. William Anderson Stevenson, warehouseman, now or lately residing in or near Abercorn Street, New City Road, in or near Glasgow.

59. Thomas Fleming Kennedy, now or lately cashier to W. B. Huggins and Company, merchants in or near Bothwell Street, Glasgow, and residing in or near Woodlands Road, in or near Glasgow.

60. John Murray, now or lately sheriff-officer in Glasgow.

61. Bernard M'Lauchlin, now or lately sheriff-officer's assistant in the Sheriff Chambers, Glasgow.

62. Peter Taylor Young, joint procurator-fiscal, Glasgow.

63. Rowland Hill Macdonald, now or lately comptroller of the sorting office in the Post-Office of Glasgow, and residing in or near the Post-Office Buildings, in or near Glasgow.

64. William Law, now or lately stamper in the sorter's department in the Post Office, Glasgow, and residing in or near George Street, Glasgow.

65. Robert Brydall, now or lately clerk to Gilmour and Dean, engrav-

ers and lithographic printers in or near Exchange Place and Buchanan Street, in or near Glasgow.

66. Mary Jane Buchanan, daughter of, and now or lately residing with, Robert Buchanan, surgeon, at or near Knoxland, in or near Dumbarton.

67. Robert Oliphant, now or lately a stationer at or near Argyle Place, in or near Helensburgh, in the parish of Row aforesaid.

68. John Brooks, now or lately salesman to Walter Buchanan Ogilvie, stationer, in or near Saint Vincent Street, in or near Glasgow, and now or lately residing in or near West Street of Tradeston, in or near Glasgow.

69. David Crawford, die, stamp, and seal engraver, now or lately residing in or near Argyle Street, in or near Glasgow.

70. Janet M'Kenzie or Anderson, wife of, and now or lately residing with, Robert Anderson, commission-merchant, in or near Douglas Street, Glasgow.

71. James Moubray, warehouse-boy in the employment of W. B. Huggins and Company before designed, and residing with James Rodger, engineer, at or near Elmbank Crescent, in or near Glasgow.

72. William Campsie, gardener, now or lately residing at or near Rowaleyn, in the parish of Row, and shire of Dumbarton.

73. Robert Elliot, under-gardner, now or lately residing in or near the village of Row, in the parish of Row aforesaid.

74. Elizabeth M'Arthur or Wallace, wife of, and now or lately residing with, David Wallace, salesman, in or near Carlton Court, in or near Laurieston, in or near Glasgow.

75. Margaret Houston or Clark, wife of, and now or lately residing with, Peter Clark, now or lately curator of the Royal Botanic Gardens, in or near Glasgow.

76. Catherine Robertson, lodging-house keeper, now or lately residing in or near Elm Row, in or near Edinburgh.

77. Alexander Miller, now or lately warehouseman in the employment of W. B. Huggins and Company before designed, and residing with Margaret Maxwell and Elizabeth Stewart Maxwell in or near Oxford Street of Laurieston, in or near Glasgow.

78. Peter Pollock, now or lately stationer in or near Leith Street, Edinburgh, and residing in or near Calton Hill, in or near Edinburgh.

79. Helen Dunbar or Pollock, wife of, and residing with, the said Peter Pollock.

80. Augusta Ghibilei or Walcot, wife of, and now or lately residing with, Thomas Walcot, solicitor, in or near Clapham Road, in or near Kennington, in or near London.

81. Andrew Murray junior, Writer to the Signet, now or lately residing in or near Walker Street, in or near Edinburgh.

82. Alexander Souter Hunter, writer, now or lately residing in or near Saint Vincent Street, Edinburgh.

83. Gabriel Surene, teacher of the French language, and now or lately residing in or near Great King Street, Edinburgh.

84. Alexander Scott, undertaker, now or lately residing in or near North Street, in or near Glasgow.

85. George M'Call, now or lately merchant, and residing with Alexander Laurie, music-teacher, in or near Forth Street, in or near Edinburgh.

86. James Smith, compositor, now or lately in the employment of

Neill and Company, printers, Edinburgh, and now or lately residing in or near South Richmond Street, Edinburgh.

'87. John Lang, now or lately compositor in the employment of the said Neill and Company, and residing in or near Chapel Street, Edinburgh.

88. Matthew Wilson, now or lately invoice clerk in the employment of W. B. Huggins and Company, merchants, in or near Bothwell Street, Glasgow.

89. Thomas Kennedy, now or lately partner of the firm of W. B. Huggins and Company aforesaid, and now or lately residing at Hillside House, Partick Hill, Partick, near Glasgow.

D. MACKENZIE, A.D.

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### LIST OF ASSIZE.

For the Trial of all Parties cited before the High Court of Justiciary to the 30th day of June 1857.

#### CITY OF EDINBURGH.

##### *Special Jurors.*

Joseph Bootland, billiard-room keeper, Saint James' Square.

Patrick M'Omish, writer, Lauriston Place.

William Sharp, residing Auckland Villa, Grove Road.

Charles Thomson Combe, merchant, York Place.

5 Frederick Schenck, lithographer and engraver, Buccleuch Place.

George Murray, accountant, George Street.

Henry Darlington, upholsterer, Frederick Street.

George Moir, printer, Gardiner's Crescent.

##### *Common Jurors.*

David Forbes, glass-manufacturer, Scotland Street.

10 Alfred Payne, grocer, Farquharson Place.

James Thomson, baker, Clerk Street.

James Sword, house-agent, Hanover Street.

George Gibb, shoemaker, Glover Street.

Hugh Hunter, cabinetmaker, North-West Circus Place.

15 Robert Combe, upholsterer, Hanover Street.

Thomas Stewart, china-merchant, Hay's Court.

William Moffat, teacher of mathematics, Duke Street.

Charles Scott King, spirit-dealer, Shakespeare Square.

Robert Young, merchant, Scotland Street.

20 Thomas Glen, coal-merchant, Sempie Street.

John Brown, flesher, Shrub Place.

William Clerk Tregilgas, clothier, Duncan Street, Drummond Place

Andrew Williamson, clerk Parkside Street.

Robert Thomson, wine-merchant, Union Street.

## TOWN OF LEITH.

*Special Jurors.*

- 25 Andrew Wilson, banker, Charlotte Street.  
John Henderson Wood, residing James' Place.

*Common Jurors.*

- George Smith, spirit-dealer, Saint Andrew Street.  
Archibald Weir, bootmaker, Bernard Street.  
William Cunningham, agent, Albany Street.  
30 John Lawson, cowfeeder, Water Lane.

## COUNTY OF EDINBURGH.

*Special Jurors.*

- Andrew Monteith, shoemaker Dalkeith.  
James Pearson, farmer, Northfield.

*Common Jurors.*

- James Lowrie, builder, Westfield Place, Dalkeith.  
William Pennycook, grocer and spirit-dealer, Liberton.  
35 Robert Wilson, mason, High Street, Fisherrow.  
Robert Andrew, cowfeeder, Nether Liberton.

## COUNTY OF LINLITHGOW.

*Special Juror.*

- James Walker, farmer, Kilpunt.

*Common Jurors.*

- John Adams, spirit-dealer, Linlithgow.  
Alexander Thomson, wright, Torphichen.  
40 Alexander Morrison, currier, Linlithgow.

## COUNTY OF HADDINGTON.

*Special Jurors.*

- Samuel Sommerville, farmer, Upper Bolton.  
James Christie, farmer, Hailes.

*Common Jurors.*

- John Gray, innkeeper, Garvald.  
William Thomson, farmer, Ormiston.  
45 John Smith, shoemaker, Haddington.

Lists containing the names of sixty-five witnesses in exculpation, and inventories of fifty-six productions, had been lodged on behalf of the panel.

The diet having been called "at the instance of Her Majesty's advocate for Her Majesty's interest, against Madeleine Smith or Madeleine Hamilton Smith,"

YOUNG for the panel said—There are certain words in the indictment, to which we think it right to call the attention of the Court. These words have reference to the first and second charges in the indictment. The portion of the major proposition which refers to these charges, sets forth "the wickedly and feloniously administering arsenic or other poison to any of the lieges with intent to murder;" while, in the minor proposition, the words are that, on two occasions libelled, the panel did wickedly and feloniously administer to, "or cause to be taken by," the deceased Pierre Emile L'Angelier a quantity or quantities of arsenic. It is to the alternative expression, *or cause to be taken by*, that the objection applies. If these words are precisely equivalent to the words *administer to*, they are superfluous, and therefore objectionable on that ground. If they mean anything *more*, then they are also objectionable, as not being covered by the major proposition.

The LORD ADVOCATE for the prosecution said, he did not think the words to which objection had been taken, were in any way material. They were substantially an interpretation or enlargement of the words "administer to;" but as they were objected to on the part of the panel, he had no objection to their being struck out of the indictment.

The record of Court accordingly bears, that—

"On the motion of Her Majesty's advocate, the Court allowed the words "or cause to be taken by," and the words "or caused to be taken," occurring in the first and second charges of the libel to be delete therefrom, and they were delete accordingly."<sup>1</sup>

"The Lords found the libel relevant to infer the pains of law."

The Panel then pleaded "not guilty."

[Owing to the absence of Dr Penny, an important witness from Glasgow, considerable delay was occasioned.

Dr Penny arrived at a quarter past twelve, and, by the order of the Lord Justice-Clerk, was called into Court.

The LORD JUSTICE-CLERK, addressing Dr Penny, informed him that he had kept the Court waiting for two hours, and inquired whether he had not been cited for ten o'clock?

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

The LORD JUSTICE-CLERK told him that by absenting himself

<sup>1</sup> The portions of the indictment to which objection was taken, and which were afterwards struck out, are enclosed within brackets in the print of the indictment at p. 2.

he had been guilty of great contempt of Court, and that he had no right to judge of the time when he would be required. His Lordship added that, from Dr Penny's character, they could not suppose for a moment that this was anything else than a singular disregard of the orders and forms of citation; and he trusted that this exposure would be sufficient to prevent a repetition of anything of the sort.]

The following jury was then balloted for:—James Christie, farmer, Hailes; James Pearson, farmer, Northfield; James Walker, farmer, Kilpunt; Charles Thomson Combe, merchant, York Place; William Sharp, Auckland Villa; Archibald Weir, bootmaker, Leith; Charles Scott, Shakspeare Square; Alex. Morrison, currier, Linlithgow; Andrew Williamson, clerk, Parkside Place; Hugh Hunter, cabinetmaker, Circus Place; Robert Andrew, cowfeeder, Nether Liberton; George Gibb, shoemaker, Glover Street, Leith; William Moffat, teacher, Duke Street; David Forbes, Scotland Street; Alex. Thomson, Torphichen.

The trial then proceeded.

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## EVIDENCE FOR THE PROSECUTION.

1. *Archibald Smith, Esq., Advocate, Sheriff-Substitute of Lanarkshire* (1) Examined by the LORD ADVOCATE.—The prisoner was brought before me on the present charge. She emitted a declaration on the 31st March. [*Identifies the declaration.*] It was freely and voluntarily emitted after she had been duly admonished. (Shown Nos. 149, 111, and 97 of the inventory of productions, being two letters and an envelope, one in pencil.) These were exhibited to the prisoner, and signed by her.

*Cross-examined by the Dean of Faculty for the Prisoner.*—Only four letters in all were shown to the prisoner. She was examined on a charge of murder. This was communicated to her at the time, before her declaration was emitted. The greater part of the questions were put by me, some by the procurator-fiscal (Mr Hart). The statements in the declarations were all made in answer to questions. The answers were given clearly and distinctly. There was no appearance of hesitation or reserve. There was a great appearance of frankness and candour.

*To the Court.*—The declaration was of some length.

2. *George Gray* (3) *Clerk in the Sheriff-Clerk's Office, Glasgow.*—This is the prisoner's declaration. It was freely and voluntarily emitted, after the usual cautions.

3. *Ann Duthie or Jenkins* (6)—I am the wife of David Jenkins, joiner, and I live at No. 11, Franklin Place, Glasgow. I knew the late M. L'Angelier. He lodged in our house. He came about the end of July, and remained as a lodger till his death. His usual habits were regular. He was sometimes out at night, not very often, but has been late. His general health was good till about January. I recollect his having an

illness about the middle of February. He had one about the 22d, and had one eight or ten days before. This was his first illness. He that night wished a pass-key, as he thought he would be late. I cannot tell the hour when he returned. I went to bed. I did not hear him come in. I knocked at his door about eight. He said on the second knock, "Come in, if you please."

The LORD ADVOCATE here said that he thought it would be advisable in this case that the medical gentlemen who were to be examined should hear that part of the evidence which was now to be led. The indictment, besides a charge of murder, set forth two attempts at poisoning, and it seemed to him to be material that the medical men should hear distinctly stated by the witnesses themselves the symptoms on which they were afterwards to give their opinion.

The DEAN OF FACULTY said the proposal had taken him by surprise. His own impression was, that the medical witnesses ought to be present; and had notice been given to him, he would willingly have acceded to the proposal now made, but then the medical witnesses for the defence ought also to be present, and that, unfortunately was impossible in the present case.

The LORD JUSTICE-CLERK—I may say that the rule of Court is that the medical witnesses shall not be present unless the case is such as to induce us to relax that rule. The rule is an expedient one. We dispensed with it in the case of Dr Gibson, surgeon to the Prison Board of Glasgow, who was tried in 1848 for granting a false certificate, in consequence of which a prisoner was improperly removed, and afterwards died, in consequence, as was alleged, of that improper removal. But in that case the circumstances were peculiar, as there was no medical report of the *post mortem* appearances, and the witnesses for the panel could only be examined on the evidence of those who were present being read over to them, which might not be so clear to them as hearing the evidence given.<sup>1</sup>

The LORD ADVOCATE said that, under these circumstances, he would not press the motion; at the same time, the medical witnesses for the defence ought to have been in attendance.

The DEAN OF FACULTY—That is not quite a fair observation, our medical witnesses have important public duties to discharge.

The LORD JUSTICE-CLERK—Still I think that the witnesses for the panel ought to be in attendance.

The examination of the witness *Ann Duthie* or *Jenkins*, was then resumed. She said—I found him in bed. He said he had been very unwell, "look what I have vomited." I said, "I think that's bile." It was a greenish substance to appearance. There was a great deal of it. It was about the thickness of gruel. I said, "Why did you not call on

<sup>1</sup> See the case of *David Gibson*, High Court of Justiciary, May 18, 1848. Arkley's Justiciary Reports, p. 489. On the other hand, reference may be made to the case of *Christian or Christiana Cochrane or Gilmour*, High Court, Jan. 12, 1844. Broun's Justiciary Reports, vol. ii., p. 23. The various cases will be found noted in Alison's Practice of the Criminal Law of Scotland, p. 544; and Dickson on the Law of Evidence in Scotland, § 1973.

me?" He said "on the road coming home, I was seized with a violent pain in my bowels and stomach, and when I was taking off my clothes I lay down upon the carpet. I thought I would have died, and no human eye would have seen me. I was not able to ring the bell. If you please to make me a little tea. I think I shall not go out." He was then in bed. I emptied what he had vomited. I advised him to go to a doctor, and he said he would. He got some sleep. Said he would not take breakfast. He slept till about nine. I went back then. He said he was a little better and would go out; then he got some tea. M. Thuau saw him; who lodged also in our house. He rose between ten and eleven and went out. He said he was going to his place of business; but intended to call for a doctor. He was with W. B. Huggins & Co., 10, Bothwell Street, not far from our house—a good many streets off. He returned about three in the afternoon. Said he had been at the doctor, and had got a bottle, which he had with him. He took the medicine. I cannot say he complained of anything but pain as above stated; but he had been very thirsty, and was so also at three o'clock, but not so much. This illness made a great change in his appearance. He looked yellow and dull—not like what he used to be. Before that his complexion was fresh. After that his colour left him a great deal. He was dark under the eyes, and the red on his cheeks seemed to be more broken. He complained of cold after he came in at three. He lay down on the sofa. I put a railway rug on him. I do not remember doing anything to his feet. He never was the same man after this. He got a little better; but when asked, he always said, "I never feel well." I cannot fix the date of this illness. He had a second illness, I think, about the 22d February. On a Monday morning he called me about four o'clock. He was vomiting. It was the same kind of stuff as before, both in colour and otherwise. I think not so much. He complained of the same pain in bowels and stomach, and of thirst. He was very cold. I was not aware that he was out the night before—he said nothing about being out. I put more clothes on him, and jars of hot water to his feet and stomach. I made some tea, and he had a great many drinks, toast-and-water, and lemon-and-water. He got a little better. I left him, and called about six. He was then a little better. He did not rise, stayed in bed till the forenoon. I think this was on the 22d February; because he had bought a piece of boiling meat on the Saturday, from one Stewart, in St George's Road. He had a pass-book with Stewart. (Shown No. 192 of inventory of productions.) This is the pass-book. In the book, of date 21st February, is the piece of beef—seven pounds weight. The meat was sent on the Saturday before that illness—which was on the Monday morning. A doctor came, Dr Thomson, on the Monday. Thuau went for him in the forenoon. I do not remember the hour Dr Thomson saw L'Angelier. He left a prescription for powders. I sent for them and got them. L'Angelier was eight days, I think, in the house, and away from his office. I recollect L'Angelier taking one or two powders. I cannot say if he took the rest. He said he did not think that they did him the good he expected. Dr Thomson came more than once. L'Angelier said, "the doctor always says I am getting well;" but he said he did not feel well—he said, "I do not think I am getting better." He said this often—said he never felt getting better. He went to Edinburgh soon after. I cannot say the date, or how long it was after this

illness. I think he was eight days away. He came back, I think, on a Tuesday, about a fortnight afterwards. Thuau told me at four that he would be back that evening. I got in bread and butter (shown No. 191 of inventory.) This is L'Angelier's pass-book with Chalmers, a baker. On the 17th March the bread and butter are entered. L'Angelier returned that night at half-past ten. He received a great many letters; but I was not aware that they were in a lady's hand. I thought it more like a gentleman's—a business hand. There were a great many in the same handwriting. Sometimes the envelopes were yellow, sometimes white (shown envelope No. 87 of inventory.) That is the handwriting. (Shown No. 97 of inventory.) This is like the kind of yellow envelope that sometimes came. This, I think, is the same handwriting, but I am not so sure. A great many letters came. He never told me who the letters were from. I saw a photograph of a lady lying about his room. (Shown No. 175 of inventory.) This is it. I said, "is that your intended, sir?" He said, "perhaps—some day." I did not think the letters came from a lady. I always took in the letters. He never said anything about my taking them in. I knew he expected to be married about the end of September 1856. He wished a bed-room and dining-room. He said he was going to be married about the end of March, and said he would like if we would take him in. I did not agree. One time when he was badly, I said, "it will be a bad job if you get ill, and you going to get married." He said, "it will be a long time, or some time before you see that, Mrs Jenkins." On his return, on the 17th March, he asked if I had a letter for him. He expected one, and seemed disappointed. He stayed over the 18th and left on the 19th. He said if any letters came to give them to Thuau to address them. He said he was going to Bridge of Allan. He went about ten on the morning of the 19th. A letter came for him on the 19th. It was quite the same as the others that had been coming. I gave it to M. Thuau to address. I cannot say if any came on the Friday. One came on the Saturday. It was more like a lady's hand than the others. I gave it to Thuau. L'Angelier said when he went away, I shall not be home till Wednesday night or Thursday morning next week. He was very much disappointed at not getting a letter, and when he went away he said: "If I get a letter, I may be back to-night." He merely said he was going to Bridge of Allan. I don't know of his going anywhere else first. (Shown Nos. 137 and 149 of inventory.) No. 137 is like the one that came on Saturday. No. 149 I cannot speak to so much. I next saw L'Angelier on the Sunday night, about eight o'clock; I was quite surprised; I asked why he came home. He said, "The letter you sent brought me home." He asked when it came. I said, "on Saturday afternoon." He said he had walked fifteen miles. He did not say where he had been. I understood he had been at Bridge of Allan. He told me to call him early next morning. He said he intended to go back by the first train: whether he said to Bridge of Allan I can't say. He looked well; much better than before and more like himself. Said "I am a great deal better, I am almost well." He went out that night about nine o'clock, or a little before or after. Before going out he said, "If you please give me the pass-key, I am not sure but I may be late. He told me to call him early to go by the first train. I supposed between seven and eight o'clock. I saw him next about half-past two on the Monday morning.

He did not use the pass-key. The bell rang with great violence. I rose and called, "Who's there." He said, "It is I, Mrs Jenkins, open the door if you please." I did so. He was standing with his arms closed across his stomach. He said, "I am very bad, I am going to have another vomiting of that bile." The first time I had said "that's bile." He said, "I never had bile, I never was troubled with bile." He said, "I thought I never would have got home, I was so bad on the road home." He did not say whether it was pain or vomiting. He came in. He asked for a little water. I filled the tumbler, and he drank the whole of it. He wished some tea. I went into the room before he was half undressed. He was vomiting very severely. It was the same kind of matter as before. It seemed so both in colour and substance. There was gas light. The second occasion was the easiest. On the third occasion he suffered great pain. I said, "were you not taking anything that disagreed with you." I referred to his food at Bridge of Allan. He said, "No, I have taken nothing that disagreed with me; I never was better than when I was at the coast," meaning, as I understood, at Bridge of Allan. I said, "you have not taken enough of medicine." He said, "I never approved of medicine." He was chilly and cold. He wished hot water to his feet and stomach. I got jars of hot water to feet and stomach; also three or four pairs of blankets and two mats. He got a little easier, but became very bad at four o'clock. I said I would go for Dr Thomson in Dundas Street. He thanked me, but said, "it was too much trouble so early." I said, "No." He told me the name and residence of the doctor, but said, "he feared I would not find the way. I said, "no fear." He did get a little better. About five, he got very bad again, and his bowels got very bad. I said, "I would go to the nearest doctor." I said, "a Dr Steven." He said, "What sort of a doctor is he." I said, "I do not know." He said, "well bring him if you please." I went for Dr Steven at five o'clock, I think. The doctor was badly and could not come. He said to give him twenty-five drops of laudanum, and a mustard blister on his stomach and hot water, and said, if he (L'Angelier) was no better, he would come. I told L'Angelier, and he said he could not take laudanum. I gave him plenty of hot water. He said, "a blister will be of no use, I am only retching." About seven o'clock, he was dark about the eyes. I again proposed to get Dr Steven. This time he was anxious that I should go for the doctor. Dr Steven came soon after. I followed the doctor into the room. He ordered mustard immediately, I left the room to get it. I did not hear the doctor ask L'Angelier what was the matter. I said to the doctor, "Look doctor, what he has vomited." The doctor said, "take it away, it is making him faintish." I got mustard. The doctor put it on. He said, he would wait twenty minutes or half an hour, to see the effect, and gave him, I think, a little morphia. The doctor stayed about half an hour. I went in with more hot water: when I was applying it, L'Angelier said, "Oh, Mrs Jenkins, this is the worst attack I ever had." He said, "I feel something here," pointing to his forehead. Dr Steven said, "It must be internally; I see nothing wrong." He said, "can I do anything, doctor?" I said time and quietness were required. I went out of the room, pointing to the doctor to come. I asked what was wrong with him. He asked if he was a person that tumbled. I said he was not that sort of person. The doctor said, he was like a man that tumbled.

I assured him he was not given to drink. I said to the doctor, "it is strange, this is the second time that he has gone out well and returned very ill; I must speak to him, and ask the cause." The doctor said, "that will be an after explanation." The doctor said he would be back between ten and eleven. I saw him several times. The first time, he asked me what the doctor thought. I said, "he thinks you will get over it." He said, "I am far worse than the doctor thinks." He always said, "if I could get some sleep, I should be better." I saw him several times. About nine o'clock, I drew the curtains, he looked badly. I said, "Is there no person you would like to see?" He said, if it was not too much trouble, he would like to see Miss Perry, and told her address, Bath Street or Renfrew Street, I think No. 144. I saw her once. She came. I went out and in three or four times. The last time I went in he said, "if you please draw the curtains," and said, "Oh, if I could get five minutes sleep, I think I would get better." These were his last words. I left him, and went back quietly in five or ten minutes. I thought him asleep and went out. The doctor came soon after. He asked for his patient. I said, "he is only newly asleep, pity to awaken him." He said he would like to see him. We went in. The doctor felt his pulse, and lifted up the head, which fell down. He said, "draw back the curtains." I said, "is anything wrong?" He said, "the man's dead." I think I have told all I know. I did not ask L'Angelier where he had been. I knew, from the time he said he was going to be married, that there was a private correspondence; but I did not know who the lady was, or where she lived. That was the reason why I did not ask where he had been at nights. Miss Perry came, but was too late. My little boy came in, and said, Miss Perry was coming. I sent him to Mr Clark, another lodger of mine; he was at the National Bank. Clark came, and also Chrystal, a grocer. Stevenson came, but not then. I told Clark, my husband was not at home, and asked what to do. Chrystal went in and shut L'Angelier's eyes. He said he would send word to his employers. A Mr Scott, the foreman of Menzies, an undertaker, came first. Stevenson from Huggins and Co., came also. Dr Thomson, and M. Thuan, and Dr Stevens, were sent for. I told Stevenson I wished him to take charge, and he did so. The clothes which L'Angelier took off at night were on the sofa. They took a letter out of the pocket, and some one said, "this explains all." I saw the letter, and said, "this is the letter that came on Saturday." When the letter was got, Thuan and Stevenson were there, and perhaps Kennedy. I cannot say which said, "this explains all." I think Stevenson. Stevenson locked up the things. At that time I did not hear anything said of an examination. The examination by the doctor was on the Wednesday, I think. The body examined was L'Angelier's body. All the things were left just as they were, till Stevenson locked them up. When L'Angelier came back from Bridge of Allan on the Sunday, he had a tight short coat or jacket, with handkerchief in breast pocket. Can't say on what side, and a Glengarry bonnet or cap. I did not see him go out; he had a bonnet when he came back at two, but I cannot say if it was the same. He had bowel complaints on both of his first illnesses.

*Cross-examined by the DEAN OF FACULTY for the Panel.*—As to the first illness before the 22d, I cannot speak to the date of it. It might be eight or ten days before the second illness. I think so; but have no

remembrance of its date. The first illness was much worse than the second. I think he began to complain of his health in January. He had a sore throat, then a boil on his neck, and then another, about the end of January. I said it was bile; I am myself troubled with it. I never was so violently ill, but the colour of my vomiting was something like it. There was purging on both of his first illnesses. The second illness was on a Monday morning, the 23d. He dined at home on the Sunday. He said, on the Saturday night, he was not very well, and did not intend to go out on Sunday. I don't remember asking how he was on Sunday. On that Saturday he was taking fresh herrings, with sauce of eggs and vinegar, and I said, "that is not good for you." I said they were not good at that season. He used many vegetables. He said, "I always got them at college, and was never the worse." He said, he was at college in France. I cannot say if he was out on the Sunday. I think I would have recollected his asking for the key, but Thuau sometimes let him in. He was confined to the house for eight days after that Sunday. I only remember his being out once, about the 23d or 24th. Dr Thomson visited him during the eight days he was in the house. After his first illness he brought home a bottle. I do not recollect his bringing more than one. The bottle was laudanum. There were eight bottles altogether, and some powders in his room, after his death. The authorities got the bottle. Mr Murray, I think, and Stevenson, were there. This was some days after the death, I think, but I am not sure. I was in the room when they took the bottles away. Murray put some questions to me. I do not remember what. L'Angelier spoke of coming back on the Thursday night, if a letter came on the day he went to Bridge of Allan. Thuau sent the letter after him, but he did not come. The letter came about half-past three on the Saturday. Thuau came in to dinner about six o'clock, and re-addressed it. I think it came by the last post before dinner. L'Angelier said he was a little better when he came from Edinburgh; but I knew a greater difference when he came from Bridge of Allan. He took that night tea and toast. On Sunday he was at the water-closet before he went out. I cannot say what he had on when he went out on Sunday, nor when he came in next morning. The gas was out in the lobby, and when I went into the bed-room, he was half undressed. He said he had been very bad, but did not say what it was. He did not say he had vomited on the way home. After he came back, he vomited a great quantity of stuff. The chamber-pot was quite full; he did not vomit much after. I emptied it. He was never at the water-closet. He once purged before I went for the doctor, and then once after. He wished to go the water-closet, but I would not let him. I gave him hot water; he vomited much, and got better. That was before the chamber-pot was emptied, which was done after the doctor came, and by his orders. Before he came, L'Angelier proposed to go to the water-closet. I said, "No; that I was a married person, and would not allow it." After I went to the doctor, I said "I would get another chamber-pot, and the doctor should see what he had vomited." There was laudanum in the house, in his press; he refused to take it. He said, "I never could take it;" and he said, "besides, it's not good; it has been standing without a cork." Dr Steven assured me that L'Angelier would get over it the same as before. I think, on the morning of his death, he complained of his throat; but I cannot say. My little girl

went to school about half-past nine: but it was not then, but when the doctor was in, that he said the water was like to choke him, and I think also spoke of his throat. When he was in bed that morning, he always put his arms out of the clothes, stiff-like. I cannot say if his hands were clenched, but his right hand was clenched when he died. Miss Perry came about ten o'clock. I said—"Are you the intended, ma'am?" she said; "Oh, no! I am only a friend." I had supposed, when L'Angelier asked to see her, that she was the intended. I told Miss Perry he was dead. She was very sorry—very strikingly so—very much overwhelmed—cried a great deal. I was surprised. My message to her by the little boy had been, that L'Angelier was very bad, and, as soon as convenient, to come and see him. I took her in to see the body after it was laid out. When she said she was not the intended, I said I heard he was going to be married, how sorry the lady will be. She kissed the forehead several times. It was not violent grief. She cried very much; but I have seen many people more so. Miss Perry said, "how sorry she was for his mother." I cannot say that she spoke as if she knew his mother. L'Angelier had two desks—writing-desks—both of wood. I took no note of the things taken away. I know of some of the clothes, but other things I don't know of. I was not in the house when the boxes were searched. I was in the house; when I once went in, they got the gas lighted, and said, "that will do," or "that's all that's required." I do not recollect any lady calling for L'Angelier. A married lady was once at tea with him, and her husband. Sometimes messages came from ladies. When L'Angelier was badly, a can of marmalade and some books were sent. "Mrs Overton" was on the card. L'Angelier had an illness one night about the end of August or beginning of September. He said his bowels had been very bad; he had not been in bed all night. There was a fire in Windsor Terrace that night.

*Re-examined for the prosecution.*—(Shown Nos. 181 and 182.) These are like L'Angelier's things, like the coat he had on when he died, and the bonnet or cap he had on that night; but he had two or three caps. (Shown No. 214.) That was his portmanteau. When I said the intended would be sorry, Miss Perry told me not to say much about the intended, or to leave the matter alone. (Shown No. 176 of Inventory—"a leather bag.") That belonged to Thuau. L'Angelier had it at Bridge of Allan.

To the COURT.—On the last illness, my inquiry as to his taking anything, referred to Bridge of Allan. His answer was, "No, I never was better than the few days I was at the coast." I never asked where he had been that night, as I thought he might be visiting his intended. My husband was away all the time, and only saw him once, about New-year time. I think Thuau put the letters Nos. 137 and 149 into covers. The letters which came on the Thursday and Saturday I took from the post, and laid down in his bed-room in the morning. I saw the one on Saturday, more fully. I still think No. 149 is it, but cannot be sure which is the one that came on the Saturday.

To the DEAN OF FACULTY.—While L'Angelier was lodging with me, I left home about the end of August, and was away all September. The illness of L'Angelier was before that.

To the COURT.—Thuau was in Edinburgh during L'Angelier's last illness. He had gone there on the Saturday.

4. *James Heggie* (7) examined by the LORD-ADVOCATE.—I am salesman to Chalmers, baker, St George's Road.—(Shown No. 191 of Inventory.) This is the pass-book between Mr Chalmers and L'Angelier. Under date 17th March, there is an entry of bread and butter got for L'Angelier.

5. *John Stewart* (8), flesher, St George's Road, examined by the LORD ADVOCATE.—(Shown No. 192 of Inventory.) This is my pass-book with L'Angelier. On the 21st February there is an entry of 7 lbs. of beef, which was sent to L'Angelier on that day.

6. *Catherine Robertson* (76), lodging-house keeper, examined by the LORD ADVOCATE.—I live at No. 6, Elm Row, Edinburgh. A gentleman came to my house for lodgings. A lady, who lived in our stair, asked me to take him in. He was a foreigner. He did not tell me his name, but I saw "M. L'Angelier" on his portmanteau. He came on the 10th March, and left on the 17th. He said he came from Glasgow, and was going to Bridge of Allan. He seemed in good health, but said he had been an invalid. He was in good health while he lodged with me.

7. *Peter Pollock* (78), stationer, Leith Street, Edinburgh, examined by the LORD ADVOCATE.—I knew M. L'Angelier. He was then in Edinburgh. I saw him on the 9th March last. He came from Glasgow. I saw him in my shop in Leith Street. He had come for a letter which he expected at the Post Office, Edinburgh. I knew he had been lodging in Edinburgh for a week. He did not get the letter. He left the same day for Bridge of Allan, at a quarter past four. He said so.

*Cross-examined by the DEAN OF FACULTY for the Panel.*—I saw him about two o'clock. He said he had come straight from Glasgow. I saw him twice. He did not get the letter. He came back in about half-an-hour, and left me about three, saying he had got no letter, and was to leave for Bridge of Allan. This was on Thursday the 19th March.

8. *Mrs Jane Bayne* (17).—I live at Bridge of Allan. L'Angelier came to my house on the 19th March, between five and six that evening. He took lodgings, and stayed till Sunday.—(Shown No. 176.) He had a bag like that with him. He seemed in good health and spirits. Ate his meals well. He left on Sunday just as the churches went in in the afternoon. He meant to stay longer.

9. *Charles Neil Rutherford* (19).—I was postmaster at Bridge of Allan in the beginning of this year.—(Shown No. 153 of Inventory.) It is stamped at my office. It must have come on the 22d March. A gentleman of the name of L'Angelier left his card at my office about the 20th. I gave the letter to him when he called.

*Cross-examined by the DEAN OF FACULTY for the Panel.*—I know nothing about the letter but from the post-mark of 22d March. On our mark the letter B denotes the morning arrival about half-past ten. The mail would leave Glasgow about seven morning. I keep a druggist's and stationery shop.

10. *William Fairfoul* (24).—I was guard of the train which left Stirling on the 22d March at half-past three. A gentleman, apparently a foreigner, travelled by this train on his way to Glasgow.—(Shown No. 180 of Inventory—a photograph.) This is he. He went from Stirling to Coat-bridge, the nearest point to Glasgow. He said he was hungry, and asked me to show him where he could get something to eat. He said he would walk to Glasgow. He said he did not wish to get in till

dark. Another gentleman, a Mr Ross, travelled also by the same train. He was going into Glasgow. They went off together. I saw him get something to eat—some roast-beef. He ate very heartily. He drank some porter. I was with him all the while. I left the train at Coatbridge.

*Cross-examined by the DEAN OF FACULTY for the Panel.*—There were not many passengers—about eight, of all classes. None stopped at Coatbridge but these two. I am sure of that. I never saw Ross before that day, or since. Mr Miller from Glasgow, who is engaged for the defence, told me his name. I was first examined about this, four or five days after the occurrence, by the Procurator-Fiscal at Stirling. Donald's was the name of the house at Coatbridge. The gentleman ate a good deal. Ross did not eat.—(Shown witness No. 25.) That is Ross.

11. *Thomas Ross (25) examined by the LORD ADVOCATE.*—I am an auctioneer in Glasgow. I was in Stirling on the 22d March. I left in the afternoon for Glasgow, and went to Coatbridge. I saw a foreigner get out of the train. The guard said he was going to Glasgow. The gentleman had something to eat—roast beef and porter. We started for Glasgow. It took us a little more than two hours. It is about eight miles. He had a Balmoral bonnet on his head.—(Shown No. 182 of Inventory.) It was one like this.—(Shown No. 181.) This is not the coat. He walked well. He did not seem tired when he got to Glasgow. He smoked several times on the road. He did not mention his name. He was in good health and spirits. We parted at Abercromby Street, in Glasgow. He said he was going to the Great Western Road. I cannot say if Franklin Place is near that.

*Cross-examined by the DEAN OF FACULTY for the Panel.*—He said he had walked from Alloa to Stirling that morning. He said it was eight miles. He said nothing of having been at Bridge of Allan. Our conversation was as to the scenery and the localities. He did not eat a great deal. He said he had been in Stirling, and had there presented a cheque, either the previous day or the day before that; but, as he was a stranger, the bank would not cash it. Abercromby Street is about the middle of the Gallowgate.

*Re-examined by the LORD ADVOCATE for the prosecution.*—We were in no house on the road from Coatbridge to Glasgow. I am quite certain; and in no shop. We left Coatbridge at twenty minutes past five.

12. *William A. Stevenson (58), examined by the SOLICITOR-GENERAL.*—I am warehouseman with Huggins and Co., in Bothwell Street. The late M. L'Angelier was in our warehouse, under me. He was unwell in March. He got leave of absence in the month of March. He said he was to go to Edinburgh. He went to Bridge of Allan afterwards. I did not see him in the interval. I got a letter from him from the Bridge of Allan.—(Shown No. 143 of inventory.) This is it. The post-mark is Bridge of Allan, March 20th. (Reads,)

“Bridge of Allan, Friday.—Dear William—I am happy to say I feel much better though I fear I slept in a damp bed, for my limbs are all sore and scarcely able to bear me—but a day or two will put all to rights. What a dull place this is. I went to Stirling to-day but it was so cold and damp that I soon hurried home again. Are you very busy Am I wanted if so I am ready to come home at any time. Just drop me a line at P. O. You were talking of taking a few days to

yourself; so I shall come up whenever you like. If any letters come please send them to me here. I intend to be home not later than Thursday morning.—Yours sincerely, P. EMILE L'ANGELIER."

That is his handwriting. He generally signed P. Emile L'Angelier. He was generally called Emile in our office.—(Shown No. 147.) That is my answer. I got back this letter at the Post-Office, Bridge of Allan. It was stamped. The postmaster gave it up to me. I was sent to Bridge of Allan to take possession of L'Angelier's property, on Friday the 27th. L'Angelier had been four and a-half years with Huggins and Co. I got notice of his death on the forenoon of Monday from Corbet, a partner of Huggins and Co. I went to our place of business, then to the French Consul's office. I saw there Thuau, a fellow-lodger of L'Angelier's. I heard the name of a Dr Thomson as L'Angelier's medical man. Thuau and I went there. We got Dr Thomson to go with us to Mrs Jenkins. We saw the body there. I heard of another medical man, a Dr Steven; we sent for him, and he came. There was then no suspicion. The doctor said an examination of the body was the only way in which more could be known. I authorised that to be done next day (Tuesday). In consequence of the examination, I informed the fiscal. It was L'Angelier's body. I did not expect L'Angelier to be in Glasgow on the Sunday night; that was inconsistent with his letter to me. When I went to his lodgings on the Monday, I saw his clothes lying on the sofa, in the room where he slept. I found various articles, a bit of tobacco, three finger rings, 5s. 7½d., a bunch of keys, and a letter. I made a note a day or two after. I found a letter in his vest pocket, and its envelope.—(Shown No. 149.) This is the letter and envelope (reads)—

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

The letter was addressed "M. E. L'Angelier, Mrs Jenkins, 11 Franklin Place, Great Western Road, Glasgow." When I found this letter I said something, I cannot exactly say what it was. I said this letter explained his being in Glasgow and not in Bridge of Allan.

To the LORD JUSTICE-CLERK.—I did not know who Mini was.

By the SOLICITOR-GENERAL.—I was intimate with him in business, not much otherwise. I found a bunch of keys in his pocket. I kept them, and on that or the following day gave them to T. F. Kennedy, our cashier. I know L'Angelier had a memorandum-book. I saw it on the Monday, but where I got it I cannot say.—(Shown No. 177.) This is L'Angelier's memorandum book. I know the handwriting to be his. I took it to our office. I sealed it up, and saw it subsequently given up to the police-officer Murray, under a warrant.

*Cross examined by the DEAN OF FACULTY for the Panel.*—Look at that label, "Glasgow, 30th March. Found in the desk of the deceased Pierre L'Angelier, in the office of W. B. Huggins and Co., 10, Bothwell Street." That is my signature. I put it into his desk. It was not then sealed up. I did not take it out after I put it in. I saw two officers open the desk. I am not sure which officer took it. The label bears

that it was found in the desk, what does that mean? They found it. I saw the book when they got it, and when they opened the desk. When I found the memorandum-book in L'Angelier's lodgings on the Monday, Drs Steven and Thomson, Thuau, and T. F. Wilson, and perhaps Mrs Jenkins, were there. I cannot say if they knew of the memorandum-book being found by me. I put it into the desk, but cannot say if it was the same day. It was the same week. I did not carry it about in my pocket. I sealed it up and put it on one of the desks. I found it there again. I cannot say how long it lay on a desk. I think it remained till next day (Tuesday). I do not mind the act of putting it into the desk. I saw it several times lying. It was opened once or twice on Monday by me. It was sealed and opened and sealed again. It was the ordinary office seal that was used. I cannot say when I saw it again, but I saw it in the desk. I think on the Wednesday morning, as the fiscal desired me to bring the letters. I took some letters, but not the book. I saw it. It was not then sealed. I had the key of the desk. It was one of the bunch. The lock of the desk was in a bad state. L'Angelier complained to me once that the lads in the office went into his desk. I cannot say when I saw it, but I repeatedly saw it. It was out of the desk when in the fiscal's office, and when I signed the label. I had seen it out of his lodgings when he complained of the lock. I never saw him write in this book. The desk was opened before I saw the label. It was opened frequently. I was always present when the desk was opened and they were looking at the letters; T. F. Kennedy, our cashier, Walker, our invoice-clerk, Miller, one of the warehouse lads, and it may be others, were present; but not a single man who was a stranger to our establishment except the Rev. Mr Miles, was there. He did not see the letters. He came to inquire after the death. I saw him once or twice. I stated at one time that I found the book in the desk, and not in the lodgings. I changed my mind several days ago, when I wrote to Mr Hart. I made no list of the things in L'Angelier's lodgings, nor any list of the things in the desk. I saw the letters. They were numbered in the office.

*Re-examined for the prosecution.*—I did not notice any of the entries on the day when I got the book. I see an entry under date 11th February that is in L'Angelier's handwriting. All after that are in his handwriting up to 14th March, which is the last entry.

To the DEAN OF FACULTY.—The entries are in pencil. Some of them are very faint. It is difficult to identify such.

To the SOLICITOR-GENERAL.—I have seen L'Angelier's writing in pencil.

To the COURT.—The entries are not at all about business.

The SOLICITOR-GENERAL now proposed that the witness should read these entries, when the Dean of Faculty, on the part of the panel, objected. The witness was accordingly removed.

The DEAN OF FACULTY contended that there was no evidence whatever of this book being a journal at all. It might be a memorandum-book, but it was irregularly kept,<sup>1</sup> and there was

<sup>1</sup> The book produced, which was No. 177 of the inventory annexed to the indictment, was the Glasgow Commercial Memorandum-Book for the year 1857. It was in the usual form of such publications, the left hand page being divided by hori-

no reason to believe that the entries were put under their proper dates.

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

The Court retired for consultation, and on their return,

The LORD JUSTICE-CLERK said they were of opinion that, in the present state of the case, and with the information the Court had, they could not allow these entries all to be read. At present they did not know the individual by the name in the entries, or by the blank that occurred in one or two of them. They gave no opinion as to whether it would be competent to have the entries read when a foundation was laid for them.

The witness was then recalled, and the examination resumed.

I did not see the desks at all on the Monday. I did not examine the repositories on Monday. On that day, I examined the desk in our office. There were a great many letters there. I examined some of these letters that day. They were principally in the same handwriting. I locked the desk. On Friday the 27th I went to Bridge of Allan. I went to Mrs Bayne's. She showed me some things of L'Angelier's—a portmanteau—(Shown No. 214.) This is it. There was also a cigarette case, a travelling rug, a leather bag, [identifies No. 176] a dressing-case, [identifies No. 175]. The portmanteau and leather-bag were both locked. The dressing-case was open. I desired Mrs Bayne to send them to Huggins' office. They arrived on the following day, or on Monday. I found a

zontal lines into separate portions marked with the successive days of each week, while the right hand page contained two separate sets of ruled columns for cash received and cash paid. The first entry was under date the 1st January 1857, and no subsequent entry occurred until the 11th February, when the entries were consecutive up to Tuesday the 17th inclusive. There was no entry on Wednesday the 18th. The entries were then consecutive up to Wednesday the 25th inclusive, a memorandum being also entered in the *cash* page opposite Monday the 23d. The next entry was under the date of Saturday the 28th. There was no entry corresponding to Sunday the 29th. Then followed entries in the spaces appropriated to Monday the 2d, and Tuesday the 3d, March; and in the space marked Wednesday the 4th, an entry had been made which was scored out and repeated, with a slight addition, under the following day, Thursday the 5th. Then followed entries under dates Friday the 6th, and Saturday the 7th, March. Then followed entries in the spaces corresponding to the 9th, 10th, 11th, 12th, 13th, and 14th March, the entry last mentioned being the last which occurred in the book.

bunch of keys (two) one opening the portmanteau, the other the bag. On opening the bag I found that it contained a leather letter-case, in which were several letters. In the portmanteau were clothes and a prayer-book, but no letters. I locked the leather-bag, as there were letters inside. The officer (Murray) came on Monday the 30th. I sent the bag and portmanteau locked to Mrs Jenkins. I gave Murray the letters and papers that were in the desk. I saw the letters put into a box. [Identifies the larger of two boxes, No. 190.] My initials are on it. The smaller I do not know. I sealed the larger one. It was taken to the fiscal's office, and I saw it opened there. I did not *then* initial it, but did so some days afterwards. From the handwriting, I believed them to have been the letters which had been in the box. I went with Murray to Mrs Jenkins. Murray took away the bag locked. It was not then opened, he did not get the key. I afterwards saw it opened in the fiscal's office, and the letters taken out. I took the key there for that purpose. Murray afterwards opened a desk of L'Angelier's at Mrs Jenkins. I do not think there was another. I saw Murray take away all the letters that were in different articles in Mrs Jenkins. He put them into a parcel, wrapped them up in paper. I saw them afterwards in the fiscal's office. I did not go with Murray there. I cannot say *what* letters were found in the different places.—(Shown Nos. 7, 25, 119, 141.) These are all in L'Angelier's handwriting. I was present at the funeral on Thursday the 26th, at St David's Church, and was present afterwards when the body was exhumed. I saw the body on Tuesday the 31st. It was the same body. I examined the letters in the small travelling bag. (No. 176.) I read some of them.—(Shown No. 111.) I initialed it (bag.) (Shown No. 113.) I cannot say if it was in the bag.—(Shown No. 121.) This was in the bag. I initialed it.—(Shown No. 123.) This envelope was in the bag, but I did not mark the letter.—(Shown No. 125.) I cannot say if this was in the bag.—(Shown No. 137.) This envelope was in the bag. Same as to Nos. 139 and 153. In so far as I examined the letters, I kept them in their original state in the envelopes in which they had been. The same as to all the letters.

The record of Court then bears—

“It being now six o'clock in the evening, in respect of the impossibility, with a due regard to the justice of the case, of bringing this trial to a conclusion in the course of the present sederunt—therefore, and in respect of the necessity of the case, the Lords continued the diet against the panel till to-morrow morning at ten o'clock, and ordained the hail parties, panel, assizers, and all concerned, then to attend, each under the pains of law; and the hail fifteen jurors now in the box to repair, under the charge of the macers of Court, to the Regent Hotel, Waterloo Place, Edinburgh, to remain under their charge till brought here to-morrow morning, in the hour of cause above mentioned, and being strictly secluded, during the period of adjournment, from all communication with any person whatever on the subject of this trial, the clerks of Court having liberty to communicate with them in relation to their private affairs. Meantime, ordained the panel to be carried to, and detained in the prison of Edinburgh.”

SECOND DAY—WEDNESDAY, JULY 1<sup>ST</sup> 1857.

The Court met at Ten o'clock.

12. *William Anderson Stevenson* re-called, and *examination resumed by the SOLICITOR-GENERAL*. On the morning of Wednesday, the 25th March, before delivering the great mass of letters, I, with my own hand, delivered some letters to Mr Young, Joint-Fiscal. I did not mark them; but took note of date of post-marks. They were afterwards numbered by me—in the hands of the Fiscal. I took a note of the numbers when put on. This is it. I had a note of the post-marks—one had not a post-mark. I have not my note of the post-marks.

The DEAN OF FACULTY—It is extremely loose, this sort of evidence.

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

*Cross-examined by the DEAN OF FACULTY for the panel.*—Young, the Fiscal, did not mark the letters. A clerk of the Fiscal's was present at the time, I think. I never saw the Sheriff—he was never present. Mr Hart was not present. I have not now got the note of the post-marks. I destroyed it. I think the Fiscal saw the note when I laid it down to compare it with the numbers; but he did not tell me to keep it.

To the SOLICITOR GENERAL.—I gave up seven letters, I think, on the Wednesday.—(Shown No. 75.) That is one of them. I know it by the number 31, and my initials on it, and the word *desk* on it in my handwriting. This was to explain that I got it in L'Angelier's desk in our office.—(Shown No. 93.) This is one of them too, the word *desk* is on it also, its number by me is 45.—(Shown No. 97) This is one of them, my No. 3, *desk*.—(Shown No. 107.) This was also in *desk*, my No. 54.—(Shown No. 109.) This is also one, my No. 53, *desk*, I do not find it.

I read portions of some of these letters before I gave them to the Fiscal. I did not look at the contents when I gave them up. I first communicated with the Fiscal on the subject on the afternoon of Tuesday the 25th March, after the doctors had made their *post-mortem* examination. I did not on the Tuesday believe there was any ground for a criminal charge; but on the Wednesday I felt uncomfortable about the case. My feelings then pointed to a quarter where he was likely to have been.

*Cross-examined by the DEAN OF FACULTY for the panel.*—I have a memorandum of the letters here. The entry in the book (read) was made when the letters were numbered—I can swear to them. There were six letters in the memorandum. When I said *seven* that included one found in the breast-pocket of the deceased. I am not aware of having seen No. 56 of my list. The numbers were put on the letters in the Fiscal's office in my presence. I was requested to take letters of different dates. I cannot tell why these numbers were put on. All these five letters have envelopes, and the post-marks are on the envelopes only. When I

checked the letters by the post-marks I cannot say that some were in the same envelopes as before—I merely believed them to be the same. I had no other means of identifying the letters themselves. Is there any date in the memorandum-book enabling you to tell the date when these numbers were put on? No. There is on the page a date of 24th April; but it refers to wool shawls at a certain price. Preceding page same time, 22d April, signed precognition. Before that, there was Saturday the 18th April, eight bottles and bundle of powders, apparently the same as those found in Mrs Jenkins'. On the preceding page there is the following entry:—"Monday, 30th March,—Gave up L'Angelier's papers and letters from his desk to Murray and ——." In the immediately preceding page, before the first entry spoken of, there are three dates—17th April, 18th April, and 22d April—and on the page immediately before these there are dates—28th, 30th, and 31st March. The entry under 17th April is—"Was at Mr Hart's, and gave a second evidence." I am not aware of the date of the last time I was precognosed. The entry before the 17th April is—"Signed precognition;" there is no date to that. I was precognosed several times; I have not been precognosed since I came to Edinburgh. I have seen parties connected with the Crown yesterday or the day before, and this morning. This morning I saw Mr Wilson and Mr Gray, of the Fiscal's office in Glasgow. They did not ask me about the letters. I told them I was in a most uncomfortable position about this matter; that I had got quite a sufficiency in the Court; and that I wanted to be done with it. Was that in consequence of anything said by those gentlemen? No. It was because I felt exceedingly uncomfortable and very unwell. I saw them this morning. I don't know whether it was this morning or yesterday afternoon that I said so, but I said so repeatedly. As to the entry about the six letters, I cannot say when it was made. The entry is "letters 3, 31, 45, 53, 54, and 56" in desk 25th March, and can swear to them.

To the LORD JUSTICE-CLERK.—The entry was not made on the 25th March. I can't say when it was made. That was the day on which I got the letters.

By the DEAN OF FACULTY.—It appears in the book after an entry on the 24th April. I found letters belonging to L'Angelier in the tourist's bag in the desk in the warehouse, in a leather portmanteau at his lodgings, and also in the desk in his lodgings, and one in his vest pocket. I can't say how many letters there were in the desk at the warehouse. They were numerous. Part of them were wrapped in two brown paper parcels, and part were lying loose. The two parcels were sealed with the company's stamp. They had been sealed by L'Angelier himself, apparently. As to the seven letters I gave to the fiscal, I don't know whether they were in a sealed packet or lying loose. I cannot identify any of the letters found in the desk, except the six in the desk which I have spoken to, and the one found in the vest pocket. I don't know how many letters I found in the travelling-bag. They were not very numerous—I should say under a dozen. I did not count them. I read a portion of them. In the portmanteau, I have no idea how many I found. They were numerous. I think they were partly loose and partly tied with twine or tape. I saw them in the Fiscal's office. I presumed them to be the same, but I cannot distinguish those found in

the portmanteau, nor those found in the desk at the lodgings. I can't tell how many of them there were.—(Shown No. 137, and after looking at memorandum-book.) This is marked as found in the bag. Tell me what you referred to your memorandum-book for just now. Is it by reference to this entry that you are enabled to say now that this is one of the letters found in the bag? Yes; and also I marked it "bag." Why did you refer to this? I was requested to take a note of them at the time. This entry immediately follows the other entry of 25th March before spoken of. I don't know when I wrote the word "bag" on the letter. I have not the slightest idea of what has become of the letter attached to the envelope. I can't say if it contained a letter. I made no inventory of the letters found in the bag, and I saw none made. I saw a note of letters in the Fiscal's office. I am not aware of seeing an inventory of the letters found in the bag. I made a list of the six or seven which I have before referred to. I made no other list. I think I saw only one desk at L'Angelier's lodgings. I recollect L'Angelier going to Edinburgh. I never saw him after he went there. He was not back to the warehouse, to my knowledge.—(Shown twenty-four letters in the third inventory for the prisoner.) Did you ever see these before? I have seen a number of letters in that handwriting from this individual among the letters given up, but I can't say I saw any one of them. The signature is "M. A. P.;" it is Miss Perry's signature. I found portions of this handwriting in all his repositories. I can't say as to the small bag. I can't say how many in this handwriting I may have seen. There were a good many; I think not so many as in the other handwriting—not nearly so many. I can't give you any notion how many there were in the other handwriting. My impression is that there would not be one-half of them in this handwriting. I could not say if they would be a third, but there were a good many of them. I could not say if there were 100 in the first handwriting I have spoken to. There are 199 letters in the prisoner's second inventory. I should be inclined to say, speaking roughly, that there were 250 to 300, of all the letters found, in all handwritings. I understood that L'Angelier corresponded with a number of ladies in the south and in France. I have seen letters addressed to ladies in France and in England. I have heard him speak about ladies in England. He was a vain person—vain of his personal appearance—very much so. He never spoke of himself to me as very successful among ladies. He was of a rather mercurial disposition—changeable. His situation in Huggins' warehouse was packing clerk. I am not aware what money he had when he went to Bridge of Allan or to Edinburgh. I saw the first medical report made by Dr Thomson. It was made upon Tuesday the 24th. Shown seven medical reports, and asked to find it.

The COURT.—You had better show it to him.

The DEAN OF FACULTY.—It is not there—that is the point.

Witness.—Need I look for it then?

The DEAN OF FACULTY.—No; but you saw a report.

Witness.—Yes; it was on a small slip of paper. There is a report here by Dr Stevens and Dr Thomson, dated "28th March." The report I speak of was made on the 24th March. It was given to me; and I gave it to Mr Young, the Fiscal. I have not seen it since.—(Shown No. 1 of second inventory for prisoner—a portmonnaie.) This was got

I think in L'Angelier's vest—at all events in his clothes. There were three rings in it, which I have already spoken to as having been found on him. I did not give this up to the Fiscal with the other things. It was found on the Monday that he died; it was locked up in one of his drawers; it was not taken out till all the articles of dress were packed up a considerable time afterwards; it was then packed up in one of the portmanteaus; I have no note of when it was given up, but I recollect giving some articles out of the portmanteau to Mr Miller and Mr Forbes, agents for the prisoner. I am not sure whether this was one of them. I don't know whether it was got out of his lodgings or out of the trunk it was sent in here.—(Shown two letters, 1 and 2 of the first inventory for the prisoner.) These are in the handwriting of L'Angelier.

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

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

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

The LORD JUSTICE-CLERK.—I think it right to say that I know of no duty so urgent, so impressive, and so imperative as that of the sheriff superintending and directing every step in a precognition for murder; and that, in the experience of myself as an old Crown officer, and of my two brethren as sheriffs, the course which this case seems to have taken is unprecedented. I must say that, although your memoranda (addressing witness) were not made artistically or scientifically, I think you have done the best according to your judgment and experience; nor do I suppose that there is any imputation against you.

The DEAN OF FACULTY.—No, on the contrary.

The LORD ADVOCATE.—I think it right to say that perhaps be-

fore the end of the case, in some respects the observations of your Lordship will be modified.

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

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

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

13. *Dr Hugh Thomson* (39) *examined by the LORD ADVOCATE*.—I am a physician in Glasgow. I knew the late M. L'Angelier for fully two years. He consulted me professionally; the first time fully a year ago. He had a bowel complaint. He soon got the better of that. Next time he consulted me on 3d February of this year. He had a cold and cough, and a boil at the back of his neck. He was very feverish, and the cough was rather a dry cough. These are all the particulars I have. I prescribed for him. I saw him next about a week after the 3d February. He was better of his cold, but I think another boil had made its appearance on his neck. I saw him again on the 23d February. He came to me. He was very feverish, and his tongue was furred and had a patchy appearance, from the fur being off in various places; he complained of nausea, and said he had been vomiting and purging; he was prostrate, his pulse was quick, and had the general symptoms of fever. I prescribed for him. I took his complaint to be a bilious derangement, and I prescribed an aperient draught; he had been unwell I think, for a day or two, but he had been taken worse the night before he called on me; it was during the night of the 22d and morning of the 23d that he was taken worse. He was confined to the house for two or three days afterwards. I am reading from notes I made on the 6th April. I made them from recollection, but the dates of my visits and the medicine were entered in my books. I visited him on the 24th February, and on the 25th, and on the 26th, and on the 1st of March I intended to visit him, but I met him on the Great Western Road. The aperient draught I prescribed for him on the 23d, contained magnesia and soda; on the 24th, I prescribed some powders containing rhubarb, soda, chalk with mercury, and ipecacuanha. These were the medicines I prescribed. On the 23d February, I have described his state. On the 24th he was much in the same state. He had vomited the draught that I had given him on the 23d, and I observed that his skin was considerably jaundiced on the 24th; and from the whole symptoms I called the disease a bilious fever. On the 25th he was rather better, and had risen from his bed to the sofa, but he was not dressed. On the 26th he felt considerably better and cooler, and I did not think it necessary to repeat my visits till I happened to be in the neighbourhood. It did not occur to me at the time that these symptoms arose from the action of any irritant poison. If I had known he had taken an irritant poison, these were the symptoms which I should have expected to follow. I don't think I asked him when he was first taken ill. I had not seen him for some little time before, and certainly he looked very dejected and ill; his colour was rather darker and jaundiced, and round the eye the colour was rather darker than usual. I saw him again eight or ten days after the 1st March. He

called on me, and I have no note of the day. He was then much the same as on the 1st March. He said that he was thinking of going to the country, but he did not say where. I did not prescribe medicines for him then, and gave him no particular advice. About the 26th February, I think, I told him to give up smoking; I thought that was injurious to his stomach. I never saw him again in life. On the morning of the 23d March, Mr Stevenson and Mr Thnau called on me, and mentioned that M. L'Angelier was dead, and they wished me to go and see the body, and see if I could give any opinion as to the cause of death. They did not then know that I had not seen him during his last illness. I went to the house. The body was laid out on a stretcher dressed in grave clothes and lying on the table. The skin had a slightly jaundiced hue. (I made the notes from which I read on the same day.) I said it was impossible to give any decided opinion as to the cause of death, and I requested Dr Steven to be called, who had been in attendance during the illness. I examined the body with my hands externally, and over the region of the liver the sound was dull—the region seemed full; and over the region of the heart the sound was natural. I saw what he had vomited, and the landlady volunteered a statement as to the symptoms before death. When Dr Steven arrived he corroborated the landlady's statements as far as he was concerned. He could not account for the death. There was no resolution come to on the Monday as to a *post mortem* examination. On the afternoon of that day I was called on by Mr Huggins and another gentleman, and I said the symptoms were such as might have been produced by an irritant poison. I said it was such a case as if it had occurred in England, a coroner's inquest would be held. Next morning Mr Stevenson called again and said that Messrs Huggins & Co. requested me to make an inspection. In consequence of that I said I would require a colleague, and Dr Steven was agreed on. I called on him, and he went with me to the house, and we made the inspection on Tuesday forenoon about twelve o'clock. We wrote a short report of that examination to Mr Huggins immediately. We afterwards made an enlarged report. (Witness was then shown this report, and read it as follows):—

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

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

*Examination continued.*—I afterwards received instructions from the Procurator-Fiscal in regard to the stomach. I was summoned to attend at his office before I wrote that report; that was on the 27th March. The contents of the stomach, and the stomach itself, sealed up in one bottle, were handed to Dr Penny on the 27th; they were in my custody till then. On the 31st I received instructions from the Procurator-Fiscal to attend at the Ramshorn Church, by order of the Sheriff, to make an inspection of L'Angelier's body, which was then exhumed. Dr Steven, Dr Corbet, and Dr Penny were there. The coffin was in a vault, and was opened in our presence, and the body taken out. I recognised it as L'Angelier's body. It presented much the same appearance generally as when we left it; it was particularly well preserved, considering the time that had elapsed. On that occasion we removed other parts of the body for analysis. [Shown report of that examination, No. 156, and read it as follows]:—"Glasgow, 3d April 1857.—By virtue of a warrant from the Sheriff of Lanarkshire, we, the undersigned, proceeded to the *post mortem* examination of the body of Pierre Emile L'Angelier, within the vault of the Ramshorn Church, on the 31st of March ult., in presence of two friends of the deceased. The body being removed from the coffin, two of our number, Drs Thomson and Steven, who examined the body on the 24th ult., remarked that the features had lost their former pinched appearance, and that the general surface of the skin, instead of the tawny or dingy hue observed by them on that occasion, had become rather florid. Drs Thomson and Steven likewise remarked that, with the exception of the upper surface of the liver, which had assumed a purplish colour, all the internal parts were little changed in appearance; and we all agreed that the evidences of putrefaction were much less marked than they usually are at such a date—the ninth day after death and the fifth after burial. The duodenum, along with the upper part of the small intestine, after both ends of the gut had been secured by ligatures, was removed and placed in a clean jar. A portion of the large intestine, consisting of part of the

descending colon and sigmoid flexure, along with a portion of the rectum, after using the like precaution of placing ligatures on both ends of the bowel, was removed, and placed in the same jar with the duodenum and portion of small intestine. A portion of the liver, being about a sixth part of that organ, was cut off and placed in another clean jar. We then proceeded to open the head in the usual manner, and observed nothing calling for remark beyond a greater degree of vascularity of the membranes of the brain than ordinary. A portion of the brain was removed, and placed in a fourth clean vessel. We then adjourned to Dr Penny's rooms in the Andersonian Institution, taking with us the vessels containing the parts of the viscera before mentioned. The duodenum and portion of small intestine were found to measure, together, 36 inches in length. Their contents, poured into a clean glass measure, were found to amount to four fluid ounces, and consisted of a turbid, sanguinolent fluid, having suspended in it much flocculent matter, which settled towards the bottom, whilst a few mucous-like masses floated on the surface. The mucous membrane of this part of the bowels was then examined. Its colour was decidedly redder than natural, and this redness was more marked over several patches, portions of which, when carefully examined, were found to be eroded. Several small whitish and somewhat gritty particles were removed from its surface, and, being placed on a clean piece of glass, were delivered to Dr Penny. A few small ulcers, about the sixteenth of an inch in diameter, and having elevated edges, were observed on it, at the upper part of the duodenum. On account of the failing light, it was determined to adjourn till a quarter past eleven o'clock forenoon of the following day—all the jars, with their contents, and the glass measure, with its contents, being left in the custody of Dr Penny. Having again met at the time appointed, and having received the various vessels, with their contents, at Dr Penny's hands, in the condition in which we had given them to him, we proceeded to complete our examination. The portion of the largest intestine, along with the portion of the rectum, measuring twenty-six inches in length, on being laid open, was found empty. Its mucous membrane, coated with an abundant, pale, slimy mucus, presented nothing abnormal, except in that part lining the rectum, on which were observed two vascular patches, about the size of a shilling. On decanting the contents of the glass measure, we observed a number of crystals adhering to its interior, and at the bottom a notable quantity of whitish sedimentary matter. Having now completed our examination of the various parts, we finally handed them all over to Dr Penny. The above we attest on soul and conscience." Signed by Dr Thomson, Dr Steven, and Dr Corbet.

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

*Cross-examined by the DEAN OF FACULTY for the Panel.*—On the 24th March the contents of the stomach were poured into a clean bottle which

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

By the LORD JUSTICE-CLERK.—Was the appearance of jaundice in the eyes? It was in the skin.

The DEAN OF FACULTY.—Show me the passage in Dr Taylor's work? (handing it to witness.)

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

The DEAN OF FACULTY.—What was the poison in the case of Marshall?

*Witness.*—Arsenic.

The DEAN OF FACULTY.—Well, see if you can find it.

LORD HANDYSIDE.—Perhaps he has made a mistake on the subject, and refers to Marshall as a writer on the subject. He is referred to in "Taylor's Medical Jurisprudence."

*Witness.*—Yes. [Shown "Taylor on Poisons"]—at page 62, Marshall is quoted: "Strangury and jaundice have been noticed among the secondary symptoms;" that is, under chronic poisoning.

The DEAN OF FACULTY.—Do you know any case in which jaundice has been observed as a symptom of arsenical poisoning, except that single line of Taylor's book?

*Witness.*—That is the only case.

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

*Witness.*—No.

The DEAN OF FACULTY.—You never saw it?

*Witness.*—No, I never saw it.

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

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

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

By the LORD ADVOCATE.—[Shown No. 187 of Inventory.] This is the jar in which the stomach and its contents were placed.

14. *Dr James Steven* (10), *examined by the LORD ADVOCATE*.—I am a physician in Glasgow, and live in Stafford Place, near to Franklin Street. Was applied to by Mrs Jenkins early in the morning of the 23d March last. She asked me to go to a lodger of hers who was ill. I did not know her or her lodger before. I had myself been ill for a week, and was unwilling to go out at night. It was named to me as a severe bilious attack. I advised Mrs Jenkins to give him large draughts of hot water to effectually wash out the stomach, and then some drops of laudanum. She came to me again that morning, I think about seven. I went, thinking that, as he was a Frenchman, he might not be understood. I found him in bed. He was very much depressed. His features were pinched, and his hands and fingers. He complained of coldness, and of pain over the region of the stomach. By pinched, I mean shrunk and cold, or inclined to become cold. He complained of general chilliness, and his face and hands were cold to the touch. He was physically and mentally depressed. I spoke to him. I observed nothing very peculiar in his voice. I did not expect a strong voice, and it was not particularly weak. That was when I first entered the room. But his voice became weaker. He complained that his breathing was painful, but it did not seem hurried. I dissuaded him from speaking. I had more blankets put upon the bed, and bottles of hot water around his body. I gave him a little morphia to quiet the painful retching and inclination to vomit, as he seemed to have already vomited all he could. He had a weak pulse. I felt the action of the heart; it was not particularly weak. That imported that the circulation was weaker at the extremities. His feet were not cold; hot bottles were put to them, and also near his body for his hands. He was not urgently complaining of thirst. He seemed afraid to drink large quantities, in case of bringing back the vomiting. He asked particularly for cold water, and was unwilling to take whisky, which his landlady talked of giving him. He said he had been vomiting and purging. I saw a chamber-pot filled with the combined matter vomited and purged. I ordered it to be removed, and a clean vessel put in its place, that I might see what he vomited. I did not afterwards see it. I believe it was kept for some time, but I said it might be thrown away. That was after his death. He said, "This is the third attack I have had; the landlady says it is the bile, but I never was subject to bile." These were his words. He seemed to get worse while I was there. He got up to go to stool, and passed a very small quantity of mucous fluid. He got in again himself. While I was sitting beside him, he several times said, "O my poor mother," and remarked how dull he felt at being so ill and away from friends. I ordered a mustard poultice to the stomach. I stayed, I suppose, about half-an-hour. It was about seven when I went there, and I got home at twenty minutes to eight. I applied the poultice myself. I called again at a quarter past eleven. His landlady met me in the lobby, and told me he had been quite as bad as in the morning, but had just fallen quiet. I went into the bed-room, and found him dead. He was lying on his right side, with his back towards the light, his knees a little drawn up, one arm outside the bed-clothes, and another in. They were not much drawn up—not unnaturally drawn up. He seemed in a comfortable position, as if he was sleeping. About mid-day I was sent for again. Dr Thomson was there when I went. I asked him if there was any-

thing in his previous illness, which, with the symptoms I mentioned, could account for the death; but we were entirely at a loss to account for it on any supposition of natural cause. I declined giving a certificate of death unless I made an examination; and Dr Thomson and I made one next day. Identifies report of that examination (No. 155); that is a true report. Subsequently, we made a second *post mortem* examination, after the body was exhumed. Identifies that report (No. 156). The stomach and its contents were put into a pickle-bottle on the first examination. The bottle was repeatedly washed by myself and others. I was quite satisfied with its purity. It was sealed up. It was taken to my house. The portions of the body removed on the second examination were handed to an officer, who went, with Dr Penny and myself, to Dr Penny's laboratory. On the second *post mortem* examination, I noticed that the body was remarkably well preserved. I had never attended any case in which there had been poisoning by arsenic. In Dr Penny's laboratory, I again examined the articles which had been sent. They were in the same state, and were again left in Dr Penny's charge.

15. *Dr Frederick Penny* (42), examined by the LORD ADVOCATE.—I am Professor of Chemistry in the Andersonian University, Glasgow. On 27th March last, I was communicated with by Dr Hugh Thomson. He came to the Institution, and delivered a bottle. It was securely closed and sealed. I broke the seal, and made an examination of the contents. They were a stomach and a reddish-coloured fluid. I was requested to make the examination for the purpose of ascertaining if those matters contained poison. I commenced the analysis on the following day, the 28th. One of the clerks of the Fiscal called with Dr Thomson, and it was done at his request. Till I made the analysis, the jar and its contents remained in the state in which I received them. [Shown report of first analysis (No. 157 of Inventory), and read it as follows]:—

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

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

“1. *Contents of the Stomach.*

“This liquid measured eight and a half ounces. On being allowed to repose, it deposited a white powder, which was found, on examination, to possess the external characters and all the chemical properties peculiar to arsenious acid; that is, the common white-arsenic of the shops. It consisted of hard, gritty, transparent, colourless, crystalline particles; it was soluble in boiling water, and readily dissolved in a solution of caustic potash; it was unchanged by sulphide of ammonium, and volatilised when heated on platina foil. Heated in a tube, it gave a sparkling white sublimate, which, under the microscope, was found to consist of octohedral crystals. Its aqueous solution afforded, with ammonio-nitrate of silver, ammonio-sulphate of copper, sulphuretted hydrogen, and

bichromate of potash, the highly characteristic results that are produced by arsenious acid. On heating a portion of it in a small tube with black-flux, a brilliant ring of metallic arsenic was obtained with all its distinctive properties. Heated with dilute hydrochloric acid and a slip of copper foil, a steel-grey coating was deposited on the copper; and this coating, by further examination, was proved to be metallic arsenic.

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

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

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

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

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

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

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

“*Stomach.*

“I examined, in the next place, the stomach itself. It was cut into small pieces, and boiled for some time in water containing hydrochloric acid;

and the solution, after being filtered, was subjected to the same processes as those applied to the contents of the stomach. The results in every case were precisely similar, and the presence of a considerable quantity of arsenic was unequivocally detected.

*“Quantity of Arsenic.*

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

“The purity of the various materials and reagents employed in this investigation was most scrupulously ascertained.

*“Conclusions.*

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

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

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

“All this is true on soul and conscience.

(Signed) “FREDERICK PENNY,  
Professor of Chemistry.

“Glasgow, April 6, 1857.”

*Examination resumed.*—How much arsenic would destroy life? It is not easy to give a precise answer to that question; cases are on record in which life was destroyed by two and four grains; four or six grains are generally regarded as sufficient to destroy life, and the amount I determined as existing in the stomach was eighty-two grains. On the 31st March I attended at the exhumation of M. L’Angelier’s body. I saw the coffin opened, and portions of the body removed. These portions were carefully preserved and submitted to a chemical analysis by myself. They were placed in jars, which I never lost sight of until they reached my laboratory. I made an analysis of the contents, and prepared the following report (No. 158 of inventory):—

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

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

1. Small intestine and contents.
2. Large intestine.

3. Liver.
4. Heart.
5. Lung.
6. Brain.

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

“1. *Small Intestine and its contents.*

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

“Arsenic was also detected in the small intestine.

“2. *Large Intestine.*

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

“3. *Liver, Brain, and Heart.*

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

“4. *Lung.*

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

“*Conclusions.*

“1. That the body of the deceased Pierre Emile L’Angelier contained arsenic.

“2. That the arsenic must have been taken by or administered to him while living.

“All this is true on soul and conscience.

(Signed)

“FREDERICK PENNY,  
Professor of Chemistry.”

*Examination continued.*—The actual quantity on the second occasion was not ascertained. It was not necessary to determine this quantity. The presence of arsenic in the brain does not enable me to say when the arsenic was taken. I can see no physiological reason why the arsenic should not make its appearance at the same time in the various textures of the body.

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

By the LORD ADVOCATE.—When my analysis was completed, on the 11th April, I removed the portions of the body to Edinburgh. [Shown No. 209 of Inventory].—These articles were delivered to Dr Christison. They were, powder from contents of stomach, fluid from contents of stomach, fluid from stomach, portions of small and large intestines, liver, heart, lung, etc. They were in my custody till delivered to Dr Christison. They were portions of L’Angelier’s body. I was asked to make an investigation as to arsenic purchased at the shops of Mr Currie and

Mr Murdoch, to ascertain if the substance sold by them as arsenic really contained arsenic, and in what proportion. The following is the report on this matter [reads No. 159]:—

“On the 18th inst., I purchased from James Dickie, at Mr Murdoch’s drug-shop, in Sauchiehall Street, Glasgow, one ounce and a half of arsenic, said to be mixed with soot, and in the state in which it is usually sold retail at that establishment.

“On the same day, I purchased also from George Carruthers Halliburton, at Mr Currie’s drug-shop, Sauchiehall Street, Glasgow, one ounce of arsenic, said to be mixed with indigo.

“I have since made a careful analysis and chemical examination of each of these quantities of arsenic; and I find that they contain respectively the following proportions per cent. of arsenious acid—that is, of pure white arsenic:—

	Arsenious Acid.
“Mr Murdoch’s arsenic, . . .	95.1 per cent.
“Mr Currie’s arsenic, . . .	94.4 per cent.
(Signed)	“FREDERICK PENNY, Professor of Chemistry.”

*Examination resumed.*—The other substances, besides pure arsenic, were inorganic matter, and in Mr Murdoch’s carbonaceous matter, and in Currie’s particles of indigo and carbonaceous matter, with ash or inorganic matter. The arsenic bought at Mr Currie’s contained an extremely small portion of the blue colouring matter of indigo. The greater part of that colouring matter, by peculiar and dexterous manipulation, could be removed, and the arsenic would afterwards appear white to the unassisted eye. If a sufficient portion of that arsenic was administered to cause death, and prior to death great vomiting had taken place, I would not have expected to find any portion of the indigo. Indigo would show a blue colour in solution.

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

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

camphorated chalk ; No. 12, cake of chocolate ; No. 13, paper package—a dried plant, much decayed ; No. 22, empty phial, labelled “glycerine ;” No. 23, small bottle containing a resinous cement. Witness then identified the various bottles which contained the stomach (save Nos. 162 to 174, and Nos. 183 and 184 of Inventory). None of these substances, excepting that containing solution of aconite, are poisonous. It was extremely weak, and the quantity I found was not sufficient to destroy life. There were nearly two ounces in the phial, and it was more than half full ; if the whole quantity taken out had been swallowed, it would not have been sufficient to destroy life ; it had a label of Fraser and Green—“A tea-spoonful every two hours in water.” Aconite produces convulsions and coma. I cannot speak further as to its effects. I never heard of prussic acid being used externally as a cosmetic ; I should think it highly dangerous to use it in that way. I am not aware of any chemical action that it exerts. I should say it would be very dangerous to use arsenic for a similar purpose ; if rubbed on the skin, it might produce constitutional symptoms of poisoning by arsenic ; it might produce an eruption on the skin. I have heard of its being used as a depilatory, to remove hairs from the skin, mixed, however, with other matters, lime generally, solid. It is not arsenious acid that is so used ; it is usually the yellow sulphuret.

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

my mind at this moment as having been found. The cases in which a very large quantity of arsenic was found did not turn out to be cases of intentional murder by a third party. In the cases to which I refer, the arsenic was taken by the party voluntarily, with the intention to commit suicide. It would be very difficult to give a large dose of arsenic in a liquid; by a large dose of arsenic you exclude many vehicles in which arsenic might be administered. Nothing which I found in my investigation indicated the time when the arsenic might have been taken. The period that elapses between the administration of this poison and the symptoms being manifested, may be eight or ten hours; that is the extreme time; there are some cases, in which the symptoms show themselves in less than half-an-hour; we have cases in which death has resulted in a few hours, and cases in which death has been delayed for two or three days. As to the arsenic obtained from Currie's shop, the greater part of the colouring matter might be removed by dexterous manipulation; if you were to throw water on the arsenic and agitate the two together, and after the arsenic has subsided you decant the liquid, a portion of colouring matter is thrown off; but if you keep the vessel shaken in a particular way, you may coax the greater part of the colouring matter away. This would require skilful agitation. I think none but a chemist would be likely to know about it, or try it. Murdoch's arsenic was coloured with carbonaceous matter; it was coal soot. I cannot tell from examination whether the arsenic found was administered in one dose or in several. It would be very dangerous to use arsenic externally in any way. There are cases in which it has been applied to the entire or whole skin, where there was no abrasion, and in which symptoms of poisoning have been produced—vomiting, pain, but not death. In one case it was rubbed on the head, I think; but I don't remember the details of the case. From the remembrance of general reading, my impression is, that it produces eruption on the sound skin. If cold water were used? I should not like to wash in such water myself. You cannot give me any other answer? No, I cannot.

To the LORD JUSTICE-CLERK.—There are cases in which inflammation of the intestines has been produced by external application of arsenic.

*Cross-examined by the DEAN OF FACULTY.*—Arsenic is an irritant poison. It is absorbed into the blood, I presume, with great rapidity, and, through the blood, it reaches all the organs in which we find it.

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

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

To the LORD JUSTICE-CLERK.—The period in which the arsenic produces its effect varies in different individuals, and according to the mode of administration. Pain in the stomach is one of the first symptoms when a large dose is administered, and vomiting usually accompanies the pain; but it may be very severe before vomiting actually begins. Ten, fifteen, or twenty grains might be given in coffee.

The LORD JUSTICE-CLERK.—Certainly, Dr Penny, more satisfactory, lucid, or distinct evidence, I never heard.

16. *Dr Robert Christison* (43), examined by the LORD ADVOCATE.—Dr Penny, of Glasgow, delivered to me portions of the body of L'Angelier on 10th April. I made a chemical analysis of the subjects so delivered, with the view of ascertaining if they contained poison. [Shown No. 160.] That is my report, and a true report. [Reads]:—

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

“No. 1 was a ‘small tube containing powder from contents of stomach.’

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

“The powder was, therefore, oxide of arsenic.

“No. 2 was ‘a bottle containing prepared fluid from contents of stomach.’

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

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

“No. 4 was ‘a bottle containing portion of contents of small intestine.’

“This was a turbid, opaque, dirty-grey liquid, holding much insoluble

matter in suspension; and white glittering particles were seen on the bottom of the bottle.

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

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

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

“No. 7 was a common gallipot jar, containing portion of liver.”

“The contents, being about four ounces of a liver, were subjected to a modification, proposed in 1852 by Dr Penny, of the process of Reinsch for detecting arsenic in such matter. The liver having been cut into small pieces, and boiled in hydrochloric acid and distilled water in a glass flask, to which a distilling apparatus of glass was connected, the whole texture was gradually reduced to a fine pulp, and a distilled liquor was obtained, which was collected in divided portions. These liquors were colourless, and nearly clear. The two first portions obtained did not contain any arsenic; the third gave faint traces of it; the fifth and sixth portions, when separately subjected to the action of copper gauze, gave characteristically the usual dark grey encrustation; and this, again, was driven off, as usual, by heat in a small glass tube, and yielded, in each case, a white sparkling ring of crystals, which were regular octaedres, or forms derived from the octaedre.

“The liver, therefore, contained oxide of arsenic.

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

The fluid from the stomach appeared to indicate a considerable quantity—more than sufficient to destroy life. I have had great experience in regard to poisons, and published a work on the subject. (Edinburgh, 1845.) At pages 301 and 303, I state the usual effects of poisoning by arsenic. If I found all these effects in a case, it would lead me to suspect the presence of arsenic, or some other irritant poison. I have not seen Dr Thomson and Dr Steven’s reports on the *post mortem* examination of the body. Supposing arsenic taken on the 19th and 22d February, in the interval between that and 22d March, the symptoms I would expect to find would be variable. Sometimes they pass off quickly, and sometimes continue for weeks or months. When they continue, they are—indigestion, loss of strength, emaciation, sometimes diarrhœa, lassitude of the limbs. If there appeared erosions with elevated edges in the intestines, I should have been led to suspect the existence of some affection of the intestines previous to the final attack; but much would depend on the appearances.

The LORD ADVOCATE read the description of the *post mortem* examination of the body (No. 156), and asked—Was this what witness would have expected to find after the administration of arsenic? *Witness* deponed that it would be very natural to expect such appearances from arsenic. I would have thought them the natural result of arsenic, if I had known it had been administered.

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

The symptoms are consistent with what you would expect if continuous poisoning were taking place?—

They are those which have occurred in parallel cases of the administration of repeated doses, singly insufficient to cause death.

Dr Penny gave me two packets of arsenic, and I examined some portions of the body previously not analysed. [Shown No. 161.] That is my report; it is true and correct. [Reads]:—

“Edinburgh, May 26, 1857.

“I certify that, since the delivery of my first report on the case of Pierre Emile L’Angelier, I have examined:—

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

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

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

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

“The other, marked ‘Currie’s arsenic,’ and supposed to contain indigo,

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

“All this I certify on soul and conscience.

(Signed) “R. CHRISTISON.”

[Shown Nos. 212, 213.] These samples are similar to what I got from Dr Penny.

*Cross-examined by the DEAN OF FACULTY.*—I did not detect colouring matter in the dead body; my attention was not directed to it. I got only one article in which it might have been found, if my attention had been directed to it—viz., the contents of the small intestine; the others had been subjected to previous preparation. I was not asked to attend to colouring matter. I did not see it, and I did not search for it. Supposing soot or indigo to have been administered with the arsenic, I think it might have been found in the stomach. I can't say it would have been found, even by careful examination; many circumstances go to the possibility of its being found. Many of the component parts of soot are insoluble; and it might have been partially removed by frequent vomiting, but not entirely. It is very difficult to remove soot from arsenic entirely. Indigo would have been found more easily, from the peculiarity of the colour, and the chemical properties being so precise. Currie's arsenic is not coloured with true indigo: it appears to be waste indigo, or what has been used for the purposes of the dyer. I don't know how it is prepared. I did not analyse the colouring matter of Currie's arsenic. I ascertained that it was not the indigo directed by the Act to be used, and I ascertained the quantity. I separated the colouring matter from the arsenic, and subjected it to the action of sulphuric acid. Charcoal is one of the chief constituents of good indigo, and necessarily of waste indigo. The chief constituent of soot is charcoal also. I was informed by Dr Penny of the quantity he found in the stomach—more than eighty grains. There was also a white powder found in addition. If there was great vomiting and purging, the quantity of arsenic administered must have been much greater than was found in the stomach and intestines. But much would depend on whether means were taken to facilitate vomiting. If hot and cold water were freely given, that would facilitate the discharge of the poison. It is impossible to say the proportion ejected; I think it would be reasonable to suppose that as much would be vomited as remained: it might, without any extravagant supposition, be taken at four or five times as much. There was nothing in the symptoms mentioned in the last illness in this case inconsistent with death being produced by a single dose of arsenic. The ordinary symptoms in a case of this kind are not unlike the symptoms of malignant cholera. I think all the symptoms in this case described to me might have occurred from malignant cholera. If there were a sense of choking and

soreness of the throat, I think these are more symptoms of arsenic; I don't think they have occurred in cholera. I think the ulcers in the duodenum might indicate the previous existence of inflammation of the duodenum, called duodenitis. It is a disease which might present the outward symptoms of bowel complaint or of cholera. The ordinary time that elapses between the administration of arsenic and death is from eighteen hours to two and a half days. The exceptions to this are numerous: some of them are very anomalous as to the shortness of the interval. The shortest are two or two and a half hours; these have been ascertained; but it is not always possible to ascertain when it is administered. The time between which the poison is administered and the manifestation of the symptoms, is from half an hour to about two hours. I had a case in which it was five hours. There are also cases in which it was said to be seven, and even ten hours. It does not appear that the size of the dose affects this; it does not depend on the amount taken, within certain bounds of course; but I speak of the case as arsenic is usually administered. There are a good many cases of large doses. I think the dose in this case must have been double, probably more than double, the quantity found in the stomach. A dose of 220 grains may be considered a large dose. I can't say if, in cases of as large a dose as this, it was intentionally administered; in the greater proportion of cases of suicide, the dose is generally found to be large. That is easily accounted for by the desire of the unfortunate person to make certain of death.

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

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

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

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

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

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

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

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

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

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

The DEAN OF FACULTY.—Or anything approaching to it?

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

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

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

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

*Witness.*—It is a great error. [*Examination continued.*] In some articles of food it is easy to administer a large quantity of arsenic, and in others it is difficult to do so. It is not difficult in solid, or, still better, in pulpy articles of food—porridge, for example—but much more difficult in liquids. A large quantity could not be administered in fluid without a large quantity of the fluid. It is very rare for persons to take meals as usual after arsenic has been administered; but there is a case of a girl who took arsenic at eleven o'clock forenoon, and at two o'clock she made a pretty good dinner. It was a French case; and the words, as translated, are, that she made “a very fair dinner”—“elle dinâ assez bien”—though it was observed that she was uneasy previously. Every author who notices that case, notices it as a very extraordinary one. She died, I think, in thirteen or fourteen hours after the administration. It was a rapid case.

*Re-examined by the LORD ADVOCATE.*—My opinion as to amount vomited is hypothetical. The amount of matter vomited is sometimes very little; and sometimes very large doses have been thrown off by vomiting, without occasioning death. Half an ounce of arsenic might be administered, if a proper vehicle were used. There is one case in which half an ounce was taken, and no vomiting ensued. I think chocolate or cocoa would be a vehicle in which a considerable dose might be given. Active exercise would hasten the effects of arsenic; a long walk would do so. Exercise accelerates the action of all poisons except narcotic poisons. That a man should take arsenic at Bridge of Allan, walk to Coatbridge, walk eight miles to Glasgow, and reach Glasgow in good health and spirits, and die of arsenic next morning, I should think very unlikely; cases of protraction for five hours have occurred in persons who had gone to sleep after taking it. The colouring matter of the arsenic might have been in the articles I examined, without my observing it. My attention was not directed to the point. The powder of arsenic I found was greyish—not quite white; perhaps mixed with something in the intestine. The administration of previous doses predisposes the system to the effects of poison, and makes the action of the poison more rapid and violent. If the individual had recovered entirely, no great effect would follow from doses a month before; but if he still laboured under derangement of the stomach, I should look for violent effects.

17. *Amadee Thuan* (11), *examined through an interpreter.*—I am a clerk in Glasgow, and lodged with Mrs Jenkins in March last. I knew M. L'Angelier, who also lived there. We took our meals together in the

same room. [Shown a photograph, No. 179]. Identified it as one seen in L'Angelier's room. It was the portrait of his intended. I am not sure whether L'Angelier ever told me her name. I did hear it, I do not know exactly from whom, but I think it was from the French Consul. I was in the habit of speaking with L'Angelier about her. We also spoke about the correspondence. I knew, in the end of December last, that he was to marry a young lady. I knew of some letters, but read none of them. In one of the letters about which M. L'Angelier spoke to me, the lady demanded back some of her letters. This is a pretty long time before his death. Remember the French transport "Neuve," at the Broomielaw. I remember going with M. L'Angelier to visit some one on board. I do not remember when exactly. I think that on the way there he delivered a letter, but I did not see the person. I do not know the name of the street. I know Blythswood Square in Glasgow, and it was in a street close by. When M. L'Angelier got to the house, he made a slight noise with his stick on the bar of the window. I was waiting at a short distance. I do not know the number of the house. I walked on while L'Angelier delivered the letter. It is the second window from the corner. I have since shown that window to a police-officer. L'Angelier was sometimes in the habit of going out at night. I knew where he went on these occasions—to his intended's house. I recollect one morning finding that L'Angelier had been out, and very ill in the night. I saw him that morning. I asked whether he had seen the lady; he said that he saw her the night before. I asked if he had been unwell after seeing her. He said that he was unwell in her presence. I recollect a second illness of L'Angelier. I do not think L'Angelier was out the night before that. I did not ask him any questions. He said nothing. L'Angelier insisted to go for a doctor—for his own doctor, Dr Thomson. I went to lodge at Mrs Jenkins at the end of December, and all that I have said about L'Angelier took place after I went to lodge there. On the occasion of his two illnesses, he was ill at night. I did not see him vomit. It is possible that he told me, but I don't remember. I don't remember if he said anything on the occasion of his illness about the letters. I went for Dr Thomson at L'Angelier's request. I did so on the second occasion. I think I remember L'Angelier's coming home from Edinburgh. I recollect getting a letter from L'Angelier. [Identifies No. 131 as the letter.] The letter was read in English:—

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

"Monday, Eleven o'clock."

The date is Monday, eleven o'clock, and the address is to M. L'Angelier, at Mrs Jenkins, Great Western Road. March 16th is the date of the post-mark.

L'Angelier came home, and went afterwards to Bridge of Allan and to Stirling. He left instructions to me to send his letters. [Shown No. 135]. These are the instructions he left with me as to his address; first at Stirling, afterwards at Bridge of Allan. He did not say how long he intended to remain at Bridge of Allan. I was to send the letters only for one or two days. Two letters came; one I sent to Stirling—I think

on the day he left Glasgow; the other to Bridge of Allan. [Shown No. 137.] I cannot speak to that. [Shown No. 139.] That is my handwriting; it contained the letter which I received for the deceased. [Shown No. 153.] This is my handwriting; the envelope contained the letter sent to Bridge of Allan. [Shown No. 151.] That is the letter I sent with it. [Reads.] I would not know the letter forwarded to Bridge of Allan if I saw it. In conversing with L'Angelier about the lady, I do not think her name was mentioned. The correspondence was carried on against the wish of the family. The house where L'Angelier delivered the letter was the house where she lived. I left Glasgow on the Saturday before L'Angelier died. I got notice of his death. Notice of his death was sent to my place of business. I did not expect him to return so soon from the Bridge of Allan. A gentleman called upon L'Angelier, and I think his name was Mitchell. I wrote to L'Angelier to say this gentleman had called.

*Cross-examined by the DEAN OF FACULTY.*—I saw L'Angelier take laudanum. I saw him take it several times. I once told him that he took too much. L'Angelier said that he could not sleep; and that he took it because he could not sleep. Do not know when this was. L'Angelier once said to me that he had taken much (beaucoup) laudanum. He told me that the morning after he had taken it. I cannot state the time. I have seen L'Angelier take laudanum four or five times.

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

18. *Auguste Vauvert de Mean* (26), *examined by the LORD ADVOCATE.*—I am chancellor to the French Consul at Glasgow. I was acquainted with the late M. L'Angelier. I was acquainted with him for about three years. I know Miss Smith. I was acquainted with her family. I knew that in 1856 there was a correspondence going on between L'Angelier and Miss Smith. L'Angelier confided to me, against my wish, his relations with Miss Smith. Mr Smith had a house at Row, and I lived at Helensburgh. L'Angelier stayed a night or two with me before I was married. When he asked my advice, I told him that he ought to go to Miss Smith's family and tell them of their attachment, and ask Mr Smith's consent. I told him that that was the most gentlemanly way. He said that Mr Smith was opposed to it; that Miss Smith had spoken to her father, and that he had been excessively angry, and that it would be useless. This was before my marriage, which was a year ago. I had no intercourse with him after that. I was aware, from what L'Angelier said, that there was a correspondence going on between them. I remember that L'Angelier came to my office a few weeks before his death, and he spoke about Miss Smith. I said that Miss Smith was to be married to some gentleman, Mr Minnoch; and when I mentioned the public rumours, he said that it was not true, but that if it was to come to this, he had documents in his possession that would be sufficient to forbid the banns. I don't recollect whether he said that Mr Smith had written to him on the subject of the reported marriage. I did not see him again before his death; but I thought that, having been received by Mr Smith in his house, after L'Angelier's death I thought it my duty to mention to Mr Smith the fact of the correspondence having been carried on between L'Angelier and his daughter, in order that he should take steps to exonerate his daughter in case of anything coming out. I knew that the de-

ceased had letters from Miss Smith in his possession. I called on Mr Smith on the evening of the death of M. L'Angelier, and told him that M. L'Angelier had in his possession a great number of letters from his daughter, and that it was high time to let him know this, that they might not fall into the hands of strangers; I said numbers of people might go to his lodgings and read them, as his repositories were not sealed. I went to Mr Huggins; he was not in, but I saw two gentlemen, and told them what I had been told to ask; they said they were not at liberty to give the letters without Mr. Huggins' consent. I then asked them to keep them sealed up till they were disposed of. I think that was on the day of L'Angelier's death. Having heard some rumours meanwhile, one day, I am not sure which, I saw Miss Smith in presence of her mother. I apprised her of the death of L'Angelier. She asked me if it was of my own will that I came to tell her; and I told her it was not so, but that I came at the special request of her father. I asked if she had seen L'Angelier on Sunday night; she told me that she did not see him. I asked her to put me in a position to contradict the statements which were being made as to her relations with L'Angelier. I asked her if she had seen L'Angelier on Sunday evening or Sunday night, and she told me she had not. I observed to her that M. L'Angelier had come from the Bridge of Allan to Glasgow on a special invitation by her, by a letter written to him. Miss Smith told me that she was not aware that L'Angelier was at the Bridge of Allan before he came to Glasgow, and that she did not give him an appointment for Sunday, as she wrote to him on Friday evening, giving him the appointment for the following day—for the Saturday. She said to me that she expected him on Saturday, but that he did not come, and that she had not seen him on Sunday. I put the question to her perhaps five or six different times, and in different ways. I told her that my conviction at the moment was, that she must have seen him on Sunday; that he had come on purpose from the Bridge of Allan, on a special invitation by her, to see her; and I did not think it likely, admitting that he had committed suicide, that he had committed suicide, without knowing why she asked him to come to Glasgow.

To the LORD JUSTICE-CLERK.—Did you know of this letter yourself?

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

The LORD JUSTICE-CLERK.—And the mother was present?

*Witness.*—The mother was present. This question I repeated to Miss Smith five or six times, as I thought it of great importance; and her answer was always the same. I asked her, in regard to the letter by which L'Angelier was invited to come to see her, how it was, that, being engaged to be married to another gentleman, she could have carried on

a clandestine correspondence with a former sweetheart. I referred to Friday's letter. She told me that she did it in order to try to get back her letters.

The LORD ADVOCATE.—Did you ask her whether she was in the habit of meeting L'Angelier ?

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

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

*Witness.*—I asked her if it was true that she had signed letters in L'Angelier's name, and she told me that she had. She did not say why.

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

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

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

*Witness.*—I did not ask her.

*Cross-examined by Mr YOUNG for the Panel.*—In the summer of 1855, before I was married, I went to live in Helensburgh. M. L'Angelier visited me there; and once he came, on a Saturday, to my lodgings there, and on Sunday we went on the Luss road. I went up to my room, and, L'Angelier not following, I called, and he replied, in a feeble voice, that he would be immediately. I saw him very pale. He had been frightfully sick, and had been vomiting all the time he was away. He once complained to me of being bilious. This was a year ago. He complained of once having had cholera. Last year he came to my office, and told me that he had had a violent attack of cholera; but I don't know whether that was a year or two years ago. I don't recollect whether he was unwell when he complained to me. I thought he complained sometimes without great cause. I did not pay much attention to it. I know that, when L'Angelier came to my house, he always had a bottle of laudanum in his bag; but I don't know if he used it. I once heard him speak of arsenic. It must have been in the winter of 1853-54. It was on a Sunday, but I don't recollect how the conversation arose; it lasted about half-an-hour. Its purport was, how much arsenic a person could take without being injured by it. He maintained that it was possible to do it by taking small quantities; but I don't know what led to the conversation. I would be afraid to make any statement as to the purpose for which he said it was to be taken. I have seen something about it in a French dictionary on chemistry and other subjects. I am afraid of making a mistake—confounding this book with others I have read. L'Angelier stated to me, that he had once been jilted by an English lady, a rich person; and he said that, on account of that deception, he was almost mad for a fortnight, and ran about, getting food from a farmer in the country. He was easily excited. When he had any cause of grief, he was affected very much.

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

The LORD ADVOCATE.—What do you mean by “harsh steps?”

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

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

*Witness.*—I understood so, from what he said.

The LORD JUSTICE-CLERK.—When you used the expression, “You thought it right to go to Mr Smith about the letters, in order that he might take steps to vindicate his daughter's honour, or prevent it from being disparaged,” did you relate to him her engagement and apparent breach of engagement. Had you in view that the letters might contain an engagement which she was breaking, or that she had made a clandestine engagement?

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

The LORD ADVOCATE.—What were L'Angelier's usual character and habits?

The LORD JUSTICE-CLERK.—Was he a steady fellow?

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

The LORD JUSTICE-CLERK.—Did he boast of any success with females?

*Witness.*—Never.

The LORD JUSTICE-CLERK.—Did he seem jealous of Miss Smith paying attentions to others?

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

The LORD JUSTICE-CLERK.—It was not on account of any levity in his character that you discouraged his visiting you after your marriage?

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

The DEAN OF FACULTY.—Do you understand the word “levity?”

*Witness.*—Yes; lightness, irregularity.

The LORD JUSTICE-CLERK.—How long was it since you had seen him, when he came to you a short time before his death? Had there been a long cessation of intercourse?

*Witness.*—Yes, there had been a long cessation.

The LORD ADVOCATE (showing witness No. 180 of Inventory, being a daguerreotype of L'Angelier).—Is that like L'Angelier?

*Witness.*—Yes, it is a good likeness.

The LORD JUSTICE-CLERK.—About what age was he ?

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

The LORD JUSTICE-CLERK.—Did he bring recommendations to you, or did you get acquainted with him accidentally ?

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

The Court adjourned shortly after six o'clock, under an interlocutor similar to that pronounced at the close of the first day's sitting.

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### THIRD DAY—THURSDAY, JULY 2, 1857.

The Court met at ten o'clock.

#### EVIDENCE FOR THE PROSECUTION CONTINUED.

20. *Charles O'Neill* (44), civil engineer and architect, Glasgow, *examined by the SOLICITOR-GENERAL.*—I was employed by the public authorities to make a plan of the house, No. 7, Blythswood Square, which was occupied by Mr James Smith, the father of the panel. [Shown plan, No. 189 of Inventory.] This is the plan which I made, and it is an accurate one. The house is at the corner of Blythswood Square and Mains Street, entering from Blythswood Square. It consists of two floors—a street floor and a sunk floor. The lobby, as you go in, runs along the side wall of the house, to the left-hand side. There are no rooms to that side. On the right-hand side there is, first, the drawing-room, then the dining-room, then a space occupied by the stairs entering from Mains Street to the houses above, but which are no portion of Mr Smith's house. The passage takes a turn a little to the right there, and becomes narrower than the lobby. After it turns, there is a small pantry facing the lobby, and beyond that there are three bed-rooms. Down stairs there is an area door to Blythswood Square, and a door at the back of the house, leading into an inner area which opens into a lane. Going in at the front area door, on the left hand there is a small bed-room, and to the right is the kitchen. Beyond the bed-room, to the left, there is a closet and wine-cellar. Beyond the kitchen, to the right, there is another bed-room, with two windows looking to Mains Street. That is marked, "No. 5, Madeleine's bed-room." The lower sill of these windows is about eighteen inches below the pavement of Mains Street, and there are iron gratings and stanchions over them. The glass of the windows is about six inches from the street, so that a person standing in the street, and putting the arm through the railings, can quite easily touch the windows; and anything let fall inside the railings, would fall on the level of the sill of the window. Anything so let fall could be picked up by a person opening the window. Where the passage passes that room, there are stairs, then a pantry, and beyond that a bed-room, marked on the

plan, "C. H. 7." That is the room nearest to the back door. On the right-hand side of the passage there, there are no other rooms in Mr Smith's house. The height of the room No. 5, from the floor to the sill of the window, is about three or four feet. It is just an ordinary window. The lane at the back of the house leads from Mains Street, and opens into Mains Street; so that a person has no difficulty in getting from Mains Street to the door of the back area. The house next to the lane in Mains Street is occupied by Mr Minnoch and Mr Douglas. That is a common stair.

By Mr YOUNG.—The door in Mains Street, next to No. 14 of plan, is the door of the common stair leading to the houses above; that is, the door leading to Mr Minnoch's house. The plan shows six windows altogether in the sunk floor; three look into the area in front, in Blythwood Square, two to Mains Street, and one into the area behind. I can't say whether all of these windows are stanchioned outside with iron bars; those in Mains Street are. I took no note as to the other windows. The sill of the windows in the bed-room, No. 5, is three or four feet above the floor. I did not measure. There are eight steps leading up to the front door of the house. I can't say how many lead down to the area. It is an area of about six feet deep. I did not measure the distance between the sill of the window and Mains Street. Mains Street inclines towards the lane. It is lower towards the lane. It declines towards the lane. I did not try the gradient. There is a fall of about six feet between Blythwood Square and the lane. That is in a distance of about ninety-eight feet. There is a wall between the back area and the lane. I did not measure its height.

The LORD JUSTICE-CLERK.—You might have as well not made a plan at all, sir.

By the SOLICITOR-GENERAL.—I was only asked to make a ground-plan of each floor.

The prisoner's declaration was then read as follows. It was dated the 31st March:—"My name is Madeleine Smith. I am a native of Glasgow; twenty-one years of age; and I reside with my father, James Smith, architect, at No. 7, Blythwood Square, Glasgow. For about the last two years, I have been acquainted with P. Emile L'Angelier, who was in the employment of W. B. Huggins & Co., in Bothwell Street, and who lodged at 11, Franklin Place. He recently paid his addresses to me, and I have met with him on a variety of occasions. I learned about his death on the afternoon of Monday, the 23d March current, from mamma, to whom it had been mentioned by a lady, named Miss Perry, a friend of M. L'Angelier. I had not seen M. L'Angelier for about three weeks before his death, and the last time I saw him was on a night about half-past ten o'clock. On that occasion, he tapped at my bed room window, which is on the ground floor, and fronts Mains Street. I talked to him from the window, which is stanchioned outside; and I did not go out to him, nor did he come in to me. This occasion, which, as already said, was about three weeks before his death, was the last time I saw him. He was in the habit of writing notes to me, and I was in the habit of replying to him by notes. The last note I wrote to him was on the Friday before his death—viz., Friday, the 20th March current. I now see and identify that note, and the relative envelope, and they are each

marked No. 1. In consequence of that note, I expected him to visit me on Saturday night, the 21st current, at my bed-room window, in the same way as formerly mentioned; but he did not come, and sent no notice. There was no tapping at my window on said Saturday night, or on the following night, being Sunday. I went to bed on Sunday night about eleven o'clock, and remained in bed till the usual time of getting up next morning, being eight or nine o'clock. In the course of my meetings with M. L'Angelier, he and I had arranged to get married, and we had, at one time, proposed September last as the time the marriage was to take place, and, subsequently, the present month of March was spoken of. It was proposed that we should reside in furnished lodgings; but we had not made any definite arrangement as to time or otherwise. He was very unwell for some time, and had gone to the Bridge of Allan for his health; and he complained of sickness, but I have no idea what was the cause of it. I remember giving him some cocoa from my window one night some time ago, but I cannot specify the time particularly. He took the cup in his hand, and barely tasted the contents; and I gave him no bread to it. I was taking some cocoa myself at the time, and had prepared it myself. It was between ten and eleven p.m. when I gave it to him. I am now shown a note or letter, and envelope, which are marked respectively No. 2, and I recognise them as a note and envelope which I wrote to M. L'Angelier, and sent to the post. As I had attributed his sickness to want of food, I proposed, as stated in the note, to give him a loaf of bread; but I said that merely in a joke, and, in point of fact, I never gave him any bread. I have bought arsenic on various occasions. The last I bought was a sixpence worth, which I bought in Currie the apothecary's, in Sauchiehall Street; and, prior to that, I bought other two quantities of arsenic, for which I paid sixpence each—one of these in Currie's, and the other in Murdoch the apothecary's shop, in Sauchiehall Street. I used it all as a cosmetic, and applied it to my face, neck, and arms, diluted with water. The arsenic I got in Currie's shop, I got there on Wednesday, the 18th March; and I used it all on one occasion, having put it all in the basin where I was to wash myself. I had been advised to the use of the arsenic in the way I have mentioned by a young lady, the daughter of an actress, and I had also seen the use of it recommended in the newspapers. The young lady's name was Guibilei, and I had met her at school at Clapton, near London. I did not wish any of my father's family to be aware that I was using the arsenic, and, therefore, never mentioned it to any of them; and I don't suppose they or any of the servants ever noticed any of it in the basin. When I bought the arsenic in Murdoch's, I am not sure whether I was asked or not what it was for; but I think I said it was for a gardener to kill rats or destroy vermin about flowers; and I only said this, because I did not wish them to know that I was going to use it as a cosmetic. I don't remember whether I was asked as to the use I was going to make of the arsenic on the other two occasions; but I likely made the same statement about it as I had done in Murdoch's; and on all the three occasions, as required in the shops, I signed my name to a book in which the sales were entered. On the first occasion, I was accompanied by Mary, a daughter of Dr Buchanan of Dumbarton. For several years past, Mr Minnoch, of the firm of William Houldsworth & Co., has been coming a good deal about my father's house, and about

a month ago Mr Minnoch made a proposal of marriage to me, and I gave him my hand in token of acceptance; but no time for the marriage has yet been fixed, and my object in writing the note No. 1, before mentioned, was to have a meeting with M. L'Angelier to tell him that I was engaged in marriage to Mr Minnoch. I am now shown two notes and an envelope bearing the Glasgow postmark of 23d January, which are respectively marked No. 3, and I recognise these as in my handwriting, and they were written and sent by me to M. L'Angelier. On the occasion that I gave M. L'Angelier the cocoa, as formerly mentioned, I think that I used it must have been known to the servants and members of my father's family, as the package containing the cocoa was lying on the mantelpiece in my room; but no one of the family used it except myself, as they did not seem to like it. The water which I used I got hot from the servants. On the night of the 18th, when I used the arsenic last, I was going to a dinner-party at Mr Minnoch's house. I never administered, or caused to be administered, to M. L'Angelier arsenic or anything injurious. And this I declare to be truth.

(Signed) "MADELEINE SMITH."

20. *Miss Mary Jane Buchanan* (66), examined by the SOLICITOR-GENERAL.—Dr Buchanan of Dumbarton is my father. I am acquainted with Miss Smith. One day last spring (6th March), I went into a chemist's shop in Sauchiehall Street with her; it was Currie's shop. I don't remember if she told me beforehand what she was going in for, but I heard her ask for arsenic. She was told by the shopman that she must sign her name to a book. He did not ask her what she wanted with it. I asked her that in the hearing of the shopman, and she said it was to kill rats. She got the arsenic. I am not sure, but I think she got sixpence-worth. She brought it away with her. When I asked what she was going to do with it, and when she said, to kill rats, the shopman suggested phosphorus, but she said she had tried that before, and was unsuccessful, and she would therefore prefer arsenic; but she said that the family was going to the Bridge of Allan, and there was no danger in leaving it lying about in the town house, as it would be put down in the cellars. I think I had no further conversation with her about it. I think she asked the shopman something about what was a dose, and he said such a quantity as she named would kill a great many people. She turned to me and said she only wanted it for rats. I said nothing more. After leaving the shop, I laughed at the idea of a young lady buying arsenic; she said nothing, but laughed too. That was on the 6th March. I knew that she was going that day to Bridge of Allan. I was at school with Miss Smith, at Clapton, near London; she came after I was there two years, and I think she was there a year along with me. I have been acquainted with her ever since. I have often seen her write, and am well acquainted with her handwriting. I have been shown by the Procurator-Fiscal a number of letters, and I examined them carefully with the view of ascertaining if they were in her handwriting; and I came to the conclusion that they were hers. [Shown No. 149; identifies it. An arrangement was here made, on the suggestion of the Lord Justice-Clerk, that the letters should be gone over by witness in presence of one of the counsel for each side—the Solicitor-General for the crown, and Mr Moncrieff for the panel; Mr Hamilton, depute-clerk of court, being also

present.] I marked the letters with my initials. I think it was in the autumn of 1852 or 1853 that Miss Smith left school at Clapton; it must have been 1853, I think. Her full name is Madeleine Hamilton Smith. In the course of last spring she wrote to me, telling me she was engaged to be married; that was in the very end of February. She said she was engaged to Mr Minnoch. She afterwards spoke to me on the subject on the 6th and 31st March. On both these occasions she spoke of herself as engaged to be married to Mr Minnoch, and of the marriage as likely to take place in June. She spoke of no doubt or difficulty about it at all.

*Cross-examined by Mr YOUNG.*—I stay at Dumbarton, but I had come up to Glasgow on the 6th. I visited Mr Smith's house at Row, and when I came to Glasgow I called at Blythswood Square. I called there on the 6th of March. Miss Madeleine was not in when I called, but she came in before I left. We went out together. She said she wished to talk to me of her marriage. I had no time to wait, and she then said she would walk with me so far on the way home. We went out together, and went along the street. There had been an old promise at school, that whichever of us was engaged to be married first, should ask the other to be bridesmaid. We went to Sauchiehall Street, and along that street, which was on my way home. Currie's shop is in that street. When we came to it she said, "Oh, just stop a minute, I want to go into this shop; will you go with me?" I consented, and we went into the shop together. I think there were two young men behind the counter. We both went forward to the counter. Miss Smith asked for arsenic, and the shopman said, "You must sign your name." She said, "Oh, I'll sign anything you like." She signed, "M. Smith," and asked if that would do. Before this I remember Miss Smith asking the shopman how arsenic was sold. She said, "How do you sell arsenic?" and I think she said, "Would sixpenceworth be a large quantity?" I did not sign the book. Everything was done very openly. She paid for it. When we were at school at Clapton, I remember, whether in a lesson or when reading in the evening (I forget which), that an account was given of Styrian peasants taking arsenic to give them breath to climb steep hills, and about their having a peculiar plumpness and rosiness of complexion. I think it was in the course of reading in the evenings. I cannot remember who the governess was. I remember a Miss Guibilei. She was a pupil-teacher. She gave her services as a teacher in exchange for being taught other things herself. She was there, I think, at the time of the reading. I suppose Miss Smith was there. I don't remember; but we were always obliged to be present at these readings, and so I should think Miss Smith was there. The rest of Miss Smith's family went to Bridge of Allan on the 6th March, the day I called.

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

21. *Augusta Guibilei or Walcot* (80), examined by Mr MACKENZIE.—I was a pupil-teacher at a school at Clapton (Mrs Gorton's), at which Miss

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

22. *William Murray* (31), a young boy, *examined by the* LORD ADVOCATE.—I was servant to Mr Smith in Blythswood Square. I went to his service at the November term. I slept in the room on the right-hand side going in at the area door, looking into Blythswood Square. Miss Smith slept in the room next the kitchen, on the right-hand side. That room has two windows to Mains Street. There were in the house, besides me, a cook and housemaid, Christina Haggart and Charlotte M'Lean; they slept in the room at the other end of the passage from the kitchen, close by the back-door. Miss Madeleine sent me to an apothecary about four months ago. I never heard of M. L'Angelier's death till I was examined by the Procurator-Fiscal. I recollect Miss Madeleine being missed from home one morning; it would be six weeks or two months before that, that she asked me to go to the apothecary's. I was told to get prussic acid. She gave me a line with "a small phial of prussic acid" written on it. I took it to the apothecary's. He did not give me the prussic acid. I went back and told Miss Smith so; she said, "Very well, never mind." She said she wanted it for her hands. I can't recollect whether I gave her back the line. I think I got it back from the man in the shop. I did not know M. L'Angelier by sight. I have posted letters for Miss Smith. I have observed some letters with an address like L'Angelier, but I never could make out what it was. It was my duty to lock the area gate at night; sometimes I forgot to do it. I remember Sunday, 22d March. I went to bed at ten, or thereabouts. I sleep very soundly. I heard no noise before the morning. Miss Smith had not gone to her room before I went to bed. The day that she was missing was on the Thursday after the 22d of March. I heard about ten o'clock that she had gone away. Mrs Smith told me. Miss Smith came back that night. On Sunday, the 22d March, Christina Haggart was ill. She kept her bed till about six o'clock that evening. I parted from her on the stair, after coming down from worship, and went into the kitchen. Miss Smith did not tell me what shop to go to for the prussic acid. I went into Dr Yeaman's surgery in Sauchiehall Street.

*Cross-examined by the* DEAN OF FACULTY.—It was the nearest shop. It was at the corner of Cambridge Street. It was at her bed-room door she gave me the line. She called to me. I was in the kitchen. She spoke quite loud. I don't know that anybody heard her. The other servants were in the kitchen. They could hear her if they were listening. She said she wanted a small phial of prussic acid, and she told me to take care of it, for it was poison. The shopman asked who it was for, and I told him. He said to tell her that she could not get it without a physician's line, and that it was rank poison. I had been once or twice in the shop; but the boy in the shop knew where I came from. Last winter,

Mr and Mrs Smith, Mr John Smith, Miss Bessie Smith, Miss Janet, and Miss Madeleine Smith, were members of the family living in Blythswood Square. Miss Madeleine is the eldest, Bessie the second, and Janet the youngest. Miss Janet looks like a girl of between twelve and thirteen. Miss Janet always slept with Miss Madeleine—in the same room and in the same bed. I had no charge of the back-door. I had charge of the area gate and the upper front-door, not of the area door. I believe the cook, Charlotte McLean, generally locked the back-door and the front area door. On the evening of Sunday the 22d March, all the family and servants were at prayers. Miss Madeleine was there also. Nine o'clock is the usual hour for prayers, and they were about the usual hour that night. When I came down stairs I went into the kitchen and stopped about five minutes, and then went to bed. I waited at breakfast next morning as usual. Miss Smith was there just as usual. At this time a young man named Mackenzie was visiting Christina Haggart; she is married to him now. Miss Smith and Miss Janet sometimes got hot water before going to bed. They got it from the kitchen in a jug, not in a kettle. I did not see Mackenzie that Sunday night. There are several windows in the sunk story; two in the kitchen, one in my room, two in Miss Smith's room, and one in the housemaid's room—six in all; they are all secured with iron stanchions; I am not sure about the housemaid's, but all the others have.

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

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

23. *George Yeaman (33), examined by the LORD ADVOCATE.*—I am a medical man in Glasgow, and have a laboratory in Sauchiehall Street. I remember hearing of M. L'Angelier's death. It was a day or two after his death. The Glasgow Election was on 31st March. I heard of it before that. On hearing of it, I recollected the circumstance of a paper containing writing having been presented to me by my assistant, on which was written the words, "Half an ounce of prussic acid." I have no means of saying, with any degree of certainty, how long that would be before L'Angelier's death. I should say it would be from four to eight weeks. I went into the shop when the line was brought to me. I saw a boy, who said he came from Miss Smith, Blythswood Square. I asked whether he knew what he wanted, and he said he thought it was poison. I then said that if Miss Smith would call herself, I would see whether or not she should have it. I did not give it to him. Miss Smith did not come, so far as I saw or heard of.

24. *James Stewart* (34).—I heard of Miss Smith being apprehended. I was then in the service of Dr Yeaman. I recollect a boy (Murray) coming to the shop for prussic acid. To the best of my recollection, it was six or eight weeks before I heard of Miss Smith's apprehension.

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

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

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

25. *George Murdoch* (34), *examined by the LORD ADVOCATE.*—I am partner in the firm of Murdoch Brothers, druggists, Sauchiehall Street. We keep a registry-book of the poisons sold by us. [Shown book, No. 185 of Inventory.] This is the register that I keep. In it is entered all the arsenic which we sell by retail. Under date 21st February we have an entry here—"February 21—Miss Smith, 7 Blythswood Square, 6d. worth of arsenic for garden and country-house.—M. H. Smith." This is also initialed by me. I recollect that purchase being made. It was made by Miss Smith herself. As far as I remember, she was alone. I was engaged in one of the back rooms when our assistant (Dickie) called my attention to a lady who wished to purchase 6d. worth of arsenic. I went forward and saw Miss Smith; she recognised me, and bowed. I named the form that was required in the sale of it, and requested to know for what purpose it was needed, and she answered, "For the garden and country-house." I was aware Mr Smith had a country-house on the Gareloch, and I directed my assistant to put up the arsenic; while he did so, I made the entry in the book, which Miss Smith signed, and I signed it as a witness. I don't remember seeing the parcel made up; but the usual mode is to put it in a double parcel. It was common white arsenic, mixed with soot in the proportion required by the Act. I think nothing else passed. I saw her again some three days after; she called and inquired if arsenic should not be white. I said it required to be sold mixed with something else. She did not purchase any more on that occasion. Some time afterwards, my assistant (Dickie) delivered to Dr Penny some arsenic from the same bottle. I was there when my assistant (Dickie) gave it. [Shown phial labelled and signed by Dickie, No. 213 of Inventory.]

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

but that was the proportion we used. I don't recollect the date that Dr Penny got arsenic from the same jar.

*Re-examined by the LORD ADVOCATE.*—I can't say with certainty if Miss Smith paid for the arsenic. My impression, when first called on to speak in reference to this matter, was that it had been paid; but on seeing this entry, I felt certain in my own mind that it had not been paid.

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

26. *James Dickie (36), examined by the LORD ADVOCATE.*—I was assistant to Mr Murdoch last February. I knew Miss Smith at that time by sight. I recollect her coming to purchase arsenic. She said she wanted to send it to the gardener at the country-house. I can't recollect if she mentioned the purpose. She got it. [Shown phial, No. 213.] This contains arsenic from our shop, prepared in the same manner as that furnished to Miss Smith. The arsenic sold to her was duly registered in the registry-book, and signed by Miss Smith. I can't recollect if it was paid for at the time; it was entered in the account-book as unpaid; the account has not been rendered; she took the arsenic with her. I delivered some arsenic to Professor Penny on the 18th April; it was from the same bottle as that from which the arsenic Miss Smith got was taken.

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

[It was here proposed to ask witness whether the entries of soda water and of arsenic were consecutive; but the Lord Justice-Clerk was of opinion that it was quite competent to prove that the arsenic was entered along with other things for Mr Smith; but that, as to the collocation of the entries, it would be going rather too far to allow proof of that, except by the book itself. The question, therefore, was not pressed.]

27. *George Carruthers Haliburton (37), examined by the LORD ADVOCATE.*—I am assistant to Mr Currie, chemist, Sauchiehall Street. [Shown book, No. 186 of Inventory.] This is our registry-book for the sale of poisons. Under date, 6th March 1857, I see an entry—"March 6, Miss Smith, 7 Blythwood Square—arsenic, one ounce, kill rats." It has my own signature, and it is also signed "M. H. Smith." I knew her by sight before that. She was accompanied by a lady on that occasion. She asked for 6d. worth of arsenic. I asked her what it was to do, and she told me it was to kill rats. I told her we were not fond of selling arsenic for that purpose in consequence of its dangerous properties; I recommended phosphorus paste, which I said would answer very well. She told me she had used that, but it had failed. She said the rats were in the house in Blythwood Square. She told me that the family were going from home next day, and that she would be careful to see it put down herself. She got the arsenic. It was mixed with indigo. [Shown phial, No. 212 of Inventory.] This was given by me to Dr Penny in April last, and it contains arsenic taken from the same bottle as that sold to Miss Smith. Miss Smith paid for the arsenic she got, and took it away. In the regis-

try-book [No. 186 of Inventory], there is also an entry under date 18th March; there are no other entries this year excepting these two; that entry is—"Miss Smith, 7 Blythswood Square—arsenic, one ounce, to kill rats;" it is signed in the same way as the other. I recollect her coming for that. She asked for other 6d. worth; and said that in consequence of the first being so effectual—she having found eight or nine large rats lying dead—she had come back to get the dose renewed. Mr Currie was in at that time. He made some objections; he said that we never sold it except to parties we knew, and to parties of respectability; and he was about to refuse it, when I told him that she had got it on a former occasion, and then we gave it her; it was from the same bottle. A young lady, who I suppose was her sister, was with her. I never heard of arsenic such as I gave Miss Smith being used as a cosmetic. A preparation of arsenic is used as a depilatory for taking hairs off the face; that is the yellow sulphuret of arsenic. She paid for the arsenic.

*Cross-examined by Mr YOUNG.*—Both purchases were made quite openly. I don't know who accompanied Miss Smith on the first occasion. They were speaking together at the counter while I was putting up the arsenic. The young lady with Miss Smith remarked that she thought arsenic was white, and I said we had to colour it according to the Act of Parliament. I had never seen the young lady, who accompanied her on the second occasion, before. She was a grown-up young lady; not the lady who was with her on the former occasion. I mixed the arsenic myself with the colouring matter. It was indigo. I put in the proper quantity ordered by the Act of Parliament.

To the LORD JUSTICE-CLERK.—The yellow sulphuret is quite a different thing from the white arsenic. It is used as a depilatory, because it so affects the skin as to bring out the roots of the hair. That is the very opposite action from that of a cosmetic. I think any preparation of arsenic as a cosmetic would be extremely dangerous; it is not a thing that we sell for that purpose. Fowler's preparation is four grains of arsenic to an ounce of fluid.

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

28. *John Currie (38), examined by the LORD ADVOCATE.*—I am a chemist and druggist in Sauchiehall Street, Glasgow. I do not know the panel by sight. I remember a lady, who gave the name of Miss Smith, being in my shop on the 18th March last. [Shown No. 186 of Inventory.] That is my registry-book. I see an entry, under date 18th March, of one ounce of arsenic, signed "M. H. Smith," and also signed by my assistant. He was dispensing at the counter; but seeing she was not being served, I went forward and asked what she wanted. He said, "Poison to kill rats." I suggested phosphorus paste. He said she had got some before. I said to Miss Smith that we would much rather give her something else than arsenic. She did not insist on having it, but she said she would prefer having it. I then stated another objection, that we never sold arsenic to any one without entering it in a book, and that she must sign her name in the book if she got it, and state the purpose to which it was to be applied. She said she had no objection to do that; and from her apparent respectability and her frankness I had no suspicion, and told the young man to give it to her. She got an ounce of coloured

arsenic, the same kind that Dr Penny got. I did not hear her say where the rats were. I think she said it had answered very well for the purpose for which she had got it before, but I could not be positive. She paid for it. I think there was a young lady with her.

29. *William Campsie* (72).—I am in the service of Mr Smith. He has a country-house at Rowaleyn, at Row. I have been in his service since 1855. I never got any arsenic or poison from Miss Smith to kill rats. I don't recollect of having any conversation with her on the subject. I never had any arsenic there for that purpose.

By Mr YOUNG.—We were very much troubled with rats, and we had used phosphorus paste, or some such thing, for them. We found it to be effectual, and we got quit of them partly, but not altogether.

30. *Robert Oliphant* (67), *examined by the LORD ADVOCATE*.—I am a stationer at Helensburgh. I know the prisoner. She used to deal in our shop for envelopes and note-paper. I have seen her handwriting. I was shown a number of letters by the Procurator-Fiscal; they were in Miss Smith's handwriting. I recognised some of the envelopes as having been bought at my shop. They were stamped with the initials "M. H. S." They were stamped for her by me. [Shown No. 67 of the Inventory.] This is one of these envelopes.

31. *William Harper Minnoch* (67), *examined by the SOLICITOR-GENERAL*.—I am a merchant in Glasgow, and a partner of the firm of John Houldsworth and Co. I live in Mains Street, above the house of Mr James Smith. I have been intimately acquainted with his family for upwards of four years. In the course of last winter, I paid my addresses to Miss Smith, and I made proposals of marriage to her on the 12th March. She accepted. The time of our marriage was fixed between us. Previously to that, I had asked her generally, without reference to any time. That was as far back as the 28th January. I did so personally. My attentions to her, I understood, had been such as to make her quite aware that I was paying my addresses to her. She accepted me on the 28th January, and we arranged it more particularly on the 12th March. From the 28th January to the end of March there was nothing which suggested any doubt to my mind as to the engagement continuing. I had no idea that she was engaged to any other person, and I was aware of no attachment or peculiar intimacy between her and any other man. The marriage was fixed to be on the 18th June. Last season I made Miss Smith a present of a necklace; it was some time in January, before the 28th. She went along with her family to the Bridge of Allan on the 6th March; she remained there till the 17th. I visited the family while they were there. After leaving, I received a letter from Miss Smith. [Shown No. 133.] That is the letter; it is dated "Monday" merely. After she came home from Bridge of Allan, she dined in my house with her father and mother; that was on the 19th March. I met her at dinner again at Mr Middleton's on the 25th March; I was not aware of anything wrong at that time. I called on Thursday morning, the 26th, at her father's house. She was not in the house; I was informed she had left the house. I went to Rowaleyn in company with her brother, Mr John Smith, to look for her. We went by train to Greenock, and then on board the steamer, and we found her on board; it was going to Helensburgh, and then to Row; it called at Roseneath, and then returned

to Greenock. We found her in the steamer a little after two o'clock. She said she was going to Rowaleyn. I went on to Rowaleyn with her and her brother; and then we ordered a carriage, and drove her up to Glasgow to her father's house. On reaching Glasgow I had no conversation with Miss Smith. I saw her again on the Saturday following. I had, by this time, heard a rumour that something was wrong; she told me on the Saturday that she had written a letter to M. L'Angelier, the object of which was to get back some letters which she had written to him previously. She made no further statement at that time. I saw her again on the Sunday; there was no conversation on the subject then. I saw her on Monday and Tuesday; on Tuesday morning she alluded to the report that L'Angelier had been poisoned with arsenic, and she remarked that she had been in the habit of buying arsenic, as she had learned at Clapton School that it was good for the complexion. I had heard a rumour that he had been poisoned. She said nothing further, and that was the last time I saw her. Before she made these statements to me, I was not aware that she was acquainted with L'Angelier. I was not acquainted with him myself.

*Cross-examined by the DEAN OF FACULTY.*—On the evening of the 19th February I do not recollect where I was. I remember being at the opera about that time—[referring to book]—yes; I was at the opera on that night. I was accompanied by my sister and Miss Smith. My sister and myself called for Miss Smith. We went to the opera about half-past seven o'clock; we got home about eleven o'clock. Miss Smith returned with us. She had been with us all the evening. The cab stopped at her door, and she went into her house. I did not observe who received her on that occasion; somebody opened the door. On the 26th March I suggested the probability of Miss Smith having gone to Row; I knew that her father had a house there, in which a servant was living at the time, and I thought she might be there. In consequence, I and her brother went down. When we met her in the steamer, I asked her why she had left home, leaving her friends distressed about her; but I requested her not to reply then, as there were too many people present. I renewed the inquiry at Rowaleyn, and she said she felt distressed that her papa and mamma should be so much annoyed at what she had done. Mr Smith told me that she had left the house that morning; and I asked him the reason, and he said it had been some old love affair. I understood her to refer to that in the answer she made to me. She gave me no further explanation. She said not to press her, and she would tell me all again. We were only about three-quarters of an hour at Row. We took her back to her father's house and left her there. On the 31st March, it was she who introduced the subject of L'Angelier's death, referring to the report of his having been poisoned; that was about half-past nine in the morning. I called and inquired for Mrs Smith. I had heard she was unwell. My meeting with Miss Smith was accidental. I have mentioned all that passed on the occasion. On the 28th, I reminded her of the promise she made to me at Row, that she would tell me all by-and-by. I had not heard the name of L'Angelier then. She did not mention his name. I think she said she had written to a Frenchman to get back her letters. I did not know who the Frenchman was. On the 25th, I called before going to Mr Middleton's. I called for Mr Smith, but I did not see him. He was unwell and in bed. I took Miss Smith

to Mr Middleton's. He is the minister of the United Presbyterian Church which they attend.

32. *Mrs Margaret Houston or Clark (75), examined by the SOLICITOR-GENERAL.*—I am the wife of Peter Clark, curator of the Royal Botanic Garden, Glasgow. The late M. L'Angelier lived with us for two years. He went from my house to Mrs Jenkins', Franklin Place. I was very intimately acquainted with him when he lived in my house. I formed a very good impression of his character. He seemed very steady and temperate; he never was late out while he lived in my house. I was led to believe that he attended church regularly; not only from himself, but by others who saw him; he attended St Jude's Episcopal Chapel (Mr Miles'). His general health was good. He occasionally visited my house after he went to Mrs Jenkins'. I observed that, a month or two before his death, his health became affected. He has spoken to me about a lady. I don't exactly remember when he did so; it was while he lived in my house; I think in the first year that he lived with me. He told me her name; it was Miss Smith. He spoke of her by her first name, "Madeleine," and by "Mimi." He gave me to understand that there was a mutual attachment between him and this lady. He said they corresponded by letter. He said they were in the way of meeting. He told me of an interruption to the correspondence. I don't remember when that was; it was while he lived in my house. He said the intimacy was afterwards resumed. I understood that it was interrupted because of Miss Smith's father's displeasure. I understood from him that the correspondence subsisted while he was living with Mrs Jenkins. He told me that Miss Smith and he were to be married, but he did not say when the marriage was to be. I last saw him on the 5th or 6th of March. He called at my house. He did not speak of Miss Smith that day. He left my house about the beginning of July 1856, and went to Mrs Jenkins'. Shortly before his death, he spoke of a second interruption to his intimacy with Miss Smith; it was within two months of his death. He told me that he was afraid they would not get their end accomplished, as Miss Smith's father was putting stronger obstacles in the way than ever. He said nothing further at that time. He afterwards spoke on the subject, and said something to the same effect. He spoke of no coolness between Miss Smith and himself. Last time he was at the Botanical Gardens he got some gold or silver fish. That was about the 5th or 6th of March.

*Cross-examined by Mr YOUNG.*—He came to my house first in May 1854. He complained of the climate not agreeing with him. He did not say particularly how it disagreed with him. He said that he was occasionally troubled with diarrhoea, or with symptoms approaching to that. I understood from himself that, on one occasion when he visited Helensburgh, he had been attacked with something like cholera. He had gone to visit M. De Mean there. He told me he was not in the practice of taking a cholera medicine, but he told me that he took it at that time. I saw the cholera medicine in his room. It was labelled, "preparation used for cholera." I understood from him that he was not acquainted with Miss Smith's family. I understood his correspondence with her was clandestine. When he said he was to be married to her, he said his intention was to have the banns secretly proclaimed—I mean by that, unknown to her parents; and that he intended, on the Monday following, to have a carriage ready, and to drive to chapel and be mar-

ried. He did not say that he arranged with any particular person to marry them, nor did he mention what chapel.

*Re-examined by the SOLICITOR-GENERAL.*—He had a very great horror of taking medicine.

33. *Thomas Fleming Kennedy (59), examined by the LORD ADVOCATE.*—I am cashier for Huggins and Co., Glasgow. I knew L'Angelier for about four years and a half, during which he was in Huggins and Co.'s employment. I was intimately acquainted with him. He was in the habit of coming frequently to my house; he was a well-behaved, well-principled, religious young man. I had a great regard for him. I had ample means of judging of his character and conduct. He enjoyed general good health while in our warehouse. I never thought him very strong. He was not much off duty from bad health till latterly. I think his health first became affected in February. I am not sure if he was ill in January; but in February he was laid up for a week. He got better, and came back again to the warehouse; then he got worse, and on the 9th March, he got leave of absence. I think it was on the morning of the 23d February that he got ill—he came into my room and said, "I am ill, very ill, and have been ill the night before." I asked what was the matter with him; and I advised him to go home. He said he had fallen down on his bed-room floor at night before going to bed, and felt so ill that he could not call for assistance. He did not say what he had been doing, nor where he had been the day before. I must have seen him on the 21st (Saturday), as he was at business that day. He was confined to the house from the 23d February to Sunday, 1st March. I saw him on the 1st March. I think that was the first day he was out. He spoke before his death of an attachment to Miss Smith, Blythswood Square. He said very little; and I knew nothing further than that there was an intimacy till shortly before his death. He came to me one morning in February and said, with tears in his eyes, that he had received a letter, demanding back all the correspondence. I advised him strongly to give back the letters, but he said he would not. That would be about a fortnight before the 23d of February. He said that she wrote that a coolness had arisen, and asking back her letters; I understood she had written that there was a coolness on the part of both. He said he would never allow her to marry another man as long as he lived. I said it was very foolish; he said he knew it was, that it was infatuation. He said, "Tom, she will be the death of me." That was about the last conversation I had with him. The last time I saw him was on the 9th March, when he left to go to Edinburgh. I knew his handwriting well. [Shown 145 of Inventory.] That is a letter in the deceased's handwriting addressed to me.

"Bridge of Allan, Friday 20th March.

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

"I am getting short of tin, bring with you please two or three pounds or if not send them. I was in Stirling today but it was very cold so I

came back again. I have I fear slept in damp sheets for all my timbers are quite sore. I weary by myself here and I long to be back again. The place is worth seeing but as dull as a chimney can.

“Yours very sincerely P. EMILE L’ANGELIER.”

[Shown 127 of Inventory.] That is a letter from L’Angelier to myself.

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

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

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

“EMILE L’ANGELIER.”

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

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

“Thursday.”

The postmark is Edinburgh, March 13. There is another postmark, Glasgow. [Shown 129 of Inventory.] That also is in L’Angelier’s handwriting.

“Edinburg Monday

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

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

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

“Excuse haste and believe me your sincere friend.

“P. EMILE L’ANGELIER.

“I recd the letters you add<sup>d</sup> to me and another to-day.”

[Shown No. 177, a pocket-book or memorandum-book.]

I see some memoranda there beginning 11th February 1857. The entries are all in L’Angelier’s handwriting, except the one on the 14th March—the last in the book—as to which I am not sure. It may be his, but I am not sure that it is. [Reads the last entry.]—“Saw the gallery of paintings—dine with M’Call.” I was asked in one of the letters to dine at M’Call’s on that Saturday.

*Cross-examined by the DEAN OF FACULTY.*—I never saw that book in L’Angelier’s possession, or before I saw it at the Fiscal’s.

The LORD ADVOCATE here proposed to read the whole entries in the memorandum-book.

The DEAN OF FACULTY for the panel objected.

The argument on this point was postponed till an after stage of the case.

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

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

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

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

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

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

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

*Re-examined by the LORD ADVOCATE.*—No one else had access to the desk while I had the keys. On Wednesday, I think, I gave them to Stevenson. He asked for them; he did not say for what. When the letters went away, they were, I think, in the same state as when I found them. I think we were careful to replace those read in their envelopes. I can't recollect what letters we read. I did not see any letters expressing a coolness on the part of Miss Smith. Those we read were old—of date 1855. L'Angelier's mother lives in Jersey.

*Cross-examined by the DEAN OF FACULTY.*—While I had the keys no one had access to the letters. I saw them packed in a box and sealed up.

To the LORD ADVOCATE.—I think, on one occasion, Wilson was present when the officers, Murray and M'Lauchlin, were there. I cannot say if Wilson read any of the letters.

*Robert Oliphant (67), recalled, examined by the LORD ADVOCATE.*—I have looked at the letters, and made a note of the result of my inspection of them.

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

34. *John Murray (60), examined by Mr MACKENZIE.*—I am a Sheriff-officer in Glasgow. I got a warrant on the 30th March to go to the office of Huggins and Co. Bernard M'Lauchlin accompanied me. I saw Mr Stevenson and Mr Kennedy. I told Stevenson my object in calling, to search the desk. He opened the desk, and I took a quantity of letters and papers, and the other contents from it. I put them into a paper box, which was then sealed up in the presence of Mr Stevenson, and I left it with instructions to send it to the Procurator-Fiscal's office. It was initialed by Mr Stevenson and Mr Kennedy in my presence. I saw it afterwards in the Fiscal's office; it was still sealed. I broke the seal on the following day (31st March), in the presence of the Procurator-Fiscal and Mr Stevenson. The box and its contents were handed over to Mr Wilson, assistant in the Fiscal's office. I did not mark the letters at that time, or distinguish them in any way. Two days afterwards I marked them. I got them from Mr Wilson to mark. I found a portfolio in the desk, and a cake of cocoa, which I marked particularly. I don't remember seeing a memorandum-book in the desk, but I observed it in the box when it was opened. [Identifies memorandum-book No. 177, and part of the cake of cocoa, No. 173.] The cake of cocoa was given to Wilson. After I had sealed the box in Huggins', I went to L'Angelier's lodgings. M'Lauchlin and Stevenson accompanied me. Mrs Jenkins pointed out

his room and his repositories. When she left the room we made a thorough search. Mr Stevenson produced the keys, and we opened the repositories. I found letters in a portmanteau, and also in a desk. We did not open the tourist's bag. I took possession of all the letters. M'Lauchlin carried them away wrapped up in brown paper. I accompanied him. It was late in the evening, and he took them to his lodgings by my directions. Next morning they were brought to the Fiscal's office. The parcel was not sealed in Mrs Jenkins'. I got them from M'Lauchlin next morning. I took them to our office, and locked them in a drawer till we marked them. After they were marked they were handed over to Mr Wilson. [Shown No. 1.] This was found in the desk in deceased's lodgings. No. 3 was also found in the desk; so also Nos. 5, 7, 9, 13, 15, 17, 21, 23, 25, 41, 71, 77, 79, 81, 85, 87, and 89. I found a small tourist's bag in the lodgings; it was locked. I delivered it to Mr Wilson. [Shown No. 176 of Inventory. Identifies.] I found also in the lodgings a number of bottles; M'Lauchlin took them away to his lodgings, and kept them until next morning, when he brought them to me, and I locked them up in a drawer along with the letters. They were handed to Mr Wilson on the 1st April, and Dr Penny got some. [Shown Nos. 162 to 169.] Nos. 164, 165 were found in the lodgings. I do not speak to No. 171. No. 183 was found in the panel's bed-room. No. 172 I don't speak to. No. 168 was found in the lodgings; also 167. No. 174 was found in drawer of wardrobe. I went to the house 7 Blythwood Square on the 31st March, and searched the prisoner's bed-room, No. 5 on the plan, with windows 13 and 14. I found the phial, No. 184, in that bed-room. This photograph, No. 180, was found in panel's bed-room in a trunk, in a small recess, unlocked. I found a letter, No. 179, I found it in a drawer of L'Angelier's wardrobe. I went through the druggists and surgeons in Glasgow to inquire as to the sale of arsenic in December, January, February, and March last. I found some of them kept no arsenic at all; others kept it, but did not sell it; from the registers of those who sold it I copied the entries.

*Q.* Did you find any sold to a person named L'Angelier?

The DEAN OF FACULTY here objected that this was not evidence; and, the witness having been removed, he argued that, although this might be a useful and important investigation for the Crown to make, it surely could not be contended that a policeman was to speak to the registers of the sale of arsenic in all the shops in Glasgow.

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

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

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

*Cross-examined by Mr YOUNG for the Panel.*—I can't say how many

shops I went to in Glasgow. I kept a note of all the places I visited. [Looks at Note.] In that note there are forty-seven druggists' shops mentioned. I went to other shops; we went to those which we saw on our way, but which were not in the Glasgow Directory. I made that note at the time. I made the visits some days prior to the 16th May. It took several days. This list was not the list I carried about with me. I made it up from another list. I examined the statutory register in each shop where a register was kept. I entered in the list all the places visited, whether they sold arsenic or not. I did not find a register in every place where arsenic was sold. I remember four shops where this was the case. I did not visit the shops of any druggists or any manufacturing chemists. I made the examination of the deceased's lodgings on Monday, 30th March. It was commenced a little after five o'clock in the afternoon, and we were engaged in it till eight o'clock. Deceased had only one room. I think I examined all the repositories pointed out by Mrs Jenkins as belonging to the deceased. We examined the press, the wardrobe, a portmanteau, and a desk, and found things there. We took no note of the things we found in each of these places; but I kept them all separate, the letters found in the portmanteau in one parcel, and those found in the desk in another. The parcels were not labelled. I marked on one of them "trunk," signifying the letters there were found in the portmanteau. I knew, of course, that the other letters were found in the desk. M'Lauchlin took them to his house, and brought them to the county buildings, to my room or office, about 9.30 next morning. I locked them up till I marked them. There were so many things that it took us some time to mark them. We began to do so four or five days afterwards; we were not continuously at them; it took us for eight or ten days. I put "desk, lodgings," "lodgings," and "trunk," according to the place in which they were found—these were our marks. M'Lauchlin was with me when I marked them; and when I did so, I handed them to him, and he put on his initials. They were given to the Fiscal when I had finished marking them; that would be two or three weeks after.

**THE LORD JUSTICE-CLERK.**—And during all that period no person examined the letters to see what information could be collected from them?

*Witness.*—None.

**THE LORD JUSTICE-CLERK.**—That was an expeditious way of pressing on a precognition in such a case.

**By Mr YOUNG.**—I labelled the bottles on the 1st April in my own room, assisted by M'Lauchlin. M'Lauchlin kept them the first night. One or two labels on the bottles were not written by me. There is nothing on the labels to show when they were attached. [Shown No. 167. Reads.] The date "30th March" on them is the date when they were found. We made the search of the desk in Huggins' before going to the lodgings on the 30th March. The letters were sealed by Stevenson with Huggins' office seal. I have no doubt the letters I got two days afterwards from Mr Wilson to mark were those found in the desk. The handwriting in the letters was the same as that in the letters found in the desk. I can't say if they were all one handwriting. Taking the letters from the desk, and putting them into the box, I noticed them to be in a large, legible hand; and I identified them again when Mr Wilson handed over the box to me.

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

By Mr YOUNG.—I handed the letter I found in Miss Smith's bed-room to the Fiscal, and I saw it in his office. I found more letters than I spoke to in the lodgings. I can't say how many I found in the lodgings, or in the desk at Huggins'. I saw a number of letters found in the lodgings put into a box in the Fiscal Mr Young's room. The letters found in the desk at Huggins' were also put into a box in the same room. I never saw any list or inventory made out. All the bottles which I found I handed to the Fiscal. I found in the press in Mrs Jenkins' house eight bottles. I found a package of powders. I counted these bottles, and retained them in my memory. I did not count the powders; they were tied together with string. I don't know if *all* the powders were given to Dr. Penny.

35. *Bernard M<sup>r</sup> Lauchlin (61), examined by Mr MACKENZIE.*—I am an assistant to Murray, Sheriff-officer. I remember going to Huggins' on the 30th March, and taking possession of a number of letters which were in a desk. They were put into a box, which was sealed. I was present when it was opened in the Fiscal's chambers. I did not see the contents then. I went with Murray the same evening to Mrs Jenkins' house, and took possession of various letters, a travelling-bag, and eight bottles. The letters were wrapped up in two separate parcels, and I took them to my own house, and next morning I took them to Murray's room, County Buildings, in the same state that they were in the night before—I had never opened them—and he locked them up. I saw them marked afterwards. I was particularly careful that the letters were put into the proper envelopes. The bottles were taken to my house that evening, and delivered up next day to Murray. They were afterwards given to Wilson in the same state. I took possession at Mrs Jenkins', on the 13th April, of a topcoat, and on the 14th, of a Balmoral bonnet. [Identifies coat and cap.] I went with M. Thuau to No. 7 Blythswood Square. He pointed out a window in Mains Street—No. 14 of plan—one of the windows of Miss Smith's bed-room. In that room we found two bottles and a photograph, and initialed them. I accompanied Mary Tweedle from Terrace Street, St Vincent's Street, to Blythswood Square. At No. 4, Terrace Street, I showed Tweedle my watch—it wanted five minutes to four. We went to Blythswood Square, and when we arrived there, it was exactly four. We walked at a leisurely pace. Terrace Street is on the south side of Blythswood Square.

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

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

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

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

The LORD JUSTICE-CLERK.—You say you are an assistant to Murray?

*Witness.*—Yes.

The LORD JUSTICE-CLERK.—Are you appointed and paid by Murray?

*Witness.*—Yes.

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

*Witness.*—No.

The LORD JUSTICE-CLERK.—Are you named in any warrant for search?

*Witness.*—Not that I am aware of.

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

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

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

37. *William Wilson* (4), *examined by Mr MACKENZIE for the prosecution.*—I am assistant to the Fiscal in Glasgow. I remember a box, No. 190, being brought to the Fiscal's office. I saw it first in Mr Hart's and Murray's hands. I took possession of its contents, and kept them for two or three days afterwards, and returned them to Murray, with one or two exceptions, to mark and label according to the place in which he had found them. He returned them with his own and M'Lauchlin's initials. I went over them and marked the envelopes with reference to each other. With one exception, they remained in my custody till they were so marked. The exception is No. 103. I took particular care in going over them to mark the letter with reference to the envelope in which it was found. [Shown No. 31.] It was in the box, as also Nos. 33, 35, 37.

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

By Mr MACKENZIE.—On Wednesday, the 25th March, Mr Stevenson brought me seven letters. [Shown No. 71.] That is not one of them. [Shown No. 75.] I believe this to be one. I can swear the identity of two out of the seven. Stevenson initialed them at my desire. When I had marked two, they were all taken to Mr Hart before I initialed the rest. [Shown No. 103.] This passed into Mr Hart's hands before I numbered it, and I can only say it was one of the letters, but cannot say which set it belongs to. The tourist's bag was opened on the afternoon of the 31st. The letters in it were marked by Mr Hart and me. [Shown Nos. 113, 125.] I believe these were found in the tourist's bag; but I

cannot swear to it, as I did not see Stevenson put his initials; but I can speak to it as handed in by Stevenson, or produced by Murray. [Shown 115 and 117.] On these I make the same observation. Murray handed me a number of letters as found in the lodgings. I did not initial them, but I know my numbers. [Shown No. 1.] That is one of them. I took every precaution to keep the letters in their proper envelopes. Murray also brought the bottles found in the lodgings, a cake of cocoa, and two bottles found in the prisoner's bed-room. They were handed to Dr Penny for examination.

*Cross-examined by the DEAN OF FACULTY.*—I am a clerk in the office of Messrs Hart and Young. I hold no official appointment. I kept the box with the letters two or three days before giving them over to Murray. They were locked up in a press in Mr Young's room. I kept them because the officers were actively engaged in prosecuting inquiries into this case. I took no note of the time they were out of my hands; but I think it would not be more than one or two days. I might give them away on the Friday, and they would be returned on the Saturday or Monday. I cannot say how long they were in Murray's possession; the steps in the case were so numerous and complicated that I can't recollect. It is not impossible that they might have them for a fortnight, but I think they only had them two or three days. After they were returned by Murray and M'Lauchlin, one letter was sent to Edinburgh on the 6th April, the others were examined by Mr Young and myself, and when examined, those which were considered relevant to the inquiry were selected by Mr Young and myself. Those marked by me were done partly in the office and partly in my house. I believe Mr Young did the same. The selected letters were sent to the Crown Office to Edinburgh, and the rest were kept in a lockfast place in Mr Young's room. The letters sent to Edinburgh were not returned. They were principal letters. Copies were made of many of the letters, but I cannot say whether the selected letters were copied in our office. I can't say whether they were copied in the office or taken home by the clerks. I can't say whether the Procurator-Fiscal lodged any of the letters in the Sheriff-Clerk's hands. There are none of the letters, to my knowledge, still in the Procurator-Fiscal's office. All the non-selected letters were kept in the Fiscal's office after the case was a second time reported on (29th April.) I was ill, and laid up for three weeks afterwards; and Mr Young took charge. [Shown letters in third Inventory for Panel.] They appear to be some of those from Jenkins' lodgings. I cannot say whether they were only got from that on Monday last. I cannot say if there are still some in the office. I know of applications being made for the last two months by the panel's agent, which were refused, till we got instructions from head-quarters; and we were desired not to exhibit them until we got instructions.

*Re-examined by Mr MACKENZIE for the prosecution.*—I believe it was by order of the Crown Counsel that they were sent to Edinburgh. They were sent immediately. There was a copy made by the Fiscal's Clerk. More clerks were put on. The letters were very difficult to decypher. There were 198 envelopes, some containing four, and some eight pages, and so difficult to decypher that I had to use a magnifying lens. The panel's agents were anxious for free access to them, and Mr Young gave it about the beginning of June. Miss Perry's letters were given to Mr Forbes.

To the LORD JUSTICE-CLERK.—The documents, when recovered under a warrant in criminal cases, are taken charge of by the Fiscals.

The LORD JUSTICE-CLERK observed that the Sheriff-Clerk is the officer of the magistrate under whose warrant these things are recovered, and he is responsible for their custody, and ought to have an inventory of them made immediately. The prosecutor ought not to have possession of them, without a *list* and initials of the Clerk or *his* assistants. He thought after what he had said in a murder case from Aberdeen on this subject, that such a thing would have been put an end to.

The Dean of Faculty having applied for the warrant issued for recovery of the documents,

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

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

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

The Court then adjourned till next morning.

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#### FOURTH DAY.

Friday, 3d July.

The Court met at Ten o'clock.

#### EVIDENCE FOR THE PROSECUTION CONTINUED.

THE DEAN OF FACULTY said—Before the diet is again called, or the proceedings resumed, I wish to bring under the notice of the

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

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

The LORD JUSTICE-CLERK said, the Court thought that they should order the immediate attendance of the person who signed this circular. It was important to ascertain whether the publication was to be limited to the letters used in evidence, or whether the printers had a copy of all the others, and where they had got that copy; because the publication of documents of such a character, and indeed of any documents which were the property of the Crown, and part

of their precognition and recovery, was a most improper proceeding and a gross contempt of Court. The Clerk of Court would therefore make out an order for the immediate attendance of James Cunningham. He would get the circular from the Dean of Faculty to ascertain the address of that person, and order him to attend the Court immediately.

The order was made out and signed by the Lord Justice-Clerk accordingly.<sup>1</sup>

36. *William Hart* (2), examined by the SOLICITOR-GENERAL—I am joint Procurator-Fiscal of Glasgow. Mr Young is my colleague. Both of us have commissions. I heard of the death of L'Angelier about the end of the week in which it happened. It happened on Monday. Mr Young I think mentioned it to me. Letters were sent, I believe, to my office on the 25th, but I was absent at the time, and Mr Young got them. There was at that time no criminal information lodged at the office. I saw one letter, which is No. 149 of the present indictment. There was an investigation going on at that time in regard to the death. It was certainly not being conducted in the expectation that a criminal charge would result out of it. In the course of the investigation I saw a number of letters which were brought to the office by Stevenson and Murray. I saw them the week after L'Angelier's death. On the 31st of March (Tuesday) I made a criminal charge against the panel, and got a warrant for her apprehension, which was executed the same day, and she was examined that day. Several witnesses had been examined on precognition before that. That was a precognition generally as to the death. The Procurators-Fiscal have instructions to examine into sudden deaths when peculiar. In the course of the investigation I read a number of letters said to come from L'Angelier's repositories. They were for the most part in envelopes. I was particularly careful to return each letter to its own envelope.

*Cross-examined by Mr YOUNG for the Panel.*—I first made a charge against the prisoner on the 31st, and obtained a warrant to apprehend her. There was a warrant obtained the day before; I believe it is in Glasgow. It was an application setting forth the death, as was suspected, from poison, and praying for an exhumation of the body, and for power to take possession of documents, &c., in the repositories of the deceased. I think there will be no difficulty in getting that warrant. [Shown copy.] I think this is an accurate copy. I am not sure that a precognition was taken in presence of the Sheriff before the 31st. It was reported to the Sheriff. I could scarcely say that there was any precognition taken in presence of the Sheriff before the 31st. I was from home; parties may have been examined in the office, but I am not sure that this was before the Sheriff. There was no written precognition on the 31st before the Sheriff, but witnesses were examined before Sheriff Smith on that day; their evidence was not written down; it was I think before and after the prisoner's declaration. Prisoner was committed for further examination on the 31st. A great deal of written precognition was taken in the case before the Sheriff. Sheriffs Alison, Bell, and Smith took a great interest in the case. (Reads copy warrant of 30th March.) I cannot vouch for its accuracy. I think it in part inaccurate. [Witness was requested to send for the original of the warrant before referred to.]

<sup>1</sup> For the form of warrant and whole procedure, see App. No. I.

*Re-examined by the SOLICITOR-GENERAL.*—The application for the warrant makes no mention of any criminal charge at all. Only a small selection of the letters was used. These were printed. They were copied in MS. either in our office or in Crown agent's. A large portion of the letters were copied in my office—many of them by Mr Young himself, to prevent them as much as possible getting into improper hands. It is not usual for the Procurator-Fiscal to make copies himself; it was done in this case because the letters were of an unusually delicate description. They were extremely difficult to decypher, and that made the transcribing of them a very slow and difficult process. They were in such a state originally that they could not have been used to any extent by counsel in the case. If originals were sent to Edinburgh without copies they must have been very few. If the letters had been handed to the opposite party without copying, it must have taken a long time to render them available. Copies were communicated to one of the opposite agents in Edinburgh some days before the indictment was served. Having these copies in print must have saved a very great deal of time. I have been Procurator-Fiscal for eleven years, and have been connected with the office for thirty-six years; and I know no case in which greater facilities have been given to any prisoner. As to the non-selected letters, too, there was very much pressure from the Crown Office to get copies; we found it beyond the strength of our establishment, and we were ordered to get them copied at the expense of the Crown as fast as possible. The copy was sent to the Crown Office; and it was communicated to the opposite party before the indictment was served. We got instructions from the Crown Office to make the letters not founded on accessible to the opposite party. Mr Forbes, one of the prisoner's agents, got several letters previously, for which he gave a receipt.

*Re-cross-examined by Mr YOUNG.*—Five persons in our own office copied the letters, and I think five clerks in the Sheriff-Clerk's Office. The letters were distributed among these ten. They were not allowed to take them home, but I learned that one or two of them had taken them home in the evening to copy. I now speak of the letters not founded on. Those founded on were copied by our own clerks, and by Mr Young himself, and none of them were given to clerks in the Sheriff-Clerk's Office. It was about three or four weeks after the letters founded on had been copied that we commenced to copy those unfounded on. It was in June that access was first given to the letters not founded on to the prisoner's agents, several days before the indictment was served. It appears from the receipt that the day was the 10th June. From the 30th March to June they were in the hands of the Crown authorities.

The LORD JUSTICE-CLERK.—I suppose there never was such full and ready communication as in this case.

By Mr YOUNG.—In April and May, application was made on the part of the prisoner for copies of the letters. They offered to make copies at their own expense, but they did not know what the letters contained till June.

The LORD JUSTICE-CLERK.—You very properly refused to allow them to get copies.

37. *Peter Taylor Young (62), examined by the SOLICITOR-GENERAL.*—I am one of the Procurator-Fiscals of Glasgow. On Tuesday afternoon, 31st March, Mr Stevenson called and reported the death of M. L'Angelier

as a sudden death. He said he was a stranger in Glasgow, and that it was thought right to let us know of the death. He said there had been a *post mortem* examination by Drs Steven and Thomson. Mr Hart was from home. Next morning Mr Kennedy, of Huggins and Co., called and said, their object in ordering the *post mortem* examination was to ascertain the cause of death, to communicate it to his friends; but he said there was a love affair in the matter, and that there were some letters in Messrs Huggins'; and I said it would be material to get some of these letters which they possessed. Mr Stevenson brought six or seven of the letters; and we made him mark them with his initials, and afterwards laid them carefully aside. We then ordered an investigation by sending for his landlady, and making inquiries elsewhere. The result was, that we made an application for exhumation. After Dr Penny had examined the stomach on Monday the 30th, we learned that poison was found; and we ultimately got the letters from L'Angelier's repositories. I perused the whole. There were about 300 envelopes and 500 letters, several envelopes containing more than one letter. They were extremely difficult to decypher, and I took fully ten days to read them all. I made a selection of them, with the view of reporting the case to the Crown. The utmost care was taken to restore the letters to their own envelopes. The conduct of this inquiry was a very serious interruption to the ordinary business of our office. It might be said to be paramount to all else.

38. *Andrew Murray, Jun., W.S.* (81).—I was employed by the Crown agent to look over certain letters of the panel, in order to make a correct print. The printed proof was put into my hands. My clerk and I separately read the letters and proof. A new proof was taken. It was a tedious task. The letters were very difficult to decypher. It took us four days to the original letters, and one more to the proof. The print is correct. (Shown Nos. 1 and 2.) These are my initials, and it is the same throughout all.

39. *Alexander Souter Hunter* (82).—I assisted Mr Murray in preparing a proper print of the letters. We took every means to make a correct print. (Shown 1 and 2.) I recognise my own numbers and initials. The others are the same.

40. *Rowland Hill Macdonald* (63).—I am comptroller of the sorting office, Post Office, Glasgow. I have had a variety of letters and envelopes shown to me, with a view of reporting on the postmarks. (Shown envelope of No. 1.) Postmark April 3, 1856. The last figure very indistinct. (Looks at it again with magnifying glass.) It is /55. It is posted at some sub-office, but passed through Helensburgh. (Shown No. 3.) Helensburgh or sub-office. Glasgow postmark 10th April 1855. (Shown No. 5.) Posted at Row, sub-office to Helensburgh, 18th April 1855; reached Glasgow same evening. [Witness retired, along with an agent on each side, to examine the postmarks of various letters.]

41. *George M'Call* (85), merchant, Forth Street, Edinburgh, examined by the LORD ADVOCATE.—I was acquainted with M. L'Angelier. I remember his coming to Edinburgh in March last. He dined with me on the Saturday week previous to his death. I remember L'Angelier writing a note to Mr Kennedy. I put a postscript to that letter. L'Angelier seemed pretty well. He said he had been unwell before. He spoke of going to the Bridge of Allan.

*Cross-examined by Mr YOUNG.*—I saw L'Angelier for the last time on Monday, 16th March, in the afternoon. He said he had been dining with a Colonel Fraser at Portobello.

By the LORD ADVOCATE.—I saw him on the Thursday evening before that Saturday—Thursday the 12th.

By the LORD JUSTICE-CLERK.—L'Angelier was a good-looking pleasant man. I never saw him in the company of ladies.

42. *Robert Monteith, Glasgow (56), examined by the LORD ADVOCATE.*—I am a packer in the employment of Huggins and Co. I knew L'Angelier. He had asked me to address a letter for him; that was in the beginning of 1856. The address he asked me to write was, "Miss C. Haggart, Rowaleyn, Row." I afterwards addressed about ten or a dozen letters for him to the same person. One of these was to "Miss C. Haggart, 7 Blythswood Square."

By Mr YOUNG.—He said he did not want his handwriting to be known.

43. *Robert Sinclair (57), examined by the LORD ADVOCATE.*—I am in Huggins and Co.'s employment, Glasgow. L'Angelier twice asked me to address letters to "Miss C. Haggart, care of Mr James Smith, India Street, Glasgow." This was more than twelve months before his death.

By Mr YOUNG.—He said he did not wish his handwriting to be known.

44. *Janet M'Dougall (28), keeper of the Post Office at Row, examined by the LORD ADVOCATE.*—I remember in the course of 1855 and 1856 some letters coming to the Post Office, addressed "Miss Bruce, to be called for;" there would be seven or eight in the course of the season. One of Mr Smith's servants at Rowaleyn got these letters. I think the servant's name was Jane Lindsay. I did not know that there was any Miss Bruce at Rowaleyn.

45. *Catherine M'Donald (51), lodging-house-keeper, Bridge of Allan, examined by the LORD ADVOCATE.*—I remember Mr Smith and his family coming to me last spring; they came on the 6th March; Madeleine Smith was with them; they stayed till the 17th, and then left for Glasgow.

46. *Robert Telfer Corbett (40), examined by the LORD ADVOCATE.*—I am a physician and surgeon in West Regent Street, Glasgow, and one of the senior surgeons to the Glasgow Royal Infirmary. I was called in to assist at a *post-mortem* examination of the body of L'Angelier after its exhumation. I concurred in the report. My opinion was that the deceased had died from the effects of irritant poison. The morbid appearances were of two different characters—the one showing the result of recent action, and the other of action at a period antecedent to that. The last of these appearances I refer to were several small ulcers, with elevated edges, about the sixteenth of an inch, at the upper part of the duodenum. These might have been characteristic of the effects of an irritant poison at the distance of a month, but it is impossible to refer them to any precise period. They are such a result as an irritant poison administered a month before might have produced. They were of longer standing than immediately antecedent to death. I was not present at the first *post-mortem* examination, and never saw the stomach. I considered the appearances presented by the intestines, viz., the inflammation and ulceration, as the results of arsenical

poisoning. Jaundice is not a common symptom of arsenic, but it is an occasional symptom. Extreme thirst would proceed from irritant poison; this symptom shows itself very early. It is not characteristic of ordinary British cholera in its earlier stages. A dose of arsenic exhibits its effects usually in half an hour to an hour; that is the average time; longer periods have been known, but are unusual; the period depends more on the state of the stomach and the mode in which the arsenic has been administered, than on the quantity. If the patient had been the subject of repeated doses, and had irritability of the stomach, it might produce its effect more speedily. I have read of cases where large doses were found in the stomach of persons who had been murdered. I can't say how much has been found on such occasions. I can refer to cases where the quantity is said to have been large.

*Cross-examined by the DEAN OF FACULTY.*—What do you mean by large?—Well, large is a very general term. That is the reason I put the question; would twenty grains be a large dose?—It would certainly be a large dose. I mean a large dose to be administered. Are you aware of homicidal cases by arsenic where so large a dose was given as twenty grains?—I cannot refer to any case just now. When you spoke of jaundice as a mark of arsenical poisoning, am I right in supposing you meant only the symptoms of jaundice, which consists of yellowness of the skin?—Yes. Not that which is exhibited by the eye?—I mean the conjunctiva too. Can you tell me any case of arsenical poisoning in which the jaundice symptom was seen?—I cannot condescend upon a particular case. I have not met with any case personally. Upon what authority do you state that it is a known symptom?—Upon the authority of Dr Taylor, in his work on Medical Jurisprudence. Dr Taylor, in his work, refers to another authority—to Christison.

The DEAN OF FACULTY.—No, not Dr Christison; Marshall.

*Witness.*—I can't condescend on any particular case.

The DEAN OF FACULTY.—It is your reading you referred to; I'll give you any book you name, and I ask you to point out your authority.

*Witness.*—I know the fact.

The DEAN OF FACULTY.—Not except from reading?

*Witness.*—No.

The DEAN OF FACULTY.—Well, here is Dr Taylor's book, p. 62; if you find anything else there I intreat you to give it to me.

*Witness.*—I am not aware that it is mentioned in any other part of the article than the page to which you allude, but I would require to read it over.

The DEAN OF FACULTY.—But surely, when you come here to swear as a man of skill that jaundice is a symptom of arsenical poisoning, you are prepared to give me a better answer than that. Do you know that there is a life depending on this inquiry? Pray, keep that in mind.

*Witness.*—Yes, I do; and I know jaundice to be a secondary symptom of arsenical poisoning by my reading.

The DEAN OF FACULTY.—And is there any reading that you can condescend on except what I have pointed out to you?

*Witness.*—None.

*Cross-examination continued.*—The ulcers might be produced by other causes than irritant poison. I have never met with them in any other case in such a part of the duodenum, but it is possible they might arise

from some enteric fever ; any cause of inflammation of the upper portion of the intestines might produce them. I have only once before made a *post mortem* examination in a case of arsenical poisoning. That was a case recorded in the Glasgow Medical Journal for 1856. I do not remember the name of the person. Dr John Crawford of Glasgow was engaged in that case with me, and Dr Penny was engaged in the analysis.

*Re-examined by the LORD ADVOCATE.*—From my reading and study I know that jaundice is an occasional secondary symptom of arsenical poisoning. If I found other symptoms of arsenic I should regard that as a symptom. If a person who had taken arsenic presented a yellow colour, that might or might not be a symptom of the poison. The presence of jaundice would not sway me very much one way or the other.

*Dr Penny (42) recalled and examined by the LORD ADVOCATE.*—I have made some experiments as to the colouring matter of arsenic from the shops of Murdoch and Currie in Glasgow. (1.) I administered Murdoch's arsenic (coloured with soot) to a dog, and I found no difficulty in detecting the soot in the stomach of that dog after death. (2.) I administered arsenic coloured by myself with indigo to another dog, and I had no difficulty in detecting the indigo in that case, by chemical tests. (3.) I administered to another dog a portion of the arsenic sold by Mr Currie, and I detected black particles in the stomach of that dog, but I could not undertake to identify the arsenic found with the arsenic given. I found carbonaceous particles, but I could not undertake to say that these carbonaceous particles are of themselves sufficient to identify any particular description of arsenic. (4.) I could detect no arsenic in the brains of these dogs. (5.) I found solid arsenic in the stomach as well as arsenic in the texture of the stomach. These are the results of my experiments.

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

*Cross-examined by the DEAN OF FACULTY.*—I made myself acquainted with the colouring matter in Currie's arsenic before administering it. The black particles found in the stomach after death bear a close resemblance in their physical appearance and their chemical properties to the constituents of the arsenic given. Their physical appearance and chemical properties were identical with those of the arsenic given.

47. *Christina Haggart or Mackenzie (29), examined by the SOLICITOR-GENERAL.*—In the end of last March I was married to Duncan Mackenzie, joiner. My maiden name was Christina Haggart. I was servant in the family of Mr Smith, Miss Smith's father. I was two years there. I left at last Whitsunday. The family consisted of Mr and Mrs Smith, and five children. Miss Smith (the panel) was the eldest, about twenty-one years of age ; and there were Miss Bessie Smith, and Miss Janet, about twelve or thirteen. The eldest son is John. I should think he is between sixteen and seventeen. He is in an office. The younger son is James. He is two years younger. Till the end of March he was at school in Edinburgh. Mr Smith has a house at Rowaleyn, near Row. They lived there during the summer. They went about May and came back about November. During the first winter I was with them (1855-56), they lived in India Street, Glasgow. That was the winter before last. Last

winter (1856-57) they stayed at 7 Blythswood Square. While they lived in India Street Miss Smith pointed out a French gentleman to me. She did not speak of him by his name; I came to know his name when I was examined on precognition at the County Buildings. The name was L'Angelier. Miss Smith, when she pointed him out, told me he was a friend of hers; he was in the street when she pointed him out, and we were in the drawing-room; he was passing. [Shown photograph.] That is a likeness of him. I have seen him in the house in India Street. I was asked by Miss Smith once to open the back gate to let him in, and I did so. This was during the day; I think they were all in church except the youngest sister; it was on a Sunday. Miss Smith went in with him to the laundry; the door was shut when they went in. I don't remember how long he remained—I think about half-an-hour. He came back to the house at night oftener than once; I don't think more than three or four times; he came about ten o'clock, before the family retired to their rooms. As far as I remember, they were all at home. On these occasions he stood at the back gate. He did not, to my knowledge, come into the house. I don't know if he came in. I opened the back gate to him by Miss Smith's directions. She asked me to open the gate for her friend. On some occasions when I went to open the gate he was there, and on others he was not. I did not see Miss Smith go out to him. I left open the back door of the house leading to the gate. There was no person in the laundry at the time; the back door was a good piece away from the laundry. Miss Smith and this gentleman might have gone into the laundry without me seeing them. During the season we lived in India Street, I pointed this gentleman out to Duncan Mackenzie, my present husband. I do not remember mentioning his name. I said he was a friend of Miss Smith's. I have spoken to that gentleman. During the season we were in India Street, he made me a present of a dress. He did not say what he gave it for. When the family were at Rowaleyn, I don't recollect seeing him there, or in the neighbourhood. Letters came to me intended for Miss Smith while we lived in India Street. Miss Smith said they would be so addressed. She said they were from her friend. I thought she meant L'Angelier. I can't say how many letters came so addressed. A good many came to India Street, and I gave them all to Miss Smith. Letters also came to Rowaleyn addressed to me for Miss Smith; but there were very few. I called for letters addressed to Miss Bruce at the Post Office, Row; Miss Smith asked me to call for them, and I got them and gave them to Miss Smith. She has given me letters to post for her, addressed to a gentleman, I cannot pronounce the name. Was it L'Angelier?—It was. I posted letters for her with that address, in India Street, in Blythswood Square, and during the two summers I was at Rowaleyn. I have delivered a letter with that address in Franklin Place; I only delivered one letter so addressed; I left it at the house. In the Blythswood Square house there was a back-door leading to an area and into a lane. She asked me once to open it for her.

[The Court then retired for a few minutes. On their return, the Lord Justice-Clerk asked if Mr Cunningham, from the *Scotch Thistle* office, was present, or if there was any communication from him in answer to the summons of the mace of Court?—No answer being made, his Lordship then asked if there were any reporter present from the *Thistle* office, and stated that it would be as well to give notice to Mr Cunningham that if

no appearance were made for him, it would be visited as contumacy and contempt of Court.]

*Examination resumed.*—I don't know when that was; it was a good long time before Miss Smith was apprehended. It was weeks before. I don't recollect whether it was two months before; it might be about two months. It was at night—I think past ten—that she asked me to open the door. I was in her room when she asked me to do this. Her room was down stairs, on the same floor as the kitchen. I slept in a back room next to the back-door. The cook, Charlotte M'Lean, slept with me. At the time I speak of, Charlotte M'Lean was in the kitchen. I opened the back-gate into the lane. I saw no person there. I left it open and returned to the house. I left the back-door of the house open, and went into the kitchen. Miss Smith met me in the passage; she was going towards the back-door. I heard footsteps coming through the gate. I went into the kitchen. I did not hear where Miss Smith went to. I did not hear the door of my room shut. I don't remember how long I remained in the kitchen; I think it would be more than half-an-hour. Charlotte M'Lean was in the kitchen with me during that time. I think I remained longer than usual in the kitchen that night. Miss Smith had told me to stay in the kitchen. She asked if I would open the back-door and stay in the kitchen a little, because she was to see her friend. She did not say where she was to see her friend. While I stayed in the kitchen I did not know where Miss Smith was. I did not know that she was in my bed-room. I had no doubt that she was there, but I did not know it. When we heard Miss Smith go to her room I left the kitchen. We heard the door of Miss Smith's bed-room shut; I did not hear the door of our room open. I did not hear the back-door of our house shut. I am not certain, but I think I found it shut when I went to my bed-room. My bed-room is next to the back-door. There is a low door in the front area. The key was left sometimes in the kitchen, and sometimes in the boy's room. I heard that Miss Smith was to be married shortly before her apprehension. Mrs Smith told me of it. I don't remember the time; it was a good while before her apprehension. In consequence of that, I asked Miss Smith what she was to do with her other friend, and she told me then, or some time after, that she had given him up. I asked if she had got back her letters. She said, No, that she did not care. I recollect refusing to receive letters for her in India Street; that was after I had received some; in Blythswood Square, also, I refused to receive letters for her; I don't remember her saying anything. She said she would receive letters in at the window; that was before I had refused to receive letters for her. I have seen L'Angelier in Mains Street, close to the house, at night. He was walking slowly. That was in the beginning of the winter. At night, when we were in bed, Miss Smith could have passed from her bed-room to the kitchen, or upstairs, without being overheard by me. The stair leading up to the dining-room floor is very near her bed-room door. I never saw any rats in the house in Blythswood Square. We were not troubled with rats. I remember Sunday, 22d March. I was not well that day, and kept my bed in consequence. I got up between five and six o'clock in the afternoon. I saw my present husband that evening. He came between seven and eight o'clock. There was family worship that evening at nine o'clock. I was present. Miss Smith was present, and the rest of the family.

Mackenzie remained in the house when I went up to family worship, and he was there when I came down. I left Miss Smith in the dining-room when I came down, and I did not see her that evening. I went to bed at ten o'clock. The cook slept with me as usual that night. Mackenzie left near ten, or thereabouts. I was not aware of anything taking place in the house during the night. I did not hear anything, and was not aware of any stranger being in. I remember Miss Smith leaving home suddenly on the Thursday after that Sunday. One evening that week Miss Smith was out at an evening party. I could not say if she was at home at the usual time on the Wednesday evening. The key of the back-door was kept in my bed-room. On Thursday morning it was discovered that Miss Smith was not at home. There was a key to the back gate. I had charge of that gate; it is a wooden gate in the wall; it is more than six feet high; it may be twelve feet high. The key of the back door of the house always stood in the door; in the inside. The back gate was sometimes locked, but generally snibbed. A person could open the back-door by the key in the door, and open the gate in the wall by unsnibbing it. The key of the low front door was always left in the lock; I had no charge of the key of the high front door, but I think it stood in the lock. I had charge of cleaning out Miss Smith's bed-room. During February or March I never observed that the water in her basin was coloured peculiarly black or peculiarly blue. I saw nothing unusual of that sort.

*Cross-examined by the DEAN OF FACULTY.*—It was in India Street I first became aware of the correspondence between Miss Smith and this gentleman. I think it was soon after she had pointed him out to me. When the family left India Street they went to Rowaleyn; that would be in April or May 1856. I became aware of this correspondence weeks before the family went to Row; but I can't say the precise time. After I had received some letters for Miss Smith, I declined to take more; the reason was that her mother had found fault with me for taking them, and had forbidden me to take them. The family came back from Row in November. It was a good while after this that this gentleman came into the house; it might be some months. I remember the family going to the Bridge of Allan; his visit would be a good long time before that. I don't remember when Mrs Smith mentioned to me her daughter's intended marriage. It was before they went to the Bridge of Allan. When Charlotte M'Lean and I were in the kitchen the night L'Angelier was in the house, the interview between Miss Smith and him might take place in the lobby. Her youngest sister slept with Miss Smith; she was in bed by that time. My present husband was frequently in the house at that time—several times in the course of a week. I remember the circumstance of the night of the 22d March. When Mackenzie went away I saw him to the back-door and the outer gate. I snibbed the gate, and I have no reason to suppose I did not lock the inner back-door as usual. I left Miss Smith in the dining-room with the rest of the family after prayers. I did not see her again that night. She gave me no reason to suppose she had any meeting that night. I don't know that Miss Smith and her youngest sister went to bed that night at the same time. The back-door makes a noise in opening. The lock makes a considerable noise. It is close to my bed-room. I don't know a lady named Miss Perry. She might have been a visitor at Mr Smith's house. The boy opened the door. The

window of my room looks into the back area. It has iron stanchions like all the other low windows of the house.

To the LORD JUSTICE-CLERK.—When the family went to the Bridge of Allan, the servants were all at home. On the morning of the Thursday when it was found that Miss Smith had left the house, I don't know if it was found that she had taken any of her clothes with her. I saw her on her return; a small carpet-bag, containing things of hers, was brought back with her. The bag was not very small. It was such as a lady might carry her night things in. This was in India Street. I was desired by Mrs Smith not to receive letters; but I did receive some afterwards.

The LORD JUSTICE-CLERK.—I suppose, in reality, as Mackenzie was coming to visit you, you were anxious to oblige the young lady. (Witness smiled assent.)

48. *Charlotte McLean* (30), examined by the SOLICITOR-GENERAL.—I was cook in Mr Smith's family. I was there for six months up to last Whitsunday. I have left now. I never saw any gentleman visit Miss Smith without the knowledge of her family. I was not aware any one did so. She never gave me letters to L'Angelier, and I never knew of her receiving such letters. I never saw any letters come to Mr Smith's house addressed to Miss Bruce at Row. I remember one night last spring remaining in the kitchen for some time with Christina Haggart. Christina asked me to do so. The reason she gave me for it was that some person was speaking to Miss Smith. I can't say I heard Miss Smith in the passage while I was in the kitchen. I afterwards heard her go into her bed-room, and then Christina Haggart and I went to our room. I remember Sunday, 22d March. I remember Christina being unwell and keeping her bed. I was upstairs at family worship, and left Miss Smith in the dining-room. I did not see Miss Smith that night. I heard nothing in the course of that night to attract my attention.

*Cross-examined by the DEAN.*—I went to bed nearer eleven than ten o'clock that night.

49. *Duncan Mackenzie* (32), examined by the SOLICITOR-GENERAL.—I was married to Christina Haggart a short time ago. I was visiting her on Sunday the 22d March. I left her about ten o'clock, by the back-door and back-gate. I did not hear if the gate was secured after I left. I used to visit Christina when the family lived in India Street. Christina pointed out a gentleman to me at the back-door of the house. She did not tell me his name. I never saw him again.

*Cross-examined by the DEAN OF FACULTY.*—I saw him at the back-door of the house. I was coming up to the house, and saw him standing. He asked me if I was going into the house, and I said yes. He asked me if I knew Christina, and he asked me if I would ask her to come out and speak to him. I did so, and she went out to speak to him. I was present when they met, but I did not hear what was said. I saw them talking together. I was not jealous about them. Christina was afraid I might be. I received a letter, signed "M. Smith," saying it was her friend that I had seen, and therefore she hoped nothing would arise between Christina and me.

By the LORD JUSTICE-CLERK.—Have you that letter? I did not preserve it.

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

50. *James Galloway* (12), *examined by the LORD ADVOCATE*.—I live at 192 St George's Road, Glasgow. I knew M. L'Angelier by sight; he lived next door to a relation of mine, and I saw him several times. I remember Sunday the 22d March. I saw L'Angelier that night about nine o'clock. He was in Sauchiehall Street. He was going east; he was going in the direction of Blythswood Square. He was about four or five minutes' walk from Blythswood Square.

*Cross-examined by the DEAN OF FACULTY*.—When I met L'Angelier that night he was walking rather slowly.

51. *Mary Tweedle* (13), *examined by the LORD ADVOCATE*.—I was servant to Mrs Parr, who keeps a lodging-house in Terrace Street, St Vincent Street, Glasgow. I knew M. L'Angelier. He was sometimes in the habit of coming to Mrs Parr's house to see a Mr M'Alester who lodged there. I remember Sunday the 22d March; I saw M. L'Angelier that night at twenty minutes past nine o'clock; he called at the door, and asked for Mr M'Alester; but Mr M'Alester was not at home. He wore a light top-coat and a Balmoral bonnet. [Shown coat and bonnet.] These are like the coat and bonnet he wore. When he found Mr M'Alester was not at home, he halted a moment at the stair-head and then went away. I went with an officer, Bernard M'Lauchlin, from Mrs Parr's to Blythswood Square, and it took us about five minutes to go there.

*Cross-examined by the DEAN OF FACULTY*.—Terrace Street is south and west from Blythswood Square. L'Angelier did not seem much disappointed that M'Alester was not at home. When he halted at the stair-head he seemed as if he would have liked to come in. I did not ask him to come in.

52. *Thomas Kavan* (15), *examined by the LORD ADVOCATE*.—I am a night constable in Glasgow. My beat in March last included the north and east sides of Blythswood Square; it included Mr Smith's house. [Shown photograph, No. 180.] I have seen this person more than once; I saw him first about two months previous to hearing of his death; I did not know his name; but I heard of the death of M. L'Angelier. I saw him in Mains Street, as well as I can recollect, about eleven o'clock, or between ten and eleven. He was standing near a lamp-post at the end of the back lane running from Mains Street. When I came along the point of the Square, I turned along Mains Street, and he said, "Cold night, policeman; do you smoke?" I said "Yes, Sir;" and he put his hand in his breast-pocket, and give me two cigars, and passed on. He was then not more than the breadth of this Court from the wall of Mr Smith's house. I saw him again, ten or twelve days after the first time. He was passing along at the garden side by the railings on the north side of Blythswood Square, going east towards Regent Street. He was passing opposite 5 and 6 Blythswood Square; he was on the side of the gardens. 5 and 6 Blythswood Square are west of No. 7, and he was going east. I saw him again about a fortnight, or between a fortnight and three weeks, previous to the time I was first examined before the Fiscal. He was then at the corner of Regent Street and Mains Street, coming towards Blythswood Square. It was early in the night; but I can't positively say when. I should say between nine and ten o'clock. I never saw him again. I cannot swear to the date, but it was about a fortnight or three weeks before I was examined by the Fiscal—that was the 2d of April.

*Cross-examined by the DEAN OF FACULTY.*—I was on my beat on Sunday evening the 22d March. I did not see him that night. I am quite sure of that.

53. *William Young (27), examined by the LORD ADVOCATE.*—I am a photographer at Helensburgh. [Shown photograph.] I made this photograph of Miss Madeleine Smith; it was done in September 1856, at her desire.

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

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

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

*Rowland Hill Macdonald recalled.*—I have examined all the postmarks; some of these are illegible. They are mentioned in this Inventory. [Shown No. 101.] The day is illegible. The figure 2 is legible; it may have been 2d February; but there is room for another figure, if not the 2d; it may be the 20th, or some day beyond. [Shown No. 105.] I think this is the 10th February. The 10th is distinct; the letter E is there for the month; it must be December or February, or any month the second letter of which is E; but the year is distinct, 1857, and it must be February. [Shown No. 111.] The stamp is quite illegible—very bad. [Shown No. 149.] If posted at the General Post Office, it must have been between 11.45 A.M. and 1 P.M. If at a pillar, from 9 A.M. to 12.30 P.M.

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

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

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

54. *Jane Scott Perry or Towers (55), examined by the LORD ADVOCATE.*—I am a sister of Miss Perry, who lives in Glasgow. I know she was acquainted with L’Angelier. I now live in England; but in March last I and my husband were living at Portobello. I remember of L’Angelier coming to pay us a visit. I had seen him a year before. He dined with us on Monday the 16th March. I am sure of that. He talked almost the whole time about his health. He said something about cocoa and coffee. He said he had been getting cocoa and coffee, and, after taking them both, they had disagreed with him, and he had been very ill. He said he had been in the habit of taking coffee, but he was not accustomed to cocoa. He spoke of more than two occasions on which he had been ill. He made the remark that he thought he had been poisoned.

This was after telling us of the cocoa and coffee. Nothing was said about who had poisoned him, and no questions were asked. My husband was present.

*Cross-examined by the DEAN OF FACULTY.*—One of my daughters, Jemima, might also be in the room. I think Miss Murray had gone away before that was said.

By the LORD ADVOCATE.—He dined with us on Monday, 16th March.

*Cross-examined by the DEAN OF FACULTY.*—Many circumstances make me sure of the day. It was after asking what was the matter with him that he talked of being poisoned.

53. *James Towers (54), examined by the LORD ADVOCATE.*—I was living at Brighton Place, Portobello, last March. I knew L'Angelier slightly. I met him once or twice at my sister-in-law's in Glasgow. I recollect his dining with me one day last March at Portobello. The conversation turned on his health. He said he had had a very violent bilious attack, or jaundice. He did not describe how it affected him. He said he had had two attacks after taking coffee or cocoa, and that, on one occasion, he fell down in his bed-room, and was unable to go to bed; that on another attack he was able to creep to the door and knock through to his landlady. He spoke much of this. He said he thought he had been poisoned after taking the cocoa and coffee. I remarked who should poison him, or what object any one could have in poisoning him? I don't recollect if he said anything in reply. He told us he was going back to Glasgow, and thence to the Bridge of Allan. He looked tolerably well. From what he said, I understood he had taken the coffee on one occasion and cocoa on another, and that on both occasions he had been ill.

*Cross-examined by the DEAN OF FACULTY.*—The day he dined with me was the Monday before his death—the 16th. I am quite certain. He appeared in good spirits, and ate a good dinner—ate well—he talked a good deal. He was of a talkative turn. He spoke of his complaints; and when we asked about Glasgow society he spoke of that; but he spoke a great deal of his own sickness. He was very fond of talking about himself. I thought he was a vain person. There was not much vapouring or rash talking on that occasion. I knew him so little, I can't speak of other occasions. I can't say he was a person who spoke much without thinking.

By the LORD ADVOCATE.—He did not say from whom he got the cocoa or coffee.

*Re-Cross-examined by the DEAN OF FACULTY.*—He said coffee agreed with him, and that he was in the habit of taking it; and that he was not surprised at cocoa not agreeing with him, as he was not accustomed to it.

54. *Mary Arthur Perry (53), examined by the LORD ADVOCATE.*—I live at 144 Renfrew Street, Glasgow, and was acquainted with the late M. L'Angelier. I became acquainted with him about the end of the year 1853. We both attended the same chapel—St Jude's. About the spring of 1855, I came to know him intimately; the intimacy went on gradually. At that time he heard of his brother's death. He was in very great distress. In the early part of the summer of that year he told me he was engaged to Miss Madeleine Smith: and I was aware from him, from that time forward, of the progress of his attachment and cor-

respondence. In August 1855, I was introduced to Miss Smith; he brought her to call on me. After that I received several letters from her. [Shown No. 11.] I received this letter from Miss Smith. It has no date. I think I received it about the end of September or beginning of October 1855. [Shown Nos. 19 and 20, one letter.] I also received this letter from Miss Smith in the spring of 1856. [Shown No. 27.] I received this letter also from her in the spring of 1856. It is signed "Mimi." That was a pet name by which L'Angelier called her. [Shown No. 29.] I got this from her during the spring of 1856. No. 45 I received in June or July 1856. No. 83 I received from her early in January 1857. No. 141 is a letter from L'Angelier to me. It is dated "Bridge of Allan, 20th March." The last paragraph is—"I should have come to see some one last night, but the letter came too late, so we are both disappointed." I understood that that paragraph referred to Miss Smith. L'Angelier was frequently at my house, and dined with me occasionally. Down to the beginning of February 1857 he had generally good health, but during February he seemed not so well as formerly. In the beginning of February, he said he had heard a report of another gentleman paying attentions to Miss Smith. He said Miss Smith had written him on the subject. One time she had denied it, and another time she had evaded the question. This would be some time during February. He dined with me on the 17th February. He told me that day when he next expected to see her; that was to be on Thursday the 19th. The 17th was a Tuesday. He was to see her on the Thursday. I did not see him again till the second of March. He was looking extremely ill then. When he came in he said, "Well, I never expected to have seen you again, I was so ill." He said he had fallen on the floor, and been unable to ring the bell. He did not say what day that was, but from circumstances, I knew it was the 19th February. He did not tell me he had seen Miss Smith on the 19th. He told me of having had coffee and chocolate which had made him ill. He told me of that on the 9th March. He took tea with me on the 9th March. We had a conversation, but not long. On the 2d, he said he could not attribute his illness to any cause. On the 9th he said, "I can't think why I was so unwell after getting that coffee and chocolate from her." I understood he referred to two different occasions; "her" meant Miss Smith. He was talking about her at the time. He did not say that the severe illness which came on after the coffee or chocolate was the illness he had referred to on the 2d March; but I understood so. On the 9th March he was talking of his extreme attachment to Miss Smith; he spoke of it as a fascination. He said, "It is a perfect fascination my attachment to that girl; if she were to poison me I would forgive her." I said, "You ought not to allow such thoughts to pass through your mind; what motive could she have for giving you anything to hurt you?" He said, "I don't know that; perhaps she might not be sorry to be rid of me." All this was said in earnest, but I interpreted the expression "to be rid of me" to mean rid of her engagement. From what he said, there seemed to be some suspicion in his mind as to what Miss Smith had given him, but it was not a serious suspicion. I never saw him again alive. On the 9th, he spoke of her intended marriage. He said he had heard she was to be married, but he said he had offered to her some months before to discontinue the engagement, but she would not then have it broken. Some

time afterwards she wished him to return her letters, and she would return his. He refused to do this, but offered to return the letters to her father. That is what he told me. On the 23d March I received a message—"M. L'Angelier's compliments; he was very ill at Franklin Place, and he would be very glad if I would call." That was about ten in the morning. I went about mid-day, and found he was dead. I called on Mrs Smith, the mother of the panel, and intimated the death to her. I saw Miss Smith; I did not mention it to her. She recognised me and shook hands; asked me to go into the drawing-room, and if I wished to see her mamma. She also asked if anything was wrong. I said I wanted to see her mamma, and that I would acquaint *her* with the object of my visit. I did not know Mrs Smith before. I know Mr Philpot. He met M. L'Angelier on the 17th February at my house. He met him on another occasion about the same time. I had a warm affection for M. L'Angelier, and corresponded with him frequently. I thought him a strictly moral and religious man. He was a regular attendant at church. I was very much agitated by the sudden shock of hearing of his death. I saw the body, and was very much shocked.

*Cross-examined by the DEAN OF FACULTY.*—I live in Renfrew Street. I was not at all acquainted with Mr Smith's family. When L'Angelier brought Miss Smith to see me, I knew the correspondence was clandestine; he told me that when the first engagement was formed he wished to tell her father, but she objected; he then asked her to tell her father herself, but she objected to that also, and he was very much distressed. I knew that he was not acquainted with her father or mother; he knew her sister Bessie. In August 1855, when she was introduced to me, I knew the engagement had existed for a few weeks, but I don't know how long they had been intimate with each other. L'Angelier told me he was introduced to Miss Smith at a lady's house—at Mrs Baird's. He said he had met her there. I was aware that their intimacy was disapproved of by the family, and that the engagement was broken off at one time. In one of the notes she wrote me she says her mother had become aware of it. I never knew that her father or mother had abated their dislike of the intimacy. I wrote on one occasion to Miss Smith advising her to mention it to her parents. I advised M. L'Angelier not to renew the engagement after it was broken till her parents were aware of it. He said he intended to do so; that he renewed the engagement provisionally, Miss Smith having promised on the first opportunity to make her parents aware of it. I knew that they met clandestinely. I corresponded with both at the time. [Shown No. 11 of third inventory for the prisoner.] This is a letter which I wrote to L'Angelier, postmark February 7, 1857; it is as follows:—

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

[Shown No. 20.] Friday night. No postmark. [Reads.]

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

The reception I there refer to has no reference to Miss Smith; it refers to a relative of mine who did not much fancy him. [Shown No. 15 of same inventory.] It has no date, but was written early last January. [Reads.]

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

*Cross-examination resumed.*—The interview refers to Miss Smith. That I knew was a clandestine interview. L’Angelier was in the habit of writing to me. Our correspondence went on for perhaps two years. Very often my note did not require an answer. It might be asking him to come to tea or call; latterly we addressed each other by our Christian names. I addressed him by his surname, and he addressed me “Dear Mary,” or “My dear Mary;” never “Dearest Mary.” I was first introduced to him by a lady now resident in England—Miss Philpot. I knew nothing of his relations but what he would tell me. I knew his mother lived in Jersey; I never inquired what her occupation was. He had two sisters, and a brother who died some time before. I don’t know that I ever inquired what his occupation was. I don’t think I was in the habit of meeting him in other houses in Glasgow than my own. I have said that circumstances enabled me to fix an illness of L’Angelier’s on the 19th February. I remember that he said he did not go to the office on a certain day after that, but that he went on the Saturday; that fixed it for a Thursday, and I knew it was not the last Thursday of February. His second illness was on the last week of February, therefore the first illness was on the 19th. I did not recollect the 19th when I was first examined, but it was suggested to me by the Fiscal’s amanuensis. I recollect it now, but not from that. The amanuensis said the 19th was the date of his first illness in his pocket-book. That was on the 4th June (referring to notes). I made these notes afterwards; but it was not his mentioning that which brought it to my recollection. I did not recollect the fact at the time. It was some days after. I was precognosed six times. Till he told me I did not recollect the 19th as the day, but I recalled it some days afterwards. The dates of my precognitions are 6th, 7th, and 23d April, 4th, 5th, and 23d June. When the amanuensis mentioned the above, no one was present but Mr Hart. When I saw L’Angelier on the 2d March, he described the nature of his illness; he said he was so ill that he fell on the floor, and was unable to call for assistance till next morning; that it was unlike anything he had

ever felt before ; that he was conscious, but unable to move. He spoke of his second illness as a bilious attack or jaundice. It was prior to the 9th March that he told me of the discontinuance of the engagement ; it might have been in the latter part of January or some part of February. He told me then that some months before, imagining Miss Smith rather cool, he offered to break off the engagement, but he was not anxious to do so ; he said this was some months previously. She would not accept this. He said that afterwards she proposed a return of the letters on both sides. That might be about February. He said he refused to do that, but that he offered to give the letters to her father. I did not understand the meaning to be that he threatened to show the letters to her father. I understood that to be a consent on his part to give up the engagement, and he so represented it. Miss Smith would not accede to that proposal, and the engagement remained unbroken at Miss Smith's desire. That was on the last occasion that he referred to it.

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

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

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

[*Mr Cunningham*, for whose attendance a warrant had been issued, was here brought up.

The LORD JUSTICE-CLERK.—The Court desire to know whether you have had a copy of the print of the letters.

*Mr Cunningham*.—I have had no copy of the letters.

The LORD JUSTICE-CLERK.—Then we have to ask if your object is to publish to-morrow letters, whether they are used at this trial or not ?

*Mr Cunningham*.—Certainly not ; only the letters produced.

The LORD JUSTICE-CLERK.—You have had no copy of them.

*Mr Cunningham*.—I have no copy, and have had no copy.

The LORD JUSTICE-CLERK.—And you are not preparing or intending to publish any except what may be read in Court ?

*Mr Cunningham*.—Certainly not.

The LORD JUSTICE-CLERK remarked that the circular was very incautiously worded, and dismissed *Mr Cunningham*.]

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

YOUNG, for the panel, objected. He understood that the proposal was to read not only No. 1, but all the letters professing to be originals. There were letters included in the print copy, which were in a different category—he meant letters not professing to be originals, but professing to be copies or drafts ; and he did not mean to allude to them at present. It appeared that upon the 30th March the Procurator-Fiscal of Glasgow presented a petition to the Sheriff, setting forth the circumstances, suspicious as they appeared to him, connected with the death of this unfortunate Frenchman, and praying

for a warrant, not only to exhume the body for a *post mortem* examination, but also to search the repositories of the deceased, and to recover everything that the prosecutor might think it necessary to take possession of. And it appeared that, on this petition, warrant was granted on the same day. They had not received the original, but a copy had been spoken to by the Procurator-Fiscal. That warrant was put into the hands of a Sheriff-officer of the name of Murray, who took with him a person who had no official character or authority whatever, and they first proceeded to the office of Huggins, and next to the house of Mrs Jenkins, in both of which places a search and a recovery were made. It further appeared, that whatever was recovered at either of these places was kept exclusively in the hands of this officer and his assistant, and was thereafter either in the hands of the Procurator-Fiscal or of his clerks, or of the Crown Agent in Edinburgh, until some partial access—whether complete access or not he was not in a position to say—was obtained to them by the prisoner's agents about the 10th June. He thought he was entitled to say, that when a prosecution, whether of a public or private nature, was raised, the law of Scotland made no distinction between the two in regard to the rules as to preliminary investigations and recoveries of documents with a view to that prosecution. When the prosecutor made such sweeping recoveries, he took upon himself a very high responsibility. According to the principles of the law of Scotland, the recovery was made not by the prosecutor at all, but by the magistrate; and the proper course to be followed in this or in any similar case would have been to secure whatever was recovered by the magistrate or by his officer, acting under the warrant of the magistrate. Whatever was recovered should have been immediately put into possession of the magistrate himself, or into the hands of his proper clerk. However, instead of that, the prosecutor never, so far as appeared from the evidence, submitted them at all to the inspection and consideration of the magistrate—the Sheriff of Lanark in this case; neither were they placed in his hands, or in those of his proper officer, for custody, so as to secure that all that had been recovered should be made available for the ends of justice; and, in the present case, the difficulty was aggravated by such negligent identification, that it was impossible to be sure that all that had been recovered was now accessible. It was scarcely necessary that he should suggest to the Court how dangerous a partial production was to the ends of justice. They had nothing before them here to show that they had upon the table, or within the control of either the one side or the other, all the recoveries that were made on the 30th March; and he took leave to say, that the rule and principle of their law had been outraged in this matter, and outraged in a manner very dangerous to the ends of justice. The magistrate had merely granted his warrant for the recovery, and took no further security for their being kept in such a state as to meet the ends of justice on both sides, but left them en-

tirely to the prosecution. If the magistrate had neglected his proper duty, the result of that, he apprehended, was, that no use could be made of what was thus recovered; and it would be unsafe to admit any part of this correspondence in evidence.

The SOLICITOR-GENERAL said—The objection now stated, if sound, would apply to every case where numerous documents were recovered. He did not know, indeed, whether there were two objections, or only one; for it seemed at one time that objection was taken to the *time* at which the documents had been lodged, which was really no element of objection in the present case.

The DEAN OF FACULTY.—We do not object to the time, but to the hands through which the documents passed.

The SOLICITOR-GENERAL.—The other and principal objection, as he understood, was, that these documents had been kept up in such a way as to prevent the prisoner from having any security that the whole of the documents existing in the repositories of the deceased had been recovered. As he understood the theory propounded by his learned friend, it was, that the recovery of the documents made by the warrant of the magistrate was for the benefit of both parties, and that, therefore, the documents should be at once put into the hands of the Sheriff or his clerk, and that he should be responsible for their safe custody. He (the Solicitor-General) took leave to demur to that theory, as regarded either law or practice. If that were the rule in practice, it would in effect just come to this, that in every county of Scotland all documents recovered under warrant in criminal investigations would immediately be placed in the hands of the Sheriff-Clerk; and when they were wanted by the Procurator-Fiscal, either for the purpose of being copied or of being transmitted to Crown counsel in Edinburgh, he would require to lodge a receipt with the Sheriff-Clerk for these documents. He would take leave to say, from the legal experience he had acquired in several capacities, that such a proceeding was wholly novel and unknown in the practice of the criminal law in Scotland; if it were otherwise, no access could be got by Crown counsel or other public officers without receipts being granted for the documents, which was a thing utterly unknown in practice. But, besides this, and in reference to the present case, he would say, that the moment the Procurator-Fiscal found that this was a case involving the charge of murder (which, as the Court was aware, was on the 30th or 31st of March), he discovered by that, that it was a prosecution of a kind that must necessarily be handed over to the Lord Advocate—a case which could not be prosecuted before the Sheriff Courts, and over which the Sheriff could have no control. The Procurator-Fiscal necessarily became from that time merely the hand of the Lord Advocate, and every recovery which he made was substantially a recovery by the Lord Advocate. It was, therefore, essential that any document in the possession of the Procurator-Fiscal should be held

by him for the Lord Advocate. But his learned friend stated, that the Court might deal with these documents as in the case of private parties. He did not think there was any authority in the law of Scotland for such a position. But suppose that it were so, and suppose that L'Angelier had not died, but that several attempts to poison him had been made, surely he was entitled to hold all these documents in his own hands; and it could not possibly be said that he had any other duty to fulfil towards the prisoner's counsel, than to lodge them in the hands of the Clerk of Court for production at the trial? In his view, this was all the absolute duty which lay on the public prosecutor; but the Court had a discretion, which they wisely exercised, in seeing that the trial did not proceed until the prisoner's counsel had got sufficient opportunity of making themselves acquainted with those documents. The granting them such a delay was a question of time, and of that the prisoner had not availed herself. His learned friends contended that the Sheriff alone had authority to grant such a warrant. It was competent for any magistrate to grant a warrant for the recovery of any document which was necessary; and if the Procurator-Fiscal, while at a distance from the county town, found it necessary to get a warrant, he could have no difficulty of obtaining it from a Justice of the Peace. Civil and criminal prosecutions were widely different. In the former, the whole correspondence must be produced, in order that the ground of action may be fairly laid before the Court; or if that was not done, the action might be dismissed as incompetent; but, this was not the case in criminal prosecutions. In criminal prosecutions, the prosecutor is only bound to produce what is necessary to support the *charge*. The panel, on the other hand, may produce what is necessary for the *defence*; and the Court will assist *both* with all necessary warrants. No doubt, if the counsel for the Crown found anything in those documents which had come into their hands which went to establish the innocence of the prisoner, they would have acted most unfairly, if either, on the one hand, they had carried on the prosecution, or if, on the other, they had prevented the prisoner's counsel from getting access to those documents. Nothing of the kind was, however, hinted, so far as he knew, in the present case. The only respect, he submitted, in which this case differed from those which ordinarily came before the Court was, that the number of documents in the case, and which required to be produced, were much greater than usual. The only difference which that could make in the mode of bringing forward the case was, that the advisers of the panel would require more time for the investigation of these documents, and in making preparations for the trial. But if they had wished them earlier, or considered it of importance, and their right, to get them early, they might have applied to the Sheriff, as they thought he had the jurisdiction over them; or they might still more competently have applied to the Court of Justiciary, and he had no doubt that their Lordships would have granted any delay which was necessary. The sum of the matter was this, they

complained that the Lord Advocate had got into his hands certain productions, and of these productions he had used those which he thought proper, and he had not used those which he did not think necessary. The counsel for the prisoner said, if they had had these documents in their hands, they would have used them differently; but where was the panel who was ever brought to that Court who was not prepared to make a similar objection? There was no ground for the statement, that any documents which were in the custody of the Lord Advocate were not made accessible to the prisoner's counsel. All the documents in the hands of the public prosecutor—many of them very illegible—had been copied, and given over to the prisoner's counsel. He apprehended that the objections of the defenders to the production of these documents were objections purely of time; and, so far as they had any weight, were the necessary consequence of the course they themselves had followed. The objections had no weight in law, for there was neither authority nor principle to bear them out.

The LORD ADVOCATE argued, in addition, that, even supposing there might have been some objection to the course followed by the authorities in Glasgow in reference to these documents, it did not follow from such an irregularity that the letters should be rendered inadmissible as evidence. He could quite understand that his learned friend should say to him, "You have not identified these letters as being found in the repositories of L'Angelier." He thought that would be matter for the Jury to consider. It would be enough for him to prove the handwriting, and that they had been found in such and such a bag in such and such a desk. The jury would consider whether their identification was sufficient. Again, he could understand his learned friend to say, "You have not connected these letters in a satisfactory way with the envelopes;" but this also was a matter for the Jury to determine. But the objection, he understood, went a great deal further than that; for, supposing he had proved their identification by half-a-dozen of witnesses, his learned friends held that it was incompetent to produce any letter or other document which had not been received from the custody of the Sheriff-Clerk. Where was their authority for such a statement? The common style of indictment was, that the documents to be used at the trial would in due time be lodged in the hands of the Clerk of Court, that the prisoner might have an opportunity of seeing the same. So said the indictment, and, in accordance with that, such had been the ordinary practice; but such had not been the case here. All these documents had been supplied to the prisoner before they were lodged in the hands of the Clerk of Court. It might be said that it was the duty of the Sheriff-Clerk to transmit the documents to the Clerk of Court. But in the Sheriff Court the same form of indictment was found. There the Clerk of Court was the Sheriff-Clerk, and those words proved most distinctly that in any criminal practice the Sheriff-Clerk was

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

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

the Sheriff. And he had heard nothing to-day to the contrary, except the allegation that a different practice was believed to prevail. If so, that was a most vicious practice, and the sooner it was put an end to the better. His learned friend the Solicitor-General said that these documents, when recovered, became the property of the Crown. In one sense he admitted that they did so; but who represented the Crown in that case? It was the magistrate, not the prosecutor. In the Court of Justiciary, their Lordships represented the Crown, and the Lord Advocate was the prosecutor. In the Sheriff Court, the Sheriff represented the Crown, and the Procurator-Fiscal represented the prosecutor. Therefore the doctrine asserted on the part of the panel amounted to nothing more than this, that where repositories are searched and recoveries made, under warrant of a magistrate, the magistrate is charged with their custody—he is the proper custodian. How that duty had been discharged in the present case, their Lordships could judge. They could also judge who obstructed the magistrate in the execution of that duty. The Procurator-Fiscal gave no opportunity to the Sheriff to acquit himself of his duty. He did not wish to use harsh language in speaking of the conduct of the authorities in Glasgow. He thought the responsibility rested much the most on the Procurator-Fiscal, not at all on the Sheriff-Clerk, who could not interfere till asked and authorized by the Sheriff to do so. But what did the Procurator-Fiscal do? He put the warrant into the hands of a Sheriff's-officer; this officer took with him a man who had no authority whatever, and the two together, took possession of every document belonging to the deceased which they could lay hold of. On the prosecutor lay the responsibility of proving that he had, in a competent and legal manner, discharged himself of that extraordinary responsibility. Now, considering the nature of the case, the number of the documents, and the extreme delicacy of the investigation, surely the documents ought immediately to be put in such a way as that every scrap of writing could be identified. Instead of this, the Procurator-Fiscal allowed the vast quantity of letters and documents to be carried home by this officer and his concurrent. They spent the night after they were taken from the repositories of the deceased in the lodgings of this concurrent. They were then brought in detachments to the Procurator-Fiscal's office. Up to the present moment, no inventory had been made of the whole of these documents, and there was nothing like certainty that the whole of them had found their way back to the Procurator-Fiscal's office. It was scarcely to be believed that such a practice existed; but if it did exist, it was (he repeated) a most vicious one, and the sooner it was altered the better. What had been the consequence in the present case? We have no certainty, said the Dean, as to very many of these documents—no witness to swear to them; and yet how important to know that we had all the light which L'Angelier's correspondence could throw upon the case! We have envelopes without contents.

and contents without envelopes. Who is to explain this? I would take one single instance: the last letter put in evidence (No. 149), was found on the person of the deceased. It makes an arrangement for a meeting at a certain hour—"the same hour and arrangement." The same as what? Then in No. 139 we have an envelope of Thursday, but the contents are gone. Will it be said that *this* was not in the possession of L'Angelier? In all human probability it was in that travelling bag. It is certain that we have it not now. Had the documents been duly inventoried, this most vital point could not have been in doubt. By the conduct of the authorities, a flood of light has been not only suppressed, but utterly lost; and only think of such a loss in such a case. This is not a question of time—a question on which such cases usually depend; but this I may say, that the time which was lost while these letters were being most improperly manipulated by the Sheriff's officers and subordinates would have sufficed them to put the case in a state of better preparation.

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

The LORD JUSTICE-CLERK said—The point which has been argued before us involves a general objection to the admissibility of any of the documents contained in the print. I am of opinion that that objection is not well founded. At the same time, I think it right to say that I feel most strongly the justice of Mr Young's remarks, to a certain extent. When, on the application of the Procurator-Fiscal, a warrant is granted by the Sheriff to his officers for execution, a report of the execution ought to be returned to the Sheriff; and I am of opinion that this applies to the present case very strongly, because, although these proceedings were taken before any *actual charge* had been made against any one, still the proceeding was taken, not only for the purpose of recovering the property of the deceased, but also because suspicion had been excited of some mysterious occurrences. It was not in consequence of any particular charge at the time, but to see what property the deceased had, and to trace with whom he had been after his short return; and it was very fitting that the Procurator-Fiscal should, on application of the friends of the deceased, take steps for the preservation or examination of these documents. But was this for the purpose that *he*, the Procurator-Fiscal, should, in the first instance, and without any report to the Sheriff, possess himself of all these documents, and make what use of them he chose? Certainly not. He certainly ought not to have done so until at least an inventory had been made out by the clerk of the Court by which the warrant had originally been issued. The course followed seems entirely to supersede the Sheriff altogether, and to constitute the Fiscal, the prosecutor and inquirer, into an authority above the Sheriff, for he gets possession, without control or report, of any documents he chooses, and apparently for any length of time he chooses to take, and he alone makes the inven-

tory. This is most irregular, and might cause the greatest injustice to others, as there would be no check on the Fiscal to prevent the suppression of documents or other abuse. I wish to mark my reprehension of these proceedings very strongly—the more so, as it appears that the security and the advantages arising from the superintendence of the Sheriff in important cases, are entirely withdrawn—and the most important and imperative duties of the Sheriff (to which all other duties ought to give place)—in the superintendence of criminal cases—abandoned to the prosecutor or Fiscal. The day after these documents were obtained, a charge of murder was preferred, and yet they all remained in the hands of the Fiscal and his men, without any inventory or report.

But such an irregularity does not necessarily exclude the documents from being received as evidence, if there is sufficient evidence that these documents were found in the repositories of the deceased. And the Court think there is proof on that point. At the same time, I think that the Lord Advocate was wrong in saying that it was for the Jury to consider whether the letters were sufficiently identified; for unless the Court are first satisfied that there is proof that these documents were found in the repositories of the deceased, they will not allow them to be laid before the Jury. But it is still quite open to the panel to comment on the weight to be attached to this correspondence—to argue that it is most unsatisfactory and perilous, and to ask of the Jury what confidence can be placed in the management of this officer, Murray, and his assistant.

But it is said that, on this general ground, all these documents ought to be rejected. I cannot assent to such a proposition. At the same time, I still hold that these documents ought immediately to have been inventoried. Not that I follow the analogy referred to by Mr Young of a civil process, or that I think that the Procurator-Fiscal ought not afterwards to get the documents, to make what use of them he chooses. But no inventory was made here. But all this is matter for comment to the Jury, as for instance, that, there is no proof that No. 139 was merely an envelope, if the Jury think there was a letter contained in it when found.

I must further, however, say, as matter for the regulation of future cases, that when the prisoner was examined on the 31st, before the same Sheriff who had granted the warrant, it was the most natural thing for him to ask for a return to the warrant granted by him, to ask what documents had been recovered, that he might receive a report of them from his officers, and see that they were properly identified and inventoried. I own I am surprised that this was not done; and if it was not done because it has never hitherto been done, then the sooner such a loose practice is corrected the better, and the execution of the warrant for recovery returned to the judge from whom it issued, in the same way as any other warrant. We are more surprised at this, because 3 or 4 letters found on the search were shown to the panel when her declaration was taken, and then

was the time for the Sheriff to inquire whether a report of that search was made, and to direct an inventory to be taken.

But whatever may be the force of these considerations, as bearing on the sufficiency and satisfactoriness of these documents, they do not constitute any legal ground for saying that they are not admissible in evidence. But then a good deal has been said as to the hardships inflicted on the panel by the course which was here adopted. I am bound to say that I cannot see any ground for these observations. In the first place, the recoveries were not made from repositories in which the panel had any interest; and if, after the charge was made, the panel's agent knew that there were other letters, he might have applied to the Sheriff, or failing him, to this Court, and we would have disposed of the application according to the justice of the case. But I must say that I think that the Lord Advocate has, in this case, acted with a degree of anxiety for the interests of the prisoner, such as I have never seen before; for he has given copies of all the letters before the indictment was served, and that in a form which saved all difficulty and loss of time in decyphering them, on the part of the prisoner's agents. I think he has acted with exemplary generosity, and I only hope that this may not lead to misunderstanding in future cases.

Without prejudice to any remarks that may be made on the weight of these documents, or the want of others, we are of opinion that they ought to be admitted in evidence.

LORD IVORY.—I am entirely of the same opinion; and your Lordship has stated so lucidly the grounds of that opinion, that I have only to make a single observation. The objection is to the admissibility of certain documents produced and referred to in the libel. These documents have been duly lodged in the hands of the Clerk of Court. The objection resolves into this, that these documents have themselves been so dealt with, or that the letters not produced have been so dealt with, as to produce injury to the interests of the prisoner. Now, it is necessary to see whether many matters have not been mixed up in the course of this discussion, which have really no proper connection with each other, or with the objection.

It is said that there has been miscarriage on the part of the different officers, by the letters having been taken by one or more of the officials to their private lodgings, that many may have been lost, and that many are inaccessible. But will that operate to the effect of excluding the documents which have been recovered? We cannot *assume* that such injury to the panel has arisen. If many documents have been lost, *these* at least are not of the number. That other letters may have been lost, may be a great objection to the weight with the Jury of those produced, but this does not touch the point of the *admissibility* of the letters which have been preserved.

As regards any obstruction said to have been thrown in the way of the panel's defence, that must have been well known to her

advisers at an earlier stage of the case, and ought to have been pleaded *in limine*. It might have founded other procedure at the instance of the panel; but this has not been attempted. The whole question, therefore, is one first of identification, and secondly of production in due time. All else is matter of observation to the Jury on the evidence.

LORD HANDYSIDE.—I am of opinion that this objection must be disallowed. I see no sufficient foundation for it; and I think that some of the grounds which have been stated in argument, cannot be listened to.

The relative duties of the Sheriff-Clerk and the Procurator-Fiscal are not very well determined. Perhaps this is unfortunate, and it will be well if the objection which has now been stated, should have the effect of bringing these two officers of the Sheriff into better relation as concerns their proper duties and functions.

I am not prepared to hold that, unless every article recovered is forthwith placed in the Sheriff-Clerk's hands, an irregularity is committed. Were it so, all I can say is, that such a practice universally prevails. We have never yet exacted such a duty on the part of the Sheriff-Clerk, although it might be right that the relations between him and the Procurator-Fiscal should be more intimate in the course of the precognition.

It is necessary that the Procurator-Fiscal should have the documents recovered in order to make his precognition effectual; and I think that the Procurator-Fiscal, although the informer, is not exactly to be looked upon as the public prosecutor; he is rather the hand of the Sheriff. It is the duty of the Sheriff to make the precognition. He does it, too frequently perhaps, through the procurator-Fiscal. But in the present case, all the three Sheriffs seem, at various stages, to have personally taken shares in the investigation. If the documents recovered and duly lodged for trial are sufficiently proved, the prosecutor is then entitled to make use of them; and it is no answer to say that there are other documents which, if recovered, would have thrown other or additional light on the matters at issue. Now, it seems that, in the present case, the different documents are sufficiently proved, or are in course of being proved; and if it turns out that they are unintelligible without the aid of other documents which have not been recovered, that is a misfortune which lies on the prosecutor in the conduct of his case. If it is said that there is no security that all the documents have been produced, the panel had the opportunity of taking care that all the evidence should be produced, and the processes of this Court were available to her for that purpose. It appears to me that the documents have been accounted for. That they are not fully explained without reference to other documents which are not produced, may be matter of the greatest importance and weight with the Jury, but I cannot see that this is a good ground for objecting to their admissibility.

The Court then adjourned in usual form until next day.

## F I F T H   D A Y.

Saturday, July 4.

The Court met again to-day at Ten o'clock.

## EVIDENCE FOR THE PROSECUTION CONTINUED.

*Dr Robert Christison (43) Recalled, and Examined by the LORD ADVOCATE.*  
—It would be very unsafe to use arsenic as a cosmetic by putting it in a basin of water and washing the face with it. I should expect inflammation particularly of the eyes and nostrils and the mouth to follow from its use. It would be difficult to keep it out of the eyes and nostrils, and once in, it being rather an insoluble solid, it would be very difficult to wash it out. I never heard of its being so used. A preparation of arsenic is sometimes used as a depilatory; the old name for it—"Rusma Turcorum"—signifies that it was first used by the Turks; it essentially consists of sulphuret of arsenic and sulphuret of lime; but it is only used for removing hair, not for the complexion.

The LORD ADVOCATE.—In reference to the statistics of murder and suicide, you were asked the other day whether or not, in the case of a person committing suicide, a greater amount of the destructive element is used than is necessary to accomplish their object?

The DEAN OF FACULTY objected to this as being substantially a new examination of the witness, and it was not pressed.

*Cross-examined by the DEAN OF FACULTY.*—The common arsenic of the shops may be said to be an insoluble solid. It is not absolutely insoluble. If put in cold water without repeated agitation, the water will dissolve 1-500th part, but if the water is boiled with it in the first instance, it will retain, when cold, a 32d part. About 1-500th part is all that cold water dissolves, if it is put in cold water originally. It is the worst medium to hold arsenic in suspension. If arsenic were put into a basin with cold water, the finer part will remain some time in suspension, and the coarser part will fall rapidly down. Not much would remain in solution without agitation of the water.

The DEAN OF FACULTY.—Supposing the water were used to wash the face or hands without stirring up the arsenic from the bottom?

*Witness.*—Little would be in suspension; but I can only say that I should not like to use it myself.

The DEAN OF FACULTY.—That is quite a different affair.

*Witness.*—I think any person who would use it so would do a very imprudent thing.

By the LORD ADVOCATE.—Arsenic is specifically heavier than water; the fine part of the powder will remain in suspension, but not long.

By the DEAN OF FACULTY.—I can't tell how long it would remain in suspension. Speaking on mere hazard, I should say that in the course of three or four minutes scarcely any of the arsenic would remain in suspension. But I am speaking without experiment.

To the LORD JUSTICE-CLERK.—There has been a great dispute as to whether arsenic has taste, and after the strong observations which I published on the subject, a much greater authority than myself—Professor

Orfila—still adhered to the opinion that it is acrid. All I can say on the subject is, that experiments were made by myself and two others, as far as it was possible to make experiments with so dangerous a substance, and we found that the taste was very slight indeed—if anything, sweetish, but all but imperceptible; and no doubt large quantities have been swallowed repeatedly without any taste having been observed. I and two other scientific men tried it repeatedly with great care, and all agreed in that opinion. Orfila of Paris still maintains that it has an acrid taste. He alludes to my observations, and maintains that it has a taste. But I think I should add it has always struck me as very strange that neither Orfila, nor any others who doubted those observations of mine, have actually made the experiments themselves. Orfila does not state that he has done so; he merely states his belief notwithstanding what I have stated. Of those who have swallowed arsenic, some have observed no taste, some a sweetish taste, some an acrid taste. If there is anything perceptible in the taste, it is not such that it could be detected in cocoa or coffee. I think it very desirable that my observations on this subject should be thoroughly understood. It has been found that some persons who have taken arsenic largely, without knowing at the time what they were taking, observed no taste, some a sweetish taste, others an acrid taste. But in regard to the acrimony there are two fallacies:—1st, That they may describe as an acrid taste a mere roughness, which is not properly taste at all; and, 2dly, The burning effects slowly developed by the action of the poison afterwards.

By the DEAN OF FACULTY.—In this case last spoken of, the arsenic was given sometimes with simple fluids, such as coffee and water, and sometimes in thicker substances, such as soup, and I think there is an instance where the roughness was observed in the case of porridge. But I do not think the vehicle, as far as I remember, had any influence on the effect produced.

The DEAN OF FACULTY.—Can you tell me what the quantities were in this case?

*Witness.*—No.

The DEAN OF FACULTY.—You have no idea of it?

*Witness.*—Not the slightest.

The DEAN OF FACULTY.—Are these cases in which you were personally concerned?

*Witness.*—I presume you mean very much as I am now in this case; but strange to say I have only actually seen two living cases of persons who had taken arsenic.

The DEAN OF FACULTY.—You don't think that in any of these cases you saw the patients in life?

*Witness.*—In two cases only I did.

The DEAN OF FACULTY.—Two of those which you last mentioned?

*Witness.*—No. I refer to cases of murder, because in cases of suicide persons know very well what they are taking.

The DEAN OF FACULTY.—But you referred to some observations in corroboration of your general view. I want to know if these cases came under your personal observation, or are merely recorded?

*Witness.*—Not one came under my personal observation.

The DEAN OF FACULTY.—I see the opinion of Orfila is expressed in

these words (reads from Taylor's "Medical Jurisprudence," p. 310)—  
 "The taste is acrid, not corrosive, but somewhat styptic."

*Witness.*—I think that is pretty nearly a correct translation, but I doubt the translation of the word "acrid." The French word for acrid is "*âcre*." Orfila's expression is "*âpre*," which rather means "rough."

The DEAN OF FACULTY.—In the first volume, at page 377, the term used is "*âpre*."

*Witness.*—I think that is mistranslated "acrid."

The DEAN OF FACULTY.—In the same volume, page 357, his statement is "*âcre*."

*Witness.*—That I have not observed, but his observation which I quote is expressly in reference to the statement which I myself made, and he says that, notwithstanding the statements of Dr Christison, the taste of arsenic is "*âpre*"—I don't recollect the rest of the sentence.

The DEAN OF FACULTY.—Orfila is a very high authority in the chemical world?

*Witness.*—Undoubtedly.

The DEAN OF FACULTY.—None higher, I suppose?

*Witness.*—In medico-legal chemistry none.

The DEAN OF FACULTY.—You mentioned some experiments which you had personally made for the purpose of solving this question, and in combination with two other scientific gentlemen. Would you tell me the nature of these experiments? Did you taste the arsenic yourself?

*Witness.*—We all tasted it both in the solid and liquid state, and we held it as far back along the tongue as we could do with safety, so as to enable us to spit it out afterwards. We allowed it to remain a couple of minutes and then spat it out, and washed the mouth carefully.

The DEAN OF FACULTY.—Give me some idea of how much arsenic would be in the mouth?

*Witness.*—I think about one or two grains.

The DEAN OF FACULTY.—Not more?

*Witness.*—My late predecessor, Dr Duncan, took three grains, and kept it for a long time—about three minutes. I thought he was imprudent; but he agreed entirely with my statement.

By the LORD ADVOCATE.—It had not an acrid taste, undoubtedly. In a very large majority of the cases I have referred to, the quantity taken was not ascertained even within a presumption.

To the LORD JUSTICE-CLERK.—Orfila surrendered his opinion that there was arsenic naturally in the bones of the human body; he was not aware, at the time of his earlier statement, of one of the materials used in his analysis being subject to adulteration.

To the DEAN OF FACULTY.—It is quite new to me that it was thought at one time that there was arsenic in the human stomach naturally.

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The LORD ADVOCATE then proposed that the letters should be read—which was done by the Clerk.

No. 1. (Envelope addressed) "Emile L'Angelier, Esq., 10 Bothwell Street, Glasgow."

Postmarks Helensburgh and Glasgow, 3d April 1855; but was posted at a receiving office before reaching Helensburgh.

(Letter.)

“My dear Emile,—I do not feel as if I were writing you for the first time. Though our intercourse has been very short yet we have become as familiar friends. May we long continue so. And ere long may you be a friend of Papa’s is my most earnest desire. We feel it rather dull here after the excitement of a Town’s Life. But then we have much more time to devote to study and improvement. I often wish you were near us we could take such charming walks. One enjoys walking with a pleasant companion and where could we find one equal to yourself.

“I am trying to break myself off all my *very* bad habits, it is you I have to thank for this, which I do sincerely from my heart. Your flower is fading.

“I never cast a flower away  
The gift of one who cared for me  
A little flower, a faded flower,  
But it was done reluctantly.”

“I wish I understood Botany for your sake as I might send you some specimens of moss. But alas! I know nothing of that study. We shall be in Town next week. We are going to the Ball on the 20th of this month so we will be several times in Glasgow before that. Papa & Mama are not going to Town next Sunday. So of course you do *not* come to Row. We shall not expect you. Bessie desires me to remember her to you. Write on Wednesday or Thursday. I must now say adieu. With kind love believe me

“Yours very sincerely

“Madeleine.”

No. 5.

(Envelope addressed)

“Emile L’Angelier, Esq.,

“——— Clark, Esq.,

“Botanical Gardens,

“Glasgow.”

Posted at Row, Helensburgh; post-mark 18th April 1855: reached Glasgow 6.45 P.M. same day; deliverable next morning by first delivery, which commences at 1.15 A.M.

“My Dear Emile,—I now perform the promise I made in parting to write you soon. We are to be in Glasgow tomorrow (Thursday)- But as my time shall not be at my own disposal, I cannot fix any time to see you. Chance may throw you in my way.

“I think you will agree with me in what I intend proposing viz. That for the present the correspondence had better *stop*. I know your good feeling will not take this unkind, it is meant quite the reverse. By continuing to correspond harm may arise. In *discontinuing* it nothing can be said. It would have afforded me great pleasure to have placed your name on”

The LORD ADVOCATE then tendered the production No. 7 of inventory to be read.

The DEAN OF FACULTY.—The production is described as “a

letter or writing, or copy of a letter or writing"—under which description is it tendered?

The LORD ADVOCATE.—It is tendered as a writing in the handwriting of the deceased, and found in his repositories. It does not profess to have been sent.

The DEAN OF FACULTY.—We do not know that it ever was intended to be sent. We know that the deceased was determined never to return the panel's letters. In this he must have had some object. What that was has not indeed been disclosed; but this may have been written in furtherance of that object. It is written in the handwriting of the deceased, and the date, instead of being at the commencement, in the regular way, is down in the middle of the writing.

The LORD ADVOCATE.—Whether it was sent or not we cannot tell, as we have no counterpart; but can it be said not to be material in an inquiry into the death of the deceased, that such a document was found in his repositories?

The DEAN OF FACULTY.—I do not understand what is meant by "inquiry into the death of the deceased." This is a trial for murder.

The following opinions were delivered:—

The LORD JUSTICE-CLERK.—I wish to give no opinion as to any other writing found in the repositories of the deceased. This appears to be a draft of what was intended to be addressed to the panel, and which may have been so addressed, although there is no evidence that it was ever sent. It is plainly a scroll or draft. It is incomplete, and parts are scored out. In what light, then, can it be tendered? It bears to be addressed to the prisoner, but there is no proof that it was ever sent; still less is there any proof that she ever received it, or saw the observations there made upon herself. It may have been merely the outpouring of momentary exasperation. On thinking more of the subject, the writer may have thought it unjust and groundless, and withdrawn the next moment what he had written in a hasty fit of passion. It is not a proper narrative or statement, and ought not to be admitted in evidence.

LORD IVORY.—I cannot say that I differ, although I have some hesitation. Had the letter been nearer in point of time to the *res gestæ*, my opinion might have been otherwise; but I see no evidence of any connection of the prisoner with this document, and I think the safest course is not to receive it. It really amounts to no more than this, that in the repositories of the deceased were found some irregular memoranda, the purpose and purport of which we do not know.

LORD HANDYSIDE.—I agree. I also would confine myself to the document immediately before us. It is not a copy of a letter addressed to the panel. It does not bear to be so, and, externally, it appears to be a scroll of what may have been intended to be addressed after being copied over, but it goes no further. There is no indorsation bearing that it was a copy of what had been addressed to the prisoner, and there is no particular date, nor does it bear to be a reply to a letter from the prisoner of any particular date.

It is a mere memorandum or scroll. There is no evidence that it ever was sent, or that the mind of the writer continued such as this document would lead us to suppose it was when it was written.

The objection was therefore sustained, and the document rejected.

No. 11.

(Letter addressed)

“Miss Perry.”

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

“Yours most sincerely

“Mimi.”

No. 13.

(Envelope addressed)

“Mr L’Angelier,  
“Post-Office,  
“Jersey.”

Post-mark, Helensburgh, Sepr. 4, 1855; bears London and Jersey postmarks.

(Letter.)

“Monday 3d

“My Dearest Emile,—How I long to see you. It looks an age since I bid you adieu. Will you be able to come down the Sunday after next. You will be in Town by 14<sup>th</sup>. I do not intend to say anything till I have seen you. I shall be guided by you entirely, and who could be a better guide to me than my intended husband. I hope you have given up all idea of going to Lima. I will never be allowed to go to Lima with you - so I shall fancy you want to get quit of your Mimi. You can get plenty of appointments in Europe - any place in Europe. For my sake do not go. John M<sup>c</sup>Kenzie has been staying with us. Papa invited him - he has taken quite a fancy for M<sup>c</sup>K. He leaves for Ireland on the 17<sup>th</sup>, so we shall not see any more of him - till he returns from the Crimea. He has got a Commission in the 30<sup>th</sup>. We are to be very gay all this week. I am quite tired of company. What would I not give for to be with you alone. Oh! would we not be happy. Ah happy as the day was long. Give dear Miss P. my love & a kiss when you write. I love her so.

No. 15.

(Envelope addressed)

“ Mr L’Angelier,  
 “ 10 Bothwell Street,  
 “ Glasgow.”

Posted at Receiving-office, Glasgow, Dec. 3d, 1855; deliverable between 3 and 5 P.M. same day.

(Letter)

“Tuesday 2 o’C,

“ My own darling husband,—I am afraid I may be too late to write you this evng, so as all are out I shall do it now my sweet one. I did not expect the pleasure of seeing you last evng, of being *fondeled* by you dear dear Emile. Our Cook was ill and went to bed at 10 - that was the reason I could see you - but I trust ere long to have a long long interview with you sweet one of my soul my love my all my own best beloved. I hope you slept well last evng and find yourself better to-day. I was at St Vincent St to-day. B/ and M/ are gone to call for the Houldsworths and some others. Never fear me I love you well my own sweet darling Emile. Do go to Ed<sup>r</sup> and visit the Lanes - also my sweet love go to the Ball given to the officers. I think you should consult D<sup>r</sup> McFarlan - that is go and see him get him to sound you tell you what is wrong with you. Ask him to prescribe for you - and if you have any love for your Mini follow his advice and oh sweet love do not try and D<sup>r</sup> yourself - but oh sweet love follow the MD advice - be good for once and I am sure you will be well. Is it not horrid cold weather. I did my love so pity you standing in the cold last night but I could not get Janet to sleep - little stupid thing. This is a horrid scroll as I have been stoped twice with that bore visitors. My own sweet beloved I can say nothing as to our marriage as it is not certain when they may go from home, or when I may I may go to Ed<sup>r</sup> it is uncertain. My beloved will we require to be married (if it is in Ed<sup>r</sup>) in Ed<sup>r</sup> or will it do here. You know I know nothing of these things. I fear the Banns in Glasgow there are so many people know me. If I had any other name but Madeleine it might pass - but it is not a very common one. But we must manage in some way to be united ere we leave Town. How kind of Mary to take any trouble with us. She must be a dear good creature. I would so like to visit her but no I cannot. I shall never never forget the first visit I payed with my own beloved husband my own sweet dear Emile - you sweet dear darling. If ever I again I show temper (which I hope to God I wont) dont mind it - it is not with you I am cross. Sweet love I adore you with my heart and soul. I must have a letter from you soon. I am engaged up till Friday night. Sweet pet will that be too soon for you to write. I have written a great many letters to-day. I am much behind in my correspondence. I do hope your finger is better take care of it. When may be may we meet again - soon soon I hope and trust. Sweet darling you are kind to me very kind and loving. I ought never in any way to vex or annoy you. My own my beloved Emile I wish to get this posted to-night as I dont understand the post. I posted your Saturday note before 12 and you did not get it till Monday. We have had a great many letters go astray lately. I got a letter on Monday morning written

six weeks ago. Are these Officers nice fellows. Why are they here. How is your mother and sister - well I hope my own sweet. But pet I must stop as they will be in shortly. If I do not post this to-night you shall have a *P.S.* Much much love kisses tender long embraces kisses love. I am thy own thy ever fond thy own dear loving wife thy  
 "Mimi L'Angelier."

No. 17.

(Envelope addressed)

"Mr L'Angelier,  
 "10 Bothwell Street,  
 "Glasgow."

Helensburgh Post-mark, April 30, 1856; reached Glasgow about half-past 4 same day; deliverable between 6 and 8 same evening.

(Letter.)

"Tuesday 29<sup>th</sup> April /56

"My own my beloved Emile,—I wrote you Sunday night for you to get my note on your birth day (to day) but I could not get it posted. Disappointment it was to me - but 'Better late than never.' My beloved may you have very very many happy returns of this day - and each year may you find yourself happier and better than the last - and may each year find you more prosperous than the last. I trust darling that on your next birth day I may be with you to wish you many happy returns in person. May you dearest have long life. My constant prayer shall be for your welfare and continued good health. I hope you continue to feel better. My cough is a little better, sometimes quite away, and on the cold days it comes back. On Sunday I was at church and in the afternoon Jack and I had a walk of FOUR miles. . . P/ has not been a night in town for sometime, but the first night he is off I shall see you. We shall spend an hour of bliss. There shall be no risk, only C. H. shall know."

No. 21.

(Envelope addressed)

"Mr L'Angelier,  
 "10 Bothwell St,  
 "Glasgow,"

Helensburgh Post-mark, May 3, 1856; reached Glasgow 6.45 same evening; deliverable next morning, first delivery.

(Letter.)

"Friday.

"My own my beloved Emile,—The thought of seeing you so soon makes me feel happy and glad. Oh! to hear you again speak to me - call me your own wife - and tell me you love me. Can you wonder that I feel happy. I shall be so happy to see you. I cannot tell how I long to see you - it looks such an age since I saw you my own sweet pet. I am well. Cold quite gone. P/ has been in Bed two days. If he should

not feel well and come down on Tuesday it shall make no difference, just you come - only darling I think if he is in the Boat you should get out at Helensburgh. Well beloved you shall come to the gate (you know it) and wait till I come. And then oh happiness wont I kiss you my love my own beloved Emile, my husband dear. I dont think there is any risk. Well Tuesday 6<sup>th</sup> May. The Gate half-past 10. You understand darling. I hope you are well - no cold. Take care of yourself. I have nothing new to tell you. I have been rather busy all this week. I shall expect you to have a letter for me. The weather is so fine. I have been a great deal out this week, looking after out door arrangements. I have got a new employment - The 'Hen Yard.' I go there every morning. You can fancy me every morning at 10 o'clock seeing the Hens being fed, and feeding my donkey. I dont get on very fast with it - I fear it has little affection - do for it what I shall it only appears to know me, and come to me when I call. My beloved Emile I feel so delighted at the idea of seeing you I cannot write. I hope you will be able to tell me that you shall get married in Sp<sup>t</sup>. Darling I love you and shall for ever remain true. Nothing shall cause me to break my vows to you. 'As you say' we are Man and Wife. So we are my pet. We shall I trust for ever remain so. It shall be the happiest day of my life the day that unites us never more to separate. I trust and pray we shall for ever remain happy and loving. But there is no fear of that, we are sure to do so love - are we not. But I must stop as P/ wishes me to go and read the Papers to him - it is 11 o'clock night. So if I dont write any more forgive me love. Beloved of soul, a fond embrace a dear kiss till we meet. We shall have more than one love dearest, from thy own thy ever devoted & loving wife, thine for ever,

"Minie."

Written on inside of Envelope,  
"Tuesday half-past 10 o'clock."

No. 23.

(Envelope addressed)

"Emile L'Angelier Esqr,  
"No 10. Bothwell Street,  
"Glasgow,"

Helensburgh Post-mark, 7th, month not legible, 1856; reached Glasgow, 14th June 1856,  $\frac{1}{2}$  past 4 P.M.; deliverable between 6 and 8 same evening.

(Letter.)

"Wednesday Morning 5 o'clock

"My own my beloved husband. I trust to God you got home safe and were not much the worse of being out. Thank you my love for coming so far to see your Mimi. It is truly a pleasure to see you my Emile. Beloved if we did wrong last night, it was in the excitement of our love. Yes beloved I did truly love you with my soul. I was happy, it was a pleasure to be with you. Oh if we could have remained never more to have parted. But we must hope the time shall come. I must have been very stupid to you last night. But every thing goes out of my head when I see you my darling my love. I often think I must be

very very stupid in your eyes. You must be disappointed with me. I wonder you like me in the least. But I trust and pray the day may come when you shall like me better. Beloved we shall wait till you are quite ready. I shall see and speak to Jack on Sunday. I shall consider about telling Mama. But I don't see any hope from her - I know her mind. You of course cannot judge of my parents. You know them not. I did not know (or I should not have done it) that I caused you to pay extra Postage for my stupid cold letters - it shall not occur again. Darling Emile did I seem cold to you last night. Darling I love you. Yes my own Emile love you with my heart and soul. Am I not your wife. Yes I am. And you may rest assured after what has passed I cannot be the wife of any other but dear dear Emile. No now it would be a sin. I am sorry you are going to lose you kind friends the Sievwrights. I am so glad when you have kind friends for then I know you can go there of an evening and be happy. I often often think of your long evening by yourself. What a happy day de M— marriage day must have been. I have a regret that it was not ours - but the time shall pass away. I dread next Winter. Only fancy beloved us both in the same town and unable to write or see each other, it breaks my heart to think of it. Why beloved are we so unfortunate. I thank you very much for your dear long letter. You are kind to me love. I am sorry for your cold. You were not well last night, I saw you were not yourself. Beloved pet take care of it. When may we meet • (oh that blot) again. A long time, is it not sad. I weep to think of it, to be separated thus, if you were far away it would not be so bad - but to think you near me. I cannot see you when you come to Miss White's as you could not be out so late. They cannot keep us from each other. No, that they never shall. Emile beloved I have sometimes thought would you not like to go to Lima after we are married? Would that not do. Any place with you pet. I did not bleed in the least last night - but I had a good deal of pain during the night. Tell me pet, were you angry at me for allowing you to do what you did, was it very bad of me. We should I suppose have waited till we were married. I shall always remember last night. Will we not often told of our evening meetings after we are married. Why do you say in your letter - 'If we are NOT married' I would not regret knowing you. Beloved have you a doubt but that we shall be married some day. I shall write dear Mary soon. What would she say if she knew we were so intimate - lose all her good opinion of us both - would she not. My kind loved to your dear sisters when you write. Tell me the names of your Sisters. They shall be my Sisters some day. I shall love if they are like their dear Brother my dear husband. I know you can have little confidence in me. But dear I shall not flirt. I do not think it is right of me. I should only be pleasant to Gentlemen. Free with none my pet in conversation but yourself. I shall endeavour to please you in this. Now will you tell me at the end of the Summer if you have heard any thing about me flirting. Now just you see how good your Mini shall be. Pet I see you smile and say 'if she has a chance.' Try and trust me - love me. Beloved adieu. I have your little note this morning and last night with the greatest of pleasure. What a kind letter Mary's. I wont come out in the serious light again. I must have been sad when I wrote her last letter. I am sorry for it. But you should not have given it to her. Adieu again my husband.

God bless you and make you well. And may you yet be very very happy with your Mimi as your little wife. Kindest love fond embrace and kisses from thy own true and ever devoted Mimi Thy faithful  
 "Wife."

"Thereafter the public prosecutor having tendered the production, No. 25 of Inventory, to be read, being a letter bearing to be from the deceased to the panel, it was objected for her that it could not be received, having been found in the deceased's lodgings, and there being no evidence of its having been sent."

In support of this objection, the DEAN OF FACULTY contended that this document followed the rule laid down in the objection to No. 7. This document was proved to have been also found in the repositories of L'Angelier. It was not signed by any one, but was proved to be in the handwriting of the deceased. The only difference between this and the other document which was rejected was, that this one was enclosed, or said to have been enclosed, in an envelope, bearing the simple word "Mimi." It did not seem to have passed out of the repositories of the writer.

The LORD ADVOCATE.—This case is very different from the former; for not only is it enclosed in an envelope bearing the name Mimi, which is proved to be the name by which L'Angelier addressed the panel, but it refers to inquiries contained in the letter just read.

The DEAN OF FACULTY.—Is it tendered as an original, or as a copy?

The LORD ADVOCATE.—We believe it to be a copy, and we tender it as such, but it contains intrinsic evidence of L'Angelier's feelings when he received the letter just read.

The DEAN OF FACULTY.—Then the only difference between this case and the last is, that there is intrinsic evidence that this was written after the other letter had been received.

The COURT decided that it ought not to be read.

The LORD JUSTICE-CLERK said—There is undoubtedly considerable difference as to the circumstances in which this letter or scroll is tendered, and those as to the document which we have already rejected. But a majority of the Court is of opinion that the document cannot be received. We have had considerable difficulty in coming to this conclusion; and Lord Ivory still thinks that the writing is receivable in evidence. But both Lord Handyside and myself think that, in the circumstances, it cannot be received.

No. 31.

(Envelope addressed)

"Emile L'Angelier Esquir,

"Botanical Gardens,

"near Glasgow."

Helensburgh Post-mark, 14th of the month, and year not legible;

reached Glasgow, 14th June 1856,  $\frac{1}{2}$  past 4 P.M.; deliverable between 6 and 8 same evening.

(Letter.)

“My own my darling husband,—Tomorrow night by this time I shall be in possession of your dear letter. I shall kiss it and press it to my bosom. Hearing from you is my greatest pleasure, it is next to seeing you my sweet love. My fond Emile - Are you well, darling of my soul. This weather is enough to make one ill, is it not. We have had most dull wet days - but I have had time to read and practise, which is a comfort to me. I am well. I am longing so to see you sweet pet - to kiss and pet you. Oh for the day when I could do so at any time. I fear we shall spoil each other when we are married, we shall be so loving and kind. We shall be so happy happy - in our own little room - no one to annoy us - to disturb us. All to ourselves we shall so enjoy that life.”

No. 35.

(Envelope addressed)

“Mr L’Angelier,  
“Botanical Gardens,  
“Glasgow.”

“M. L.—”

Helensburgh Post-mark, June 27, 1856; reached Glasgow 6.45 same evening; deliverable next morning, first delivery.

(Letter.)

“Friday Night

“Beloved dearly beloved husband sweet Emile, how I long to call you mine, never more to leave you. What must occur ere that takes place God only knows. I often fear some cloud may yet fall on our path and mar our happiness for a long time. I shall never cause you unhappiness again. No I was unkind cruel unloving - but it shall never be repeated. No I am now a wife, a wife in every sense of the word, and it is my duty to conduct myself as such. Yes I shall behave now more to your mind. I am no longer a child. Rest assured I shall be true and faithful wherever you are dear love - my constant thought shall be of my Emile who is far far away. I only consent to your leaving if you think it will do you good - I mean do your health good. Your income would be quite enough for me - don’t for a moment fancy I want you to better your income for me - no dearest I am quite content with the sum you named. When I first loved you I knew you were poor. I felt then I would be content with your *lot* however humble it might be. Yes Your home in whatever place, or whatever kind, would suit me. If you only saw me now - I am all alone in my little Bedroom - you would never mention your home as being humble. I have a small room on the ground floor - very small - so don’t fancy I could not put up in small rooms, and with humble fare. But if you think it will do you good, a tour go by all means for six months or so. I trust you will take great care of yourself - and not forget your Mimi. Oh how I love that name of Mimi. You shall always call me by that name - and dearest Emile if ever we should have a daughter I should like you to allow me to call her Mimi for her father’s sake. You like that name and I love it. You think I don’t confide in you sweet pet it would I thought annoy you if I were to tell

you all my little trifles - you would sometimes think me stupid. . . As you ask me I shall burn your *last letter*. It was my cold which prevented my going to Arrochar. I don't know when we may go now - perhaps not at all. I have promised to go to Stirling to pay a visit in August. B/. had an invitation to go to Edinburgh Castle next week. The Major knew I would not go - so did not invite me. I don't think she will go - P/ wont allow her by herself - and I wont go - so I think she will have to stay at home, which is much better, don't you think so. James goes to Edr to school in August. I think he will go far astray away from home, and every one - but P/ will have all the blame if the Boys are not what they should be. Jack is not near so nice as he was. I think I have answered all your questions! I was ILL the beginning of this week - so if I should have the happiness to see you tuesday night I shall be quite well. I think I feel better this week. I cannot eat. I have not taken any breakfast for about two months, not even a cup of tea - nothing till I get luncheon at 1 o'clock. I dont sleep much. I wonder and so does M/. that my looks are not changed, but I look as well as if I eat and slept well. I don't think I am any stouter - but you can judge when you next see me - but I must go to bed as I feel cold - so good night Would to God it were to be by your side - I would feel well and happy then. I think I would be wishing you to LOVE me if I were with you - but I don't suppose you would refuse me. For I know you will like to LOVE your Mimi. Adieu sweet love kind pet husband my own true Emile. I am thine for ever thy wife thy devoted thy own true

“Mimi L'Angelier.”

“Good night. God bliss you. A kiss pet love.

“If dear love you could write me as I might get it Tuesday morning it would be best, but if you cannot say then Wednesday. Farewell dear husband of my soul my own dear love my pet my fond Emile. A kiss. A fond embrace. Good night a kiss.

“1 o'clock morning.”

No. 37.

(Envelope addressed)

“Mr L'Angelier,  
“10 Bothwell Street,  
“Glasgow.”

Helensburgh Post-mark, 15th July 1856; reached Glasgow 6.45 same evening; deliverable next morning, first delivery.

(Letter.)

“My sweet beloved & dearest Emile, I shall begin and answer your dear long letter. In the first place how are you, better I trust. You know I did feel disappointed at our marriage not taking place in Spt. But as it could not, why then I just made up my mind to be content and trust that it may be ere long. We shall fix about that our next meeting which I hope wont be long. Emile dear husband how can you express such words - that you mar my amusements and that you are a bore to

me. Fie fie dear Emile you must not say so again - you must not even think so - it is so very unkind of you. Why I would be very unhappy if you were not near me. I did laugh at your pinning my little flower to your shirt. I always put your flowers into Books - in the Drawing-room, there I can go and look at them at any time. Do not weep darling fond husband it makes me sad to think you weep. Do not do it darling - a fond embrace and dear kiss to you sweet and much loved Emile. Our intimacy has not been *criminal* as I am your wife before God - so it has been no sin - our loving each other. No darling fond Emile I am your wife. I shall cease to be childish and thoughtless I shall do all I can to please you and retain your truly dear fond Love. You know I have wished as much as you do to give you my likeness But I have not had an opportunity. I promise you you shall have it *some* day - so that promise wont be *broken*. If I did not sign my name it was for no reason. Unless it is to a stranger I never do put *Smith* only *Madeleine*. You shall dear love have all your letters back. Emile love you are wrong. If I did feel cool towards you in winter - I never gave one thought of love to any other. No other image has ever filled my heart since I knew you. I might admire some people but on my soul I never did love, since I knew you, any but you my own dear fond and ever beloved Emile. I am so glad you go and take a walk on Sunday. I would rather you did so as go to Church, as I think the country air would do you more good - and you can read prayers to yourself in the evening."

No. 41.

Post-mark, July 24, year illegible.

(Letter.)

"Tuesday morning July 24<sup>th</sup>

"My own Beloved Emile,—I hope and trust you arrived safe home on Monday. I did so enjoy your kind visit on Sunday. It makes me feel in good spirits for a week, - after seeing you. Oh! I wish I could see you often, it would be such a comfort to both of us. But I hope there is happiness in store for us yet. When we are married, it will be my constant endeavour to please you - and to add to your comfort. I shall try to study you - and when you get a *little* out of temper, I shall try and pet you dearest - kiss and fondly - you. I was not astonished at your thinking me cool - for I really have been in fault. But it is my way. But I must change it to you. I shall try and be more affectionate for the future. You know I love you dearly. Ah! Emile you possess my love - I could not love any other as I do you - and believe me I shall ever remain true to you. I think a woman who can be untrue ought to be banished from society. It is a most heartless thing. After your disappointment dearest Emile I wonder you would have had any confidence in another. But I feel that you have confidence in me, or you would not love me as you do. I long for the day when we shall be always together. . . I shall expect a letter from you on Saturday first the (28<sup>th</sup>) - Miss Bruce P— O— Row. I shall write you before that."

No. 43.

(Envelope addressed)

“Mr L’Angelier,  
 “10 Bothwell Street,  
 “Glasgow.”

Posted at Row ; Helensburgh Post-mark, day not legible, July 1856 ;  
 reached Glasgow, July 1856.

(Letter.)

“Saturday night 11 o’c.

“Beloved and darling husband dear Emile,—I have just received your letter. A thousand kind thanks for it. It is kind and I shall love you more for writing me such a letter. Dearest I do love you for telling me all you think of me. Emile I am sorry you are ill. I trust to God you are better. For the love of heaven take of yourself - leave town for a day or two. Yes darling by all means go to Mrs McLan’s. It will do you much good - only come back to me. Yes Emile you ought in those sad moments of your’s to consider you have a wife. I am as much your wife as if we had been married a year. You cannot - will not leave - me your wife. Oh for pity’s sake do not go. I will do all you ask - only remain in this country. I shall keep all my promises. I shall not be the thoughtless and indifferent to you. On my soul I love you and adore you with the love of a wife. I will do any thing - I will do all you mention in your letters - to please you - only do not leave me or forsake. I entreat of you my husband my fondly loved Emile only stay and be my guide my husband dear. You are my all - my only dear love. Have confidence in me sweet pet. Trust me. Heaven is my witness I shall never prove untrue to you - I shall, I am your wife. No other one shall I ever marry. I promise I shall *not* go about the st<sup>s</sup> Emile more than you have said. We went about too much. I shall not go about much. But one you must promise me is this - That if you should meet me at a time in B/ St or S/ St you will not look on me crossly. For it almost made me weep on the st<sup>s</sup> last winter sometimes when you hardly looked at me. I shall take lessons in water colours. I shall tell you in my next note what I intend to study. It will rather amuse you. P/ gave me the dog ‘Sambo’ Skye Breed - ‘Pedro’ the Coachman got for me - English Breed. They had their names, when I got them. I am sorry you dislike melons as they are rather a favourite of mine. I hope dear pet Emile you will get nice Lodgings - I always thought the gardens were too far away from your office. How nicejy the 12/. would suit us at Hill-head. I hope we may meet soon. P/ or M/ are not going from home. We intended to post to Arrochar - so it would be no use your being in the Boat. I shall not see you till the nights are a little darker. I can trust C H. - she will never tell about our meetings. She intends to be married in November. But she may change her mind. Now Emile I shall keep all my promises I have made to you. I shall love and obey you - my duty as your wife is to do so. I shall do all you want me - trust me - keep yourself easy. I know what awaits me if I do what you disapprove off you go. That shall always be in my mind - Go never more to return. The day that occurs I hope I may die. Yes - I shall

never wish to look on the face of man again. You would die in Africa Your death would be at my hands - God forbid - trust me I love you - yes love you for yourself alone. I adore you with my heart and soul. Emile I swear to you I shall do all you wish and ask me. I love you more than life. I am thine, Thine own Mimi L'Angelier. Emile you shall *have all* your letters the first time we meet. It may cost me a sigh and pang, but you shall have them all. I wonder what you would do with one of my drawings - a stupid black looking thing. Minnoch left this morning - say nothing to him in passing. It will only give him cause to say you did not behave in a gentlemanly manner. Do not do it. He said nothing to me out of place - but I was not a moment with him by myself. I did not wish to be alone with him."

No. 47.

(Envelope addressed)

"For

"Mr L'Angelier,

"at 10 Bothwell Street,

"Glasgow."

Helensburgh Post-mark, August 1856, day illegible; reached Glasgow, 6.45 P.M., 14th August 1856; deliverable next morning by first delivery.

(Letter.)

"Wednesday afternoon

"Beloved & ever dear Emile,—All by myself. So I shall write to you dear husband. Your visit of last night is over. I longed for it. How fast it passed - it looked but a few minutes ere you left me. You did love look cross at first, but thank Heaven you looked yourself ere you left - Your old smile. Dear fond Emile I love you more and more. Emile, I know you will not go far away from me. I am your wife. You cannot leave me for ever. Could you Emile. I spoke in jest of your going last night. For I do not think you will go very far away from me Emile your wife. Would you leave me to end my days in misery. For I can never be the wife of another after our intimacy. But sweet love I do not regret that - never did and never shall. Emile you were not pleased because I would not let you LOVE me last night. Your last visit you said 'You would not do it again till we were married.' . . No one heard you last night. Next night - it shall be a different window - that one is much too small. I must see you before you go to Badgmore. I am so glad I have your letters as they are such a pleasure to me. . . I must have a letter from you very soon—the beginning of the week, perhaps Wednesday *Miss Bruce P. O. Row*. You shall tell me all your arrangements."

No. 49.

(Envelope addressed)

“ Mr L’Angelier,  
 “ at 10 Bothwell Street,  
 “ Glasgow.”

Row, Helensburgh and Glasgow Post-marks, both illegible; Row Post-mark also illegible.

(Letter.)

“ Thursday evening.

“ My own dear Emile, how must I thank you for your kind dear letter. Accept a fond embrace and dear kisses and assurances that I love you as much as ever and have never regretted what has occurred. I forgive you freely from my heart for that picture - never do the same thing again. I am better though I have still cold - it is more my cough that annoys me. I do wish I could get rid of that cough - I often fear it is not a good cough - it has been going and coming all summer - but I shall take great care dear love for your sake. I hope you will get away - do you not find the horror of being obliged to ask a master leave to go from home for a short time. I do wish you were your own master. Will you not try when in England to get some other situation with a larger income. I wish you could get one out of Glasgow. You dislike Glasgow and so do I - try and see what you can do while you are away. I cannot see you ere you go - for which I am sorry. You forget that my little sister is in my Bed Room - and I could not go out by the window or leave the house and she there. It is only when P/ is away I can see you for then Janet sleeps with M/. You see I cannot see you. If you go on Monday, DONT write me again till I tell you. If you do not go, write me so as I may not write to Badgemore C. H. . . . I told you what I liked in the August “ Blackwood.” I shall read the Sept<sup>t</sup> one on Monday. I think you should not mind getting a Ring - but you shall have the size. I dont which finger it ought to be I am sure. I have never noticed these things. I did tell you at one time that I did not like ~~Winn~~ Minoch, but he was so plesant that he quite raised himself in my estimation. I wrote to his sisters to see if they would come and visit us next week also him - but they can not.”

No. 51.

(Envelope addressed)

“ Mr L’Angelier,  
 “ 10 Bothwell Street,  
 “ Glasgow.”

Helensburgh Post-mark, Sept. 29, 1856; reached Glasgow 6.45 same evening; deliverable next morning, first delivery.

(Letters.)

“ My own ever dear Emile,—I did not write you on Saturday as C. H. was not at home so I could not get it posted. I hope love you are home and well - quite well - and quite able to stand all the cold winds of

winter. I am quite well - quite free of cold I dont think I can see you this week. But I think next Monday night I shall as P/ and M/ are to be in Edr, but my only thought is Janet - what am I to do with her. I shall have to wait till she is asleep - which may be near 11 o'C. But you may be sure I shall do it as soon as I can. I expect great pleasure at seeing you. As a favour do not refer to what is past. I shall be kind and good, dear sweet love my own my best loved husband - I do love you very much. What cold weather we have had. Mr Minoch has been here since Friday - he is most agreeable - I think - we shall see him very often this winter - he says we shall - and P/ being so fond of him I am sure he shall ask him in often. I hope to hear from you very soon. Will you love write me soon. You know how much I love to hear from you."

No. 53.

(Envelope addressed)

" Mr L'Angelier,  
 " Mrs Jenkins,  
 " 11 Franklin Place,  
 " Great Western Road,  
 " Glasgow,"

Helensburgh Post-mark, October, day and year illegible; reached Glasgow October 8, year illegible; deliverable next morning, first delivery.

(Letters.)

"Tuesday morning.

"My Dear Emile,—The day is cold so I shall not go out - so I shall spend a little time in writing you. Our meeting last night was peculiar. Emile you are not reasonable. I do not wonder at your not loving me as you once did. Emile I am not worthy of you. You deserve a better wife than I. I see misery before me this winter. I would to God we were not to be so near Mr M. You shall hear all stories and believe them. You will say I am indifferent because I shall not be able to see you much. I forgot to tell you last night that I shall not be able of an evening to let you in - my Room is next to B. and on the same floor as the front door. I shall never be able to spend the happy hours we did last winter. Our letters I dont see how I am to do. M. will watch every post. I intended to speak to you of all this last night - but we were so engaged otherways." . .

"Wednesday.

"My own dear Little Pet,—I hope you are well. M/ & P/ got home last night. I dont know if I should send you the note I wrote yesterday. If you dont like it burn it like a dear. I am well - and I do love you very very much. I hope to have a letter from you some day next week - C. H. Sweet dear we are quite full of company. Saturday & Monday we are to have a large dinner party. I shall tell you in my next the way I think we shall do with your Letters in the winter."

No. 55.

(Envelope addressed)

“ Mr L’Angelier  
 “ Mrs Jenkins,  
 “ 11 Franklin Place,  
 “ Great Western Road,  
 “ Glasgow.”

Helensburgh Post-mark, Oct. 20, 1856; reached Glasgow 6.45 same evening; deliverable next morning, first delivery.

(Letter.)

“ Do you know I have taken a great dislike to C. H. I shall try and do without her aid in the winter. She has been with us four years and I am tired of her but I wont show it to her so dearest love be easy on that point.”

No. 57.

(Envelope addressed)

“ Mr L’Angelier  
 “ at Mrs Jenkins,  
 “ 11 Franklin Place,  
 “ Great Western Road,  
 “ Glasgow.”

Posted at Glasgow, November, day and year not legible; deliverable between half-past 1 and 3 P.M.

(Letter.)

“ Friday night 12 oc

“ My own Darling my dearest Emile,—I would have written you ere this but as I did not intend to be out till Saturday I saw no use in writing. . . . Sweet love you should get those brown Envelopes - they would not be so much seen as white ones put down into my window. You should just stoop down to tie your shoe and then slip it in. The back door is closed. M/. keeps the key for fear our servant boy would go out of an evening. We have got blinds for our windows. . . . I have been ordered by the Dr since I came to town to take a fearful thing called ‘Peice Meal’ such a nasty thing, I am to take at Luncheon. I dont think I have tasted breakfast for two months. But I dont think I can take this Meal. I shall rather take Cocoa. But dearest love fond embraces much love and kisses from your devoted wife

“ Your loving & affet<sup>t</sup> wife  
 “ Mini L’Angelier.”

No. 61.

(Envelope addressed)

“ Mr L’Angelier,  
 “ 10 Bothwell Street,  
 “ Glasgow.”

Posted Sauchiehall Street Receiving Office, Glasgow, Nov. 18;

reached General Office 7 same evening; deliverable next morning, first delivery.

(Letter.)

“First letter I have written in Blytheswood Sqr house. Good night my very sweet love A kiss.

“Adieu dear

“pet my little

“husband thy Mini.”

No. 63.

(Envelope addressed)

“Mr L'Angelier,

“10 Bothwell Street,

“Glasgow.”

Posted Sauchiehall Street Receiving Office, Glasgow, November 21, 1856; reached General Office about 7 P.M.; deliverable next morning, first delivery.

(Letter.)

“Thursday Evening 11 o'C.

“My very dear Emile.—I do not know when this may be posted, perhaps not to-morrow. But love you must remember that it is not easy for me to post letters for you. I can have no fixed day - but depend on me sweet darling you shall have a letter whenever I can - and if you do not get one it won't be your Mini's fault. . . Now about writing, I wish you to write me and give me the note on Tuesday evening next. You will about 8 o'C come and put the letter down into the window (just drop it in I won't be there at the time) the window next to Minoch's close door. There are 2 windows together with white blinds. Dont be seen near the house on Sunday as M/ wont be at church - and she will watch. In your letter dear love tell me what night of the week will be best for you to leave the letter for me. If M/ and P/ were from home I could take you in very well - at the front door, just the same way as I did in India St - and I wont let a chance pass - I wont sweet pet of my soul my only best loved darling. . .

“Now you understand me Tuesday evening next between 7 & 8 o'C. drop the note in between the Bars on the Street and I shall take it in. The window with white blind next to Billy's door. Adieu dear love a kiss adieu.”

No. 65.

(Envelope addressed)

“Mr L'Angelier,

“10 Bothwell Street,

“Glasgow.”

Posted at Glasgow, Nov. 30, 1856, between 6.15 and 7.20 P.M.; deliverable next morning, first delivery.

(Letter.)

“I was sorry I said any thing about Mary - it was not kind of me. She your kind and true friend, it was very bad of me - but I was vexed

she said she would not write me. I thought she had taken some dislike to me, and would not write me. She had written me all along knowing M/ did not know - so I thought it peculiar she should drop writing without some other excuse."

No. 67.

(Envelope addressed)

" Mr L'Angelier,  
 " Mrs Jenkins,  
 " 11 Franklin Place,  
 " Great Western Road,  
 " Glasgow."

Posted, Osborne Buildings Receiving Office, Glasgow, after 6.20 p.m., Dec. 5, 1856; reached General Office 10 p.m. same night; deliverable next morning, first delivery.

(Letters.)

" Sweetest dearest love if it is more convenient for you to drop in my note at 6 o'clock do it - it will suit me just as well. If not six, 8 o'clock. Will you darling write me for Thursday first. If 6 o'clock do it - I shall look - if not at 6 - why I shall look at 8 o'clock. I hope no one sees you - and darling make no noise of the window. You mistake me. The snobs I spoke off do not know anything of me they see a light and they fancy it may be the servants room, and they may have some fun - only you know that I sleep down stairs - I never told any one so dont knock again my beloved but dearest love good night fond dear embraces much sweet warm love." . .

" Thursday 11th Dec 6 o'clock or 8 o'clock—Tell me what that P. before Emile stands for. Adieu love a kiss good night. God bless and prosper you with all you desire.

" Adieu.

" M. L'A."

" Remember dont knock at the window."

" Sunday evening 11 o'clock.

" My very dearest Emile your note of Friday pained me much. I was sorry if you were put to any inconvenience by returning at 10 o'clock to see if your letter remained there. . . I wept for hours after I received your letter, and this day I have been sad, yes very sad. My Emile I love you and you only. I have tried to assure you no other one has a place in my heart. It was Minnoch that was at the Concert with. You see I would not hide that from you. Emile he is P's friend and I know he will have him at the house. But need you mind that when I have told you I have no regard for him. It is only you my Emile that I love - you should not mind public report. You know I am your wife, and that we shall shortly be united - so Emile it matters not. I promised you I should be seen as little in public with him as I could. I have avoided him at all times. But I could not on Wednesday night, so sweet love be reasonable. I love you, is not that enough."

No. 69.

(Envelope addressed)

“Mr L’Angelier,  
 “10 Bothwell St,  
 “Glasgow.”

Posted, Glasgow, 8th Dec. 1856; deliverable between  $\frac{1}{2}$  past 1 and 3 same day.

(Letter.)

“Thursday evening  $\frac{1}{2}$  past 11 oC

“My dearest love my own fond husband my sweet Emile I cannot resist the temptation of writing you a line this evening. Dear love by this time you have my parcel. I hope ere long you may have the original which I know you will like better than glass likeness - wont you sweet love! . . . Emile I dont see when we are to have a chance. I dont know but I rather think P/ & M/ will go into Edr with James in January but I dont hear of their being from home in Fery. I rather fear we shall have difficulties to contend with - but we must do our best. How I am to get out of the House in the morning with my things - which will be two large Boxes - &c I dont know. I rather think *they* must go the night before. And for that I would try and get the back door key. The Banns give me great fright. I wish there was any way to get quit of them. What stupid things they are.”

No. 73.

(Envelope addressed)

“Mr L’Angelier,  
 “10 Bothwell Street,  
 “Glasgow.”

Posted, Sauchiehall Street Receiving Office, Glasgow, month not legible, day 17, 1856; deliverable between  $\frac{1}{2}$  past 1 and 3 P.M.

(Letter.)

“Tuesday night 12 oc.

“My own beloved my darling,—I am longing for Thursday to bring me your dear sweet letter. . . I would give anything to have an hours chat with you. Beloved Emile, I dont see how we can. M/ is not going from home - and when P/ is away Janet does not sleep with M/. She wont leave me as I have a fire on my room, and M/ has none. Do you think beloved you could not see me some night for a few moments at the door under the front door, but perhaps it would not be safe. Some one might pass as you were coming in. We had better not - but I would so like a kiss dear, and I think I could also say you would one from your Mini. Am I right.”

No. 75.

(Envelope addressed)

“Glasgow,  
 “Mr L’Angelier,  
 “10 Bothwell Street,”

Posted, Glasgow, Dec. 19, 1856; deliverable between half-past one and three same day.

(Letter.)

“Thursday night 11 oc.

“My beloved my darling do you for a second think I could feel happy this evening, knowing you were in low spirits - and that I am the cause. O why was I ever born to annoy you best and dearest of men. Do you not wish, oh yes full well I know you often wish you had never known me. I thought I was doing all I could to please you. But no. When shall I ever be what you would wish me to be. Never! never! Emile will you never trust me - she who is to be your wife. You will not believe me You say you heard ‘I took M/. to the Concert against his inclination. I forced him to go.’ I told you the right way when I wrote. But from your statement in your letter of tonight you *did not believe my word*. Emile I would not have done this to you. Every word you would write or tell me I would believe. *I would not* believe every idle report. No I would *not*. I would my beloved Emile believe my husband’s word before any other. But you always listen to reports about me if they are *bad*. . . Oh would to God we could meet. I would not mind for M/, if P/ & M/ are from home - the first time they are you shall be here. Yes my love I must see you, I must be pressed to your heart. . . I just gave your note along with other 4 - & said nothing. We have a nasty cook too. I am rather more fond of C. H. now - she is very civil. I would trust her. But I shall always take in my own notes love, that will please you. . . O yes my beloved we must make a bold effort. I shall do it with all my heart if you will. I should so like to be be your wife ere they leave town end of March. Oh these horrid Banns. I will go to Edinburgh for 21 days if that will do. I am so afraid of Glasgow people telling P/ - and then there would be such a row. You see darling we would have a greater chance of making up if we were off - than if he found it out before we were married.”

No. 81.

(Envelope addressed)

‘Mr L’Angelier,  
 “at 10 Bothwell Street,  
 “Glasgow.”

“M. L.”

Posted at Glasgow 28th Dec. 1856; deliverable next morning, first delivery.

(Letter.)

“Now I must tell you something you may hear - I was at the Theatre and people my love may tell you that M./ was there too. Well love - he

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

“How bad R. Baird is behaving. They sometimes throw out a hint at your being one of his friends - he introduced me to you - I shall always feel a warm heart towards him. Good night Beloved.”

No. 85.

(Envelope addressed)

“Mr L’Angelier,  
“at Mr<sup>s</sup> Jenkins,  
“11 Franklin Place,  
“Great Western Road,  
“Glasgow.”

Posted, Osborne Buildings Receiving Office, Glasgow, 10th Jan. 1857 ; deliverable between half-past one and three same day.

(Letters.)

“Friday Evening Jany 9.

“It is just 11 o’C. and no letter from you my own ever dear beloved husband. Why this my sweet one. I think I heard your stick this evening (pray do not make any sounds whatever at my window). I fear your finger is bad. If it were possible sweet one, could you not leave my notes at six as at 10 o’C. the moon is up and it is light. I hope my own ever dear beloved one you feel better and that you are in better spirits. Sweet dear Emile I do truly and fondly love you with my heart & soul. But you I know think me cool and indifferent. . . I am writing in the Ding Room and I think you are again at my window but I shall not go down stairs as P/ would wonder why and only he and I are up waiting for Jack. I wish I could see you, but no I must not even look out at the window as some one might see me. So beloved think it not unkind. If I never by any chance look at you just leave my note and go away. It is much the best way. Remember Janet is in my room. Do you my sweet beloved Emile still like your lodgings.”

No. 87.

(Envelope addressed.)

“Mr L’Angelier,  
“10 Bothwell Street,  
“Glasgow.”

Posted at Glasgow 11th Jan. 1857 ; deliverable next morning, first delivery.

(Letter.)

“Saturday night 12 o’C.

“My own dear beloved Emile,—I cannot tell you how sorry I was last night at not hearing from you. . . If you would risk it my sweet beloved

pet we would have time to kiss each other and a dear fond embrace And though sweet love it is only for a minute do you not think it is better than not meeting at all. . . I dont think there is any chance of our living at Row again, but P/ cannot get a nice place - he wants a much larger place than we have."

No. 89.

(Envelope addressed)

" Mr L'Angelier,  
" 10 Bothwell St,  
" Glasgow."

Posted, Glasgow, Jan. 14, 1857; deliverable between 3 and 5 same day.  
(Letter.)

" Monday night.

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

No. 91.

(Envelope addressed)

" Mr L'Angelier,  
" 10 Bothwell Street,  
" Glasgow."

Posted in Glasgow, Jan. 16, 1857, during the night; deliverable next morning, first delivery.

(Letter.)

" Friday 3 o'clock afternoon

" My very dear Emile,—I ought ere this to have written you. I hope your hand is better - do take care of it my own sweet pet - try and soon get well. I hope you have no cold. Well my dear Emile you did look cross at your Mini the other day. Why my pet you cannot expect I am never to go on St St. Sometimes I must. It is not quite fair of you. I have kept off that St so well this winter, and yet when you meet me and the first time you have bowed to me this season, that you should have looked so cross. When I saw you my little pet coming I felt frightened even to bow to you." . . . . .

No. 93.

(Envelope addressed)

" Mr L'Angelier,  
" Mrs Jenkins,  
" 11 Franklin Place  
" Great Western Road,  
" Glasgow."

Posted at Glasgow, 19th Jan. 1857; deliverable next morning, first delivery.

(Letter.)

" . . . . Dearest Emile all this day I have wished for you one moment to kiss you - to lay my head on your breast would make me happy. I think I shall see you Thursday night I think P/ is not at home. But

you shall hear. Adieu my loved one My husband. My own little Pet.  
 Adieu. God bless you I am your wife. Your own  
 "Mini L'Angelier."

"I did love you so much last night when you were at the window."

"P.S. I dont think I should send you this scroll but I could not help  
 just when you left me."

No. 95.

(Envelope addressed)

"Mr L'Angelier,  
 "10 Bothwell St,  
 "Glasgow."

Posted at Glasgow, 21st Jan. 1857; deliverable next morning, first  
 delivery.

(Letter.)

"5 o'C

"Wednesday afternoon

"My dearest Emile,—I have just 5 minutes to spare. My dear, I hope  
 you are well. Why no letter pet on Monday night - it was such a dis-  
 appointment to your Mini. I cannot see you Thursday as I had hoped.  
 Jack is out at a party and the Boy will sit up for him so I cannot see  
 you. A better chance may soon occur my dear pet. I shall write you a  
 letter soon - I have not time at present. I wont write tonight I am so  
 tired. I have not got home till after 2 o'clock for the last two nights. If  
 you can I shall look for a note on Friday 8 or 10 not 6. Much much love  
 fond kisses a tender embrace.

"I am for ever

"Yours devotedly

"Mini."

No. 97.

(Envelope addressed)

"For  
 "Mr L'Angelier  
 "at Mrs Jenkins,  
 "11 Franklin Place,  
 "Great Western Road,  
 "Glasgow."

Posted at Glasgow, 23d January 1857; deliverable next morning, first  
 delivery.

(Letters.)

"Thursday 12 o'C.

"My dear Emile,—I was so very sorry that I could not see you to  
 night. I had expected an hour's chat with you - but we must just hope  
 for better the next time. I hope you are well. Is your hand quite bet-  
 ter my dear pet. I am with much love for ever your own dear sweet  
 little pet wife Your own fond

"Mini L'Angelier."

"Again a Kiss my pet - my own sweet one my beloved little pet husband."

"I dont see the least chance for us my dear love. M/ is not well enough to go from home and my dear little sweet pet I dont see we could manage in Edr because I could not leave a friends House without their knowing of it - so sweet pet it must at present be put off till a better time. I see no chance before March. But rest assured my dear love Emile if I see any chance I shall let you know of it.

"Sunday night  $\frac{1}{2}$  past 11 o'e.

"Emile my own beloved you have just left me. Oh sweet darling at this moment my heart and soul burns with love for thee my husband my own sweet one. Emile what would I not give at this moment to be your fond wife. My night dress was on when you saw me. Would to God you had been in the same attire. We would be happy. Emile I adore you. I love you with my heart and soul. I do vex and annoy you but Oh sweet love I do fondly truly love you with my soul to be your wife your own sweet wife. I never felt so restless and unbappy as I have done for some time past. I would do anything to keep sad thoughts from my mind. But in whatever place some things makes me feel sad. A dark spot is in the future. What can it be. Oh God keep it from us. Oh may we be happy - dear darling pray for our happiness. I weep now Emile to think of our fate. If we could only get married and all would be well. But alas alas I see no chance, no chance of happiness for me. I must speak with you. Yes I must again be pressed to your loving bosom - be kissed by you my only love my dearest darling husband. Why were we fated to be so unhappy. Why were we made to be kept separate. My heart is too full to write more. Oh pardon forgive me. If you are able I need not say it will give me pleasure to hear from you tomorrow night. If at 10 o'e dont wait to see me - as Janet may not be asleep, and I will have to wait till she sleeps to take it in. Make no noise Adieu farewell my own beloved my darling my own Emile. Good night best beloved. Adieu I am your ever true and devoted

"Mini L'Angelier."

No. 101.

(Envelope addressed)

"Glasgow,

"Mr E. L'Angelier,

"Mrs Jenkins,

"11 Franklin Place,

"Great Western Road."

Posted at Glasgow, February 1857, day illegible; deliverable next morning, first delivery.

(Letters.)

"I felt truly astonished to have my last letter returned to me. But it will be the last you shall have an opportunity of returning to me. When you are not pleased with the letters I send you - then our correspondence shall be at an end - and as there is coolness on both sides our engage-

ment had better be broken. This may astonish you - but you have more than once returned me my letters - and my mind was made up that I should not stand the same thing again. And you also annoyed me much on Saturday by your conduct in coming so near me. Altogether I think owing to coolness and indifference (nothing else) that we had better for the future consider ourselves as strangers. I trust to your honour as a Gentleman that you will not reveal any thing that may have passed between us. I shall feel obliged by your bring me my letters and Likeness on Thursday eveng at 7 - be at the Area Gate and C. H. will the parcel from you. On Friday night I shall send you all your letters Likeness &<sup>ca</sup> I trust you may yet be happy - and get one more worthy of you than I. On Thursday at 7 o'C.

"I am &c.

"M."

"You may be astonished at this sudden change - but for some time back you must have noticed a coolness in my notes. My love for you has ceased and that is why I was cool. I did once love you truly fondly but for some time back I have lost much of that love. There is no other reason for my conduct and I think it but fair to let you know this. I might have gone on and become your wife - but I could not have loved you as I ought. My conduct you will condemn but I did at one time love you with heart and soul - it has cost me much to tell you this - sleepless nights but it is necessary you should know. If you remain in Glasgow or go away I hope you may succeed in all your endeavours. I know you will never injure the character of one you so fondly loved. No Emile I know you have honour and are a Gentleman. What has passed you will not mention. I know when I ask you that you will comply. Adieu."

No. 103.

(Envelope addressed)

"Mr L'Angelier,  
 "Mrs Jenkins at  
 "11 Franklin Place,  
 "Great Western Road,  
 "Glasgow."

Posted at Osborne Buildings Receiving Office, 9th February 1857 ; deliverable next morning, first delivery.

(Letter.)

"I attribute it to your having cold that I had no answer to my last note. On Thursday evening you were I suppose afraid of the night air I fear your cold is not better. I again appoint Thursday night first same place, Street Gate 7 o'c.

"M."

"If you can bring me the parcel on Thursday please write a note saying when you shall bring it and address it to C. H. Send it by post."

No. 105.

(Envelope addressed)

“ ‘ *Immediately* ’  
 “ Mr L’Angelier,  
 “ Mrs Jenkins,  
 “ 11 Franklin Place,  
 “ Great Western Road,  
 “ Glasgow.”

Posted at Glasgow on the 10th of a month in the year 1857; deliverable between  $\frac{1}{2}$  past 1 and 3 of day on which it was posted.

(Letter.)

“ Monday Night. Emile I have just had your note. Emile for the love you once had for me doing nothing till I see you - for God’s sake do not bring your once loved Mini to an open shame. Emile I have deceived you. I have deceived my Mother. God knows she did not boast of any thing I had said of you - for she poor woman thought I had broken off with you last Winter. I deceived you by telling you she still knew of our engagement. She did not. This I now confess - and as for wishing for any engagement with another I do not fancy she ever thought of it. Emile write to no one, to Papa or any other. Oh do not till I see you on Wednesday night - be at the Hamiltons at 12. and I shall open my Shutter, and then you come to the Area Gate I shall see you. It would break my Mother’s heart. Oh, Emile be not harsh to me. I am the most guilty miserable wretch on the face of the earth. Emile do not drive me to death. When I ceased to love you believe me it was not to love another. I am free from all engagement at present. Emile for God’s sake do not send my letters to Papa. It will be an open rupture. I will leave the house. I will die Emile do nothing till I see you. One word tomorrow night at my window to tell me or I shall go mad. Emile you did love me. I did fondly truly love you too. Oh dear Emile be not so harsh to me. Will you not, but I cannot ask forgiveness I am too guilty for that. I have deceived - it was love for you at the time made me say Mama knew of our engagement. Tomorrow one word - and on Wednesday we meet. I would not again ask you to love me for I know you could not. But oh Emile do not make me go mad. I will tell you that only myself and C. H. knew of my Engagement to you. Mama did not know since last Winter. Pray for me for a guilty wretch but do nothing Oh Emile do nothing. 10 o’c Tomorrow night one line for the love of God.”

“ Tuesday Morning. I am ill. God knows what I have suffered My punishment is more than I can bear. Do nothing till I see you for the love of heaven do nothing. I am mad I am ill.”

Written in pencil.  
 “ Sunday night.”

No. 107.

(Envelope addressed)

“ Mr L'Angelier,  
 “ Mrs Jenkins at  
 “ 11 Franklin Place,  
 “ Great Western Road,  
 “ Glasgow.”

Not posted.

(Letter.)

“ Tuesday evening 12 o’C. Emile I have this night received your note. Oh it is kind of you to write to me. Emile no one can know the intense agony of mind I have suffered last night and to day. Emile my father’s wrath would kill me, you little know his temper. Emile for the love you once had for me do not denounce me to my P/. Emile if he should read my letters to you - he will put me from him, he will hate me as a guilty wretch. I loved you, and wrote to you in my first ardent love - it was with my deepest love I loved you. It was for your love I adored you. I put on paper what I should not. I was free because I loved you with my heart. If he or any other one saw those fond letters to you what would not be said of me. On my bended knees I write you and ask you as you hope for mercy at the Judgment day do not inform on me - do not make me a public shame. Emile my life has been one of bitter disappointment. You and you only can make the rest of my life peaceful. My own conscience will be a punishment that I shall carry to my grave. I have deceived the best of men. You may forgive me but God never will - for God’s love forgive me - and betray me not - for the love you once had to me do not bring down my father’s wrath on me. It will kill my mother (who is not well). It will for ever cause me bitter unhappiness. I am humble before you and crave your mercy. You can give me forgiveness - and you oh you only can make me happy for the rest of my life. I would not ask you to love me - or ever make me your wife. I am too guilty for that. I have deceived and told you too many falsehoods for you ever to respect me. But oh will you not keep my secret from the world. Oh will you not for Christ’s sake denounce me. I shall be undone. I shall be ruined. Who would trust me. Shame would be my lot - despise me hate me - but make me not the public scandal - forget me for ever - blot out all remembrance of me. I have you ill. I did love you and it was my soul’s ambition to be your wife. I asked you to tell me my faults You did so, and it made me cool towards you gradually. When you have found fault with me I have cooled - it was not love for another, for there is no one I love. My love has all been given to you. My heart is empty cold - I am unloved. I am despised. I told you I had ceased to love you - it was true. I did not love as I did - but oh till within the time of our coming to Town I loved you fondly. I longed to be your wife. I had fixed Feby. I longed for it. The time I could not leave my father’s house I grew discontented, then I ceased to love you—Oh Emile this is indeed the true statement. Now you can know my state of mind. Emile I have suffered much for

you. I lost much of my father's confidence since that Sept. And my mother has never been the same to me. No she has never given me the same kind look - for the sake of my mother - her who gave me life, spare me from shame. Oh Emile will you in God's name hear my prayer. I ask God to forgive me. I have prayed that he might put it in your heart yet to spare me from shame. Never never while I live can I be happy. No no I shall always have the thought I deceived you. I am guilty it will be a punishment I shall bear till the day of my death. I am humbled thus to crave your pardon. But I care not. While I have breath I shall ever think of you as my best friend if you will only keep this between ourselves. I blush to ask you. Yet Emile will you not grant me this my last favor. If you will never reveal what has passed. Oh for God sake, for the love of heaven hear me I grow mad. I have been ill very ill all day. I have had what has given me a false spirit. I had resort to what I should not have taken but my brain is on fire. I feel as if death would indeed be sweet. Denounce me not. Emile Emile think of our once happy days. Pardon me if you can, pray for me as the most wretched guilty miserable creature on the earth. I could stand anything but my father's hot displeasure. Emile you will not cause me death. If he is to get your letters I can not see him any more. And my poor mother I will never more kiss her - it would be a shame to them all. Emile will you not spare me this - hate me, despise me - but do not expose me. I cannot write more. I am too ill to night.

"M."

"P.S. I cannot get to the back stair. I never could see the to it. I will take you within in the door. The area gate will be open. I shall see you from my window 12 o'C. I will wait till 1 o'C.

109.

(Envelope addressed)

"Mr E. L'Angelier,  
 "Mrs Jenkins,  
 "11 Franklin Place,  
 "Great Western Road,  
 "Glasgow,"

Posted between 8.45 A.M. and 12.20 P.M., at Osborne Buildings Receiving Office, Glasgow, 14th February 1857; deliverable between half-past 1 and 3 P.M. same day.

(Letter.)

"Saturday My dear Emile I have got my finger cut and can not write so dear I wish you would excuse me I was glad to see you looking so well yesterday I hope to see you very soon write me for next Thursday and then I shall tell you when I can see you. I want the first time we meet that you will bring me all my cool letters back The last four I have written - and I will give you other's in their place bring them all to me Excuse me more just now it hurts me to write so with kindest and dearest love ever believe yours with love & affection

"M."

No. 111.

(Envelope addressed)

"Glasgow

"Mr E. L'Angelier

"11 Franklin Place,

"Mrs Jenkins,

"Great Western Road,"

Posted at Glasgow.

(Letter.)

"Wednesday

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

"Ever with love

"Yours

"Mini."

No. 113.

(Envelope addressed)

"Mr E. L'Angelier,

"Mrs Jenkins,

"11 Franklin Place,

"Great Western Road,

"Glasgow."

Posted at Glasgow 27th February 1857; deliverable next morning, first delivery.

(Letter.)

"Friday.

"My Dear Sweet Emile.—I cannot see you this week and I can fix no time to meet with you. I do hope you are better - keep well and take care of yourself. I saw you at your window. I am better but have got a bad cold. I shall write you sweet one in the beginning of the week. I hope we may meet soon. We go I think to Stirlingshire about the 10

of March for a fortnight. Excuse this short note Sweet love. With much fond tender love and kisses. And ever believe me

“ to be Yours with love.

“ Mini.”

No. 115.

(Envelope addressed)

“ Mr E L'Angelier,  
 “ Mrs Jenkins,  
 “ Franklin Place,  
 “ Great Western Road,  
 “ Glasgow.”

Posted Osborne Buildings Receiving Office, Glasgow, 3d March 1857; posted between 8.45 A.M. and 12.20 P.M.; deliverable between half-past 1 and 3 P.M. same day.

(Letter.)

“ My dearest Emile.—I hope by this time you are quite well and able to be out. I saw you at your window but I could not tell how you looked - well I hope. I am very well. I was in Edr on Saturday to be at a Luncheon party at the Castle. It was a most charming day and we enjoyed our trip very much. On Friday we go to Stirling for a fortnight. I am so sorry my dearest pet I cannot see you ere we go - but I cannot. Will you sweet one write me for Thursday 8 o'C and I shall get it before I go - which will be a comfort to me - as I shall not hear from you till I come home again. I will write you but sweet pet it may only be once a week - as I have so many friends in that quarter. B/ is not going till next week - M/ P/ J/ & I on Friday. B/ goes to the Ball next week. I am going to a Ball in Edr the end of this week so cannot go to both - and I would rather go to the one in Edr. I have not seen you all this week - have you been passing. What nasty weather we have had. I shall see you very soon when I get home again - and we shall be very happy wont we sweet one—as much so as the last time - will we my pet. I hope you feel well. I have no news to give you I am very well - and I think the next time we meet you will think I look better than I did the last time. You wont have a letter from me this Saturday as I shall be off - but I shall write beginning of the week. Write me for Thursday sweet love and with kind love ever

“ Believe me to be yours with love and affection,

“ Mini.”

No. 117.

(Envelope addressed)

“ Mr E. L'Angelier,  
 “ Mrs Jenkins,  
 “ 11 Franklin Place,  
 “ Great Western Road,  
 “ Glasgow.”

Posted at Glasgow 4th March 1857; deliverable between half-past 1 and 3 same day.

(Letter.)

“ Dearest Emile.—I have just time to give you a line. I could not come to the window as B/ and M/ were there but I saw you. If you

would take my advice you would go to the south of England for ten days it would do you much good. In fact sweet pet it would make you feel quite well. Do try and do this. You will please me by getting strong and well again. I hope you wont go to B of Allan as P/ and M/ would say - it was I brought you there, and it would make me to feel very unhappy. Stirling you need not go to as it is a nasty dirty little Town. Go to Isle of Wight. I am exceedingly sorry love I cannot see you ere I go - it is impossible but the first thing I do on my return will be to see you sweet love. I must stop as it is post time. So adieu with love and kisses and much love.

“ I am with love and affection ever yours,

“ Mini.”

“ The LORD ADVOCATE then tendered the production, No. 119 of Inventory, to be read, which bears to be the copy of a letter from the deceased to the panel. It was objected to by the DEAN of FACULTY as being only a copy taken by a press. The decision on this point was reserved until No. 121 should be read.”

No. 121.

(Envelope addressed)

“ For my dear

“ and ever beloved

“ sweet little Emile.”

Not posted.

(Letter.)

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

“ dear and loving

“ Mini.”

“ If you do not go to B. of A till we come home - come up Main St tomorrow morning and if you go come your own way.”

The LORD ADVOCATE again tendered the production, No. 119, when the DEAN of FACULTY repeated his objection. The LORD ADVOCATE replied that it was proved by its connection with Nos. 117 and 121, and therefore ought to be received.

The following opinions were delivered :—

LORD IVORY said—The Court had here a very important question presented to them—a question, the decision of which, in so far as he was concerned, he would willingly have avoided. Still, as it had been presented to them, although he could not say that he felt no doubt, he would give the best opinion in his power in the circumstances of the case. He had come to the conclusion that the document was admissible, but, in coming to that conclusion, he could not look upon that letter apart from some which went before and from some which followed after it. [His Lordship then went over in detail the various passages in the other letters which bore upon the statements in the letter under discussion.] This letter, he assumed, was written after the letter, No. 121, which was from the prisoner to the deceased; and he thought there was evidence to go to the Jury, so as to enable them to judge whether the letter, No. 121, was not received by the deceased, and whether the present letter was not an answer to it, as allusions were made in this letter to almost every sentence of the former. He would not read all the passages, but it appeared to him that, with the light cast by other letters, there was enough to connect the document with them. He did not go so far as to say that the evidence before the Court as to this matter, or the circumstance of its being a copy made by a copying press, amounted to that legal and complete evidence which must bind the Jury. Had it been necessary to go so far as this, he would have felt more hesitation than he was now inclined to do; but he thought it was an important adminicle of evidence, and one as to which the Jury ought to be allowed to form their own conclusion, as to whether it was received or not. It seemed to him to have very many of the characteristics, the want of which were objected to in the case of the memorandum-book, and to be linked together with the other letters. It was also regularly copied by a machine, and not like some of the other documents, which were merely imperfect memoranda. On the whole, he could not withhold it from the consideration of the Jury, subject to such remark as to its weight which might competently be made.

LORD HANDYSIDE.—The question is, whether this is competent and admissible evidence to be laid before the Jury? I think it is. There seems to me to be a manifest distinction between the case of a draft or scroll, which we have lately decided, and a document like the present; and I also go greatly on its connection with some of the letters that precede it in date, and also with that which follows it. I do not go over these references in detail. Lord Ivory has already alluded to several of them. But, speaking generally, I think this document is connected intimately with those already re-

ceived. Questions are put, to which answers are required, and these answers are found in other letters. It is also a full and complete document. Thrown of by a copying press, it is a copy of a document intended to be despatched, and that may, I think, be presumed to have been despatched. I infer also that it was received, because in a subsequent letter, various matters of inquiry are referred to. I think, therefore, that this document stands in a position which prevents our rejecting it. There is undoubtedly some delicacy when the original has not been traced into the hands of the prisoner, and, had there been a production of correspondence on both sides, and had this letter not been found among those produced by the prisoner, I should have had much hesitation in admitting it. But where the original writings of L'Angelier are not accessible, I think the document is, in the circumstances, admissible. Its *value* is of course subject to much observation.

The LORD JUSTICE-CLERK.—I do not think that the admission or rejection of this particular document will be of great moment to the present case; because it is quite plain from the panel's letter 121, that the same questions which are put in 119 had been put to the panel in some letter or other, and in the same tone as in 119. So much is that the case, that the panel's letter 121 (which is supposed to be an answer to 119), is perfectly intelligible and complete without the aid of 119. Hence the reception of 119 is, in my opinion, immaterial in this case; but to the general question respecting the admissibility of a copy or scroll of a letter, of the despatch of which there is not a particle of evidence, which has been argued, I attach the greatest importance, and, as I have the misfortune to differ from the majority of the Court, I shall express my opinion in a few words. I am not aware of any case, in which any document from another party has been admitted without separate and independent proof that the document was sent to and received by the prisoner. *Morally* we may have no doubt of its having been so received, but we may be morally certain of many things which yet are not legally proved and not legally admissible in proof. It is said that questions contained in other letters are answered in this; but the deceased may have written and sent another letter, and this one may never have been despatched, and I cannot therefore think that a copy—press copy it is supposed—is competent evidence in a criminal charge against another party. For this, be it observed, is not a question between L'Angelier and the prisoner, but a criminal prosecution against her at the instance of the Lord Advocate. On these grounds, I do not think this document ought to be admitted. I repeat, that in the actual state of this wretched correspondence, I think the reception of this letter is of the slightest importance. But the general point is one of the greatest importance, and I dread much the use which may be made in other cases of the relaxation of the general rule which the decision here seems to sanction.

The objection was repelled, and the document admitted.

No. 119.

(Press Copy of Letter.)

"Glasgow March 5<sup>th</sup> 1857.

"My dear sweet pet Mimi—I feel indeed very vexed that the answer I recd yesterday to mine of Tuesday to you should prevent me from sending you the kind letter I had ready for you. You must not blame me dear for this but really your cold indifferent and reserved notes so short without a particle of love in them (especially after pledging your word you were to write me kindly for those letters you asked me to destroy) and the manner you *evaded* answering the questions I put to you in my last; with the reports I hear fully convince me Mimi that there is foundation in your marriage with another - besides the way you put off our union till September without a just reason is very suspicious. I do not think Mimi dear that Mrs Anderson would say your mother told her things she had not - and really I could never believe Mr Houldsworth would be guilty of telling a *falsehood* for mere talking. No Mimi there is a foundation for all this. You often go to Mr M/s house and common sense would lead any one to believe that if you were not on the footing reports say you are, you would avoid going near any of his friends. I know he goes with you or at least meets you in Stirlingshire. Mimi dear place yourself in my position and tell me am I wrong in believing what I hear. I was happy the last time we met - yes very happy. I was forgetting all the past, but now it is again beginning.

"Mimi, I insist in having an *explicit* answer to the questions you evaded in my my last. If you evade answering them this time I must try some other means of coming to the truth. If not answered in a satisfactory manner you must not expect I shall again write you personally or meet you when you return home. I do not wish you to answer this at random. I shall wait a day or so if you require it. I know you cannot write me from Stirlingshire as the time you have to write me a letter is occupied in doing so to others. There was a time you would have found plenty of time.

"Answer me this Mimi - who gave you the trinket you showed me, is it true it was Mr Minnoch. And is it true that you are directly or indirectly engaged to Mr Minnoch or to any one else but me. These questions I must know.

"The Dr says I must go to B. of A. I cannot travel 500 miles to the I. of W. and 500 back. What is your object in wishing me so very much to go south. I may not go to B. of A. till Wednesday if I can avoid going I shall do so for your sake. I shall wait to hear from you. I hope dear nothing will happen to check the happiness we were again enjoying. May God bless you Pet, and with many fond and tender embraces believe me with kind love your ever affte husband "Emile L'Angelier."

No. 123.

(Envelope addressed)

"Mr E. L'Angelier,

"Mrs Jenkins,

"11 Franklin Place,

"Great Western Road,

"Glasgow."

Posted at Bridge of Allan, 10th March 1857; reached Glasgow about 5.30 P.M.; deliverable between 6 and 8 same evening.

(Letter.)

“ My own best loved pet—I hope you are well. I am very well but it is such a cold place far colder than in Town. I have never been warm since I came here. There are very few people that we know staying in the Village. Have you ever been here my own dear little pet. I hope sweet one it may make you feel well and strong again and that you will not again be ill all the summer. You must try and keep well for my sake will you my own dear little Emile. You love me do you not. Yes Emile I know you do. We go to Perth this week to see some friends. I am going to E<sup>dr</sup> the end of this month. B/ will I think go too. I saw you pass the morning we left - and you little love passing the front door and I was at the window but you would not look up - and I did know where you were going to. We shall be home Monday or Tuesday. I shall write you sweet love when we shall have an interview. I long to see you to kiss and embrace you my own only sweet love. Kiss me sweet one - my love my own dear sweet little pet. I know your kindness will forgive me if I do not write you a long letter - but we are just going to the train to meet meet friends from the north so I shall conclude with much much love tender embraces and fond kisses. Sweet love Adieu ever with love yours.

“ Mini.”

No. 125.

(Envelope addressed)

“ Mr L'Angelier  
 “ Mrs Jenkins,  
 “ 11 Franklin Place,  
 “ Great Western Road,  
 “ Glasgow.”

Posted at Bridge of Allan, 13th March 1857; reached Glasgow 10.45 same night; deliverable next morning, first delivery.

(Letter.)

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

“ I am ever yours

“ Mimi.”

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

No. 133.

(Envelope addressed)

“ William Minnoch, Esqr,  
“ 124 St Vincent St,  
“ Glasgow.”

Posted at Stirling, 16th March 1857; reached Glasgow 5.30 same afternoon; deliverable between 6 and 8 same night.

(Letter.)

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

“ Yours with affection

“ Madeleine.”

“ Monday.

“ Prospect Villa.”

No. 135, a French memorandum of L'Angelier's address at Bridge of Allan; and 139, envelope addressed to “ M. L'Angelier, Post-Office, Stirling.”

No 137, envelope; postmarks, “ Glasgow, 19th March 1857;” and “ Stirling, 20th March, 9.0 A.M.,” addressed to M. L'Angelier at Glasgow.

No. 141.

(Envelope addressed)

“ Miss Perry,  
“ 144 Renfrew Street,  
“ Glasgow.”

Posted at Bridge of Allan, 20th March 1857; reached Glasgow, 10.45 P.M. same night; deliverable first delivery next morning.

(Letter.)

“ Bridge of Allan 20th March.

“ Dear Mary—I should have written to you before but I am so lazy writing when away from my ordinary ways. I feel much better and I hope to be home the middle of next week.

“This is a very stupid place very dull I know no one and besides it is so very much colder than Edin. I saw your friends at Portobello and will tell you about them when I see you.

“I should have come to see some one last night but the letter came too late so we are both disappointed. Trusting you are quite well and with kind regards to yourself and sister Believe me

“Yours sincerely

“P. Emile Langelier.”

“I shall be here till Wednesday.”

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

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

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

No 149.

(Envelope addressed)

“Mr E. L’Angelier

“Mrs Jenkins

“11 Franklin Place

“Great Western Road

“Glasgow.”

Posted at Glasgow, General Office or Pillar Box, 21st March 1857, between 9 A.M. and half-past 12 P.M., if Pillar Box; and if General Office, between 11.45 A.M. and 1 P.M.; and deliverable between 1.30 and 3 same afternoon.

(Letter.)

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

ever dear fond

“Mini.”

Copies of Oliver and Boyd’s Edinburgh Almanac for the years 1857, 1856, and 1855, being Nos. 195, 196, and 197 of the inventory annexed to the indictment, were then put in.

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

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

The SOLICITOR-GENERAL said he was not sure whether the counsel for the panel had stated very precisely the principles of law on which they contended that this document ought to be excluded. Many principles might be imagined applicable to other cases and other questions—to cases, for example, where L'Angelier was a party. But the Court had here a case, in the issue of which L'Angelier, even had he been alive, would have had no interest. The book here tendered was founded on as containing *indiciæ* bearing more or less importantly on the question before the Jury. It was difficult to conceive on what principle of law that document could be rejected. It was truly secondary evidence, and was only tendered to the effect that a man who was now dead put certain things on paper. It was clearly analogous to secondary evidence of what was said by persons now dead. All that the witness deponed to in such a case was, that the deceased person made the statement, it being of course also necessary that that statement should be clear and intelligible. But, with reference to the case in hand, it was necessary to advert to what the book really was. It was contended by the counsel for the panel, that because it was irregularly kept, it could not be a diary; but its irregularity did not prevent its being a proper diary. That was the proper purpose of the book. The observation would be most important if the entries were founded on, for example, by a merchant for his own interest, or if it had been proposed to use it against L'Angelier himself. But the entries were made in the shape in which the book intended that entries should be made, they were made in the spaces ruled off and set apart for that purpose. Whether or not the person made unimportant entries on one day, or more important ones on another, still they had a statement in writing by the deceased that certain things took place on certain days. Such evidence could not be excluded as hearsay. Suppose that the deceased, on a certain day, met a certain person, or, to put the case still lower, suppose that he expected to meet a certain person on a certain day, was it not a material circumstance that, in a book made for the purpose, he deliberately made a statement that these things took place? The same objections as to falsehood on the part of the narrator which had been urged here, applied also to hearsay evidence of what was said by a person deceased. That this evidence, if received, would imperil the life of the panel, would be equally appli-

cable to the evidence of L'Angelier himself had he been alive. Where you have not the man himself alive, you must take every scrap of his writing that can be found.

The LORD JUSTICE-CLERK.—We had an illustration of the contrary in this very case, where Miss Perry was asked whether certain expressions made use of by the deceased were made *seriously*; that is an answer to the analogy as to *hearsay*. As regards entries of this sort, no one can tell whether they were made seriously, or for what purpose. Besides, is there any case whatever on record where a book of this sort has been admitted as proof against the prisoner with regard to particular expressions said to have been made use of by the deceased?

The SOLICITOR-GENERAL.—It cannot be said here that these entries are not made seriously, or that they are so startling and extraordinary as to be incredible. As regards authority, there may be no decided case precisely ruling this point, but it is believed to be matter of familiar practice that any writings that can be found of dead persons are receivable in evidence.

The DEAN OF FACULTY said this was not only a most important, but also a new question. It was confessed, on the other side, that there was no direct authority on the point. An argument might be raised on the general principle, and on analogous cases; but there was no case of an ordinary pocket memorandum-book being used against a prisoner in order to fix his or her presence at a particular place at a particular time,—to prove, for example, that in the present case L'Angelier, on the night of the 22d February, was out of his lodgings and was in Blythswood Square. He thought there was evidence to the contrary, and so he should argue to the Jury; but at present he put it no higher than that there was no evidence that he was out of his lodgings on that evening. Now, this book was proposed to be put in evidence to show that the prisoner and L'Angelier came together on one of the days charged, viz., on that 22d February. Even if the pocket journal had been ever so well kept, we ought surely to be very cautious in introducing such a precedent. But it was impossible fully to argue this case on general principle without having particular reference to the book itself. It was not a regular journal. It began with the year 1857, the first entry being on the 1st January of that year. Now, L'Angelier lived eighty or eighty-one days of 1857, and there were just twenty-six entries in all. That was not a very regular journal. It altogether ceased on the 14th March. It then ceased to be his journal at all. There was therefore nothing to bear on any of the events immediately antecedent to his death. The book was kept in the most loose and careless way. An entry was made on one day which was clearly the wrong day. It was not kept as a journal from day to day. When the fancy struck him, he made an entry; when the fancy did not strike him, he did not make any entry. But the Solicitor-General argued, and this seemed his only argument, that this was good

secondary evidence. Because the statement of the man would have been receivable had he been alive, therefore he argued these entries ought to be admitted now that he is dead. But there was a manifest and important distinction. In the one case, we had the security of an oath. Here (1.) we had no oath; and (2.) inquiry was excluded as to when and with what object these entries were made. Both these existed in proper secondary evidence. The manner of the witness, and the impression which the statement made on the hearer, were most important. Secondary evidence was subject also to this qualification, that a statement made with a view to one purpose, was not admissible for another purpose. Even depositions of witnesses examined on oath to support a particular purpose, will not be available for another purpose, as was held in the case of Corrennie. In the case of the so-called Earl of Stirling, certain documents and pieces of evidence were founded on which purported to be by persons deceased; but that was to prove that they had been forged by the panel. But it was also the bounden duty of the prosecutor to corroborate as many of the entries as it was in his power to do. He had not done so, but has contented himself with three or four. Further, and as showing very strongly the incorrectness of the entries, reference might be made to one, under date 5th March, "Saw Mimi gave her a note, and received one." This was contradicted by letter 119, which was put in evidence on the ground that the prisoner's letter of the 5th March was an answer to it; whereas, according to the entry, they were exchanged one for another.

The COURT then retired; and on their return,

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

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

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

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

It now being five o'clock in the afternoon, the Court adjourned until Monday morning at ten o'clock, under the restrictions "contained in the deliverance of the 30th June last. Further, with the consent of both parties, the Court, in consequence of the fatigue which they (the Jury) have already undergone, and to which they may still be subjected, authorised the macers to take the Jury, or such of them as express a wish to go, to the High Church in this city, for the purpose of hearing Divine service in the forenoon, and also to take

them an airing in the neighbourhood of Edinburgh in the course of to-morrow afternoon or evening; and it having been represented to the Court by David Forbes, one of the Jurymen, that he had just received intelligence of the illness of a sister, who was considered to be in a dying state, the Court, with the consent of both parties, authorised him to be taken, under the charge of a macer of Court, accompanied by one of the Clerks of Court, to the residence of his said sister, in order that he might have an interview with her this evening, as well as to-morrow (being Sunday,) if she be still alive, the said Jurymen having no intercourse whatever with any person on the subject of this trial, and brought back to the Regent Hotel when these interviews are over. Meantime, the Court ordained the panel to be carried to and detained in the prison of Edinburgh."

## SIXTH DAY.

Monday, July 6.

THE Court met this morning at ten o'clock, and proceeded to decide on the admissibility of the memorandum-book of the deceased.

THE LORD JUSTICE-CLERK and LORD HANDYSIDE held that it was not admissible; LORD IVORY was of a different opinion.

THE LORD JUSTICE-CLERK said—The point which now awaits the decision of the Court has been the subject of much deliberation among ourselves,—indeed I do not know that any point of greater importance ever occurred in any criminal trial; and the Court are in this unfortunate position in one respect, that they have no assistance from any authorities whatever. The admission of hearsay evidence (that is, the testimony on oath of what a deceased person said) is an established rule in the law of Scotland, but under those restrictions and conditions which I had occasion fully to state in the case of *Gordon*<sup>1</sup>—restrictions and conditions which go in many circumstances to the entire rejection of the evidence, and are not merely objections to its weight and credibility. What is now proposed to be admitted is this—certain memoranda or jottings made by the deceased, in which certain things are said to have occurred which go directly to the vital part of this charge. The Dean of Faculty felt that so strongly, that he did not scruple to state what the purport of one of these was, in order to show the immense materiality of the point. It is sometimes a very difficult, but it is a sacred duty, for the Court to take care that the rules of evidence are not relaxed merely because it appears that the matter tendered is of the highest importance in the case. Before evidence can be received and allowed to go to a Jury, it must be shown that such evidence is legally competent. It will not do to take any half view if the evidence is not legally admissible against the prisoner—such as

<sup>1</sup> See *Gordon v. Grant* (Division of Commonalty of Corrennie), Court of Session (Second Division), Nov. 12, 1850, xiii. D. B. M., p. 1.

that the evidence should go to the Jury, for them to consider its importance. The evidence ought not to be admitted at all unless it is *legally* competent and admissible evidence. This important rule is sometimes touched upon when it is said that it ought at least to go to the Jury, for them to consider its value. This is quite incorrect. We must consider whether the evidence is competent. That is the rule also in civil cases, as is well illustrated by a case of *Muir*, tried at Glasgow by Lord Fullerton. He had allowed a letter from a person alive, but not examined, to be read as evidence of the facts therein stated, saying that the Jury would consider whether the letter was sufficient evidence of such facts. In his charge he felt the embarrassment he was in. The result was the Court granted a new trial. In the ordinary case of hearsay evidence, you have in the testimony of the witnesses examined, evidence as to all the circumstances in which the deceased's statements were made—whether seriously made or casually stated—whether any motive appeared to be influencing him—whether in answer to questions, and if so, with what purpose the questions were put; in short, imperfect as the evidence is, one can really apply to it many tests which diminish the risk of error, and by means of which, no doubt, important evidence is often obtained. Of course I am speaking now of statements by the deceased, which are not part of the *res gestæ* of the crime or transaction. We have no such means of testing the evidence now tendered—viz., entries or jottings by the deceased, of meetings with the panel, or of facts following such meetings, made in pencil, and so short as to leave their meaning unexplained or doubtful. It is of vital importance, in considering whether this evidence is admissible, to ascertain in what circumstances, and, if possible, from what motive, and at what periods these entries were made. Now, it is a most remarkable fact, that there is no entry regarding the prisoner, or any circumstances connected with the prisoner, or indeed any entry at all as to anything, before the 11th of February; and at that very time the purpose on her part of breaking off the engagement with him, and of demanding back her letters, had been communicated to the deceased; and his purpose and resolution not to give up the letters, and to keep her to her engagement, were avowed and made known, as it appeared from the evidence, prior to that date. Therefore he had a purpose in writing these memoranda—a purpose, obviously, to endeavour to strengthen his hold over the prisoner, not only by refusing to give up the letters at that time and afterwards, but probably with the view to hold out that he had a diary as to their interviews and communications, so as to endeavour to effect his object of preventing the marriage, and of terrifying her into giving up her engagement, with Mr Minnoch. I make this observation not merely with regard to the weight and credibility of these entries, but also as of importance in regard to their admissibility, because in the case of hearsay evidence one can ascertain from the witnesses the time when the statement was made, all the circumstances and all the ap-

parent motives which can be collected as to the statement being made by the deceased. But when we cannot know with certainty the motive with which the man made the entry, or, perhaps, as in this case, can perceive reasons why he made the entry as against her, intending to prejudice her in one way, not of course with reference to the prospect of such a trial as this, but with reference to her engagement, I think it cannot be said that this comes before the Court as a statement recorded by him as to indifferent matters, or as to matters in which he might have not had a strong purpose in making the statement. Further, it is a record of a past act. But suppose that a man has entered in his diary—and the point is, whether such an entry is *legal* evidence of what did occur—that he had arranged to meet A. B. at such a place, and he is there found murdered, that is a future thing; and I do not say that would not be admissible in evidence, leaving its effect to the Jury. I feel the force of what the Lord Advocate has so forcibly stated, that supposing in this book there had been an entry that this man purchased arsenic, would not that have been available in favour of the prisoner? But I think that a sound distinction can be drawn between that case and the present. An illustration of this point has been suggested to my mind by one of my brethren, whose authority and experience are of the very highest: Take an action of divorce against the wife where the paramour was dead; would an entry in any diary of his, that he had enjoyed the embraces of this woman in her husband's absence on such a night, be proof against the wife? I think not. What is proposed in this case is to tender in evidence a thing altogether unprecedented according to the research of the bar and bench, of which no trace or indication occurs in any book whatever—viz., that a memorandum made by the deceased shall be legal proof of a fact against the panel in a charge of murder. It is no answer to say that it may not be *sufficient* proof but still should go to the Jury: The first point is—whether it is *legal* evidence. I am unable to admit such evidence; it might relax the sacred rules of evidence to an extent that the mind could hardly contemplate. One cannot tell how many documents might exist and be found in the repositories of a deceased person; a man may have threatened another, he may have hatred against him, and be determined to revenge himself, and what entries may he not make in a diary for this purpose? As the point is perfectly new, and as it would be a departure from what I consider to be an important principle in the administration of justice, I think this evidence cannot be received.

LORD HANDYSIDE said—We are asked to receive as evidence for the Crown a pocketbook containing an almanac or diary for 1857, in which certain entries are made, opposite to certain days of the week, from February 11 to March 14. I mention these extreme dates, first, because they include the period of the only entries in the diary—the entries not beginning with the commencement of the year; and, second, because the period during which the entries are

made has reference only to the first and second charges in the indictment. The third charge, as to time, is subsequent to the entries ceasing to be made. The special point is, whether the entries of certain dates—two in number—are to be read, and made evidence for the prosecution, as regards the first and second charges in the indictment. The whole of the entries have been written with a lead pencil. I notice this to make the observation, that ink and penmanship afford to a certain degree a means of ascertaining whether entries are made *de die in diem*, thus having the character of entries made daily; or, on the contrary, of several entries having the appearance, by change of ink or of pen, of being made at one time, and so from after recollection. Where all the entries are in pencil, there can be no security as to the time when the entries are, in point of fact, inserted, and that they are not *ex post facto*; or that the original entries have not been expunged, and others substituted in their place—whether this be in correction of memory, or with purpose and design of another character. The party making such entries in pencil has entire power over what he has done or chooses to do. But, waiving this peculiarity in the present case, the general point is presented for determination, whether memorandums of a deceased person, setting forth incidents as having occurred of particular dates, and connected with the name of an individual, are admissible as evidence to support a charge in a criminal case? So far as my knowledge goes, this is a new point. We have received no assistance from the Bar by reference to any authority either direct or illustrative. No case has been cited to us bearing upon the subject. And having taken some pains myself to search for authority and precedent, I have been unsuccessful in finding either to guide us. If the fact be so, undoubtedly it is a circumstance on which the objector to the admission of the evidence is entitled to found, as shifting from him to the prosecutor the burden of showing that such evidence ought to be received. I think the question is one of great difficulty—at least I have found it to be so. Had the writer of the memorandums been living, they could not have been made evidence—of themselves they were nothing. They might have been used in the witness-box to refresh the memory, but the evidence would still be parole. What would be regarded would be the oath of the witness to facts, time, and person; and if distinct and explicit, though resting on memory alone, the law of evidence would be satisfied, irrespective of any aid by memorandums or letters, though made at the time. It is the oath of the witness to the verity of his oral statement in the box which the law requires and regards. But if the writer has died, is this circumstance to make such memorandums thenceforward admissible as evidence by their own weight? Are they, the handwriting being proved, to be treated as written evidence? That would be a bold proposition. Death cannot change the character originally impressed upon memorandums, and convert

them from inadmissible into admissible writings. They are private memorandums, seen by no eye but the writer's; as such, subject to no check upon the accuracy of their statements, whether arising from innocent mistakes or from prejudice or passing feeling. I do not say that they are to be supposed to be false and dishonest, for the idea is repugnant from the consideration that it would be idle to falsify and invent, when memorandums are intended to be kept secret by the writer. But it is quite conceivable that vanity might lead to statements being made wholly imaginary, with a view to the subsequent exhibition of the book; and were its admissibility as evidence set up by death, it might become a fearful instrument of calumny and accusation. I speak just now of private memorandums, diaries, and journals, taken in the abstract. As to other writings of a deceased person, such as letters, I do not say these may not become admissible as evidence by reason of death, though during life they could not be used. But here the principle suggests itself, that these writings have been communicated before death to at least another person. They thus become analogous to words spoken—to representations made and conversations held—by a deceased person, the proper subject of hearsay evidence. It was contended that the principle on which hearsay evidence is admitted should extend to anything written by a deceased person. It is assumed to be a declaration in writing of what, if spoken, would have been admissible on the testimony of the person hearing it. And on a first view it would seem that the written mode is superior to the oral, from the greater certainty that no mistake is committed as to the words actually used. But this would be a fallacious ground to rest on; for words written would require to be taken as they stand, without explanation or modification; whereas words spoken to another are subject to the further inquiry by the party addressed as to the meaning of the speaker, and to a sort of cross-examination, however imperfect, to which the hearer may put the speaker in order to a better or thorough understanding of the subject of communication, the object of making it, and the grounds on which the speaker's statements rest. And all these things may be brought out in the examination of the witness who comes into Court to give his hearsay evidence. The value of hearsay evidence, and the weight to be given to it, comes thus to depend much on the account which the witness gives of the circumstances under which the communication was made to him—as to the seriousness of the statement, and what followed upon it in the way of inquiry and reply. Now a mere writing, in the way of memorandum or entry in a book, in the sole custody of the writer till his death, can be subject to no such tests. Its very nature shows that it is not intended for communication. It may be an idle, purposeless piece of writing; or it may be a record of unfounded suspicions and malicious charges, treasured up by hostile and malignant feelings in a moody spiteful mind. These views impress me strongly with the danger of admitting a private journal or diary as evidence

to support a criminal charge. I think the question now before us must be decided as a general point. As such I take it up. If I were to confine myself to the special and peculiar circumstances of this case, I should see much perhaps to vindicate the Court in the reception of the evidence tendered. There is to be found in the letters which have been already made evidence much to give corroboration or verification to some at least of the entries in the pocket-book. But I feel compelled to close my mind against such considerations, and to look above all to a general, and, therefore, safe rule, by which to be guided. I have come, therefore, to be of opinion that the production tendered as evidence in the case in support, as I take it, of the first and second charges, ought to be rejected.

LORD IVORY said the opinions which had just been given had relieved his mind of a burden of responsibility under which he had laboured, and which he was ill able to bear. He had given the most anxious, serious, and repeated consideration to this matter. He had found little or nothing in the way of authority, and no *dicta* so precisely bearing on this case as to be of any avail. But, judging in the abstract, applying the rules as applied to other cases, endeavouring to find a principle by comparison of the different classes and categories into which evidence had been distributed, and in which evidence had been received, he felt himself totally unable to come to a conclusion that the evidence of this document should be excluded from the Jury. As his opinion could not in the least degree influence the judgment, he should be sorry to add anything that should even seem to be intended to detract from the authority of that judgment now given; least of all should he be disposed to follow such a course in a capital case, where the judgment was in favour of the prisoner. He would content himself, therefore, with simply expressing his opinion. It appeared to him that this document should have been admitted *valeat quantum*, and that the Jury should have considered its weight, and credibility, and value.

The LORD ADVOCATE then put in evidence the following portion of letter No. 79, viz. :—

“Monday.

“If P. and M. go, will you not, sweet love, come to your Mimi? Do you think I would ask you if I saw danger in the house? No, love, I would not. I shall let you in; no one shall see you. We can make it late—twelve, if you please. You have no long walk. No, my own beloved; my sweet dear Emile. Emile, I see your sweet smile. I hear you say you will come and see your Mimi, clasp her to your bosom, and kiss her, call her your own pet, your wife. Emile will not refuse me . . . I need not wish you a merry Christmas, but I shall wish that we may spend the next together, and that we shall then be happy.”

57. *Mrs Janet Anderson* (70), examined by the LORD ADVOCATE.—I am acquainted with the prisoner. I recollect meeting her at a party in my house on the 5th February. I met her also at a party at Mrs Wilkie's shortly before she was at my house. She had a necklace on. I asked from whom she had got it? She said she had got it from papa. I asked

if she had got it from Mr Minnoch ; and she denied that. I don't recollect if I spoke of this to anybody ; I may have mentioned that I thought she got it from Mr Minnoch.

The LORD ADVOCATE then intimated that this closed the case for the Crown.

### EXCULPATORY EVIDENCE.

[The DEAN OF FACULTY stated that, in the course of the examination of some of the first witnesses, reference would be made to affairs of some little delicacy, in which L'Angelier had been engaged in some previous part of his life ; but he was extremely unwilling to drag names before the public in this examination, and he hoped his learned friend the Lord Advocate would assist him in this.]

1. *Robert Baker, examined by Mr YOUNG.*—I am a grocer at St Helen's, Jersey. I lived in Edinburgh at one time, and acted as waiter in the Rainbow Tavern. When there I was acquainted with L'Angelier. That was in 1851. He lived in the Rainbow between six and nine months, as far as I recollect. He was there until the time he went to Dundee. He and I slept together. The tavern was kept at that time by an uncle of mine, Mr George Baker. L'Angelier's circumstances were then very bad ; he was living on Mr Baker's bounty ; he was waiting there till he got a situation. I took him to be a quiet sort of person. I did not know much of his ways. I was not much out with him. He was very easily excited. He was at times subject to low spirits ; I have seen him crying often at night. Latterly, before he went to Dundee, he told me he was tired of his existence and wished himself out of the world ; he said so on more than one occasion. I remember on one occasion he got out of bed, and went to the window and threw it up. I rose out of bed and went to him, and he said that if I had not disturbed him, he would have thrown himself out. The windows of the Rainbow are about six storeys from the ground—the height of the North Bridge, indeed. He was in the habit very often of getting up at night, and walking up and down the room in an excited state, weeping very much. I happened to know that he had at that time met with a disappointment in a love matter. He did not tell me so himself, but I heard my uncle talk of it. I heard L'Angelier speak to other people about it. It was about some lady in Fife.

Mr YOUNG.—You need not mention names. I think we shall be able to speak of her as the lady in Fife.

*Examination continued.*—He was in distress about not having a situation, in order to enable him to keep to his engagement with her. I did not see him weeping on that subject. When he said he would have thrown himself over the window on the occasion I have spoken of, he was not crying ; he was very cool and collected, and did not seem at all excited or agitated when I spoke to him. I thought he was in earnest ; he had talked about it so often before. We were in the habit of taking walks together in the morning before business began. We have walked to Leith Pier ; when there, he said he had a great mind to throw himself over one morning, because he was quite tired of his existence. I have seen him reading newspaper accounts of suicide ; and I have heard him say that here was a person who had the courage that he should have had ; that he wished he had the same courage, or something to that effect.

*Cross-examined by the LORD ADVOCATE.*—I believe he was a Jersey man; I met him in Jersey once before I was in the Rainbow. He did not come there because I had seen him in Jersey. He had been living in Edinburgh before I saw him. I had seen him on a visit to Jersey.

To the LORD JUSTICE-CLERK.—I saw him in Jersey in 1846, I think.

*Re-examined by Mr YOUNG.*—I received this letter (No. 1 of prisoner's inventory) from L'Angelier at Dundee. It has no date; it was shortly after he left the Rainbow. In this letter he says, "I never was so unhappy in my life; I wish I had the courage to blow my brains out."

2. *William Pringle Laird, examined by Mr YOUNG.*—I am a nurseryman in Dundee. I was acquainted with the late Emile L'Angelier. I knew him when in the service of Dickson and Co., Edinburgh, about 1843. In 1852 I took him into my own employment in Dundee. He had been away from the Dicksons before that, and had been in France. He came to me between the 12th and 20th January 1852—on Old Handsel Monday. He remained till the end of August or the 1st of September. He was a very sober young man, and very kind and obliging; rather excitable and changeable in his temper, sometimes very melancholy and sometimes very lively. When he came to me in January he had a kind of cold; he was unwell, and very dull. He did not tell me at first, but shortly after he told me of a cross in love that he had got. He assisted me in the seed-shop chiefly; sometimes he wrought at light work in the nursery too. It was a fortnight or a month after he came that he said he had been crossed in love. He told me it was reported the girl was to be married to another, but that he could scarcely believe it, because he did not think she could take another. I understood that that was because she was pledged to him. He told me who she was. [Mr Young—I don't want her name.] I believe she was in the middle station of life. After this I saw her marriage in the newspapers. I got a letter from my brother in Edinburgh, asking if L'Angelier had seen in an Edinburgh newspaper—in the *Scotsman*—a notice of the marriage. L'Angelier did see that notice. I know William Pringle; he was my apprentice at the time. Either Pringle or some other apprentice told me something L'Angelier had done about that matter, which led me to speak to him. I told him I was sorry to see him so melancholy and sad, that I was still more so to hear that he had taken up a knife to stab himself. He said very little, and was very dull. I said what I could to soothe him. He said he was truly miserable, and that he wished he was out of the world, or words to that effect. He was in a very melancholy state after this. He was gloomy and moody, and never spoke to any one. I had frequent conversations with him—several times every day.

Mr YOUNG.—From these conversations, and all you had seen of him, did you think he had any religious principle about him to deter him from committing suicide?

*Witness.*—He attended church regularly, but did not show anything particular about religion. But, at the same time, he was very moral, so far as I knew.

*Examination continued.*—He often told me of being in France during the Revolution of 1848. He said he was in Paris at that time. He told me he was engaged in the Revolution; he said he was a member of the National Guard. He was rather a vain man. I don't recollect his wages with me; he came to me as an extra hand when he was out of

employment. I said I would give him bed and board, and something more; and I think he got bed and board, and 8s. or 10s. a-week.

3. *William Pringle, examined by MR YOUNG.*—I was in the service of Mr Laird in Dundee in 1852. I knew L'Angelier there. We both lived in Mr Laird's house. I had frequent conversations with L'Angelier. I remember telling him that I had heard of a certain marriage in the newspapers. I said so in the shop. I said that such a lady was married, and he seemed very much agitated.

Mr YOUNG.—How did his agitation show itself?

*Witness.*—He ran once or twice behind the counter; then he took hold of the counter knife. He did not point it at himself, but he held it out. When I stepped forward he put it down again. I don't remember what he said. I don't think he was shedding tears. I did not observe him crying. He was particularly melancholy for some time after this occurrence. He slept with me. I was a little afraid that he might do himself some mischief.

To the LORD JUSTICE-CLERK.—I was then sixteen years of age.

4. *Andrew Watson Smith, examined by MR YOUNG.*—I am an upholsterer in Dundee. I was acquainted with L'Angelier when he was in Laird's employment in 1852. We were pretty intimate. I was then living at Newport, on the other side of the Tay from Dundee. L'Angelier frequently visited me there, sometimes coming on a Saturday and waiting till Monday. When he did so, he and I slept together. I had good opportunity of observing his disposition and state of mind. I thought he was a very excitable sort of character—often in very high spirits, and often in very low spirits. He mentioned a disappointment in love he had had about that time. He mentioned the lady's name. He told me they had been engaged for a number of years, and had loved each other very much; but that it had been broken off, and that he felt inclined to destroy himself. He showed me a ring he had got from the lady, with a name engraved on it. I think it was her name. He spoke of destroying himself. He seemed in a very melancholy spirit, declared he could never be happy again, and that he thought he would drown himself. I have a faint remembrance, but I am not exactly sure, that he once told me he went to the Dean Bridge for the purpose of throwing himself over. I am not exactly sure of that.

To the LORD JUSTICE-CLERK.—This was before he came to Dundee.

*Examination continued.*—It was because this lady had jilted him. He did not say what prevented him from throwing himself over. Self-destruction was a very frequent subject of conversation with him. I thought him serious, though I never had any serious apprehension that he would do it. That was from want of courage. It was only when he was in his low moods that he talked of self-destruction. He told me about having been in France at the Revolution, and he told me he felt very nervous after that, attributing it partly to the excitement of the time. He said he frequently thought he heard a noise behind him, a sort of "rat tat," as if a number of rats were running along. When he spoke of the lady who had jilted him he was always very excited, and once I remember him crying. He appeared to be in great grief. That was the first time he spoke of destroying himself; he talked of drowning himself.

5. *William Anderson, examined by MR YOUNG.*—I had a nursery and seed-shop in Dundee in 1852. I then became acquainted with L'Angelier. He sometimes came to my shop, and I saw a good deal of him. I had

conversations with him two or three times. He was rather of a sanguine disposition; he was excitable, I think, and he had the appearance of vanity; his conversation had that character. When women were a matter of conversation he spoke much of that. He boasted of his success with ladies. I remember on one occasion particularly, in my own house at supper, he told me he was very intimate with two ladies in Dundee at the time, and that it seemed to him his attachment for them was returned, that they were both very beautiful girls, and worth a considerable sum of money.

The LORD JUSTICE-CLERK.—Did he mean to say that he had been successful in seducing them, or what?

*Witness.*—No, my Lord, it was that he loved them, and they loved him in return. I did not put this down as a piece of bragging. I thought it was in earnest.

By Mr YOUNG.—He did boast of being successful in getting ladies attached to him; but the same subject was not always spoken of. He said he did not know very well what he would do if he was jilted, and he said something to the effect he would have revenge on them in some shape or other if they *did* jilt him. He was occasionally very irritable in his disposition, and on some occasions he sat quite dull without speaking, and then he got up all at once in an excited state; that was when speaking of any particular subject, such as females. His manner and disposition had more of the temperament of the French, Italians, or Spaniards, than Scotch or English.

6. *William M'Dougal Ogilvie, examined by Mr YOUNG.*—I am an assistant-teller in the Dundee Bank. In 1852 I was secretary to the Floral and Horticultural Society in Dundee. Numbers of the meetings of the Society were held in Laird's back-shop. In this way I became acquainted with L'Angelier. We became very intimate, and we frequently conversed together. He was variable in his spirits—very remarkably so. His general subject of conversation was ladies. He seemed sometimes vain of his success with ladies. He talked of ladies always looking at him in passing along the street, and that he had considerable success in getting acquainted with ladies. He spoke of their falling in love with him. On one occasion I heard him say what he would do if he met with a disappointment. He was standing speaking in the shop about some sweethearts, and he said he would think nothing of taking up a large knife which Laird used for cutting twine, and sticking it into himself, suiting the action to the word. He was not speaking of any real case—he was speaking generally. He seemed to me somewhat excited. He spoke to me about having been in France, and about travelling there. He did not mention at what time he had been there. He said he was travelling, as I understood, with some person of distinction. He said he had got charge of all their luggage, carriages, and horses—and everything in fact.

The LORD JUSTICE-CLERK.—As a courier?

*Witness.*—He did not say that. He seemed to have a general superintendence.

*Examination continued by Mr YOUNG.*—He said that on one occasion the horses were very much knocked up, and that he had given them arsenic. He was speaking in English at that time. I was not acquainted with the effects of arsenic, and when he mentioned the circumstance I was interested in it and asked him about it. He said he gave it to them to make them accomplish the journey. I asked what effect this had.

He said it made them long-winded, and thus made them able to accomplish a feat. I said, was he not afraid of poisoning them; and he said, Oh no. So far from doing that, he had taken it himself. I told him I should not like to try it; and he seemed to say he had not felt any bad effects from it; that there had been no danger, or expressions to that effect. He mentioned another effect of arsenic, which was that it improved the complexion. I inferred from his remarks that he took it for that purpose. He did not exactly say so, but I understood that was one of the reasons why he took it. He also said that he complained of pains in his back, and had a little difficulty in breathing, and he said it had a good effect in that way. I am not sure he ever showed me arsenic. I rather think he did on that occasion—that he opened his desk, and showed me a paper containing something white; he either showed it to me or said he had it. At the same time, he showed me a very fine specimen of copper ore. It was that which led to the conversation about arsenic. He said he had got it in travelling, and that led to the conversation about the journey and the arsenic. I have seen him on more than one occasion eat poppy seeds in large quantities—in handfuls—in the shop. I remarked this the first occasion that I saw him. Some person had come into the shop for it, and when they went away he eat some of it. I expressed surprise, and he said that, so far from being dangerous, it was much better than filberts, and that he took it in large quantities. He said he had taken the poppy seeds in such quantities that he had got quite giddy with them. He said he had done that when he was in Dickson & Co.'s.

*Cross-examined by the LORD ADVOCATE.*—I first became acquainted with L'Angelier in the early part of 1852. He talked a good deal of ladies, and what he would do if he were jilted. He did not say he had been jilted. I heard of his having been jilted, but not from him. We had just one conversation about the arsenic. He did not say in what shape he took it, or in what quantity. He showed me on that occasion a fine piece of copper ore. I had begun a collection of minerals, and he said he had a number of specimens in his lodgings, and that he would bring me a piece of it. It was in that conversation the matter of the arsenic came out. I thought poppy seeds dangerous, because opium is extracted from them.

*To the LORD JUSTICE-CLERK.*—I can't say whether he said he had frequently given the horses arsenic or only on one day. I think he spoke of having accomplished a feat by giving it to them on one occasion. I can't say he spoke like a foreigner. I knew he was a foreigner, but he spoke remarkably good English. I think I only heard him speak French on one occasion. I am quite certain it was arsenic that he spoke of. I am sure he did not use the French word for the common here.

7. *David Hill, examined by Mr YOUNG.*—I am a market gardener in Dundee. I was in Mr Laird's employment when L'Angelier was there in 1852. Before L'Angelier came I recollect finding a small parcel on a Sunday in a wood on the north side of Dundee. I thought it was arsenic. I put it in my pocket and brought it to Dundee, and inquired about it. A party to whom I showed it supposed it to be arsenic. I don't recollect how long this was before L'Angelier came. I spoke to him about it after he came; I told him of finding it there, and he told me that was nothing strange, and that he used it regularly. I don't re-

collect of anything more passing. He did not say for what purpose he used it regularly. I have been trying to remember, but I can't.

By the LORD ADVOCATE.—I have been trying to remember since I have been asked about this affair. I was asked about it on Saturday last. I told it to Mr Laird, my late master, and Captain Miller of Glasgow came to me. He was the Superintendent of Police at Glasgow, and he is now a messenger-at-arms. No one was with me when I spoke to L'Angelier about this; we were passing along the top of Union Street; no one heard what passed between us. He said he used it regularly; I did not inquire, and he did not say in what way.

By Mr YOUNG.—I was cited as a witness on Monday, last week; I have been thinking about the matter since I was cited. I was examined again about it on Saturday. I heard of L'Angelier's death when it occurred; that did not recall the circumstance to my recollection; it did not come into my mind soon after; I don't recollect when it came to my recollection; but it was before last Saturday.

The LORD JUSTICE-CLERK.—If you did not recollect this conversation when you heard of L'Angelier's death, what brought the conversation to your mind?

Witness.—I did not recollect first about this at all.

The LORD JUSTICE-CLERK.—What brought it to your recollection?

Witness.—I don't recollect what it was.

The LORD JUSTICE-CLERK.—Was it any conversation of others in Dundee that made you recollect this about arsenic?

Witness.—No, sir.

The LORD JUSTICE-CLERK.—What was it then that brought it to your recollection?

Witness.—I can't answer that question; it came to my mind, and then I recollected it.

The LORD ADVOCATE.—Did you recollect it before Mr Miller spoke to you?

Witness.—Yes, sir.

8. *Edward Vokes Mackay, examined by Mr YOUNG.*—I am a merchant in Dublin. I was in the habit of visiting Edinburgh in the course of my business. I occasionally visited the Rainbow. I got acquainted with L'Angelier there. I was intimately acquainted with Mr Baker, who kept the tavern. I first became acquainted with L'Angelier in 1846; and I continued to see him at the Rainbow till a day or so previous to his going to Dundee. I had several meetings and conversations with him. I saw quite enough of him to enable me to form an opinion of his character and disposition. I formed anything but a good opinion of him. I considered him a vain lying fellow. He was very boastful of his personal appearance, and parties admiring him—ladies particularly. He boasted of his high acquaintances repeatedly, and the high society he had moved in; that was when he returned from the Continent, when he became more or less of a man; he was quite a lad when I first saw him. He mentioned several titled people whom he had known, but not believing anything he was saying at the time, I did not store up any of their titles. Shortly before he went to Dundee, I met him one evening in Princes' Street Gardens; I could not say the date, but he went to Dundee the following day. He was sitting in the garden by himself; I came on him accidentally; he had his head in his cambric pocket-handkerchief,

I put my hand on him and said "L'Angelier." He held up his head, and I perceived he had been crying; his eyes had the appearance of much weeping. He mentioned that a lady in Fifeshire had slighted him; but I made light of the matter. He made a long complaint about her family; he was much excited. He said ladies admired him very often. I remember on one occasion particularly, he came in when I was reading the papers in the Rainbow; he told me he had met a lady in Princes Street with another lady, and she had remarked to her companion what pretty little feet he had. I had said he was a rather pretty little person, and he had gone out and concocted the story that she had said she admired his feet, they were so pretty. I never believed anything he said afterwards.

The LORD JUSTICE-CLERK.—Am I to understand you to say that he heard the lady say what pretty feet he had?

*Witness.*—Yes.

By Mr YOUNG.—It was a common thing for him to speak of ladies admiring him on the street.

By the LORD ADVOCATE.—I live in Dublin. I have a counting-house in Dublin, at the Lower Quay. To a certain extent I believed the story about the Fife lady. I believed there was a lady there, and that he was after her, for I had seen him weep about it.

The LORD ADVOCATE.—You believed it when you saw him weep?

*Witness.*—I believed there was a something.

9. *Janet B. Christie, examined by Mr YOUNG.*—Some years ago I was acquainted with a Mrs Craig, in St George's Road, Glasgow. She had a son in Huggins & Co.'s employment. I visited at her house. I have occasionally met L'Angelier there. I remember on one occasion hearing him say that the French ladies used arsenic to improve their complexions. This was about four years ago.

By the LORD ADVOCATE.—I can't recollect on what occasion this was. I have not the slightest recollection if it was at a dinner party or an evening party, or who was present.

To the LORD JUSTICE-CLERK.—I thought he was rather a forward man, and full of pretension.

10. *Alexander Miller, examined by the DEAN OF FACULTY.*—I am in the employment of Huggins & Co., and I was acquainted with the late M. L'Angelier. He was there before me. I remember him telling me several times that he was going to be married; about nine months before his death he told me he intended being married at a certain time, and at other times he told me he was to be married by a certain date; these dates passed, and I gave it little credit; in February, however, he told me he was to be married, and I said that this would pass like the other dates, but he affirmed it would not, and that it would take place in about three months. He told me who the lady was. This was in the beginning of February. He looked very sensitive; he was easily depressed and as easily uplifted. I don't recollect him talking to me of suicide. On one occasion he said he wished he was dead. He once said he did not consider that there was any sin in a person taking away their own life to get out of the world, being tired of it—having lost all happiness, was his expression. I objected to that, and said that as our life was not our own we had no right to do what we chose with it. He

did not acknowledge, so far as I recollect, having abandoned his opinion. When he said he wished he was dead, I had commenced to say something to him when a party came into the room and the subject dropped. I intended to remonstrate with him. He seemed to be talking nonsense; I said, "you certainly don't think what you say," and he said he did. I then said, "Then you don't mean it," and he said he did. Then I was going to remonstrate with him, when some one came into the room. He seemed serious. He complained several times of having diarrhœa, and, about the middle of February, about having an affection of the stomach and bowels; his eyes were watering very much, but I thought that was from the effect of cold. He had complained of attacks of diarrhœa on several occasions before that. Almost since I saw him he complained of that, but more latterly. I went to Huggins' in September 1853, and I became acquainted with him there. He appeared to receive a great many letters. I knew he had letters from some one, but not till the beginning of February did I know who they were from. He had several other female correspondents.

By the SOLICITOR-GENERAL.—We had the impression that he was a young man of very regular habits. He was a worthy young man. The occasion in February to which I have alluded, when his eyes were suffused, was, I think, about the 13th. About the 19th or 20th he complained again. That was in the warehouse. He came in at one o'clock. He had not been there that day before. He came late. There was a sort of "bluish" appearance round the eyes, and there was a small red spot on his cheek. I asked what was wrong with him, and he said he was nearly dead last night. I then asked what had been the matter with him, and he said he had been rolling on the floor all night, and that he was so weak he could not call for assistance, he had just to remain quiet. He said he was so sick that he was like to vomit his inside out; I asked what he had vomited, and he said it was yellow stuff, and of a very bitter taste; I suggested it might be bile, and he said his landlady had suggested the same. At from four to six o'clock in the morning he said he had called for his landlady and asked for a cup of tea. I believe it was on the 19th or 20th he told me this; he said he was very much pained in his bowels and stomach. He felt very weak when speaking to me. He did not say if he had been anywhere the night before. He was not regularly in the office after that; he was almost entirely absent after that from illness.

11. *Agnes M'Millan, examined by Mr YOUNG.*—I was at one time in Mr Smith's service as tablemaid. I was there for a year. It is three years last May since I left. Miss Madeleine Smith was at home when I was there. The second daughter Elizabeth, left home to go to school near London, while I was in the house. I understood Miss Smith had returned from the same school some time before. On one occasion she spoke to me about arsenic. I can't remember what brought on the conversation, but I perfectly remember her saying that she believed arsenic was used for the complexion, or that it was good for the complexion—I don't recollect which. I can't tell anything more about it.

12. *James Girdwood, examined by Mr YOUNG.*—I am a surgeon in Falkirk, and I have been in practice for about forty years. I have frequently, since the publication of an article in *Chambers' Journal*, been asked by females as to the use of arsenic as a cosmetic. That is about two years ago.

By the LORD ADVOCATE.—Many of my friends consulted me, and I told them it would be highly injurious, and ought not to be taken.

13. *John Robertson, examined by Mr YOUNG.*—I am a druggist in Queen Street, Glasgow. I remember, some time ago, of an application being made in my shop for arsenic by a man-servant. That was in the beginning of last May. A young man came in, from seventeen to nineteen years of age, and asked for sixpence worth or one shilling's worth of arsenic. I asked him for what purpose it was to be used. He said it was for a lady who was waiting outside. I asked for what purpose, and he stated that she was going to use it for her complexion. I did not see any lady waiting outside. I did not give it.

The LORD JUSTICE-CLERK.—This is very loose; it is after universal rumours were circulated about this case.

The LORD ADVOCATE (to the witness).—You did not ask the lady's name?

*Witness.*—No.

14. *Peter Guthrie, examined by the DEAN OF FACULTY.*—I am the manager of Fraser and Green's establishment in Sauchiehall Street. We sell arsenic among other things. I remember a lady coming to our shop and asking about a particular use of arsenic. That was in the beginning of 1856. She came into the shop alone, and produced a number of *Blackwood's Magazine*, containing an article on the use of arsenic for improving the complexion, and asked me if I had seen it. I said I had; and she asked me to give her arsenic. I declined doing so. She still expressed a strong desire to have it, but I did not give it to her.

By the LORD ADVOCATE.—I did not know the lady. I had seen her several times before. There was no one with her. I mentioned it to several persons in the shop, and to Johnston, our senior assistant. I could not say if I did so the day it happened.

15. *William D'Esterre Roberts, examined by Mr YOUNG.*—I am a merchant in Glasgow. I became acquainted with L'Angelier about the year 1853, and he once dined with me—on Christmas day of that year—a Sunday. After dinner he became very ill; there were a few friends at dinner. When the ladies retired he got ill, and wished to leave the room. I went with him, and showed him the water-closet. I came back to the dining-room, and remained some time. I wondered why he did not come. I opened the dining-room door, and heard a groan as of some person vomiting. I went to the closet, and found him seated and very ill—vomiting and purging. A good many gentlemen came out of the room and saw him there. I sent for cholera mixture, and gave him a good deal of it. He nearly emptied the bottle. I got very much frightened, as cholera had been in the town shortly before. He remained in the water-closet for a considerable time, and after a short time one of the gentlemen took him in a cab to his lodgings. He called on me the next day or the day after that, to apologise for his illness. He was a considerable time in the water-closet; it appeared to me an hour or upwards, nearer two indeed.

By the LORD ADVOCATE.—I knew L'Angelier pretty well; I always thought him a very nice little fellow; he sat in the same pew with me in church three years; at that time I would not have hesitated to believe his word.

To the LORD JUSTICE-CLERK.—I had occasion to change my opinion of him.

The LORD JUSTICE-CLERK.—Why?

*Witness*.—I have been told since this trial was talked of ——

The LORD JUSTICE-CLERK.—But you don't know from your own observation?

*Witness*.—No.

16. *Charles Baird, examined by* Mr YOUNG.—I am son of the late Mr Robert Baird, writer, Glasgow. I have an uncle in Huggins and Co.'s warehouse. Through him I became acquainted with L'Angelier; I should say about two years ago. After that I frequently met with him, and went to his lodgings sometimes. I remember on one occasion finding him very unwell in his lodgings. He was then living in Franklin Place with Mrs Jenkins. I think the occasion to which I refer was either in the last fortnight of September or the first fortnight of October 1856. I went to Spain immediately after that, and it was just before I left. When I went up in the evening, he said he had returned straight from the office; he ordered some tea; he took very ill suddenly, and put his hand on his stomach, and, as it were, doubled himself up; he lay down on the sofa screaming with pain. This continued for about a quarter of an hour. I advised him to send for a medical man and left him, and I believe he did so. He was going to bed when I left. It was about ten o'clock when I went, and about eleven when I left. I saw him on the following day between nine and ten in the morning. I asked him how he was, and he said he had had a very bad night of it; that he had sent for a medical man—I believe a Dr Steven, Great Western Road, who had been employed by him before. I remember the name Steven distinctly. He said he had vomited a great deal during the night. He has been in my mother's house—never at a party. He never met Miss Smith there to my knowledge.

To the LORD JUSTICE-CLERK.—My family knew the panel.

By the LORD ADVOCATE.—Mrs Jenkins was with L'Angelier on the occasion he was so ill. He said Dr Steven had seen him that evening after I left. I could not say Mrs Jenkins was present when he told me so.

By the DEAN OF FACULTY.—I remember this because it was before I went to Spain. I went there on 6th November.

To LORD HANDYSIDE.—I returned on the 5th April. [Consults notebook.] I find that I arrived in the Clyde on the *sixth* April.

17. *Robert Baird, examined by the* DEAN OF FACULTY.—I am brother of the last witness. I was acquainted with L'Angelier. I can't say when I became acquainted with him; it is not less than two years. I recollect him asking me to introduce him to Miss Smith. I cannot say how long ago that is; I think it is about two years ago. He asked me several times to introduce him, and he seemed very pressing about it. I believe I asked a gentleman to introduce them, thinking it would be better to come from him than from me, but he declined. It was my uncle that I asked. I think I then asked my mother to ask Miss Smith some evening, that I might ask L'Angelier, and introduce him. She declined to do so. They certainly never met in my mother's house. I introduced them in the street. L'Angelier did not ask me to introduce him to Miss Smith's father, but he expressed an anxiety or determination to be introduced to

him. When I introduced him to Miss Smith her sister was with her. I am now nineteen years of age.

*Cross-examined by the SOLICITOR-GENERAL*—L'Angelier asked me to go with him once to Row, and I understood his purpose was to go and see Miss Smith. He might have said he wished to call at Rowaleyn, but I don't recollect. He frequently expressed a desire to be introduced to her father. I have been in her father's house.

18. *Elizabeth Wallace, examined by Mr YOUNG*—I keep lodgers in Glasgow, and have done so for a number of years. M. L'Angelier lodged with me for some time when he first came to Glasgow; he came in the end of July or beginning of August 1852, and remained till the middle of December 1853. He told me he had come to be in some mercantile office; he said he had been a lieutenant in the navy at one time. I don't know whether he meant the British or French navy. I understood it to be the British navy, but I may have been wrong. He did not say he had sold his commission. He spoke of having lived in Edinburgh before he came to me. He did not say anything of being in a situation in Edinburgh; he said he had been long out of a situation. He said nothing about having been in Dundee. He told me he had been frequently in Fife; he mentioned that he knew some families there.

Mr YOUNG—The Balcarras family?

*Witness*—I asked if he knew that family, and he said he did, or that he had heard of them.

*Cross-examined by the LORD ADVOCATE*—He was a well-conducted young man. He kept good hours; he kept no company. One day that he came in, he said he had met an old sweetheart going on her marriage jaunt. He had a great aversion to medicine, and I never knew him take it. He was very cheerful. He played the guitar in the evenings, and sang occasionally.

19. *Lieutenant-Colonel Robert Fraser, examined by Mr YOUNG*—I reside at Portobello. I was not acquainted with the late M. L'Angelier. I never saw him in my life, to my knowledge. He never was in my house, and never dined with me. At the time of his death I received a note from Mr George McCall mentioning the fact of his death. He mentioned him as a mutual friend; but I was very much surprised at it, never having seen M. L'Angelier or Mr McCall. There is no other Colonel Fraser in Portobello.

By the LORD ADVOCATE—There is a Captain Fraser, R.N.

20. *Dr Charles Adam, examined by Mr YOUNG*—I am an M.D. at Coatbridge. I keep a druggist's shop there. On Sunday afternoon, 22d March, I was in my shop. I remember a gentleman coming into the shop that afternoon. He asked at first twenty-five drops of laudanum, which I gave him. After he got the laudanum he asked for a bottle of soda water. I said we had no soda water, but I would give him a soda powder, which I did. He mixed it and took it. This was about half-past five o'clock. I took him to be a military man; there were several about Drumpeller at the time. He wore a mustache. [Shown photograph of L'Angelier.] This has a resemblance to the person, but I could not be quite certain it is the same; it is like the gentleman. My shop was dark at the time, so I could scarcely observe, because we don't take off the shutters on Sunday. We get the light in by the glass-door. I suppose that he had on a dark brownish coat and a Balmoral bonnet.

[Shown bonnet No. 182.] The bonnet was like this. I remember seeing a handkerchief sticking out of his outside breast-pocket.

By the LORD ADVOCATE.—He came in as if he had left off speaking to some one at the door, but I did not observe any one. I am very seldom in the shop on the Sunday afternoon. A girl came into the shop after he had been in—while he was there. It must have been some trifling thing she wanted—I think castor oil. I don't know who she was. I have seen military gentlemen frequently there.

The LORD ADVOCATE.—Can you swear that that picture is not one of them?

*Witness.*—I am not certain.

The LORD ADVOCATE.—Is it like any of the military men that you have seen?

*Witness.*—Not to my knowledge.

The LORD ADVOCATE.—When did you first mention this fact?

*Witness.*—Three or four weeks ago.

The LORD ADVOCATE.—Who was it to?

*Witness.*—To Mr Miller.

The LORD ADVOCATE.—Was he the first person you mentioned it to?

*Witness.*—He was.

The LORD ADVOCATE.—You saw Mr Miller the first time two or three weeks ago?

*Witness.*—Yes.

The LORD ADVOCATE.—When you first saw him did you tell him this?

*Witness.*—Yes.

The LORD ADVOCATE.—Did you tell him that the man got laudanum the first time you saw him?

*Witness.*—No, I told him he had got cigars. I knew he had got some other thing besides the powder.

The LORD ADVOCATE.—You recollected that afterwards?

*Witness.*—Yes, and I wrote Mr Miller to that effect.

The LORD ADVOCATE.—Tell me what made Mr Miller come to you?

*Witness.*—I did not know his object.

The LORD ADVOCATE.—What questions did he put when he first came?

The LORD JUSTICE-CLERK.—I suppose this is Henry Miller who was formerly in Glasgow, and afterwards in Liverpool. He goes about as a messenger.

The LORD ADVOCATE.—You say you did not tell Miller the first time you had given him laudanum. Was anything said about arsenic?

*Witness.*—Yes, he inquired if I had given arsenic.

The LORD ADVOCATE.—And you found you had not?

*Witness.*—I had not.

The LORD ADVOCATE.—Were you asked to recollect anything?

*Witness.*—Yes; I was asked to recollect if a person had called that Sunday, and got any medicine at all.

The LORD ADVOCATE.—On that occasion did you recollect that he had got any other medicine?

*Witness.*—Not for a few minutes; but I did on that occasion.

The LORD ADVOCATE.—You did not recollect the laudanum on that occasion. Did you afterwards?

*Witness.*—Yes.

The LORD JUSTICE-CLERK.—Is that laudanum entered in your book?

*Witness.*—We never enter it.

The LORD JUSTICE-CLERK.—Why not?

*Witness.*—It is not required.

The LORD JUSTICE-CLERK.—I don't mean in your register.

*Witness.*—We never put it down in any book.

By Mr YOUNG.—We enter no medicines bought and paid across the counter except arsenic. It is not the practice to do so in any other druggist's shop with which I am acquainted. I was not precognosed on the other side. I was examined by the Procurator-Fiscal on Thursday last. I was not examined in any different way by Mr Miller from what I was by the Procurator-Fiscal on Thursday.

By the LORD ADVOCATE.—My shop is about 600 or 700 yards to the west of the inn, in the Glasgow direction.

The LORD JUSTICE-CLERK.—The photograph might be a resemblance of any of the mustached gentlemen that walk about the streets. What is peculiar about it? Have you any feeling of assurance in your mind that that is the man you saw in your shop?

*Witness.*—No; I could not be certain.

The LORD JUSTICE-CLERK.—Have you any assurance at all in your own mind?

*Witness.*—I have some supposition that it may be the same person, but I could not be certain.

The LORD JUSTICE-CLERK.—Were you shown it when Mr Miller came to you?

*Witness.*—I was shown it last week, on Thursday or Friday.

The LORD JUSTICE-CLERK.—By whom?

*Witness.*—I don't know the name of the gentleman.

The LORD JUSTICE-CLERK.—Was it by the Fiscal?

*Witness.*—I don't know.

The LORD JUSTICE-CLERK.—Were you able to give a description to Mr Miller of the man?

*Witness.*—In a great measure.

The LORD JUSTICE-CLERK.—Was he a short man?

*Witness.*—Rather if anything less than I am.

The LORD JUSTICE-CLERK.—When did you see this photograph?

*Witness.*—I think on Friday last.

21. *Dr James Dickson, examined by Mr YOUNG.*—I keep a druggist's shop in Baillieston. That is on the road between Coatbridge and Glasgow—five miles from Glasgow, and two and a-half from Coatbridge. I remember, a Sunday evening in March last, a gentleman coming into my shop; it was some time in the end of March. It was about half-past six o'clock. He appeared to be unwell; he was holding his hand over his stomach, and complaining of pain; he wanted laudanum. I gave him some at the counter. I gave him from twenty to twenty-five drops. He said he came from Coatbridge, and was going to Glasgow. He was a person of about five feet seven inches in height, so far as I recollect, and what drew my attention to him particularly was his wearing a mustache, a thing we don't often see about our locality. His age would be about twenty-five; he was not of a very dark complexion; he was dressed in a coat buttoning up tight—I recollect that very distinctly. He had a Glengarry or

Balmoral bonnet on his head. I was originally precognosed by Mr Miller on the part of the prisoner, and I gave him a description of this man. I was brought here as a witness, not having seen a portrait till I came to the Court here. When I came here I was shown a photograph. [Shown photograph.] This is extremely like the person who called at my shop. I think he had a white pocket-handkerchief in the outside breast-pocket of his coat.

*Cross-examined by the SOLICITOR-GENERAL.*—I fix on the end of March because one or two Sundays about that time I was at home in consequence of the absence of my assistant; on others I was out visiting. It might have been in April. I don't think it could have been in the beginning of March. I cannot say distinctly as to the time; as to the Sunday I can't say distinctly. I was asked by the Procurator-Fiscal about the time, and I said it was from two and a-half to three months ago. I think his coat was of a darkish colour, but I could not say. There was no person with him in my shop. I did not see him in the street. I did not see if any one was with him. It struck me that he spoke in a slightly foreign accent.

By Mr YOUNG.—My shop is off the high road; it is 200 or 300 yards off it.

To the LORD JUSTICE-CLERK.—If a person wanted medicine on the road he would require to come to my shop; there is no other medical man there; he might have left a companion on the high road and returned to him. He took the laudanum.

*Dr Adam* was recalled and asked by the LORD JUSTICE-CLERK.—Did this person complain of anything?

*Witness.*—No, my Lord.

The LORD JUSTICE-CLERK.—Did he swallow the laudanum.

*Witness.*—Yes.

The LORD JUSTICE-CLERK.—Did you not ask him what he wanted it for?

*Witness.*—No, my Lord.

*Miss Jane Kirk, examined by Mr YOUNG.*—I am a sister of Dr Kirk, who keeps a druggist's shop in the Gallowgate, Glasgow. It is on the north side. I know Abercromby Street. It is west of that street. I remember a gentleman coming into the shop on a Sunday night some time ago; I can't remember the date; I think it was in March, but I can't say what day of the month; I think it was about the end of the month. It was a little before or after eight o'clock. He wanted medicine; I don't remember what medicine. He got it, but did not take it at the counter. He took it away with him. I think it was a powder that he got, but I can't say what. I served him. I can't well describe him. He was a young man about thirty. He was not a tall man—rather to the little side. He was not very thin. He had a fresh and rather fair complexion. He wore a mustache. He had on a Glengarry bonnet, but for the rest of his dress I could not say what it was. [Shown photograph.] It is as like him as anything I have ever seen; it is as good a likeness as I have seen. I was struck by his appearance at the time, and I noticed it particularly. He paid for the medicine. He took the money from a little purse. [Shown No. 1 of second inventory for panel.] This is the purse.

*Cross-examined by the LORD ADVOCATE.*—I think this happened in March. The gentleman was alone. He was about five minutes in the

shop. I think that is the purse. I can't remember what the medicine was. I did not enter it in any book. I did not enter the money in any book. We don't enter the money got over the counter. There was nobody else in the shop selling anything; there was a woman in; I don't know who she was. I was asked if a gentleman had called buying medicine. I had not said there was anybody buying medicine before I was asked. I was asked about a fortnight or three weeks ago.

*Re-examined by Mr YOUNG.*—There was a woman in the shop at the time; she spoke of the appearance of the gentleman at the time. The remark was about his dress. She spoke of the hair about the lower part of his face—his beard. That was after he went out. He did not appear to be a foreign gentleman—such as I have seen. There was gas light in the shop.

23. *Robert Morrison, examined by Mr YOUNG.*—I am in the employment of W. and R. Chambers, publishers and editors of *Chambers' Journal*. [Shown four numbers of *Chambers' Journal*.] These were published in the usual way of the dates they bear. The present circulation is about 50,000. The first of these numbers is December 1851; the second is June 11, 1853; the third, January 9, 1856; and the fourth, July 19, 1856. There is an article in each of these numbers on the use of arsenic. I am not aware that they excited a considerable sensation

24. *George Simpson examined by Mr YOUNG.*—I am in the employment of W. Blackwood and Sons. [Shown *Blackwood's Magazine* for December 1853.] This was published by us. The circulation then was about 7000. Messrs Blackwood were also the publishers of the "Chemistry of Common Life," by Professor Johnston. It was published in 1855, but it had before been published in numbers, which had a very large circulation, varying from 5000 to 30,000. The circulation of the separate volumes, I suppose, has been about 10,000. In Chapter 23d, "The Poisons we Select," the first part is entitled, "The Consumption of White Arsenic." The number containing that article sold to the extent of 5000, and the sale altogether to the present time of that number and the volumes is about 16,000 or 17,000. There was a larger sale of the first volume than of the second.

The DEAN OF FACULTY then put in two letters; the envelope of the first dated "September 18, 1855," and read the letter as follows:—

"BELOVED EMILE,—I have just received your note. I shall meet you. I do not care though I bring disgrace upon myself. To see you I would do anything. Emile, you shall yet be happy—you deserve it. You are young; you who ought to desire life wishing to end it! Oh, for the sake of your once loved Mimi, desire to live and succeed in this life. Every one must meet with disappointment. I have suffered from disappointment. I long to see you and to speak to you."

The second letter bore the postmark "October 19, 1855," and was as follows:—

"BELOVED EMILE,—Your kind letter I received this morning. Emile, you are wrong in thinking I love you for your appearance. I did and do admire you, but it was for yourself alone that I loved you. I can give you no other reason, for I have got no other. If you had been a young man of some Glasgow family, I have no doubt there would be no objection to you. But because you are unknown to him he has rejected you. Dear Emile, explain this sentence in your note—'Before long I shall rid

you and all the world of my presence.' God forbid that you ever do. My last letter was not filled with rash promises. No; these promises written in my last letter shall be kept—must be kept. Not a moment passes but I think of you."

An extract from a third letter, not dated, was read as follows:—

"I am almost well to-day, if the weather would only get warm. I have lost my appetite entirely. It is just anxiety and sadness that is the matter with me, but I am better to-night. Darling, if I were with you. I have laughed at the recollection of a conversation of yours. What queer creatures you must think young ladies at school. For a moment, do you think their conversations are what you said? Believe me, I never heard a young lady while I was at school, nearly three years, speak of the subject you mentioned. But perhaps it was different with me when at school. I had always a bed-room at school, and I was a parlour boarder. Do you really think they are so bad? Some may, but not all."

25. *Dr Robert Paterson, examined by the DEAN OF FACULTY.*—I am a physician in Leith, and have practised there for several years. I have seen several cases of suicidal poisoning by arsenic. They were chiefly young females connected with mills and colour-works; in many cases they had obtained the arsenic about the works; in others it was purchased. I was called in to prescribe for them while suffering from the effects of the poison. I saw seven cases in all. They all died, with one exception. I used all the remedies I could think of. In the six cases they submitted to medical treatment without attempting any hindrance. Not one of them disclosed before death that they had taken poison. I asked several whether they had taken arsenic or some other poison, but they all denied it. They submitted to medical treatment like any other patient. The seventh case was a recovery. That person did not admit at first that she had taken poison. After she had almost recovered from the secondary effects of it she admitted it. She was then aware that she was recovering. In previous stages of her illness she was sullen and morose, and would not speak. Arsenic is used to a large extent in these colour manufactories, and was used to a larger extent at that time. These cases occurred several years ago. The people about the works had great facility at that time in taking away arsenic.

*Cross-examined by the LORD ADVOCATE.*—They were not all about the same time. These seven cases occurred in the space of about eighteen years. The symptoms were nearly similar in all. They were characteristic of poisoning by arsenic. They vomited matter of various colours, depending on what had been previously eaten. The sickness and vomiting ceased in some cases an hour or two before death, but in most instances continued till death. They were all known cases of suicide. I can't say if any of them asked for a medical man to see them. I had no precise means of ascertaining what time elapsed between taking the poison and the commencement of the symptoms. Death resulted in thirty-six hours, and one in twelve hours, from the commencement of the symptoms.

To the LORD JUSTICE-CLERK.—In cases of suicide the early symptoms are not seen. There is less facility in obtaining arsenic now; there is less of the pigment made there now.

26. *John Fleming, examined by MR YOUNG.*—I am store-keeper to Todd and Higginbotham, printers and dyers in Glasgow. I have been so for eleven

years. I take charge of the whole chemical substances used in their printing and dyeing operations. Arsenic is one of the substances used in large quantities. We generally get from three to four hundred weight at a time. We generally get it from Charles Tennent and Co. in its pure white state. It is used by us for mixing with other substances in making colour. It is put in barrels. The arsenic barrels are put into the store among the other things, quite open. When any of it is taken out of the barrel the lid is loosely laid on again. Three men and a boy work in the store with me; their duty is to weigh out the different substances as they are wanted by the colour makers. From 80 to 90 lbs. are generally given to the colour makers at a time. They get that quantity several times a month. No person gets into the store except those engaged in it. It is taken from the store to the colour makers in open wooden pails. I can't say how many workmen are employed about the works. I would not miss three or four ounces of arsenic if it were taken away. I would miss more.

27. *Robert Townsend, examined by Mr YOUNG.*—I am manager to my brother Mr Townsend, manufacturing chemist in Glasgow. He deals largely in arsenic, and we have always large quantities at a time on hand; we have from one to ten tons at a time; it is kept in a private office in the counting-house. During the night it is locked up, not during the day. It stands in casks, as meal does in a meal shop. It is open all day, and locked at night. One cask only is kept open for use. We employ from 100 to 140 people. I have no doubt they might take arsenic away if so inclined.

By the LORD ADVOCATE.—I have never known it taken away.

28. *Janet Smith, examined by the DEAN OF FACULTY.*—I am a sister of Madeleine Smith. I am thirteen years of age. I was living in my father's house in Blythswood Square last winter and spring. I slept down stairs in the same bed with Madeleine. I generally went to bed before her. We both went at the same time on Sunday; that was generally the way on Sunday. I remember Sunday the 22d March; we went to bed at the same time that night. I am quite sure of that. We went to bed at half-past ten, or after that. We went down stairs together from the dining-room. I don't remember which was in bed first. We were both undressing at the same time, and we both got into bed nearly about the same time. We usually take about half an hour to undress; we were in no particular hurry that night in undressing. My sister was in bed with me before I was asleep. I am quite sure of that. She was undressed as usual, and in her night-clothes. I cannot say which of us fell asleep first. It was not long after we went to bed that I fell asleep. I don't remember papa making a present of a necklace to my sister lately; I remember him doing so about a year ago.

*Cross-examined by the LORD ADVOCATE.*—I have seen my sister take cocoa. I never saw her make it in her room. She kept it in a paper in her room. We had a fire. We went to bed that night at the same hour as we usually did on Sunday night. I remember the morning that Madeleine went away. I suppose she had been in bed that night; I was asleep before she came to bed. She was away when I awoke.

*Re-examined by the DEAN OF FACULTY.*—I have seen my sister taking cocoa in the dining-room. I don't know that she had been recommended to take it. No other body in the house took it. She took it in the din-

ing-room, and kept it in her own room. On the Monday morning the 23d I found my sister in bed when I awoke about eight.

29. *Dr James Adair Lawrie, examined by the DEAN OF FACULTY.*—I am a physician in Glasgow, and have been in practice for a good many years. I have not made arsenic a particular study, but I have had my attention recently directed to the effect which it would have on the skin if it were mixed in water. I tried it on myself. I put in water a quarter of an ounce of arsenic from Currie's shop, mixed with indigo, and I washed my hands with it. I also mixed half an ounce of the same arsenic with water, and washed my face quite freely, but I washed my face afterwards with cold water. I found no disagreeable effects from it. I tried the washing of the face on Saturday. I had tried the washing of the hands previously. The effect of the washing on the hands was as if I had used a ball of soap with sand in it; the effect was not great, but if at all, it had a softening effect. I don't think that increasing the amount of the arsenic would make any difference, on account of its insolubility. I made the experiments in a common-sized hand basin. I recollect treating one case of arsenical poisoning which presented some remarkable peculiarities. The history of the case was this (avoiding names, places, and dates):—It occurred during the prevalence of cholera some years ago in the west. I was asked to see a gentleman about seven or eight in the evening. I found he had been ill from three or four o'clock in the afternoon. I was in the habit of attending his family. I inquired why I had not been sent for sooner, and I was told that the symptoms had not been sufficiently clear to call for my attendance. I found the patient labouring under the premonitory symptoms of cholera. I prescribed for him as for a case of cholera. I then left, and returned about ten o'clock, when I found the symptoms very much aggravated; there was vomiting and purging, and cramp of the limbs. Some points in the case struck me as peculiar—his voice was not in the least affected, which it usually is in cholera, and almost uniformly in the later stages. The appearance of the matter vomited was also peculiar, in the colour especially, which was of a reddish yellow. In cholera we expect the rice-water discharges. It occurred to me that this might not perhaps be a case of cholera; I therefore asked the gentleman if he had taken anything or had had anything given to him. He said he had not taken anything that day excepting his ordinary food; he said, I think, that he had taken some chicken soup. The symptoms went on, and it struck me more that it was not a case of cholera. I again asked him if he had taken anything to account for the peculiar symptoms, and he said he had not. I called a medical friend in consultation, and being satisfied that something was wrong, I again put it to the patient, in presence of the other medical man, whether he had taken anything, and he declared solemnly that he had taken nothing. The symptoms went on till I became convinced he was dying, and then I put the question to him as a dying man to tell me whether he had taken anything. His answer a short time before he died was that he had taken nothing. He died, I think, about two in the morning; and the symptoms had commenced about three or four in the afternoon. The occurrence had nearly passed out of my mind, when next day, about two in the afternoon, I was informed that a gentleman was anxious to see me. I found he was connected with one of the druggist establishments in town; he said, "You attended so-and-so last night, and he died of

cholera." I said I did; he said, "I think it my duty to tell you that I sold to him about two o'clock on the day he died half an ounce of arsenic." I cautioned him not to mention the circumstance. I immediately went to the house, got the matter vomited, put it into a bottle, and got it analysed by an eminent chemist. He told me next day that he had found a large quantity of arsenic. I then had the body opened, and the stomach taken out and given to the same eminent chemist, and he found that it contained a large quantity of arsenic. The quantity was not determined; the stomach was full of arsenic. That patient received medical treatment very quietly; just as he had done on previous occasions. He took the prescriptions readily. He was living with his relations. I have a large family practice.

By the LORD ADVOCATE.—In making the experiments as to washing my face and hands with arsenic, I filled a basin with a quantity of water, and washed my face and hands. I put in the arsenic without allowing it to subside; a large part, of course, fell to the bottom. It is a practice I would have no fear in repeating. I don't think one experiment would justify me in saying it is a safe practice. I felt no smarting of the eye, and no unpleasant feelings, and I would have no hesitation in repeating the experiment. If I had a case requiring it, I would have no hesitation in ordering it to be done. I would not advise it to be made a practice of. If there were vermin on the skin, it might require to be done. I would not hesitate to prescribe it for that. I never did prescribe it, but I would have no fear in doing so. Extreme thirst is an early symptom in cholera, and in poisoning by arsenic. In cholera it is more towards the later stages.

30. *Dr Douglas Maclagan, examined by the DEAN OF FACULTY.*—I am a physician in Edinburgh. I have had some experience in cases of poisoning by arsenic, and have devoted a good deal of attention to chemistry. From what I know of the properties of arsenic, I think that so very little of it is dissolved in cold water, that I could not conceive it would do any harm to wash the face or hands with it. If agitated with cold water, it dissolves one part, I think, in 400. That is so minute a quantity that I don't think it could do harm to the entire skin. If kept long in contact with the skin, it might produce bad effects; but I should think very little effect would be produced on the hands by washing them in cold water in which a quarter or half an ounce of arsenic was put. Arsenic will dissolve more readily in hot water. The quantity dissolved by simply putting it in boiling water is not very great. In order to make boiling water a sufficient solvent of arsenic, you must continue the boiling of the arsenic for a considerable time; if you want to dissolve a pretty large quantity of arsenic, you require to boil it violently for half-an-hour. I think a fortieth part is held in solution after the water is cool. I don't recollect how much it retains at the boiling point. As a general rule, the presence of organic matter in a fluid impairs its power of dissolving arsenic.

The LORD JUSTICE-CLERK.—Does that point to the quality of the Glasgow water?

By the DEAN OF FACULTY.—There does not appear to be a great difference in the case of tea or coffee poured on arsenic from what I have stated as to water. They dissolve but a small quantity. I can't say how much cocoa or chocolate will hold in solution, because you cannot filter

them so as to determine the quantity. There is a great deal of organic matter in cocoa or chocolate. Suppose a solution of arsenic applied to the skin, it would not have any poisonous effect; I don't think it would have any effect one way or another. If kept sufficiently long in contact with the skin, or rubbed in, arsenic might prove poisonous. There are cases in which arsenical ointment has proved poisonous. I remember a case of a person named Davidson who took arsenic, and I published an account of that case. She took it by accident. She was not a very strong-minded person; she was a hysterical and weak creature. She took it thinking it to be an effervescent powder, and she did not discover what she had taken till she saw a dog pulling about the room a paper on which "Arsenic" was marked. I have paid attention to the symptoms of arsenical poisoning. In cases of slight quantities of arsenic being taken, the symptoms very often resemble those of bilious or British choleraic attacks; in very severe cases of arsenical poisoning, terminating fatally, there is a very remarkable resemblance to persons labouring under malignant or Asiatic cholera. Witness stated the symptoms of arsenical poisoning. He never saw jaundice as a symptom. In all the published cases it is only mentioned once, viz., in the case quoted by Taylor from Marshall. Irritation of the throat was a symptom. It does occur in cases of British cholera, but then it is generally caused by muscular soreness from severe vomiting.

By the LORD ADVOCATE.—It is possible that jaundice might accompany arsenical poisoning; it is difficult to deny a possibility in regard to physiological action. But in arsenical poisoning there is no jaundice. Jaundice is the absorption of bile into the blood. The most probable hypothesis is that the absorption of the arsenic stops the secretion of the liver as it does that of the kidneys, and then there is no bile secreted, and no jaundice. The presence of organic matter interferes with the holding of arsenic in solution, but it might be held in suspension. A viscous fluid would hold more in suspension, and the more viscous the more it would hold. Great thirst is a symptom of poisoning by arsenic. I do not think water in which arsenic had been mixed would produce any effect on a person washing in it, if he kept his mouth and eyes shut, as most people do; but I would not recommend the practice.

By the DEAN OF FACULTY.—I could not say how much arsenic could be held in suspension in a cup of cocoa; it would depend on the thickness of the cocoa. In this country cocoa is very thin. In France chocolate is as thick as porridge.

*Hugh Hart, examined by the DEAN OF FACULTY.*—I am a druggist in Glasgow. The Bridge of Allan is between two and three miles from Stirling. The distance from Alloa to Stirling is seven to eight miles.

By the LORD ADVOCATE.—Coatbridge is eight miles from the Great Western Road, Glasgow.

A copy of the Glasgow Post-Office Directory, with a Plan of the City, was then put in.

This concluded the evidence for the defence, and the Court adjourned at a few minutes to five o'clock, till ten o'clock next morning.

## SEVENTH DAY.

Tuesday, July 7.

The Court met at Ten o'clock.

The LORD ADVOCATE then addressed the Jury as follows:—Gentlemen of the Jury,—After an investigation which, for its length, has proved unexampled, I believe, in the criminal annals of this country, I have now to discharge, perhaps, the most painful public duty that ever fell to my lot. I am quite sure, gentlemen, that in the discharge of that duty I shall meet with that attention which the deep importance of this case requires, and which you have paid to its details from the commencement. Gentlemen, it is impossible, whatever impression may have been produced in your minds—it is impossible that, during this long and protracted trial, in which we have laid before you so many elements, some of them minute elements of proof, necessarily to a certain extent disjointed and unconnected—I say, whatever moral impression may have been produced on your minds, and I fear there is little doubt of what that impression must have been—it is impossible that you can have rightly appreciated the full bearing of those details on the proposition which this indictment contains. It is now my duty, as clearly and fully as I can, to draw these details together, and to present to you, if I can, in a connected shape, the links of that chain of evidence which we have been engaged for the last week in constructing. Gentlemen, I could have rejoiced if the result of the inquiry which it was our duty to make, and of the laborious collection of every element of proof which we could find, would have justified us on the part of the Crown in resting content with the investigation into the facts, and withdrawing our charge against the prisoner. Gentlemen, I grieve to say that so far is that from being the result to which we come, that if you give me your attention for, I fear, the somewhat lengthened trespass on your patience which I shall have to make, you will arrive at the conclusion, that every link is so firmly fastened—that every loophole is so completely stopped—that there does not remain the possibility of escape for the unhappy prisoner from the net that she has woven for herself.

Gentlemen, the indictment charges three separate crimes, or rather it charges two separate crimes, one of them having been committed twice, and the third once. It is an indictment which charges two separate acts of administering poison with intent to kill; and the third charge is the successful administering of poison with intent to kill—viz., murder. They are charges to which, in some respects, different parts of the evidence apply; but they hang together; they throw light upon each other; they are not

unconnected acts of crime. Our case is, that the administration with intent to poison was truly part of a design to kill; on the other hand, the facts connected with the death reflect and throw back light on the previous acts of administration. In stating to you the evidence on which we think that these charges must be found proved, I shall avoid, as far as possible, travelling into a region which this case affords too great materials for—I mean the almost incredible evidence which it has afforded of disgrace, and sin, and degradation—the dreadful social picture which it has revealed—the fearful domestic results which must inevitably follow—those feelings of commiseration and horror which the age, the sex, and the condition of the prisoner must produce in every mind—all these are things into which I shall not travel. They might unnerve me for the discharge of my painful public duty. Besides, no language of mine—no language of my eloquent and learned friend—can convey to the mind one-tenth of the impression which the bare recital of the details of this case has already created throughout the whole of this country. I shall only say that these matters weigh on my mind, as I am sure they do on yours, with a weight which neither requires nor admits of expression. The only other remark of that kind which I shall make is this, that while a prisoner in the position of this unfortunate lady is entitled—justly entitled—to say that such a crime shall not be lightly presumed or proved against her, yet, gentlemen, if the charges in the indictment be true, if the tale which I have to tell, and have told, be a true one, you are trying a case of as cruel, premeditated, deliberate homicide, as ever justly brought its perpetrator within the compass and penalty of the law.

Gentlemen, the first fact on which I found is one into which it will not be necessary for me to go in any great detail. It is a very important fact in the inquiry, but it is one on which you can have no doubt whatever: this unfortunate man, Emile L'Angelier, died of arsenic. There can be no doubt about that. The symptoms which he exhibited on the night of the 22d and morning of the 23d March were in all respects the symptoms of poisoning by arsenic. I may have occasion, in the course of my remarks, to come back upon this; I do not stop for the present to demonstrate it. His body was opened, and the stomach was analysed by Dr Penny, who found an immense quantity of arsenic in it; the other parts of the body which were taken out at the exhumation were analysed by Dr Christison, and he found traces of arsenic in every one of them; and therefore, gentlemen, I think you will come to the conclusion—and it is not a conclusion on which it is necessary for me to dwell—that the inquiry starts with this ascertained and certain fact, that L'Angelier died on the morning of the 23d March, in consequence of the administration of arsenic. Whether given him by another, or taken by himself, in whatever way he swallowed it, the cause of his death was unquestionably arsenic.

The next question which arises is, By whom was that poison ad-

ministered? That truly constitutes the inquiry which you have now to answer. In passing from the *corpus delicti*, so to speak—in passing from the cause of L'Angelier's death—I do not allude to a theory which barely crossed my mind during the leading of the evidence yesterday as a possible case to be made in the defence—that, notwithstanding the arsenic found in the stomach, his death was to be attributed to other causes, and that, in truth, it arose from biliary derangement or from cholera. Gentlemen, that is a theory which it is impossible to maintain. I pass from that at present, and I shall assume, during the rest of my argument, that L'Angelier died from the administration of arsenic. Passing from that, then, I now proceed to inquire what is the evidence that connects the prisoner at the bar with the death of L'Angelier. And before I state to you in detail—and I must do it with very great and anxious precision—the evidence on that point, which appears to me conclusive of the guilt of the prisoner, I must, after the course which the trial has taken, and the remarks which have been incidentally made in the course of it, set you right in regard to some matters which have been raised respecting the conduct of the prosecution. A great deal was said while we were leading our evidence, especially as regarded the documents—a great deal was said on the course that was followed when this inquiry first began after the death of L'Angelier. Those matters that were alluded to were, no doubt, of considerable importance; but you must draw the distinction carefully between remarks intended to apply to the general system of conducting prosecutions of this kind, and those applicable to matters in which the prisoner can state any interest, or in regard to which her defence could in any way be affected. Gentlemen, I said at first, and I say still, that as far as regards the productions in our hands, I know of no case in which any prisoner has had more facilities than the prisoner at the bar; not too great facilities, for everything which we did in the matter had a tendency to elicit the truth, which is the only object of this inquiry. Nor do I think that, in so rare and singular a case as this, we in the slightest degree departed from our public duty in enabling the prisoner more easily to conduct her defence. But as far as the proceedings have gone, whatever remarks may be made as to the conduct of particular officials, I think I shall show you most clearly that the prisoner has suffered nothing in that respect, and that, in truth, if the matters referred to in these observations have any effect on the case at all, it has not been against the prisoner that that effect has been produced. On the death of L'Angelier a great quantity of documents was left by him in various of his repositories. His death was sudden and unexplained. Dr Thomson and Dr Steven made a *post mortem* examination; but they could not state what the cause of death was. His employers, who took an interest in him, grew anxious. They examined his repositories, and they found that in his desk in the office, and in his lodgings, there were a variety of letters. The first examined were those that were in the desk in the office, which were

examined by Stevenson and Kennedy; and the reading of some of them gave them a misgiving as to what the truth of this case might be. L'Angelier died on the 23d, and on the 25th Mr Stevenson made a communication to the Procurator-Fiscal, not charging anybody with a crime, or implicating anybody in the death, but simply calling his attention to the fact that L'Angelier had died under these circumstances, and stating that there were letters left in the desk which might be of importance as throwing light upon the mystery of his decease. The result was, that Stevenson himself brought six or seven letters to the Procurator-Fiscal on that day, and those letters were marked by himself and clearly identified. The investigation went on. By the 30th, Dr Penny made his medical report. A warrant was that day issued by the Procurator-Fiscal, not against Miss Smith, or in a criminal charge at all, but as in the case of a sudden death, to search the repositories of the deceased. Gentlemen, that was done. The letters in the desk were sealed up in the presence of Kennedy and Stevenson. They were sent to the Procurator-Fiscal or to the Fiscal's office. They were found with the seals unbroken by Stevenson when he went there, and I think the box was opened in his presence. Wilson, the Procurator-Fiscal's clerk or assistant, received the box in that state in the presence of Mr Hart. He swears that he locked it up at that time, that he delivered it some days afterwards to the officer Murray in the state in which he got it. The officer Murray swears that he marked the letters there, and delivered them back in the state in which he got them; and from that time forward their identification is complete. In the lodgings, letters were found in the portmanteau, in the desk, and in the tourist's bag. The letters in the portmanteau and in the desk were made up into bundles by Murray and his assistant M'Lauchlin. They were carried by M'Lauchlin to his own house on the night of the 30th. He swears that they were not touched during that night—that they remained in his own room. Murray got them next day, in the state in which he left them the night before, from M'Lauchlin. They two set to work and marked the documents, keeping them all under lock and key during the process, and they handed them over to the Procurator-Fiscal, who marked them himself. Therefore, gentlemen, if you believe these officers, the history of these letters is also complete. And, as regards the letters in the tourist's bag, the tourist's bag was opened in the presence of Stevenson and Hart; and there can be no doubt, therefore, of what the letters were that were contained in that repository.

Now, it has been said, this is a very loose and improper mode of conducting this business. It has been said that these letters should have been handed over to the Sheriff-Clerk, and that he was the proper custodian of these documents. I am very far, indeed, from saying that the proceedings in the first instance were what I should wish them to have been; because I think it right to say that I know

no excuse for an officer in the execution of a warrant, when he recovers documents under the authority of that warrant, not identifying them completely at the time. But, on the other hand, that is a question not, as I think, relating in the least to the interest of the panel at the bar; because, if you shall be satisfied that the chain of evidence is complete—that these documents have truly come into the hands of the public prosecutor in the state in which they were found—why, gentlemen, if these persons had not been officers of the law at all, if they had been private individuals dealing with articles found in the repositories of a deceased relation, and we had the same amount of evidence in regard to their custody and transmission, that evidence would have been perfect and complete. But, it is said, they do not know yet what documents were recovered by the Procurator-Fiscal. Gentlemen, they are not entitled to say so; for this plain reason, that they had it in their power at any period, if they pleased, to ascertain exactly what documents had been recovered by the Procurator-Fiscal. It seemed to be said that the public prosecutor was in a position in which it depended entirely on his will and pleasure what facilities should be given to an accused party—to a party accused of a crime before the Court. I am happy to say, gentlemen, that no such law exists in this land. If documents were in the hands of the Procurator-Fiscal, or of the public prosecutor, which the prisoner was entitled to have access to, the Courts of law were open, and an application to the Court of Justice would at once have prevented the public prosecutor from keeping back a single document to which the prisoner was entitled. And if they had really wished to know what documents were recovered by the Procurator-Fiscal, and really thought that any documents were retained by him, why did they not before this trial—why did they not when the trial began—make an application to the Court to ascertain that fact in a proper and legitimate manner? Gentlemen, I will tell you. Because every scrap of paper that passed between the prisoner and the deceased L'Angelier has, in one shape or other, been produced in this process. It is not now in the mouth of the prisoner to say as to matters over which obscurity may in words be thrown—it is not in the mouth of the prisoner to say that one single document has been retained, that she or the agents for her defence might, if they chose, have taken the proper means to recover. There was a complaint made that we had refused access to the original documents. Gentlemen, I did so—we did so—on our own responsibility; and that we did rightly there can be not a shadow of doubt. You have seen the mass of this correspondence; you have heard it explained in what state the repositories were; you have seen already, and you will know much more before this case is concluded, how vital every scrap may be that we have produced, to the justice of this case. It was absolutely necessary that we should have the use of the documents to identify the handwriting, to trace the letters, to ascertain their dates, to ascertain

their import; and it was necessary that we should take care that under no circumstances should those important elements of evidence run the slightest risk of being lost to justice. Gentlemen, the prisoner used the right which the law gives to a person accused in this country, among the many other safeguards with which our system, above all others, surrounds a person accused—I say she used the privilege of what is called “running her letters,” immediately after the time when she was apprehended; and the effect of running letters is this, that it compels the public prosecutor to bring the accused to trial within a certain time, otherwise the prisoner must be set free; and, accordingly, it was absolutely necessary that within a limited time the case for the prosecution should be prepared; but the prisoner might have delayed the trial at any time. No doubt to a certain extent she would have lost the benefit of the haste with which the prosecutor otherwise was compelled to complete his case; but if her advisers in such a case as this had really thought that there was injustice done—that there had been improper obstacles placed in the way of her defence—do you imagine that for a fortnight here or there they would have refrained from applying for a delay of the trial, which they would have got at once from the indulgence of the prosecutor, without any further proceedings; but which, if the prosecutor had been unwilling to grant, the Court, as a matter of course, would have given? Gentlemen, I have made these remarks, because I think that an undue impression may have rested upon your minds in regard to those matters during the discussions that arose on the trial. To what extent the Sheriff ought personally to superintend precognitions, or whether the Sheriff-Clerk is the proper depository of these documents, are matters relating to the general administration of the criminal law, upon which different opinions may subsist, and which may be modified by practical difficulties. I am glad to think that I speak in the presence of two of the learned Judges who have themselves been in the position of Sheriffs; and they know well that I am right, when I say that whatever may be the theory, it has not been the practice in any county in Scotland for the Sheriff-Clerk to be the custodier of documents under circumstances such as these; and that, in regard to taking of precognitions, although the Sheriff is responsible unquestionably for precognitions that are taken, it is not possible in all cases that he shall personally superintend a precognition taken, nor is it, I think, a subject for observation on the part of my learned friend, that any particular witness has been precognosed without the Sheriff having been present. It is perfectly certain, gentlemen, that any such rule as that would in truth paralyse the whole machinery of justice, and this very case is an illustration of what would have been the result, if every precognition in which there were important statements bearing on the case, had only been taken in the presence of the Sheriff. I venture to say, that the result would have been, either that this case must have

been delayed until it was impossible for the public prosecutor to bring the prisoner to trial, or that the important public interests which, in the community of Glasgow, are committed to these important and learned officials, would have been unnecessarily injured. I do not say this for the purpose of in the least questioning the assertion, that the Sheriff ought, as far as possible, to be present at the precognition of witnesses, especially in a case like this; nor do I say, in one way or other, whether in this particular case this duty was or was not sufficiently discharged, for I have no means of judging of this. What I have said relates to the general administration of the criminal law of this country, and has no bearing whatever on the interests of the panel in this particular case, and is not, I think, a subject for observation in any way, so far as the prisoner at the bar is concerned.

It has been said that we should not have produced only a partial correspondence. I feel it very unfortunate only to have a partial correspondence produced; but I have produced all the correspondence to which the prosecutor had access. For the most part, there was only one side of the correspondence, and we had none of the other. We had nearly 200 letters, or more than 200 letters, from the prisoner at the bar to the deceased—we had only one copy of a letter from the deceased to the prisoner. There were other writings in the handwriting of the prisoner, but these, it seems, cannot be used in evidence. I regret that in a case of such importance, while you have on the one hand innumerable letters of the prisoner, you have, on the other, only one copy of a letter of the deceased. How came that? You will see in the correspondence that the letters of L'Angelier were not destroyed till a very recent date. You could not have been much surprised if it had been otherwise. That a lady should not preserve letters of that description would not be in the least degree remarkable; but there is evidence that, down to the 7th or 8th February last, that correspondence was in existence, and we have no explanation of any kind as to what has become of it. This we know, and this only, that not one single scrap in the handwriting of L'Angelier has been discovered in this case, excepting those four documents, three of which have not been admitted in evidence. Therefore, in the matter of the correspondence, we have done all we could.

The only matter in which the prisoner has a legitimate interest as regards this question is, no doubt, one of very great importance. She has an interest that these letters shall be shown to be properly arranged, because it is very often the case that letters bear no date except the postmark upon the envelopes; and you must be satisfied that each letter was in its proper envelope. Let me make this observation, in the first place, upon this very important point—that that is a difficulty which necessarily occurs in every case where the evidence consists of letters sent in envelopes, and the letters themselves bear no date. It has been a misfortune, in the way of tracing

letters in that way, that there never was any means of connecting the envelope with the letter, except the fact of its being found there. Most people, not intending to keep their correspondence, and not of very methodical habits in that way, constantly leave sometimes the letter and envelope apart, sometimes the letter in the wrong envelope; and if the officers in this case had gone to work with the most scrupulous nicety, and if you had it proved beyond all question that the letters found were produced in precisely the same state as found, the remark of my learned friend would have been equally well founded if he had said—"What evidence is there that these letters so found in these envelopes were sent in them; and how can we know, when letters are found tossing about in a desk in an office, not made up with regularity, that this person was in the habit of keeping his letters in a manner which would make the envelope proper evidence?" That, I say, is a remark which occurs in every case of the kind, and which my learned friends are quite entitled to make here. I do not say that the envelopes afford conclusive evidence of the dates, but I do say that the envelopes in which letters are found, form an element to enable you to arrive at the truth; and if you find in a series of letters that, in the first place, when a letter is dated on a particular day, the postmark plainly corresponds to that particular day of date—if you find that a letter bears "Monday night," and the envelope bears the morning postmark of Tuesday the 28th; if a letter be dated "Monday night," while there is no day of the month, and the next day is Tuesday the 28th, and that is the postmark; or a letter bear date "Monday morning," and you find that the postmark is Monday the 20th February,—all that, I think, will necessarily lead you to conclude, if you find it in a uniform series of letters, that these letters have been kept in their proper envelopes. I do not say that that even is the case, but it is a matter you will judge of as regards the general position of the letters; and if you find this to occur uniformly throughout the series of letters, one after the other, you can have no reason to doubt that these letters have been put in their proper envelopes. But I do not rest the proof of the date of the letters upon that. There is scarcely one letter the date of which I could not prove, if there had been no postmark or envelope at all, by the facts they tell, and by their relation to each other. In the laborious investigation which I shall have to make into this matter, you will find that this is very clearly and distinctly brought out; and I think you will be satisfied that, although these postmarks afford a strong presumption in regard to their being in the same state as when originally sent, the evidence of their dates does not depend on that circumstance alone—I think their dates can be proved with absolute certainty, so far as we can produce certainty on the human mind.

After this somewhat long digression, I come back to the details of the case. My story is short. This young lady returned from a London boarding-school in the year 1853. She met L'Angelier

somewhere, I believe, about the end of 1854. L'Angelier's history has not been very clearly brought out. It is plain, unquestionably, that in 1851 he was in very poor and destitute circumstances. Of his character I say nothing at present but this, that it is quite clear that by energy and attention he had worked his way up to a position that was at least respectable—a position in which those who came in contact with him plainly had for him a very considerable regard. It is no part of my case to maintain the character of the unhappy deceased. The facts in this case make it impossible to speak of him in any terms but those of very strong condemnation. Nor am I at all inclined to say that from first to last his conduct was that of a man of honour. But still it is plain that when Miss Smith became first acquainted with L'Angelier he was a man moving in a respectable position, bearing a respectable character, liked by all those who came in contact with him, spoken of by the three landladies with whom he lodged in the highest possible terms—a man of whom the chancellor of the French Consulate spoke as respectable and steady—a man spoken of by his employers and by his fellow-clerks in Huggins' warehouse also in the highest terms. I do not say anything of that at present, excepting that such is the fact. These two persons met; they were introduced, I assume, clandestinely. After a time, it seems an attachment commenced, which was forbidden by her parents. It is only right to say that the earlier letters of the prisoner at that time show good feeling, proper affection, and a proper sense of duty. Time went on; the intercourse was again renewed, and in the course of 1856, as you must have found from the letters, it assumed a criminal aspect. From that time down to the end of the year, not once or twice, but I have evidence to show clearly that repeated acts of improper connection took place. It will be necessary for you to take into your consideration that she had so completely committed herself by the end of 1856 that she was, I will not say in L'Angelier's power (he was in her power), but she belonged to him, and could with honour belong to no one else. But her affection began to cool. Another suitor appeared. He was more attractive. She promised to marry him in the month of June. She endeavoured to break off her connection with L'Angelier by coldness, and asked him to return her letters. He refused, and threatened to put them into the hands of her father; and it seemed to be said that this was a kind of dishonourable threat. There is much that is dishonourable in this case, but not that. It would not have been honourable to allow the prisoner at the bar to become the wife of any other man. It was then she saw the position she was in—she knew what letters she had written to L'Angelier—she knew what he could reveal—she knew that, if those letters were sent to her father, not only would her marriage with Mr Minnoch be broken off, but that she could not hold up her head again. She writes in despair to him to give her back her letters; he refuses. There is one interview—she attempts to buy

prussic acid; there is another interview—she has bought arsenic; there is a third interview—she has bought arsenic again. Her letters, instead of being cold—instead of demands for the recovery of her letters being contained in them—again assume all the warmth of affection they had the year before. On the 12th of March she has been with Mr Minnoch making arrangements for her marriage in June—on the 21st she invites L'Angelier, with all the ardour of passion, to come to see her—she buys arsenic on the 18th—and L'Angelier dies of poison on the morning of the 23d. A strange story, gentlemen! such as the imagination of novelist or dramatist never painted—so strange in its horror as almost to be incredible, if it were not proved to be true. No one can wonder that such a story has carried a thrill of horror into every family in the land. Well may my learned friend require me to bring strong proof of it; for, certainly, without clear proof, no one would believe it. The prisoner is well entitled to every presumption of innocence which law and reason can give her. I am certainly bound to bring before you such proof as shall carry conviction to your minds; but if the proof be such that no reasonable man can doubt the truth of the story—incredible as that story is, and fearful as the results of your verdict must be—we have, you and I, in the discharge of our public duty, no other course than myself to ask and you to return the verdict which the facts necessarily and loudly call for.

But what that proof is to be, you must consider very seriously. In no case of crime is it necessary that an eye-witness should be found in order to prove it. In occult crimes, especially, the ends of justice would be frequently defeated were that necessary. The ends of justice might be perpetually defeated if you were to say that a man cannot be convicted of secret murder unless you have some one who saw the deed done. But in the case of poisoning this remark applies with great force. The fact of a person administering poison before witnesses is so far from forming evidence in the first instance, or a presumption of guilt, that in some cases it is strong proof of innocence. In a recent case, which created as great an interest in a sister country as this has done in ours, the poisoner sat at the bedside of his victim, surrounded by medical attendants—administered the poison to him in their presence—and witnessed his dying agonies with a coolness that could hardly be believed. Nothing could have been stronger presumptive evidence of his innocence than that; and he very nearly escaped suspicion, from the fact that the deed was done without concealment, in the presence of witnesses. And, therefore, in cases of poisoning, the fact of there being no eye-witness of the act of administration is truly not an element of much weight or materiality. If the deed were truly done with an evil intention, it would be done secretly. The question is, whether we have been able, by the appliances at our command, to track the stream of crime through all its course.

I now proceed to consider the evidence in detail. In doing so,

I shall follow a more simple and direct course than could be done in leading the evidence. We commenced with the symptoms of death, and were obliged, in a certain unconnected way, to take evidence of the different parts of this chain out of their order. I shall now endeavour to trace this extraordinary history exactly in the order of time, commencing in April 1856. The first letter which it is necessary for me to refer to is a letter dated 29th April 1856. I have already told you of the nature of the connection which began between them at that time, and I intend to read a few passages from the correspondence between the 29th April 1856 and the end of that year, in order to show you, in the first place, how far the prisoner had committed herself at that time; and, in the second place, the moral and mental state to which she had reduced herself, and you will then be better able to appreciate the course which ultimately she was driven to pursue. That letter of the 29th April 1856 is one of the few letters which bear a date. It has also a postmark, "Helensburgh, April 30, '56." In that letter she says—"Dearest, I must see you; it is fearful never to see you; but I am sure I don't know when I shall see you. P. has not been a night in town for some time, but the first night he is off I shall see you. We shall spend an hour of bliss. There shall be no risk; only C. H. shall know"—this C. H. being Christina Haggart, who was made the *confidante* of this amour since its commencement, and the vehicle through whom the letters were transmitted. That was on the 29th of April. On Friday, a letter without a date is written, and enclosed in an envelope which bears the postmark of Saturday, "May 3, '56." In this letter, dated Friday, the prisoner says—"P. has been in bed two days. If he should not feel well and come down on Tuesday, it shall make no difference. Just you come; only darling, I think, if he is in the boat, you should get out at Helensburgh. Well, beloved, you shall come to the gate—you know it—and wait till I come. And then, oh happiness, won't I kiss you, my love, my own beloved Emile, my husband dear? I don't think there is any risk. Well, Tuesday, 6th May—the gate—half-past ten; you understand, darling." The next letter is dated "Wednesday morning, five o'clock," and bears the postmark, "Helensburgh, 7th." There are two postmarks, but the year and month are not legible, though the month appears from one postmark to be May, and the year 1856. In this letter, dated "Wednesday morning, five o'clock," and found in an envelope bearing the date 7th May, you have these words—"My own, my beloved husband,—I trust to God you got home safe, and were not much the worse of being out. Thank you, my love, for coming so far to see your Mimi. It is truly a pleasure to see my Emile. Beloved, if we did wrong last night, it was in the excitement of our love. Yes, beloved, I did truly love you with my soul." Then she says further down—"Am I not your wife? Yes, I am. And you may rest assured, after what has passed, that I cannot be the wife of any other but dear, dear Emile." Then after referring

to a journey to Lima, which L'Angelier had proposed making, she goes on to say—"I shall write dear Mary soon. What would she say if she knew we were so intimate? She would lose all her good opinion of us both—would she not?" That letter speaks language not to be mistaken. From that period dates the commencement of the criminal intimacy between the parties. The letters proceed, between this date of May 7th, down to the end of the year, in a strain that, really, I do not think, I should be justified, even in a case of this kind, in bringing fully and fairly before you. I may say this, however—and my learned friend knows it only too well—if there is any doubt about it, it is very easy to prove it—that the words in which they are couched, the things to which they refer, show such an utter overthrow to the moral sense, to all sense of ordinary delicacy or decency, as to create a picture which I do not know ever had its parallel in a case of this kind. This is the character of these letters from May 1856 down to the end. Where she had learned this depraved moral state of thought and feeling, is another matter; and if my learned friend means to say that L'Angelier had his own share in corrupting her moral sense, I shall not much dispute it. It does not matter to this inquiry whether that was so or not. There is scarcely one of these letters down to the end of December 1856, or beyond that period, that does not allude in direct terms to such things as are alluded to in the letters already quoted from. I next refer to a letter dated "Friday night," enclosed in an envelope bearing the postmark "Helensburgh, Friday, 27th May," from which I take the following as a specimen of the letters which passed at this time. In that letter she says—"I think I would be wishing you to *love* me, if I were with you, but I don't suppose you would refuse me, for I know you will like to *love* your Mimi"—three scores being made under "*love*." In a letter, which has no date, she swears she will never marry any one else, and in another letter, enclosed in the same envelope, she says—"Our intimacy has not been criminal, as I am your wife before God." Then she says—"I promise to you, you shall have it (my likeness) some day, so that promise won't be broken. If I did not sign my name, it was for no reason. Unless it is to a stranger, I never do put Smith, only Madeleine." The conclusion of that letter is in the same strain as the rest. The correspondence proceeds, and we have a letter dated Saturday night, and bearing the Helensburgh postmark, "July '56." The dates are really not material, as the letters are evidently written in 1856, and I need not stop to demonstrate the precise time. If there were more doubt about the postmarks it would make no difference, as the relations between the parties in 1856 are sufficiently established independent of that evidence. But in that letter she says—"I shall not see you till the nights are a little darker. I can trust C. H. She will never tell about our meetings. She intends to be married in November; but she may change her mind." In point of fact, C. H., or Christina

Haggart, was married in May last, and the references in the letter sufficiently determine the period when it was written. The next letter I refer to is one dated on Thursday evening, in which the prisoner says—"I cannot see you ere you go, for which I am sorry. You forget that my little sister is in my bed-room, and I could not go out by the window, or leave the house, and she there. It is only when P. is away I can see you, for then Janet sleeps with M." She then refers to his visit to Badgemore. My learned friend requested that the last passage in that letter should be read, for the purpose of showing that she had read an article in *Blackwood's Magazine* about arsenic. That shows plainly, at any rate, that it was written in the month of September. At the bottom of the page is this passage—"I did tell you at one time that I did not like"—(William is first written, but scored out)—"Minnoch, but he was so pleasant that he quite raised himself in my estimation." That must have been in September 1856, and you will see that in the correspondence to the end of the year, there are constant allusions to Minnoch, by way of preparing L'Angelier for something in connection with that man. And it turns out, in point of fact, that L'Angelier did become extremely jealous of his attentions. The next letter has the postmark, "Helensburgh, 29th September." She begins by saying—"I did not write you on Saturday, as C. H. was not at home, so I could not get it posted. . . . I don't think I can see you this week. But I think next Monday I shall, as P. and M. are to be in Edinburgh. But my only thought is Janet; what am I to do with her? I shall have to wait till she is asleep, which may be near eleven o'clock. But you may be sure I shall do it as soon as I can." Further on, she goes on to say—"Mr Minnoch has been here since Friday. He is most agreeable. I think we shall see him very often this winter. He says we shall, and P. being so fond of him, I am sure he will ask him in often." You will recollect that Mr Minnoch's house is next to Mr Smith's, in Blythswood Square. In illustration of what I have said that these letters do not require postmarks to prove the dates, I may remark that the last letter is clearly written some time after the end of August 1856, and clearly written just before the family left Helensburgh to go, for the first time, to the Blythswood Square house, referring, as it does, to Mr Minnoch's vicinity to the family. In the next letter, writing from Helensburgh on Tuesday—postmark illegible—she says:—"I forgot to tell you last night that I shall not be able, of an evening, to let you in. My room is next to B., and on the same floor as the front-door." (This refers to the Blythswood Square house which he had never yet seen). "I shall never be able to spend the happy hours we did last winter." You will find by-and-by that she got over that difficulty. The next letter to which I refer is one dated Sunday evening, with the Helensburgh postmark of Monday, 20th October, in which she says:—"Papa is very busy with some election matters." This refers to the civic

elections in November, and fixes the date of the letter beyond question at the end of October. On the Sunday evening, then, before Monday the 20th October, she says:—"Janet is not well; she has a bad cold. Do you know I have taken a great dislike to C. H.? I shall try and do without her aid in the winter. She has been with us four years, and I am tired of her, but I won't show it to her." The next letter is dated "Friday night, twelve o'clock," and is posted in Glasgow on the 18th November. In this letter she says:—"Sweet love,—You should get those brown envelopes; they would not be so much seen as white ones put down into my window. You should just stoop down to tie your shoe, and then slip it in. The back door is closed. M. keeps the key for fear our servant boy would go out of an evening. We have got blinds for our windows." . . . She had so arranged that, instead of having her room on the same floor with the front-door, she should have it on the same floor as the low front-door, so that the window of her room, being on a level with the pavement, might be a depository for their correspondence. This is the first letter, then, in which instructions are given as to how the correspondence is to take place at the Blythswood Square house. I shall now wish you to look at the plan of the house. [After referring to the various apartments in the front and back floors, and to their connection with each other, his Lordship continued] :—This letter, among other things, contains this passage :—"I saw Robert Anderson; he was speaking of the Huggins', but did not speak of you. I am so fond of any one speaking of you, beloved L'Angelier." Then, after some expressions of the kind I have alluded to, the letter ends thus :—"I have been ordered by the doctor, since I came to town, to take a fearful thing, called peasemeal—such a nasty thing. But I don't think I can take this meal. I shall rather take cocoa." And you have it in evidence that she did so. [His Lordship, in again referring to the plan of the house, said]—I make a remark to this just now for the purpose of stating that, a person coming into the front-door could get into the dining-room without attracting any attention whatever from those occupying the bed-rooms at the back of the house. It is also apparent from the plan that any one could go to the kitchen from Miss Madeleine's bed-room on the sunk floor without attracting attention; and, what is more, a person going out from Miss Madeleine's bed-room could go up the inner staircase without attracting the attention of those occupying the bed-rooms in the back of the house, or any of the other bed-rooms. I think you have here the position of these rooms; and now, gentlemen, I will call your attention to a letter, dated Monday evening, having no postmark, but stating that it is "the first letter I have written in Blythswood Square house." In this letter there are various repetitions of matters mentioned in former letters that I have referred to. This, then, brings them to the house in Blythswood Square, and now you will see the course that the correspondence takes. In one letter

she says:—"I don't think I can take you in as I did in India Street," plainly showing that she had taken him in there. Then she says in the next letter, which is dated "Thursday evening, eleven o'clock," and bears the postmark of "Friday, Nov. 21," and which was evidently written in the Blythswood Square house:—"Now, about writing, I wish you to write me and give me the note on Tuesday evening next. You will, about eight o'clock, come and put the letter down into the window—(just drop it in—I won't be there at the time)—the window next to Minnoch's close door. There are two windows together with white blinds. Don't be seen near the house on Sunday, as M. won't be at church, and she will watch. In your letter, dear love, tell me what night of the week will be best for you to leave the letter for me. If M. and P. were from home I would take you in very well at the front-door, just the same way as I did in India Street, and I won't let a chance pass—I won't, sweet pet of my soul, my only best-loved darling." I have told you, gentlemen, that she could perfectly well take him in at the front-door. She could leave her own room, go upstairs, and she had only to open the hall-door sufficiently to enable L'Angelier to get into the drawing-room, so as to prevent the possibility of being heard from any of the back-rooms of the house. And this letter proves that it was not a mere theory, but what she proposed to do. The next letter bears no date, but it is posted 6.23 P.M. on Friday the 26th Dec. 1856. Gentlemen, I only allude to this letter for the purpose of making an observation with regard to dates. She says she is going out on Wednesday night, but that she will try and write on Thursday. There is a postscript to the letter, which bears this:—"Thursday, 11th December, six or eight o'clock." Now this you might at first take for a date, but it is simply the date of an assignation. And this proves two things: first, that the letter was written before Thursday, and after the Thursday of the preceding week, as the postmark bears Friday. Then the next letter is on a Tuesday morning, and bears the postmark of the 14th of the month. Gentlemen, it seems plain that there was at this time a serious intention on the part of these persons to make an elopement. You had it proved by many witnesses. You had it proved by the landlady, Mrs Clark, as to the intention to have the bans proclaimed on Sunday, and the marriage to take place on Monday. There are, besides, various allusions in the letters to getting married by a Justice of the Peace. The letter, No. 71, I only refer to for the purpose of showing that, on a particular occasion, the proclamation of the bans was spoken about; and you will find mention of it otherwise. No. 73 bears the date of Thursday night, and the 16th December was Friday; the postmark bearing date the 17th of a month which is not legible. In the next letter she says:—"I am going to a concert to-morrow, but it is the last one. I don't know if Minnoch is going. Janet and Jack" (her brother and sister) "have sent out fifty invitations for the 29th. Jas.

is to be at home on Friday." That is dated Tuesday, and the next letter is dated Thursday. Now, Thursday was the 18th December, and bears the postmark of the 19th. Now, you see gentlemen, that in almost every instance in the letters which I have read to you, the day of the week precisely corresponds with the postmark on the envelope. It has been proved that this was one of the letters found in the desk of the deceased, and taken to the Procurator-Fiscal's office, where it was marked by Mr Stevenson. No. 75, which is the next of the series I have to allude to, was plainly written after the last letter I read, and I mention this to show how the dates correspond, because in this letter she says she was going with Mr Minnoch to a concert, and she says :—"You say you heard I took M. to the concert against his inclination, and forced him to go. I told you the right way when I wrote. But from your statement in your letter of to-night you did not believe my word. Emile, I would not have done this to you. Even now I would write and tell you. I would not believe every idle report. No; I would not. I would, my beloved Emile, believe my husband's word before any other. But you always listen to reports about me if they are bad. You know I could not sit a whole evening without talking, but I have not flirted." Gentlemen, there is evidence here, which you have under the hand of the prisoner further on, that after the first paroxysms had subsided, her affection towards L'Angelier had cooled. The reason of that it is not necessary that we should determine. He seems to have been rather exacting; but whatever the reason might be, it is quite plain that a change came over her affection about this time. I have now brought them down to the 18th December 1856, and she says herself in a subsequent letter that her coolness began in November, when they came to Glasgow. Not only so, but she begins to do what L'Angelier called flirting with Mr Minnoch. Mr Minnoch has told you that, at this time and during the whole of this winter, there was a tacit understanding between them that they were lovers. She alludes to this in her letter when she refers to the reports about her, and denies that there is any truth in them. On the next day she says :—"For your sake I shall be very cold to everybody. I am rather more fond of C. H. She is very civil. I will trust her." Gentlemen, there is in the rest of this letter what I will not read, but there is a plain and obvious reference to the possibility of her becoming a mother, which, under the circumstances, it is impossible not to see the force of. Then the next letter occurs on Thursday—Thursday was the 25th of December—and it is posted on the 26th or 28th of the month. But the one following, No. 79, is one of great consequence, because it refers to the meetings in the Blythswood Square house. It is dated Monday. Monday was the 22d of December, but there is no date, or the postmark has been obliterated. I think, however, there is internal evidence that it was written on that Monday. She says :—"Beloved Emile,—We must meet. If you love me you will come

to me when P. and M. go to Edinburgh, which will be the 7th or 10th January," and then she goes on to speak of Christmas dinners, and says that they are "great bores." She then goes on to say:—"Will you give me a letter on Friday at six o'clock, as I have promised to go with Jack to the pantomime," and at the top of the page she speaks about James giving a party. You remember, with reference to Janet and James giving a party two days preceding, and as this letter alludes to the party, it proves unquestionably that it must have been written about the date I have assigned to it. And as it bears the date of Monday night, I think I am right in assuming it to be Monday the 22d. There is the further allusion to a merry Christmas, and going to Sauchiehall Street, which shows it to have been about that time. It was plainly written before Christmas 1856. You will find a reference in a subsequent letter to her having gone to the pantomime. She says:—"P. and M. thought of going to Edinburgh," and then she continues:—"If P. and M. go, will you not, sweet love, come to your Mimi? Do you think I would ask you if I saw danger in the house? No, love, I would not. I shall let you in; no one shall see you. We can make it late—twelve, if you please. You have no long walk. No, my own beloved,—my sweet dear Emile. Emile, I see your sweet smile. I hear you say you will come and see your Mimi, clasp her to your bosom, and kiss her, call her your own pet, your wife. Emile will not refuse me. . . . I need not wish you a merry Christmas, but I shall wish that we may spend the next together, and that we shall then be happy." This means that he shall come into the house as he had done before, and it speaks of his clasping her to his heart. The next letter bears the date of the 27th, and keeping in mind what was said about the pantomime—and that Saturday is the date of the letter—the postmark shows that it must have been posted on the 24th of December. In this letter she says:—"Now, I must tell you something you may hear. I was at the theatre; and people, my love, may tell you that M. was there too. Well, M. was there, but he did not know of my going. He was in the club-box, and I did not even bow to him. To-day, when B., mamma, and I were walking, M. joined us, took a walk with us, and came home. He was most civil and kind. He sent Janet such a lovely flower to-night, to wear on Monday evening. Now I have told you this, sweet pet, I know you will be angry; but I would rather bear your anger than that you should perhaps blame me for not telling you, as some one will be sure to inform you of me." Then she says:—"Will you drop me a note at six, eight, or ten o'clock? I hope you may be happy, but what are you to do on New-Year's Day?" This proves beyond all possibility of question that it was after the letter in which she had proposed to go to the pantomime. There is an interval between the 27th of December and Friday evening, January 9th. And now, gentlemen, having traced the correspondence down to this date, proving the greatest intimacy between the parties, proving the

correspondence to be of such a character that no eye could see it without her character being utterly blasted, proving also vows, over and over repeated, that, after her intimacy with him, she could be his wife and that of no other, as to be so would be a sin—having intimated in as strong language as she could that for Mr Minnoch she had no affection whatever—that she had at no time whatever flirted with him or any one else, being *his* wife—having proved all this down to the end of 1856, we now come to the crisis, and I must ask you to keep the dates in mind from this time forward. The next act in this tragedy begins, as you will see, on the 9th January 1857. This is one of the few letters that bear a date, it is dated “Friday, 9th January,” and was posted in the receiving-office of Glasgow, January 10th. The envelope therefore shows a correspondence, with the date. In this letter she says:—“It is past eleven o’clock, and no letter from you, my own ever dear beloved husband. Why this, sweet one? I think I heard your stick this evening. Pray do not make any sounds whatever at my window. If it were possible, sweet one, could you not leave my notes at six as at ten o’clock. The moon is up and it is light. I hope my own ever dear beloved one you feel better and that you are in better spirits. Sweet dear Emile I do truly and fondly love you with my heart & soul. But you I know think me cool and indifferent.” And then she goes on to say:—“How do you keep yourself warm in bed? I have Janet beside me; but I often wish you were with me. Would you not put your arms round your Mimi and fondly embrace her, and keep her warm? Ah, yes, I know you would.” Then she wonders if the time would ever come, and then at page 2 she has an observation which I think you will find of some consequence. She says:—“I wish I could see you; but I must not even look out of the window as some one might see me; so, beloved, think it not unkind. If I do not by any means look out, just leave my note and go away.” This was a general intimation, as much as to say, If you come to my window, and I don’t look out, you must assume there is some reason why I don’t pretend to see you, so just leave my note and go away. The next letter is dated Saturday night. Saturday was the 10th of January, and it bears the postmark of 11th January. It says:—“My own dear beloved Emile, I cannot tell you how sorry I was last night at not hearing from you. . . . If you would risk it, my sweet beloved pet, we would have time to kiss each other and a dear fond embrace; and though, sweet love, it is only for a minute, do you not think it is better than not meeting at all?” Observe that the preceding day was January the 9th. In the next letter there is nothing material. She tells him that her father wished they had a larger place than Row, and that they would not likely go back there again. Now, at this very time Mr Minnoch has told you that a few days afterwards he asked the prisoner to be his wife, and yet she writes to L’Angelier on Monday night—“Sweet love, come if you can.” The next letter is dated Monday, and this must be Mon-

day the 12th. It seems that they had been in the habit of having interviews under the windows—sometimes, as appears from one instance, he left a letter at the window, and got, I suppose, an answer to it in the same way. This letter was posted on the 14th, and there is nothing material in it, except that she says in a postscript that she does not hear of their going from home, that she is afraid there is no chance for them, and that she does not see how they could be married in Edinburgh. She also speaks of Mr Minnoch, and that if L'Angelier saw him she thinks he would like him, as she liked him better than she used to do. Then, gentlemen, came a letter dated Friday afternoon, and posted the same day. When she writes during the day, she posts her letter the same day, and, if at night, not till the day after. In this letter she asks L'Angelier if his cold is better, and wishes he would get well as soon as he could. There is also a reference to Sir Edward Lytton Bulwer, who was about that time made Lord Rector, and she wishes, if she should go to Edinburgh, that a note should be left for her on Sunday at six o'clock, or on Monday at the same hour. The next letter is dated Monday, five o'clock. Now Monday was the 19th January, and it bears the postmark of Glasgow 19th January. It is one of those that were found in the desk of L'Angelier, and taken to the Fiscal by Mr Stevenson. In this letter she says:—"My sweet Emile, I hope you are well." Gentlemen, let me make this remark, that though the expressions from this time forward are much the same in effect, there is a manifest chill in them—the letters are shorter, curter, and colder than before. "I did not sleep all night thinking of my pet. I went to Govan with M., and when I got home I was looking so ill M. made me go and take a walk to get some colour, so B. Pattison & I took a long walk on the Dumbarton Road. When I told you love to write me for to-night I forgot I am to be out." This is on Monday 19th January, and she writes further:—"As we go at 9 o'clock your letter will not be there, but I shall tell C. H. to take it in. Dearest Emile all this day I have wished for you one moment to kiss you, to lay my head on your breast would make me happy. I think I shall see you Thursday night I think P. is not at home. But you shall hear. Adieu my loved one. My husband. My own little Pet. Adieu. God bless you I am your wife. Your own  
"MIMI L'ANGELIER."

"P.S.—I don't think I should send you this scroll but I could not help . . . . ."

"I did love you so much last night when you were at the window." And so he was at the window on Sunday the 18th January. Two of the letters I have passed contain passages which we will go back for a moment to point out. The letter of the 9th January contains this passage:—"When we shall meet again I cannot tell." And the letter of the 10th of January, No. 87, contains this passage:—"My dear Emile, my sweet dear pet, I should so like to spend three

or four hours with you, just to talk over some things; but I don't know when we can meet, not for ten days. I might say Monday, same as last." This proves that they had met. "If you would risk it, my sweet beloved pet, we would have time to kiss each other, and a dear fond embrace; and though, sweet love, it is only for a minute, do you not think it is better than not meeting at all?" In the course of ten days they were to meet. They had met before, but their meeting was postponed for the present. I have been reading to you previously from the letter of Monday, 19th January. Now, there is a letter, No. 97, enclosed, bearing the date Glasgow, January 27, and written on Friday; this letter was shown to the prisoner, and she recognises the envelope. But in this envelope there is another letter, bearing no date but "Sunday night." At first it is not easy to say how it was enclosed in the envelope of Friday the 23d January, but that letter is written in pencil, and in all probability was never in an envelope at all. It says:—"Emile, my own beloved, you have just left me. Oh, sweet darling, at this moment my heart and soul burns with love for thee, my husband, my sweet one. Emile, what would I not give at this moment to be your fond wife. My night-dress was on when you saw me; would to God you had been in the same attire." Now, I think it plain that the true date of this letter is Sunday the 18th, because the letter of Monday the 19th says:—"I did love you so much last night when you were at the window." The next date is "Wednesday forenoon, five o'clock," the postmark "21st January 1857," and Wednesday was the 21st of January 1857. This is a very short letter. It says—"I have just five minutes to spare. Why no letter, pet? On Monday night it was such a disappointment to your Mimi. I cannot see you on Thursday as I hoped. The next letter is dated "Thursday, twelve o'clock;" the envelope bears the postmark of 23d January, and Friday was the 23d of that month. The letter, therefore, was written on Thursday. She had said in the former letter:—"I cannot see you on Thursday as I hoped." Then she writes in this letter:—"I was so very sorry that I could not see you to-night. I had expected an hour's chat with you; but we must just hope for better the next time." That letter also was found in the desk, and was spoken to by the prisoner in her declaration. She says in it:—"M. is not well enough to go from home; and my dear sweet little pet, I don't see we could manage in Edinburgh, because I could not leave a friend's house without their knowing it. So, sweet pet, it must at present be put off till a better time. I see no chance before March, but rest assured, my dear love, Emile, if I see any chance I shall let you know of it." That this was written about the 23d there is no question, because she identifies it in her declaration. Now, gentlemen, mark this—On the 28th of the month of January the prisoner accepts Minnoch. The two next documents are two envelopes, and they bear date the 24th and 26th January. You will immediately see why there are no letters in them. I will

pass them over in the meantime, and I now come to two letters of the deepest possible consequence. They are enclosed in envelopes, and the postmark is Glasgow, ——— 1857. They are deliverable in the morning. Just before I read them let me refer to the evidence of Mr Kennedy upon this most material period of time. She had, as I have told you, accepted Mr Minnoch on the 28th January. Kennedy says that on a morning in February—he thinks a fortnight before the 23d—L'Angelier had come to the counting-house with tears in his eyes, and said that Miss Smith had written to him for her letters, and breaking off the engagement; that she said there was coolness on both sides; that he had got the letter that morning; that he would not give up the letters; and that she should not marry any one else while he lived. L'Angelier tells this to Kennedy on the day that the letter came; you can have no doubt, therefore, that the two letters I am about to read to you were sent to L'Angelier. She says:—"I *felt* truly astonished to have my last letter returned to me, but it will be the last you shall have an opportunity of returning." There are two envelopes produced, I have said, and one of the letters which they contained must have been returned to Miss Smith by L'Angelier. "I *felt* astonished," she says, evidently because the letter from him was not couched in the ordinary language of affection.

The LORD JUSTICE-CLERK.—It is stated that the postmark on that letter may have been 2d or 22d February.

The LORD ADVOCATE.—That is true. But the figure 2 is the only one that is stamped, and the 2d was the date beyond all question. It was posted on the 2d, and he must have received it on the 3d. She goes on—"It will be the last you shall have an opportunity of returning to me. When you are not pleased with the letters I send you, then our correspondence shall be at an end; and as there is coolness on both sides our engagement had better be broken." Now, these are the very words that Kennedy told you L'Angelier repeated to him on the morning when he entered the counting-house so much distressed. She says:—"You have more than once returned me my letters, and my mind was made up that I should not stand the same thing again. And you also annoyed me much on Saturday by your conduct in coming so near me; altogether, I think, owing to coolness and indifference (nothing else), that we had better for the future consider ourselves strangers. I trust to your honour as a gentleman that you will not reveal anything that may have passed between us. I shall feel obliged by your bringing me my letters and likeness on Thursday evenings at seven. Be at the area gate, and C. H. (Christina Haggart) will take the parcel from you. On Friday night I shall send you all your letters, likeness, etc. I trust that you may yet be happy, and get one more worthy of you than I. On Thursday at seven o'clock." She says that she had found coolness and indifference on both sides, and for that reason, and as she affirms for nothing else, the engage-

ment had better be broken off. But remember, gentlemen, four days before that letter was written she had been engaged to Mr Minnoch. She was to return L'Angelier's letters to him; therefore she had them. On the 2d of February 1857, she had his letters; she was to return them on the Friday; and she was also to return L'Angelier's likeness. The likeness was found in her chamber, therefore it was never returned; but what became of these letters we have no explanation of whatever. There is a postscript to this important letter. She says:—"You may be astonished at this sudden change, but for some time back you must have noticed a coolness in my notes. My love for you has ceased, and that is why I was cool. I did once love you truly and fondly, but for some time back I have lost much of that love. There is no other reason for my conduct, and I think it but fair to let you know this. I might have gone on and become your wife, but I could not have loved you as I ought. (She was engaged at this time to another man.) My conduct you will condemn, but I did at one time love you with my heart and soul. It has cost me much to tell you—sleepless nights—but it was necessary that you should know. If you remain in Glasgow or go away, I hope you may succeed in all your endeavours. I know you will never injure the character of one you so fondly loved. No, Emile, I know you have honour, and are a gentleman. What has passed you will not mention. I know when I ask you that you will comply. Adieu." Gentlemen, what a labyrinth of bewilderment this unhappy girl, first by her lapse of virtue, and then by her want of truth, was driving herself into! She tries to break off this engagement because she says there was coolness on both sides, which I dare say on her part was not affected, but she cannot do it with truth. She says she has no other reason for her conduct but that she has lost her love for L'Angelier—she says this when she knows that the actual reason is that she has pledged her word to another. She tells L'Angelier that her affection was withdrawn, in the hope that his indignant spirit would induce him to turn her off, when she would be free to form another engagement. But, gentlemen, she had the dreadful recollection of the existence of the correspondence. She probably did not know how much L'Angelier had preserved of it, but she knew that she was completely in his power. Gentlemen, she did not hear from L'Angelier for more than a week. She accordingly wrote this second letter, which bears the postmark of the 9th February; and its contents prove that it was then written. "I attribute to your having cold that I had no answer to my last note. On Thursday evening you were, I suppose, afraid of the night air. I fear your cold is not better. I again appoint Thursday night first—same place—street gate—seven o'clock.—M." Now, gentlemen, the first Thursday in February was the 5th, and the next consequently was the 12th, therefore this letter was written after the 5th, and some days before the 12th. She adds in the same letter: "If you bring

me the parcel on Thursday, please write a note saying when you shall bring it, and address it to C. H. . . . . Send it by post." She had heard nothing, got no answer to the demand for her letters, and she writes this cold letter in the tone of the former, saying everything is broken off, and making a second appointment for the delivery of her letters. Gentlemen, L'Angelier refused to give up the letters. He refused to give them up to her. He told Miss Perry, and he told Mr Kennedy, and I think he told others, that he would not give up the letters, but that, on the contrary, he would show them to her father. Now, gentlemen, in other circumstances, and had matters not gone so far between these unfortunate persons, it might have been considered a dishonourable and ungenerous thing, in a man in L'Angelier's position, to take that line of conduct. But whether it was or no, is not material to the matter in hand. I must say, however, that in the position in which the prisoner and L'Angelier stood, I do not see how he, as a man of honour, could allow this marriage with Mr Minnoch to take place and remain silent. It may be doubted whether they were not man and wife by the law of the land. It is needless to discuss this question. There certainly were materials in that correspondence on which that might have been maintained. But if L'Angelier chose to do it, and considered the prisoner as his wife—although, of course, he wished to celebrate the marriage in the ordinary and respectable manner in which that ought to be done—if he considered her as his wife, he was entitled to refuse to give up that which proved the justice of his claims, and therefore I do not think there is much to be said, supposing it were relevant in this case, on the subject of L'Angelier refusing to give up the letters, or even the subject of his intending to use them to compel the woman who ought to have been his wife, by every sanction of promise and of act, to fulfil that promise in the face of the public. It matters not. The fact is he refused, and the fact is you will find he made the threat to herself, as he said to Kennedy he would do, as well as to Miss Perry and others. Gentlemen, just listen to this. It is a letter dated Monday night; Monday night was the 9th February; it is posted in Glasgow on the 10th, the month illegible; the appointment had been made for the 13th, and recollecting the strain of the letters that went before, listen to this: "Monday night.—Emile.—I have just had your note. Emile, for the love you once had for me, do nothing till I see you. For God's sake do not bring your once loved Mimi to an open shame. Emile, I have deceived you. I have deceived my Mother. God knows she did not boast of anything I had said of you, for she poor woman thought I had broken off with you last winter. I deceived you by telling you she still knew of our engagement. She did not. This I now confess, and as for wishing for any engagement with another, I do not fancy she ever thought of it. Emile, write to no one—to Papa or any other. Oh do not till I see you on Wednesday night. Be at

the Hamilton's at twelve, and I shall open my shutter, and then you come to the area gate, and I shall see you. It would break my mother's heart. Oh, Emile, be not harsh to me. I am the most guilty miserable wretch on the face of the earth. Emile, do not drive me to death. When I ceased to love you, believe me it was not to love another. I am free from all engagement at present." The course of deliberate falsehood into which this unhappy girl had brought herself is, unhappily, now one of the least of her crimes. "Emile, for God's sake," she continues, "do not send my letters to Papa. It will be an open rupture. I will leave the house. I will die. Emile, do nothing till I see you. One word to-morrow night at my window, or I shall go mad. Emile, you did love me. I did fondly, truly love you too. Oh, dear Emile, be not so harsh to me. Will you not? But I cannot ask forgiveness—I am too guilty for that. I have deceived. It was love for you at the time made me say mama knew of our engagement. To-morrow one word, and on Wednesday we meet. I would not again ask you to love me, for I know you could not." I would remark that throughout all this despair there is no talk of renewing her engagement with L'Angelier. Her object was to be in a position to fulfil her engagement with Minnoch: "But, oh, Emile, do not make me go mad. I will tell you that only myself and C. H. knew of my engagement to you. Mama did not know since last winter. Pray for me for a guilty wretch—but do nothing. Oh, Emile, do nothing. Ten o'clock to-morrow night—one line, for the love of God.—Tuesday morning.—I am ill. God knows what I have suffered. My punishment is more than I can bear. Do nothing till I see you. For the love of Heaven do nothing. I am mad. I am ill.—Sunday night." Now, gentlemen, we have traced the matter up to this point. She is so committed that she cannot extricate herself, and yet, if not extricated, her character, her fame, her reputation, her position, are forfeited for ever. But she does receive a letter from L'Angelier which we don't possess; and on the Tuesday evening she again writes to him. This is one of the letters found in his desk. It was not posted at all. It was delivered, and was found in an envelope; but it refers plainly to the letter that went before, and to the assignation that was made. I shall read every word of that letter, long as it is, for it is perhaps the point on which this case turns:—[Read letter 107, down to "I put on paper what I should not."] Doubtless, poor creature, she had done that, and throughout this unhappy history of the gradual progress of an ill-regulated mind, one cannot see all this without—what I am sure I feel from the bottom of my heart—the deepest commiseration. Doubtless L'Angelier had abused his opportunities in a way that no man of honour ought to have done, and stolen into that family and destroyed their peace for ever. She had no doubt put on paper what she should not.—[The Lord Advocate then read other portions of the letter].—Gentlemen, I never in my life had so harrowing a task as

raking up and bringing before such a tribunal, and such an audience as this, the despairings of such a despairing spirit in such a position as this miserable girl found herself. To have her words which she wrote in confidence thus brought under public notice, in any circumstances would inflict intolerable agony; but the circumstances of this case throw all these considerations fairly into the shade, and if they for a moment obtrude themselves—as obtrude they must—they must be repelled, for our duty is a stern one, and must be discharged. And, gentlemen, pausing here for one moment, let me take in some of the surrounding circumstances, and see what they are. L'Angelier, whatever were his faults, was certainly true to her. He spoke to Kennedy about her; he said that in fact his attachment was an infatuation, and would be his death. It was not revenge he wanted; he wanted his wife. That is quite clear; and he plainly has told her that he would not permit his engagement to be broken, and that he would put these letters into her father's hands. And, gentlemen, now, as I have already said, I do not know that, in the circumstances, any one can say that he would be altogether wrong in so doing. But, gentlemen, at this time a very remarkable incident took place. More than four, and less than eight weeks, as one of the witnesses says, or about six weeks, as two of the witnesses say, prior to the apprehension of the prisoner, on the news of the death of L'Angelier becoming public—that is to say, something between four and eight weeks from the 26th of March, or, in other words, on the second week of February, the prisoner asked the boy, the page who served in the family, to go to a druggist's with a line for a bottle of prussic-acid. The date, I think, is brought quite clearly within the period for any purpose which I have to serve. Six weeks before the 26th of March, would just be between the 6th and the 12th of February. And remember the state of mind she was in. Some extrication or other was inevitable, if she hoped to save her character; and with a strength of will which, I think, you will see was exhibited more than once in this case, she would not go back to L'Angelier. She had accepted the love of another, and had determined to marry that other, and she determined to carry out that resolution; and throughout all this, while she is in utter despair, and tries to move L'Angelier by protestations, there is not the slightest indication of any intention to go back to him, to love him, and to be his wife. Quite the contrary; but on that day, at the door of her own bedroom, she gave to Murray a line for prussic-acid. For what, gentlemen? for what earthly purpose could she want prussic-acid? And for what purpose did she say that she wanted it? For her hands. This is the first suggestion of the extrication which she proposed to her own mind, from this labyrinth of difficulty. And why did she want prussic-acid? For her hands, as a cosmetic. Did you ever hear, gentlemen, of prussic-acid being used as a cosmetic for the hands? Has there been—among a great deal of curious medical evidence

which we have had in this case—has there been a suggestion that prussic-acid is ever used for the hands? But it will not have escaped your notice, that not only is her mind now beginning to run upon poison, but that it is also beginning to run on the excuse for wanting it. She did not get the prussic-acid; but it is perfectly clear that the time when she wanted it was the date of this despairing letter, and immediately before the meeting she had appointed for Wednesday the 11th. But, as I have already said, she did not get the prussic-acid, and Wednesday the 11th came; “I cannot get,” she says, “to the back stair;” but “I will take you\* within the door.” Another incident happened at this time. Christina Haggart, in her evidence, says that one day before the apprehension of Miss Smith, it was weeks, but not two months, an interview took place to her knowledge between the prisoner and L’Angelier in the house in Blythswood Square. She did not see L’Angelier, but she told you plainly that she knew it was him; and that he and the prisoner remained alone for nearly an hour in her room, and that she, Christina Haggart, remained in the kitchen while L’Angelier and the prisoner were together. There could not be any doubt about the date, although my learned friend tried to throw some obscurity over it. What she says is that less than two months, some weeks, before the apprehension of the prisoner this interview took place. Now, recollect that the letters which I have been reading to you, from No. 85 onwards, beginning with the date of January 9th, show that there could have been no prior meeting between the parties. In No. 87 she says, “I may see you possibly in ten days or so.” But before the ten days the quarrel has begun, and cool letters have been interchanged, and she has asked for the letters back, and you have her despairing remonstrance, and the day is fixed for Wednesday the 11th; and, therefore, there cannot be any question whatever that that meeting did take place, and that it took place in terms of that appointment. There is no other occasion on which it could possibly have taken place, consistently with Christina Haggart’s evidence. Two months before the apprehension of Miss Smith goes back exactly to the 30th January. It was not two months, Christina Haggart said, although it was weeks, and that fixes the time clearly. But when Mons. de Mean asked the prisoner how she and L’Angelier met, she denied he had ever been in the house at all, plainly and positively. I show from the letters that he had been in the house more than once before that, but probably it was not in the course of 1857. But she positively denied he had ever been there. You find allusions throughout the letters to embraces, kisses, and interviews, and things which could only have taken place had he been in the house; and one witness states that he had been taken in at the front door, and another that he had an interview, however short. That that interview did take place you have substantial testimony on the evidence of eye-witnesses. What took place at that interview we cannot tell. What we find is this,

that in one way or other this feud had been made up, and that the whole thing had been arranged; and how arranged? Not certainly on the footing of getting back the letters—not certainly on the footing of the prisoner not continuing her engagement to L'Angelier; but upon the opposite footing—upon the footing of the engagement continuing. How was that to extricate the prisoner! What did she propose to herself to do? She had found that L'Angelier would not give up the letters. She did not persevere in her endeavour to induce him to do so by despairing protestations. She took another line, and that line was by pretending—because it could not be real—to adopt the old tone of love and affection—all this time keeping up the engagement to Minnoch, receiving the congratulations of his friends, receiving presents from him, and being engaged in fixing the time of their union. But they met that day, and the next letter was found in the desk, and was one of those brought by Mr Stevenson to the Procurator-Fiscal. It bears the date, “Osborne Buildings’ Receiving Office, Glasgow, 14th February 1857.” It is written apparently on Saturday the 14th:—“My Dear Emile—I have got my finger cut, and cannot write, so, dear, I wish you would excuse me. I was glad to see you looking so well yesterday.” Now, I don't think that that refers to this interview. She was in the habit of passing his window and looking up to it, and the probability is, that this refers to some glimpse she had got of him in that way, or she might have met him on the street. The interview, as I have told you, took place on Wednesday night. She goes on—“I hope to see you very soon. Write me for Thursday, and then I shall tell you when I can see you. I want the first time we meet that you will bring me all my cool letters back—[the only letters she asks for are her cool letters] the last four I have written—and I will give you others in their place. Bring them all to me. Excuse me more just now. It hurts me to write; so with kindest and dearest love ever believe yours with love and affection.—M.” She asks for those letters back which she had written in her cool moments, to convince L'Angelier that she is as true to him as ever. But remark, she makes an appointment for Thursday. If the postmark shows the true date, Thursday was the 19th of February. Gentlemen, be kind enough to bear that in mind. We are now coming to the very crisis of this case. On Tuesday, the 17th February, L'Angelier dined with Miss Perry. He told her he was to see Miss Smith on Thursday. Thursday was the 19th, and you find in this letter corroboration of that statement of Miss Perry. She says, “Write me for next Thursday.” He must have gone with the letter. He had that appointment with her, and he told Miss Perry that he had seen her on the 19th. Some day before the 22d of February, or I may say the 19th of February—and you will consider whether that is proved or not immediately—L'Angelier in the middle of the night was seized with a sudden illness. You heard it described by his landlady Mrs Jenkins; it was vomiting, purging, vomiting of a green stuff, and ex-

cessive pain. He lay on the floor all night, he was so ill that he could not call for assistance for some time, and his landlady found him in the morning. At last he was relieved, but only after a great deal of suffering. These symptoms were the symptoms of arsenic. My learned friends say that it might be cholera or not—these symptoms were the symptoms of arsenic, the symptoms of an irritant poison. I shall consider by and by whether the symptoms of cholera are precisely the same. It is enough that they were the symptoms of arsenical poisoning. He recovered; and he went out on the day after, on the 20th. On the 21st, the prisoner purchased arsenic at the shop of Mr Murdoch—a very singular purchase, gentlemen, for a person in her position to make. But it was not the first time in the history of this case that she had tried to buy poison. She had tried to buy poison before that meeting of Wednesday the 11th. I shall not stop just now to discuss the question of the reason which she gave for it, because my object at present is simply to give you the facts historically, although if you should find that the excuse she gave for the buying of the poison was a false one, it is evident how strong and inevitable the conclusion is which you must necessarily draw from that single fact. But she went to Murdoch's shop; she asked for the arsenic openly, but the story she told in regard to its use was, upon her own confession, an absolute falsehood; she said she wanted it to poison the rats at Row. A different excuse is afterwards given for the purchase of it, but you have this singular and startling fact, that on the 21st she goes into Mr Murdoch's shop alone; she asks for arsenic; says that the gardener at Row wants it to poison rats; she says he has tried phosphorus paste, but that that will not do, and that he wants to try arsenic. Gentlemen, that was an utter falsehood—an admitted falsehood. We shall see immediately what she says the real reason was, and whether it was more correct than the one she gave in the shop. Having purchased that arsenic on the 21st, according to my statement, L'Angelier saw her on the 22d, which was a Sunday, and on the night of the 22d and on the morning of the 23d, he was again seized with the very symptoms that he had had before—the identical symptoms, in a somewhat milder form—viz., the green vomiting again, the purging again, pains again, the thirst again—everything, in short, which you would expect in a case of arsenical poison. Gentlemen, I described these symptoms to Dr Christison, and you heard what he said he would have concluded. Dr Thomson, who attended the patient, said that the symptoms which he himself saw were the symptoms which he would have expected in a case of arsenical poisoning. And for the present, for the purpose of what I am now maintaining, it is quite enough for my story that the symptoms were in substance those which follow from arsenical poisoning. And that is on the 22d. There is no doubt about that date. It is Sunday the 22d and Monday the 23d, it is the evening of Sunday and the morning of Monday about which we are now

speaking. Now, gentlemen, it is most material to give me your attention at this particular part of the case. If you believe Miss Perry—and I think you will find no reason to disbelieve her—L'Angelier told her that he had seen the prisoner on the 19th, that he had been ill immediately after the 19th, and that he had afterwards been ill—after the 22d and 23d—I don't know that she named these dates, but she certainly said he was twice ill before she saw him on the 2d March, and he told her that these two illnesses had followed after receiving coffee one time and chocolate another time from the hands of the prisoner. Now, if that be true, and if he certainly said so, then it is certain that he saw her upon the 19th and that he saw her upon the 22d; and in corroboration of that, will you listen to this letter which was found in the tourist's bag, and which unquestionably was in the state in which it was when found. And I think you will consider this letter of the deepest importance to the facts of this case. It was posted at Glasgow, the date was illegible, and we had a great deal of discussion with the witness from the Post Office as to what really was the postmark. He thought at last he saw a letter which indicated March. My learned friends disputed the accuracy of his inspection, and I am inclined to dispute it too, and, indeed, I do dispute it. The man was wrong. I believe the postmark is entirely obliterated. If you have any curiosity, or rather, if you think it would assist you to look at it, as my learned friend proposed you should, I am sure I have no objection whatever, but I will tell you the real date of it, and I shall prove it irrespective of the postmark. Its date was Wednesday the 25th February; and now I shall read it:—

Dearest Sweet Emile,—I am sorry to hear you are ill. I hope to God you will soon be better, take care of yourself, do not go to the office this week, just stay at home till Monday. Sweet love it will please me to hear you are well. I have not felt very well these two last days sick & headache. Every one is complaining it must be something in the air. I can see you Friday as M. is not away, but I think Sunday P. will be away & I might see you I think but I shall let you know. I shall not be at home on Saturday but I shall try sweet love and give you even if it should be a word. I cannot pass your windows or I would as you ask me to do it, do not come and walk about and become ill again. You did look bad Sunday night and Monday morning.

“You did look bad on Sunday.” Where had she seen him on the Sunday night and the Monday morning? It could only be Sunday the 22d and Monday the 23d of February.

I think you got sick with walking home so late, and the long want of food so the next time we meet I shall make you eat a loaf of bread before you go out. I am longing to meet again sweet love. We shall be so happy. I have a bad pen, excuse this scroll and B. is near me. I cannot write at night now. My head aches so, and I am looking so bad that I cannot sit up as I used to do, but I am taking some stuff to bring back the colour. I shall see you soon again. Put up with short notes for a

little time. When I feel stronger you shall have long ones. Adieu my love my pet my sweet Emile. A fond dear tender love and sweet embrace.—Ever with love yours

MINT.

Now, gentlemen, if it was written on the 25th, it proves that he saw her on Sunday and Monday the 22d and 23d; and it proves that he was sick at that time, and looking very bad (according to my statement he had been taken ill on the 19th), and it proves that she was thinking about giving him food. It proves that she was laying a foundation for seeing him; she was taking out a kind of explanation of the symptoms he had; because she says she was ill herself, and that as every one was complaining, it must be something in the air; and it proves that all this took place the day after she had bought the arsenic at Murdoch's. L'Angelier, it was also proved, had said his illness had taken place after receiving coffee from the prisoner. That was what he said, and she says in her own declaration that upon one occasion she did give him a cup of cocoa. Gentlemen, as to the date of this letter, there are a few facts to determine it absolutely. In the first place, it was dated on the Wednesday; it was after his illness, and it was after he was unable to go to the office in consequence of that illness; because she says—"I am sorry to hear you was so ill. I hope to God you will soon be better, take care of yourself, do not go to the office this week, just stay at home till Monday." The prisoner was shown that letter, and she refers to it in her declaration, and refers to it in alluding to his recent illness. She says it was a mere jocular observation that about the want of food; but that she had attributed his illness to want of food, she had made the observation about a loaf of bread. Well, then, gentlemen, if it was after he was ill it was on a Wednesday, and in the month of March it could not be, because she says in this letter, which is of Wednesday's date, I can see you on "Friday if M. is not away, but I think Sunday P. will be away & I might see you I think but I shall let you know." Now, the first Wednesday of March was the 4th. But there is a letter of the 3d March, which I will read immediately, in which the prisoner says they were going to the Bridge of Allan on the 6th. Therefore it is impossible that this could have been Wednesday the 4th March. The next Wednesday was the 11th, and she was still at the Bridge of Allan, and L'Angelier had not seen her; and it could not be the next Wednesday, which was the 18th, as L'Angelier was a great deal better, and had returned from Edinburgh. Now that I have shown you how the matter stands up to Wednesday the 25th February, what do you think of it? No doubt the illness of the 19th of February takes place when I cannot prove the prisoner had any arsenic in her possession—that is perfectly true. The prisoner's counsel took some pains to prove that arsenic might be had without being purchased in a druggist's shop, but when you come to consider this, you will look at the surrounding circumstances in the case—at the fact that L'Angelier said his two first illnesses

had arisen immediately after receiving a cup of coffee one time, and a cup of cocoa or chocolate the other; that she admits she did give him a cup of cocoa; that she had the means of making it in the house; that the illness the second time was the same as the first time, and that upon both occasions these illnesses were symptomatic of arsenic. You will also consider, what weighs on my mind, what was the nature of the arrangement between L'Angelier and Miss Smith. How did she propose to extricate herself from the difficulties in which she found herself placed? She had everything at stake—character, fame, fortune, and everything else. She knew she could not get back her letters by entreaties, and she did not endeavour to get them by that means any longer, but professed to adhere to their engagement. What did she contemplate at that moment? For the first time she begins to purchase, or endeavour to purchase, prussic acid; and now, gentlemen, for the arsenic. What reason does she give for the purchase of arsenic? She says she had been told when at School in England, by a Miss Guibilei, that arsenic is good for the complexion. She came from school in 1853, and, singular enough, it is not till that week of February prior to the 22d that she ever thinks of arsenic for that purpose. Why, gentlemen, should that be? At that moment I have shown you that she was frightened at the danger she was in in the highest degree, and is it likely that at that time she was looking for a new cosmetic? But what is the truth as to what she had heard, or very likely read? What is the use of the arsenic, and what does she say? She says that she poured it all into a basin, and washed her face with it. Gentlemen, do you believe that? If she was following out what she found in the Magazines, that was not what she found there; for they say that the way to use arsenic is internally. Therefore, do you believe that she got the arsenic for the purpose she says? A very respectable gentleman came into the box yesterday to swear that arsenic might be safely used in that way, and he actually had the courage to try the experiment on Saturday. I should not like to say anything to shake the nerves of that gentleman, but the experiment cannot be said to be yet completed, and what he did on Saturday may possibly produce some results hereafter. All Dr Maclagan would say was, that it would produce no effect at all; but, with all deference to Drs Mac-lagan and Laurie, we have heard from the two first authorities in Europe, that such practices may be attended with danger. Dr Maclagan says that if you shut your mouth and eyes the experiment may be safe, but Dr Penny and Dr Christison tell you plainly they would not like to wash in it. But has the prisoner shown you, or have her counsel, with all their ability, that any man anywhere ever propounded washing with arsenic as a cosmetic? Before you can take such a preposterous story, she must show that in some reasonable and rational manner she was led to believe that this cosmetic might be usefully and safely used. But all that has been referred to is the swallowing of arsenic. She says she used the whole quantity each

time in a basin of water. I fear, gentlemen, there is but one conclusion, and that is, that there is not a word of truth in the excuse; and if therefore you think there are two falsehoods here about the poisoning—the first told in the druggist's shop, and the second made in her declaration—I fear the conclusion is inevitable that the purpose for which she had purchased it was a criminal one, and that, taking all the circumstances together, you cannot possibly doubt that the object was to use it for the purpose of poisoning L'Angelier. But this time it failed; he is excessively ill, but recovers. How she got the poison on the 19th I say at once I am unable to account for, and the prisoner is entitled to any benefit that may give her. But you will recollect what the symptoms were. You will also recollect the letter, and that this letter proves the conclusiveness of what has been said before, that L'Angelier was sick at the time of their meeting, and that reminds me of what I had forgot, M. Thuau, his fellow-lodger, had asked L'Angelier whether he had been with Miss Smith on the occasion of his first illness, and he told him that he had. If that took place on the 19th—and I think I have proved that pretty conclusively—then you have another witness testifying that on the 19th these two people had met. It is quite true that Mrs Jenkins and M. Thuau said they did not think that L'Angelier was out on the 22d. They say so with hesitation; and it is plain that Mrs Jenkins' recollection of periods is not very accurate, unless she has something to go by. Her recollection with regard to his last illness was corroborated and fixed by certain matters upon which she could not be mistaken; but from that letter of the 25th, which I have read, and which I think I have proved was written on the 25th, I think I have shown that unquestionably he was out on Sunday night and on the Monday morning, and he told Miss Perry accordingly that he had been so. He got better, and on the 27th of February a letter, found in the tourists' bag, clearly identified, bearing the postmark of 27th February 1857, is sent from the prisoner in these terms—"My Dear, Sweet Emile,—I cannot see you this week, and I can fix no time to meet with you." That proves, if there were wanting proof, that the Sunday night and Monday morning were not subsequent to the 25th February—"I do hope you are better. Keep well, and take care of yourself." In the former letter of the 25th she writes—"I am sorry to hear you are ill." Two days afterwards, which is quite consistent with the first, she writes—"I do hope you are better. I saw you at your window. I am better, but have got a bad cold." Therefore this letter of the 27th is clearly connected with the letter of the 25th, in which she says—"I am sorry to hear you are ill." In the letter of the 27th she further says—

I shall write you, sweet one, in the beginning of the week. I hope we may meet soon. We go, I think, to Stirlingshire, about the 10th of March, for a fortnight. Excuse this short note, sweet love. With much fond tender love and kisses; and believe me to be yours, with love.

MINI.

Now, gentlemen, what was L'Angelier about all this time? We have very clear evidence of that from Mr Kennedy, Miss Perry, and Dr Thomson. The man was entirely changed. He never recovered his looks and health. When he appeared in the office, as Miller told you, his complexion was gone, and there was a dark, hectic spot on either cheek. You have heard from Miss Perry that on the 2d March, when he called on her, he was a frail and tottering man, entirely altered from what he used to be. He was allowed to be away from the office. He followed the advice given him in the prisoner's letter of the 25th; he did not return to the office till next week. Here it was proved by Mrs Jenkins, Dr Thomson, and Kennedy, that this was the only occasion on which he was detained by illness from the office. He was recommended to leave town for the good of his health, and he got leave of absence from the office. And while I am here, and before I pass on, let me just allude, in a single sentence, to a conversation that took place between Miss Perry and L'Angelier. Gentlemen, you cannot fail to be struck with the significancy of what he said, that his love for Miss Smith was a fascination; and he used the remarkable expression, "Why, even if she were to poison me I would forgive her." He had said before, in a looser way, to Kennedy, that he was utterly infatuated, and that she would be the death of him; but this time he uses these remarkable words, "If she were to poison me I would forgive her;" and that in connection with the statement that his illness had immediately followed the cup of coffee and cocoa which he got from her. What could have put that into his head, unless it was true that he had got a cup of coffee on the one occasion, and a cup of cocoa on the other? What could have put it into his head to say "If she were to poison me I would forgive her?" If you believe Miss Perry's story, that he got a cup of coffee the first time and a cup of cocoa the second, and take into account the effects that followed, would you think it strange that he should say, "If she was to poison me I would forgive her?" With the other evidence I have brought to bear upon this critical period—from 19th to 27th February—I leave you to judge whether, at all events, it is not certain, first, that they met on these two occasions; second, that he got something from her on both occasions; and third, that his illness succeeded immediately after having got a cup of coffee in the first place, and a cup of cocoa in the second; and that, in the last place, these illnesses took place under circumstances which led him to say, half in joke, half in earnest, "If she was to poison me I would forgive her." Miss Perry does not say this was a serious belief. It would appear to have been a floating notion which coursed through his brain, and I suppose he drove it away. We shall see what happened to drive it away; we shall see protestations of renewed love, which probably made him believe that that phantom, suddenly conjured up, was, after all, a mere delusion of his brain. In regard to Miss Perry's evidence, I will say that it was

a remark made in the Fiscal's office which made Miss Perry think again as to the day of L'Angelier's first illness—that at first she thought the 19th was not the day, but she began to reflect, and she found it must be so; because he was dining with her on the 17th in good health. He had been dining with her before in good health, and therefore, as he had told her he had an engagement on the 19th, she knew that that must be the day. While L'Angelier was recovering, the prisoner writes a letter dated Tuesday the 3d of March. It appears that L'Angelier had proposed to go to the Bridge of Allan, and on Tuesday the 3d of March the prisoner writes this letter to say that they intend to go to Stirling for a fortnight, and to go on Friday the 6th. But it seems that L'Angelier had some thoughts of going to the Bridge of Allan too—"My dearest Emile,—I hope by this time you are quite well, and able to be out. I saw you at your window, but I could not tell how you looked—well, I hope. I am very well. I was in Edinburgh on Saturday to be at a luncheon-party at the Castle. It was a most charming day, and we enjoyed our trip very much. On Friday we go to Stirling for a fortnight. I am so sorry, my dearest pet, I cannot see you ere we go—but I cannot. Will you, sweet one, write me for Thursday, eight o'clock, and I shall get it before ten o'clock, which will be a comfort to me, as I shall not hear from you till I come home again? I am very well; and I think the next time we meet you will think I look better than I did the last time. You won't have a letter from me this Saturday, as I shall be off; but I shall write the beginning of the week. Write me for Thursday; sweet love, and with kind love ever believe me to be yours with love and affection,—Mini." The terms of this letter prove distinctly, I think, that the letter, which I have presumed to be dated on the 25th, could not by any possibility have been written after that date. She writes the next day a letter posted on the 4th March, and clearly written at that time—"Dearest Emile,—I have just time to write you a line. I could not come to the window, as B. and M. were there, but I saw you. If you would take my advice you would go to the South of England for ten days; it would do you much good. In fact, sweet pet, it would make you feel quite well. Do try and do this. You will please me by getting strong and well again. I hope you won't go to B. of Allan, as P. and M. would say it was I brought you there, and it would make me to feel very unhappy. Stirling you need not go to, as it is a nasty dirty little town. Go to the Isle of Wight. I am exceedingly sorry, love, that I cannot see you ere I go. It is impossible, but the first thing I do on my return will be to see you, sweet love. I must stop, as it is post time. So adieu, with love and kisses, and much love. I am, with love and affection, ever yours.—Mini." She had made the attempt at poison on two occasions, and had failed. Apparently her heart was somewhat touched, and probably she thought that if she could get him out of the way she might have her marriage

with Mr Minnoch over without his knowledge, after which it would be easy to get her letters, as there would be no motive for keeping them. You will see what L'Angelier says to this proposition to go to the Isle of Wight. It cannot but have struck you that these last letters, though written in the words, are not written in the old spirit of the letters between these persons. And, as it must have struck you, so it struck L'Angelier himself. And I am now to read you what I regret to say is the only scrap of evidence under the hand of this young man that I am able to lay before you. But that letter is of some consequence. It shows the tone of his mind, and his position altogether, after what had taken place between them since the reconciliation; and indicates very plainly what at that time his suspicions were. The Lord-Advocate then read L'Angelier's letter, dated "Glasgow, March 5," (No. 119.)

My dear Sweet Pet Mini,—I feel indeed very vexed that the answer I received yesterday to mine of Tuesday to you should prevent me from sending you the kind letter I had ready for you. You must not blame me for this, but really your cold, indifferent, and reserved notes, so short, without a particle of love in them (especially after pledging your word you were to write me kindly for those letters you asked me to destroy), and the manner you evaded answering the questions I put to you in my last, with the reports I hear, fully convince me, Mini, that there is foundation in your marriage with another. Besides, the way you put off our union till September, without a just reason, is very suspicious. I do not think Mini dear that Miss Anderson would say your mother told her things she had not; and really I could never believe Mr Houldsworth would be guilty of telling a falsehood for mere talking. No, Mini, there is foundation for all this. You often go to Mr M.'s house, and common-sense would lead any one to believe that if you were not on the footing reports say you are, you would avoid going near any of his friends. I know he goes with you, or at least meets you in Stirlingshire. Mini dear, place yourself in my position, and tell me, am I wrong in believing what I hear? I was happy the last time we met—yes, very happy. I was forgetting all the past, but now it is again beginning. Mini, I insist on having an explicit answer to the questions you evaded in my last. If you evade answering them this time, I must try some other means of coming to the truth. If not answered in a satisfactory manner, you must not again expect I shall again write you personally, or meet you when you return home. I do not wish you to answer this at random; I shall wait for a day or so if you require it. I know you cannot write me from Stirlingshire, as the time you have to write me a letter is occupied in doing so to others. There was a time you would have found plenty of time. Answer me this, Mini—Who gave you the trinket you showed me? is it true it was Mr Minnoch? And is it true you are directly or indirectly engaged to Mr Minnoch, or to any one else but me? These questions I must know. The doctor says I must go to the Bridge of Allan. I cannot travel 500 miles to the Isle of Wight and 500 back. What is your object in wishing me so very much to go south? I may not go to the Bridge of Allan till Wednesday. If I can avoid going I shall do so for your sake. I shall

wait to hear from you. I hope, dear, nothing will happen to check the happiness we were again enjoying.—May God bless you, pet; and, with fond and tender embraces, believe me with kind love your ever affectionate husband,

EMILE L'ANGELIER.

Observe, gentlemen, that in that letter he says very plainly that, after the meeting of the 22d, he was “forgetting all the past.” Whatever had floated through his mind on the subject of the strange coincidence of his illnesses on the one hand, and his visits to the prisoner on the other—all that he put away; and he says that he was “forgetting all the past.” “But now,” he says, “it is again beginning. Mini, I insist on having an explicit answer to the questions you evaded in my last. If you evade answering this time, I must try some other means of coming to the truth.” This was written on the 5th March. He says he won't go to the Isle of Wight, and that the doctor tells him he must go to the Bridge of Allan. The prisoner buys her second ounce of arsenic next day. But before she does it, she writes this letter on the 5th. It plainly was written on the 5th, because the press copy of the letter from L'Angelier bears date the 5th, and it is an answer to that. “My dear sweet pet,” she says, “I am so sorry you should be so vexed; believe nothing, sweet one, till I tell you myself. It is a report I am sorry about, but it has been six months spoken about. . . . We shall speak of our union when we meet.” Keeping it up, you see, gentlemen, till the last; for when she was at the Bridge of Allan she made all her arrangements for her marriage with Mr Minnoch in June. “I wish, love, you could manage to remain in town till we come home, as I know it will be a grand row with me if you are seen there. . . . Neither M. nor his sisters go with us.” No, but she knew that they were going there at the same time. “If you do not go to Bridge of Allan till we come home, come up Mains Street to-morrow, and if you go, come your own way.” As I told you, next morning she went into Currie's shop with Miss Buchanan to purchase arsenic for the alleged purpose of killing rats in the Blythswood Square house. She asked for sixpence-worth, having bought the very same quantity on the 21st February. After she gets a letter from L'Angelier saying, “If you won't answer my questions, I will not any longer put them to you, but will find another way of satisfying myself,” she writes him—“Do not come to Bridge of Allan, but go to the Isle of Wight. If you come to Bridge of Allan, come your own way.” And—on the 6th of February—in the expectation that he might come to Bridge of Allan, she buys arsenic again.

[Lord IVORY directed the attention of the Lord-Advocate to the words in the prisoner's letter last referred to—“I will tell and answer you all questions when we meet.”]

The Lord-Advocate, after reading the sentence pointed out, proceeded—The prisoner purchased that arsenic unquestionably upon a false statement. This time it was not rats at the Row, but

rats at the house in Blythswood Square—which was to be shut up, and all the servants taken away. The whole of that statement was an absolute falsehood. There were no rats at Blythswood Square house, the servants were not all to be removed, and the house was not to be shut up. Gentlemen, again it is said, it was for her complexion that she bought it and used it. Do you really think that it had done her so much good in that way before as to induce her to use it again? No one has had the hardihood to go into that witness-box and say that it would have any beneficial effect upon the complexion, or any effect at all which could induce the prisoner to continue such a practice; but what does she do when she finds the toils getting close around her, and L'Angelier no longer to be put off—having pledged herself to one falsehood, and seeing that she could not escape, what does she do? She again goes and purchases an ounce of arsenic. Gentlemen, draw your own conclusion. There is the statement about the cosmetic, but it is one which no reasonable man can entertain. It may, perhaps, be said, What did she do with all that arsenic—she could not use the half, the tenth, even the twentieth part of it, on the former occasion? Well, what she did I apprehend was this—she was afraid to leave it lying about, and whenever she had used what she wanted of it, she put the rest in the fire. The family were going to the Bridge of Allan, and when she found she was to leave town, she disposed of that portion of the arsenic which she had still remaining by putting it where it could not be discovered by any one. The two last letters she wrote were from the Bridge of Allan. They are cold letters enough. The first of them bears the postmark, Bridge of Allan, 10th March 1857, and in it she says, amongst other things, “We shall be home on Monday or Tuesday. I shall write you, sweet love, when we shall have an interview”—an interview, remark—“I long to see you, to kiss and embrace you, my only sweet love.” She says, “I shall write you when we shall have an interview;” and we shall see with what feverish impatience L'Angelier awaits that interview. The last letter has the postmark 13th March. In it again she says—“I think we shall be home on Tuesday, so I shall let you know, my own beloved sweet pet, when we shall have a dear, sweet interview, when I may be pressed to your heart, and kissed by you, my own sweet love. A fond, tender embrace; a kiss, sweet love.” Then she says, “I hope you will enjoy your visit here.” About that time it was arranged that L'Angelier should postpone his visit till the family came back. Gentlemen, what was going on at the Bridge of Allan at this time? The marriage with Minnoch was all settled; the day was fixed; she was committed beyond all hope of recovery, and she could see no way out. But, leaving her there for the present, let us follow the fortunes of L'Angelier for the next most critical ten days of his life. He gets leave of absence on the 6th, goes to Edinburgh for a week, sees a variety of persons, and gets much better. Seve-

ral witnesses have told you how he ate—how he talked about his illness; and you have heard how he repeated in the house of Mr Towers the singular statement he had before made to Miss Perry, that he had got coffee and cocoa from somebody, and that illness immediately succeeded on taking these two substances. He says, “I do not wonder so much that I should be ill after cocoa, for I am not accustomed to that; but that I should be ill after coffee, which I take regularly, I cannot account for.” And they were so much struck with the remark that they said to him, “Has any one any motive in poisoning you?” To that he made no answer; but you will not omit to see the corroboration that gives to the story of Miss Perry, and to the real circumstances, as I have explained them to you. The week after he was to have a letter appointing an interview. He had not had one since the 22d, and he was longing for it with impatience. He came back to Glasgow on Tuesday the 17th, and said, “Is there no letter waiting for me? for they were to be home on the 17th, and she was to write and say when the interview was to be.” He stayed at home all Wednesday, better in health, but low in spirits, expecting a letter. He went to Bridge of Allan on Thursday the 19th, and after he had gone, a letter came. He did not get that letter at his lodgings, but he had left his address with M. Thuau, with instructions to forward any letter which came; and the envelope is found addressed to his lodgings, and posted between 8.45 A.M. and 12.25 P.M. on Thursday. That envelope was found in the tourist’s bag, and I make that remark in consequence of an observation made by my learned friend. That letter has never been found. We do not know what became of it, but this is certain, that the envelope without the letter was found in the bag; and as the things in the bag were marked at once, there can be no doubt whatever as to the state in which they were found. I regret the absence of that letter as much as my learned friend can, though I think there is collateral evidence of what that letter set forth. It arrived, however, on the 19th March, Thursday, and Thuau on the same day addressed it to the Post Office at Stirling; and that was posted at Franklin Place on the night of the 19th March, and reached Stirling about nine o’clock on the 20th. On the 20th L’Angelier writes to Miss Perry, and says:—“I should have come to see some one last night, but the letter came too late, so we are both disappointed.” After a letter or two which are not material now for me to read—though they were material as identifying the course L’Angelier took, as proved otherwise—after a letter or two from Mr Stevenson and others, we come to the last of the series. [The Lord-Advocate then read the letter from panel, with postmark, “Glasgow, March 21”]:—

Why my beloved did you not come to me. Oh beloved are you ill. Come to me sweet one. I waited and waited for you but you came not. I shall wait again to-morrow night same hour and arrangement. Do

come, sweet love my own dear love of a sweetheart. Come, beloved and clasp me to your heart. Come and we shall be happy. A kiss fond love. Adieu with tender embraces Ever believe me to be your own ever dear fond  
 “MINT.”

That letter was posted in Glasgow, if at a box, between 9 A.M. and 12.30 P.M., and if at the General Post Office, between 11.45 A.M. and 1 P.M. That letter was found in the pocket of the coat. About that letter and envelope there is no dispute nor question whatever. There was an appointment for Thursday the 19th. On Wednesday the 18th she bought her third packet of arsenic. She went back to Currie's shop on the 18th, told him that the first rats had been killed, that they had found a great many large ones lying in the house; and as she had got arsenic before, appeared to be a respectable person, and told her story without hesitation, on the 18th March she got her third packet of arsenic. That letter was enclosed by Thuau to L'Angelier on the same day with the rest. He enclosed it in a letter of his own, in which he says that the letter came at half-past twelve, and that he hastens to put it into the post, if there is time. L'Angelier got that letter after nine o'clock at Stirling on Sunday morning. He left shortly after the afternoon service had begun. It is proved by his landlady that he left at that time—it is proved by the postmaster that he got a letter—it is proved that he was in his usual health. He walked to Stirling, started instantly, taking the letter as an appointment for Sunday night. The question whether it was so or not is immaterial. The guard recognised him as a gentleman who travelled from Stirling to Coatbridge, handed him over to Ross, the auctioneer, and he swears these two were the only passengers in that train who stopped at Coatbridge. They had food together in the inn; the guard, Fairfoul, saw him start with Ross in perfect health at Coatbridge to walk to Glasgow. Ross swears that he walked with him to Glasgow, that he was quite well, walked briskly, did not tire, stopped at no place on the road, and arrived in his lodgings a little after eight, and Mrs Jenkins says, looking infinitely improved since he left her on the 19th. He came home in the greatest spirits, and told them that the letter had brought him home. They knew, and he made no secret of, why he had come home. The landlady knew so well that when he went out at night he was going to see his sweetheart, that she never asked him any questions on these occasions. He stayed in the house, took some tea, and left the house in his usual health a little after or before nine o'clock. He is seen sauntering along in the direction of Blythswood Square about twenty minutes past nine. It is too early. He knows the ways of the house, and knows that they have prayers on Sunday night. He must beguile the time a little, and so he goes past Blythswood Square, down to the other side, and makes a call on his acquaintance, M'Alister, in Terrace Street, but does not find him at home. The maid-servant recognised him, and says he was there about half-past nine. Here my clue fails me: we lose sight of him

for the period of two or three hours, and my learned friends on the other side are equally unsuccessful in their endeavours to trace him ; but there is no attempt to show that any mortal man saw him anywhere else than the only place he was going to. He went out with the determination of seeing the prisoner; and believing that he had an appointment at that place, you cannot doubt that, after coming from the Bridge of Allan post haste to see her, walking first from Bridge of Allan to Stirling, then travelling from Stirling to Coatbridge, walking from Coatbridge to Glasgow, and then walking from his lodgings in the direction of Blythswood Square, you cannot believe that he would give up his purpose within a hundred yards of the house. The thing is incredible, impossible. Well, gentlemen, as I said, he knew the ways of the house ; he knew when it was the habit of the family to retire to rest, and that he would have to wait till Janet was asleep. Can you believe—is it reasonable to believe—that after all these preparations, L'Angelier should have returned without going into the house ? The thing is impossible. But if he did go to the house, what do you suppose he did ? He went of course to the window and made his presence known. He could do it with certainty. The prisoner denies she heard anything that night. Is that within the region of possibility ? She writes him a letter to come to her. I know, she says, the appointment was for Saturday. But do you suppose that in the course of that correspondence, even if that were true, she would not have waited for him next night on the chance of his having been out of town ? The interview was long delayed, anxiously looked for—the interview at which everything was to be explained, in an explanation which she knew he was waiting for. Is it possible that she went to sleep that night, and never woke till the morning ? Gentlemen, whatever else you may think, I think you will come to this inevitable conclusion, that L'Angelier did go to the house, did make his presence known ; and if he did that, what means the denial in the prisoner's declaration, that L'Angelier was there that night at all ? It is utterly inconceivable and impossible. You have no other trace of him. The policeman, it is true, did not see him ; but neither did he see him in many a midnight walk, for you know what a policeman's beat is, and how easy it would be to avoid him. But that he was there is certain. This was the critical night, when the question was to be decided of her fame and reputation for ever. When and how do we see him next ? He is found at his own door, without strength to open the latch, at two o'clock in the morning, doubled up with agony, speechless with exhaustion and pain, parched with thirst, and burning with fever ; vomiting commences instantly, and the former symptoms, with great aggravations, go on from two till about eleven o'clock, when the man dies of arsenic. So ends this unhappy tale, that I have taken so long to tell you. His last words are few. No one asks him where he has been. They know where he has been, and that is why they do not ask ; so says his landlady. She knows where he has been, but asks no questions ; but she was

a kindly attentive woman, and she does say to the doctor—"What can be the meaning of this, that while he has gone out in good health twice, he has come back ill? we must have this inquired into, for I cannot comprehend it." The unfortunate victim himself is unwilling plainly to admit to himself what doubtless he suspected. He says, "I never had bile before; I do not know what it is; I never felt this way before; I am very cold; cover me up." On the first proposal to send for the doctor, he says—for he certainly does seem to have been a kind-hearted creature—he says to his landlady, "It is too far for you to go." After a while, as he is worse, the landlady again proposes to go for a doctor, one who is near at hand, and he says, "If he is a good doctor, bring him." She went, and came back with a prescription. He makes some difficulty about taking the laudanum; for though it appears from Thuau that he did occasionally take it, he had an aversion to all drugs, thinking that as he had got round before without laudanum, he would get round again. But he got worse, instead of better; and he begs Mrs Jenkins to go again for Dr Steven, and Dr Steven comes. I shall have to speak of the allegation of suicide immediately; but does it not seem strange that my learned friends did not ask a single question either at Dr Steven or Mrs Jenkins as to whether L'Angelier wished to recover or not? The evidence of Mrs Jenkins was of the most interesting character, and given in the most explicit and satisfactory manner, and she seemed a kind and attentive person. She was convinced that L'Angelier wished to recover. At last, Mrs Jenkins, taking the alarm, said, "Is there anybody you would like to see?" He replied, "I should like to see Miss Perry." He did not say, remark, I should like to see Miss Smith. If he had thought that he really was in danger, surely the most natural thing for him would have been that he would like to see the one whom of all the world he was most devotedly attached to. But he says, "I would like to see Miss Perry;" and, doubtless, if he had seen Miss Perry, we should have known more of this melancholy case. Before she came, death caught him—caught him more quickly than either he or his landlady imagined, and so the scene closed. When the doctor raised his head, it fell back; the man was dead; the mystery of that night remained sealed, so far as the lips of the unhappy victim were concerned. I have now told you this long and sad tale, and I am very much mistaken if it does not produce an effect on your mind leading to one inevitable result. I don't wish to strain any one point against the unhappy prisoner at the bar; the case is one of such magnitude, and one so depending on minute circumstances—the more so from the position in which I have been placed in reference to the evidence—that I have had to collect all the facts in order to produce a chain of evidence that appears to me completely irrefutable. But, notwithstanding that, I have no desire whatever to press you beyond the legitimate consequences of the facts which I have now stated; and I shall therefore go on to consider, with all the candour that I

can, the defence that has been set up. Just let me, before I do so, recapitulate that which we have proved. We have brought these unhappy persons down to the end of December, bound to each other in a way which truly was indissoluble, because the prisoner was so committed in her letters that, except with L'Angelier's consent, she never could have got quit of him. You find her engaging herself to another, and trying to break off from L'Angelier by mere coldness, and not succeeding; you find the threats of L'Angelier; you find her despairing letters; you then find a meeting fixed, and the first indications of poison being given; the meeting takes place, a reconciliation is effected, but the engagement with Mr Minnoch goes on. In about a fortnight or ten days he is taken ill after the purchase of arsenic on one occasion—I have not been able to prove the purchase on the other occasion—but it is proved by her own statement that he was taken ill after getting something from her; he proposes to go to the Bridge of Allan; she entreats him not to go, because Mr Minnoch is there; and by the bye I forgot to read, although I will not now stop to read, the letter which on the 16th March—the very time she appointed for the last meeting with L'Angelier—she wrote to Mr Minnoch, her intended husband; he takes ill, talks of going to Bridge of Allan; she tries to dissuade him from going, but he goes; she buys arsenic on the 18th; she writes to make an appointment for the 19th, and she buys arsenic the same day; he does not keep his appointment for the 19th, but he does so on Sunday in answer to a second invitation from her, which is found in his pocket; he goes back to Glasgow for the express purpose of keeping the appointment; he goes out that night to keep the appointment, and he comes home and dies of arsenic within twelve or fourteen hours. Gentlemen, I have concluded that part which I considered necessary relative to the case of the prosecution. But it is right that I should now read the letter which the prisoner addressed to Mr Minnoch. It is dated the 16th of March, the day before the family returned from the Bridge of Allan. I read it to show you the inextricable difficulty in which the unhappy prisoner had placed herself:—

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

This letter was written two days before she wrote making the assignation with L'Angelier only a very few days before his death, and it was found in his pocket after his death. There is one other incident to which I must call your attention. Apparently the prisoner had shown no particular agitation at the news of L'Angelier's death. Gentlemen, if she is capable of committing the crime charged, you will not wonder at her self-possession; but news came on Thursday. Something on that day reached her ears. What it was we do not know. One morning she was missed from her father's house. Whether she had been in bed or not is not certain. Janet, her sister, says she was not in bed when she awoke in the morning. She was not seen that morning by any of the servants. She was found by Mr Minnoch at half-past three o'clock in the Helensburgh steamer at Greenock. Where she was that evening we cannot discover. But it has been shown that she was absent from half-past seven o'clock in the morning, when she was missed, till half-past three, when she was found by Mr Minnoch. So much is certain. I do not press this incident for more than it is worth, for the mere discovery of the letters was enough to induce her to fly from her father's house. But still the fact remains, that these letters were discovered, and that the prisoner flies. She is brought back by Mr Minnoch. From a very gentlemanly feeling he asks no questions, and she never explains, and never has explained, what she did on that occasion. This incident bears, therefore, on the case for the prosecution. As I said before, I have nothing but a public duty to perform. I have no desire to plead this cause as an advocate. My duty is to bring the case before you, as the ends of truth and justice require. But I should have been wanting in my duty if I had not brought these elements, and culled these details, to show you how they bear upon the accusation in the indictment. I now go to the defence which, as I gather, will probably be set up. As I said before, I will go into it in the spirit of candour, as well as justice. Now, the first thing may be taken from the declaration of the panel herself. Let us see what it says. Although the declaration of a prisoner is never evidence in his or her favour, yet, in this case, if it be truth, I have no desire to prevent it from having its legitimate effect upon your minds. If she can tell a story consistent with itself and with the evidence, unquestionably I have no desire to press hardly upon her. [The Lord Advocate then read the declaration.] Gentlemen, in regard to the last letter, you will see that the prisoner does not tell that the letter referred to was written on any previous occasion. She says he had been unwell, and had gone to the Bridge of Allan, and she is shown a letter, and I can only refer the writing of it to the sickness before his death. In reference to the use of the arsenic, I do not of course know what my learned friend is going to say; but I have not been able to find either in the publications of the Messrs Blackwood or the Messrs Chambers the shadow of a statement to the effect that arsenic, diluted in water, is ever used in

the manner spoken of by the prisoner, and you have the evidence of the lady (Madame Guibilei), who told you that in the story read in the school at Clapton, it was said that arsenic was used internally by the Styrian peasants for the purpose of making their wind stronger, and also for improving the appearance of their complexion. Now, gentlemen, that is her account of what took place. She denies entirely that she saw L'Angelier on the night before his death—she denies that she heard him at the window the night before his death. You will consider, gentlemen, if that is consistent with any reasonable probability. No doubt the girl Janet slept with her. She said she found her there when she awoke in the morning, and that she went to bed with her at the same time that night. My learned friend did not ask her, and perhaps properly, whether she had heard any noise during the night, and the prisoner is quite entitled to the benefit of the supposition that her sister did not hear any noise during the night. Again, the foot-boy, who slept in the front of the house, declares he heard nothing; and the two maids, who slept in the room behind, swear they heard nothing. But, gentlemen, so far as regards Janet, you have it positively proved that L'Angelier was in the habit of coming night after night to the window—you have it proved that on many occasions he did come to the house—and you certainly have it proved that on some occasions he was in the house with the prisoner. It does not appear that Janet knew anything about these meetings; and you have her referred to sometimes in the letters, in which she says she could not get Janet asleep last night, as an excuse for not having been at the window to receive him. In regard to the servants, you will recollect how the house stands by the plan; and that nothing could be easier than for the prisoner, if she had a mind, to go up stairs and open the front door to receive him into the drawing-room; or, if the area gate were left open, she could with great ease (for the boy slept soundly, and foot-boys are rather apt to sleep soundly) open the area door, and let him in that way. Whether she could let him in by the back without the connivance of Christina Haggart is another question. Christina Haggart swears that she did not connive at it on that occasion; and it may be doubtful, therefore, whether that mode of access was open to her; and, therefore, while there is nothing in what these witnesses say to imply that they did meet that night, there is certainly nothing to exclude the possibility of it. As to the prisoner's account of the use for which she bought the arsenic, as I said before, you must be satisfied that it is a reasonable and credible account before you make up your mind on this case; because, unless it can be proved to you that this arsenic was bought and used for some intelligible purpose, I am afraid the prisoner stands in this position: of having in her possession the very poison by which her lover died, without being able to account satisfactorily for the possession of it. I do not mean now to go back on the observations I have already made; but you will consider whether—

the poison having only been purchased on these three occasions, and never before—that is a true statement which she makes with regard to the use of it. You have to consider whether there is the slightest probability—a probability which any reasonable man can entertain—that she made these three solitary purchases on these three days, and that she used the whole arsenic for that purpose, and that the coincidence of her meeting with L'Angelier on these particular occasions, and immediately after these purchases, is a mere coincidence. If you come to that conclusion, gentlemen, no doubt it will go very far indeed to maintain the defence; but if you cannot, then I am very much afraid the opposite result follows inevitably. But then it is said, and said with some plausibility, that the meeting which was intended to take place was a meeting trysted for the Saturday, and not for the Sunday. Now, gentlemen, the way I put it to you is this, that either of these two suppositions is quite possible. The letter may have been posted after eleven o'clock; in that case there can be no doubt that the tryst or meeting was for the Sunday: it may have been posted at nine o'clock, in which case probably it would have been the night before, and though it bears no date, it may possibly have meant that the tryst was to be held on Saturday. But I may make this remark, that while throughout this correspondence the Thursdays, and Fridays, and Sundays, are the nights generally appointed for the meetings, I have found no instance—perhaps my learned friend may find one—of meetings appointed for the Saturday. But still, gentlemen, that is within the bounds of probability, and it will be for you to consider, even supposing she expected L'Angelier on the Saturday, whether, knowing he was at Bridge of Allan, which she says she knew in her declaration, it is at all likely she should not have waited on the Sunday also, in the case of his not having returned to town on the Saturday—that even if it had been the Saturday evening, the question is, Is it within the bounds of probability in this case, that he did not go to the window that night, and make himself heard in the usual way? But, gentlemen, it is one of the main theories on which the defence is founded, that L'Angelier may have committed suicide. Of course, that is a matter with which I am bound to deal, and can deal only with the anxiety to discover truth. Why, if we had found in this case anything indicating, with reasonable certainty, a case of suicide, we might have disregarded all these facts on which this prosecution is founded. I own, gentlemen, however, and I say it with regret, that I have been unable to see, from first to last, in the evidence for the prosecution or the defence, anything that warrants me in believing that this could possibly be a case of suicide. You must deal with that, gentlemen—you must consider the question as between murder and suicide; and, of course, if you are not satisfied that it was a case of murder, you must give the prisoner the benefit of any doubt you may entertain on the subject. But, gentlemen, we have also to consider, Is there any other conceivable cause for what has

taken place? therefore, before I deal with the question of suicide, let us see whether other contingencies are altogether excluded. It seems to have been said that L'Angelier was an eater of arsenic, and that he may have poisoned himself by an overdose. Gentlemen, I think that rests on evidence so little entitled to credit that I need not deal with it: and if my learned friend takes that defence, I am quite content to leave it in the hands of the Court, to direct you as they may think fit. The only evidence of L'Angelier ever having spoken of arsenic, is the evidence of two parties who knew him in Dundee in the year 1852. On one occasion he is said to have given it to horses; but the evidence on that point is entirely uncorroborated. And as to the other case—the lad who found a parcel of arsenic, but who never recollected the conversation with L'Angelier until a very few days before this trial, I must throw his evidence out of view altogether. There is not, from the time he came to Glasgow, the smallest suspicion that he was in the habit of taking arsenic; he is not proved to have bought it on any single occasion; and it is not proved that he had it in the house at any time. The supposition, therefore, that he was in the habit of taking it, we must altogether reject; neither is there the slightest evidence that it would be possible, even by the practice of eating arsenic, regarding which I am very incredulous, to have arranged the matter that the amount of 106 grains should have been found in the stomach of the man. It is so completely out of the bounds of reason, that I dismiss the hypothesis as beyond the range of possibility. It seems, however, to be said, that perhaps at the Bridge of Allan he had accidentally got arsenic. But, gentlemen, that won't do—that is impossible. The cases in which arsenic shows itself only after five hours are very rare indeed. Dr Christison told you that active exercise would accelerate the action of the poison, and that from half-an-hour to two hours is the ordinary time that it takes to operate. But L'Angelier left the Bridge of Allan at three o'clock. He walked to Stirling and was found at Coatbridge quite well, and he walked to Glasgow quite well, looking better than he had done for three weeks. He left his own house looking quite well at nine o'clock, and he is seen at Mrs Parr's at half-past nine in perfect health. You have thus him traced for upwards of six hours from leaving Bridge of Allan, and he is quite well, and you have no indication that at the Bridge of Allan, Coatbridge, or anywhere else, he had arsenic, or could have had it. Therefore, gentlemen, it seems to me that accidental administration is out of the question, or the administration by any one else. It is not suggested that he saw anybody that night except the prisoner, and you are therefore left to no conjecture, unless it be either a case of suicide, or a case of murder. Now this, as I said before, is a most important matter for you to consider, and you are bound to consider it most deliberately. If the case be suicide, within the limits of the evidence, of course you will say so; but it is my duty to put these facts in the light in which they ought to stand; and I say that

I do not think the facts admit the possibility of this being, within any reasonable compass or probability, a case of suicide. Under any circumstances, we should have to consider and place in the balance the probabilities of the case, because although a great deal of evidence has been led as to L'Angelier's temperament, I don't think much importance is to be attached to this matter. You do not discern from a man's temperament whether he is likely to commit suicide or not, and I don't think we can learn from the statistics of suicide that the men whose temperament would be supposed as likely to lead them to commit suicide, are those who do so. In regard to L'Angelier's history, we have had a great deal of evidence, but it did not affect my mind in the slightest degree. There was evidence from one or two men who knew L'Angelier at a time when he was of a poorer class in life, and they told about his having wished to put himself out of the world. Well, but listen; even these witnesses proved to you that at that very time L'Angelier was a kind of gasconading, boasting man, such as a Jersey man might be; that he was in the habit of boasting of his acquaintance with high families, of saying what he knew not to be true. I do not know that they proved all he said not to be true, because that gentleman from Dublin, who seemed to think he was a vain lying fellow (and you will set his evidence against that of the persons from Glasgow who knew the deceased), admitted that his story about the Fife lady was true, and it turned out that L'Angelier had a somewhat winning way among ladies. But it is said that he talked about committing suicide. He did so, but he did not do it. He said at one time that if any lady jilted him he would put a knife in his breast; but he was jilted, and he did not do it. The man that is going to commit suicide does not go to the window when his companion is in bed, and wait till he gets out of it. The man desiring to commit suicide does not go down with a companion to Leith Pier and say that he is going to drown himself. The man that commits suicide does not take a knife in his hand and say to his companions that he is going to plunge it into his breast. I think this temperament is much the reverse of the suicidal. It is more the characteristic of our neighbours on the other side of the channel; but it does not to my mind lead in the slightest degree to a conclusion one way or other in regard to L'Angelier having committed suicide. I think you must deal with this matter altogether independently of these considerations. No doubt, a variable temperament is a matter of some consequence. Rapid transition from extreme elevation to extreme depression is a matter to be considered in such a case as this. But I think his conversation with Mr Miller in regard to the abstract question of suicide is perhaps the only thing that is proved on the other side that can bear on this part of the case. But then, gentlemen, you will have to consider the circumstances under which this supposed suicide was committed. L'Angelier had taken up his position. He had a strong suspicion that there was something in

the rumours about Mr Minnoch. He did not mean to kill himself if they were true, but he said, "I will show these letters to her father." That is what he meant to do. Well, he came from the Bridge of Allan for the purpose of seeing Miss Smith, the prisoner—very happy, in good spirits, cheerful—he had a kind note from her in his pocket—he went out at night, to go to Blythwood Square—he certainly had no thoughts of suicide. Well now, is it conceivable that, without having gone near the house, he committed suicide? Is it within the bounds of evidence or probability? Where did he get the arsenic to buy that night? Not surely at Todd and Higginbotham's store, not in any of the chemical works, certainly not in any of the druggist shops. That is not conceivable. Is it in the least likely that a man in his position would go out to Blythwood Square and swallow dry arsenic there, and then totter home and die? Gentlemen, that is a supposition that is entirely inconceivable. There is the possibility, no doubt, that he went to see Miss Smith, and that she told him she was going to give him up, and that this had a great impression on his mind; but if she saw him, what comes of the declaration that she has made that she did not see him that night? and if she did see him that night, is there any link wanting in the chain of evidence that I have laid before you. I can conceive of no possibility of it being a case of suicide that does not imply that they met, and if they met then the evidence of her guilt is overwhelming. The only chance of escape for the prisoner is to maintain the truth of her declaration that they did not meet that night; and, if they did not meet, I cannot see how the case can be considered as one of suicide. You may, no doubt, consider whether the truth is that he went to the house, and finding he was not admitted, and that Miss Smith did not hear him, went away in disgust. This is an observation that may be made; but you will consider, in the first place, whether it is possible that, having fixed a meeting the night before, L'Angelier, if he went to the window, would have desisted till he had attracted Miss Smith's attention; and if he attracted her attention, then they met that night. Therefore, gentlemen, it must be maintained by the prisoner that he did not go to the window, or make a noise there, for she says in her declaration that she never heard him; and, if that be so, I say again, I do not see how this can be treated as a case of suicide. But then it is said that the quantity of arsenic found in the stomach clearly denoted a case of suicide, because so much could not have been given and successfully administered. Gentlemen, I don't think this is made out, but quite the reverse, because if the poison were given in cocoa, as it probably was, it has been proved by Dr Penny that a very large quantity can be held in suspension in it, and Dr Mac-lagan proved the same thing, though my learned friend the Dean of Faculty did not ask him what amount might or might not be held in suspension in cocoa. No doubt it would require to be boiled in it. But, gentlemen, if the defence that is to be set up is that the

prisoner saw certain things in *Blackwood's Magazine*, then she was not without some knowledge of the properties of arsenic. She had access to the kitchen, the fire of which was close to her bed-room. She had a fire in her bed-room, and she might have boiled it without the least danger. This, therefore, presented no difficulty. There is no proof that she did so; but, on the other hand, there is no proof, on the other side, in the slightest degree to exclude the probability of it. And that there should be a large dose, is quite consistent with reason and the facts of this case. If we are right in saying that there were two former cases of administration which were unsuccessful (and it is proved that a slight dose might be given in coffee)—if there had been two doses which were not successful—is it not plain if the thing were to be done that night—just what we would have expected—that it should have been done with certainty? and, consequently, there is nothing surprising in the fact that the third dose was a very large quantity. It is said, gentlemen, and probably will be maintained, that this arsenic was so mixed that traces of it must have been found in the stomach, and that therefore the arsenic must have been got by L'Angelier and administered by himself. But as to that taken by L'Angelier a month before, no traces of carbonaceous matter could by any possibility have been expected. If Currie's arsenic had been coloured with indigo, probably the colouring matter would have been detected in the stomach. But it was not coloured with indigo; it was coloured with waste indigo; and, by experiment, as well as by theory, this was found to leave no trace. There were, no doubt, experiments made by Dr Penny, in which very minute particles of carbonaceous matter were found in the stomach, mixed with the arsenic. But, gentlemen, when Dr Penny, in the first place, examined the stomach, his attention was not directed to this subject at all; and it was his subsequent experiments that were directed to this matter. Dr Christison also told you that, unless in one part, he could not have expected to find traces of the colouring matter—indigo; and it is quite easy to conceive, independently of the fact that the analysts were not looking for it, that a large quantity of the carbonaceous matter, which is lighter than arsenic, might have been thrown off the stomach in the violent vomiting; and, therefore, gentlemen, I must own that this suspicion of suicide does not appear to me to have any probability. The only thing peculiar about his demeanour was this—he did not say where he had got it; the landlady did not ask him, because she thought she knew; she had no doubt he had been visiting Miss Smith. If he had not gone there, I think you would have expected him to say so. But while that is quite true, you can very easily see, especially in a man with the temperament which he is described by the witnesses to have had, that if he had got anything which disagreed with him there, he would rather die than disclose it. You can easily understand that. Whether, when he sent for Miss Perry, he intended to disclose it, is a different

question. But during the whole of the illness there seems not to have been the slightest desire for death or the slightest aversion to life; but, on the contrary, the last thing that he said was, "If I could only get a little sleep I think I should be well." The sleep he got was the sleep of death.

Now, gentlemen, I have gone through all this case. There has been a great deal of medical evidence led, but I think I have touched upon all the important portions of it. Evidence was led as to the character of L'Angelier; it is not for me to refer further to that; I think you will understand perfectly well what sort of a man he was. That he was in very low circumstances in 1851, and in a position in which he might well have been weary of life, is perfectly certain. That he had good friends in different parts of the country, has at all events not been disproved; and that he himself may have been well connected—as many French refugees are—though in a low position in point of fortune, is at least possible, though there is no proof of it. And now, gentlemen, having detained you so long—having gone over this case with an amount of trouble and anxiety which I would fain have spared—I leave it entirely in your hands. I am quite sure that the verdict which you give will be a verdict consistent with your oath and with your opinion of the case. I have nothing but a public duty to discharge. I have endeavoured in my argument in this case throughout to show you as powerfully as I could how the circumstances which have been proved in evidence bear upon the prisoner. Nor should I have done so if a solemn sense of duty, and my own belief in the justice of the case, had not led me to do so. If I had thought that there were any elements of doubt or of disproof in the case that would have justified me in retiring from the painful task which I have now to discharge, believe me, gentlemen, there is not a man in this court who would have rejoiced more at that result than myself; for, of all the persons engaged in this trial, apart from the unfortunate object of it, I believe the task laid upon me is at once the most difficult and the most painful. I have now discharged my duty. I am quite certain that in the case which I have submitted to you I have not overstrained the evidence. I do not believe that in any instance I have strained the facts beyond what they would naturally bear. If I have, you yourselves, my learned friend on the other side, and the Court, will correct me. And now, gentlemen, as I have said, I leave the case in your hands, I see no outlet for this unhappy prisoner; and if you come to the same result as I have done, there is but one course open to you, and that is to return a verdict of guilty of this charge.

On the suggestion of the Lord Justice-Clerk, the Dean of Faculty delayed his address to the Jury until the following day, and the Court adjourned at half-past three o'clock.

## EIGHTH DAY.

Wednesday, July 8, 1857.

The Court met at Ten o'clock.

The DEAN OF FACULTY then proceeded to address the Jury as follows:—Gentlemen of the Jury, the charge against the prisoner is murder, and the punishment of murder is death; and that simple statement is sufficient to suggest to us the awful solemnity of the occasion which brings you and me face to face. But, gentlemen, there are peculiarities in the present case of so singular a kind—there is such an air of romance and mystery investing it from beginning to end—there is something so touching and exciting in the age, and the sex, and the social position of the accused—ay, and I must add, the public attention is so directed to the trial that they watch our proceedings and hang on our very accents with such an anxiety and eagerness of expectation, that I feel almost bowed down and overwhelmed by the magnitude of the task that is imposed on me. You are invited and encouraged by the prosecutor to snap the thread of that young life, and to consign to an ignominious death on the scaffold one who, within a few short months, was known only as a gentle, confiding, and affectionate girl, the ornament and pride of her happy home. Gentlemen, the tone in which my learned friend the Lord Advocate addressed you yesterday could not fail to strike you as most remarkable. It was characterised by great moderation—by such moderation as I think must have convinced you that he could hardly expect a verdict at your hands; and in the course of that address, for which I give him the highest credit, he could not resist the expression of his own deep feeling of commiseration for the position in which the prisoner is placed—an involuntary homage paid by the official prosecutor to the kind and generous nature of the man. But, gentlemen, I am going to ask you for something very different from commiseration; I am going to ask you for that which I will not condescend to beg, but which I will loudly and importunately demand—that to which every person is entitled, whether she be the lowest and vilest of her sex or the maiden whose purity is as the sunned snow. I ask you for justice; and if you will kindly lend me your attention for the requisite period, and if Heaven grant me patience and strength for the task, I shall tear to tatters that web of sophistry in which the prosecutor has striven to involve this poor girl and her sad strange story.

Somewhat less than two years ago accident brought her acquainted with the deceased L'Angelier; and yet I can hardly call it accident, for it was due unfortunately in a great measure to the indiscretion of a young man whom you saw before you

the day before yesterday. He introduced her to L'Angelier on the open street in circumstances which plainly show that he could not procure an introduction otherwise or elsewhere. And what was he who thus intruded himself upon the society of this young lady, and then clandestinely introduced himself into her father's house? He was an unknown adventurer; utterly unknown at that time, so far as we can see. For how he procured his introduction into the employment of Huggins & Co., does not appear; and even the persons who knew him there, knew nothing of his history or antecedents. We have been enabled in some degree to throw light upon his origin and history. We find that he is a native of Jersey; and we have discovered that at a very early period of his life, in the year 1843, he was in Scotland. He was known for three years at that time to one of the witnesses as being in Edinburgh, and the impression which he made as a very young man, was certainly, to say the least of it, not of a very favourable kind. He goes to the Continent; he is there during the French Revolution, and he returns to this country, and is found in Edinburgh again in the year 1851. And in what condition is he then? In great poverty, in deep dejection, living upon the bounty of a tavern-keeper, associating and sleeping in the same bed with the waiter of that establishment. He goes from Edinburgh to Dundee, and we trace his history there; at length we find him in Glasgow in 1853; and in 1855, as I said before, his acquaintance with the prisoner commenced. In considering the character and conduct of the individual, whose history it is impossible to dissociate from this inquiry, we are bound to form as just an estimate as we can of what his qualities were, of what his character was, of what were the principles and motives that were likely to influence his conduct. We find him, according to the confession of all those who observed him then most narrowly, vain, conceited, pretentious, with a great opinion of his own personal attractions, and a very silly expectation of admiration from the other sex. That he was to a certain extent successful in attracting such admiration may be the fact; but, at all events, his own prevailing idea seems to have been that he was calculated to be very successful in paying attentions to ladies, and he was looking to push his fortune by that means. Accordingly once and again we find him engaged in attempts to get married to women of some station at least in society; we have heard of one disappointment which he met with in England, and another we heard a great deal of, connected with a lady in the county of Fife; and the manner in which he bore his disappointment on those two occasions is perhaps the best indication and light we have as to the true character of the man. He was depressed and melancholy beyond description; he threatened—whether he intended or not—to commit suicide in consequence of his disappointment. He was not a person of strong health, and it is extremely probable that this, among other things, had a very important effect in depressing his spirits, rendering him

changeable and uncertain—now uplifted, as one of the witnesses said, and now most deeply depressed—of a mercurial temperament, as another described it, very variable, never to be depended on.

Such was the individual with whom the prisoner unfortunately became acquainted in the manner that I have stated. The progress of their acquaintance is soon told. My learned friend the Lord Advocate said to you, that although the correspondence must have been from the outset an improper correspondence, because it was clandestine, yet the letters of the young lady at the first period of their connection breathed nothing but gentleness and propriety. I thank my learned friend for the admission; but even with that admission I must ask you to bear with me while I call your attention for a few moments to one or two incidents in the course of that early period of the history which I think are very important for your guidance in judging of the conduct of the prisoner. The correspondence in its commencement shows that if L'Angelier had it in his mind originally to corrupt and seduce this poor girl, he entered upon the attempt with considerable ingenuity and skill; for the very first letter of the series which we have contains a passage in which she says, "I am trying to break myself off all my very bad habits; it is you I have to thank for this, which I do sincerely from my heart." He had been noticing, therefore, her faults, whatever they were. He had been suggesting to her improvement in her conduct or in something else. He had thus been insinuating himself into her confidence. And she no doubt yielded a great deal too easily to the pleasures of this new acquaintance, but pleasures comparatively of a most innocent kind at the time to which I am now referring. And yet it seems to have occurred to her own mind at a very early period that it was impossible to maintain this correspondence consistently with propriety or with due regard to her own welfare. For so early as the month of April 1855—indeed in the very month in which apparently the acquaintance began—she writes to him in these terms:—

My dear Emile,—I now perform the promise I made in parting to write to you. We are to be in Glasgow to-morrow (Thursday), but as my time shall not be at my own disposal, I cannot fix any time to see you. Chance may throw you in my way. I think you will agree with me in what I intend proposing—viz., that for the present the correspondence had better *stop*. I know your good feeling will not take this unkind, it is meant quite the reverse. By continuing to correspond, harm may arise; in *discontinuing* it nothing can be said.

And accordingly for a time, so far as appears, the correspondence did cease. Again, gentlemen, I beg to call your attention to the fact that in the end of this same year the connection was broken off altogether. That appears from the letter which the prisoner wrote to Miss Perry in the end of September or beginning of October 1855:—

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

MIMI.

Once more, in the spring of 1856, it would appear—the correspondence having in the interval been renewed, how, we do not know, but it is not unfair to suppose, rather on the importunate entreaty of the gentleman than on the suggestion of the lady who wrote such a letter as I have just read—the correspondence was discovered by the family of Miss Smith. On that occasion she wrote thus to her confidant Miss Perry:—“Dearest Mary,—M. has discovered the correspondence. I am truly glad that it is known; but, strange to say, a fortnight has passed and not a word has been said. I cannot understand it. Now that it is known, I do not mean to give way. I intend to state in plain terms that I intend to be dear Emile’s wife. Nothing shall deter me. I shall be of age soon, and then I have a right to decide for myself. Can you blame me for not giving in to my parents in a matter of so serious importance as the choice of a husband? I had been intended to marry a man of money; but is not affection before all things, and in marrying Emile I will take the man whom I love. I know my friends will forsake me, but for that I do not care so long as I possess the affection of Emile; and to possess and retain his affection, I shall try to please him in all things, by acting according to his directions, and he shall cure me of my faults. . . . I am sorry not to be able to see you, as we are going to Edinburgh in a week or ten days.” Now what follows from this you have heard from some of the witnesses. The correspondence was put an end to by the interference of Mr Smith, and for a time that interference had effect.

But, alas! the next scene is the most painful of all. This which we have been speaking of is in the end of 1855. In the spring of 1856 the corrupting influence of the seducer was successful, and his victim fell. It is recorded in a letter bearing the postmark of the 7th May, which you have heard read. And how corrupting that influence must have been!—how vile the arts to which he resorted for accomplishing his nefarious purpose, can never be proved so well as by the altered tone and language of the unhappy prisoner’s letters. She had lost not her virtue merely, but, as the Lord Advocate said, her sense of decency. Gentlemen, whose fault was that—whose doing was that? Think

you that, without temptation, without evil teaching, a poor girl falls into such depths of degradation? No. Influence from without—most corrupting influence—can alone account for such a fall. And yet, through the midst of this frightful correspondence—and I wish to God that it could have been concealed from you, gentlemen, and from the world, and I am sure the Lord Advocate would have spared us, if he had not felt it necessary for the ends of justice—I say that, even through the midst of this frightful correspondence, there breathes a spirit of devoted affection towards the man that had destroyed her that strikes me as most touching.

The history of the affair is soon told. I do not think it necessary to carry you through all the details of their intercourse, from the spring of 1856 down to the end of that year. It is in the neighbourhood of Helensburgh almost entirely that that intercourse took place. In November the family of the Smiths came back to Glasgow. And that becomes a very important era in the history of the case; for that was the first time at which they came to live in the house in Blythswood Square, which you have heard so much about. There were many meetings between them in the other house in India Street in 1855; they met still more frequently at Row; but what we are chiefly concerned with is to know what meetings took place between them in that last winter in the house in Blythswood Square—how these took place, and what it was necessary for them to do in order to come together; for these things have a most important bearing on the question which you are here to try. Now the first letter written from Blythswood Square bears date November 18, 1856, No. 61. There is another letter also written in November 1856, and plainly out of its place in this series. It is letter No. 57, and does not bear the day of the month, but must be subsequent to that bearing date the 18th of November, as it is written also from Blythswood Square, and the other letter is shown to be the first written from that house. In this second letter she gives her lover some information of the means by which they may carry on their correspondence in the course of the winter. She says—“Sweet love, you should get those brown envelopes; they would not be so much seen as white ones put down into my window. You should just stoop down to tie your shoe and then slip it in. The back-door is closed. M. keeps the key for fear our servant-boy would go out of an evening. We have got blinds for our windows.” This shows she had been arranging with him at that time in what manner their correspondence by letter was to be carried on; and I think you will soon see that it was by letter chiefly, if not exclusively, that the correspondence was, for a considerable time, maintained while she was in that house. The next reference to the matter is in a letter of the 21st November, No. 63, in which she says—“Now about writing, I wish you to write me and give me the note on Tuesday evening next. You will about eight o’c. come and put the letter down into the window (just drop it in, I won’t be there at the time)—the

window next to Minnoch's close door. There are two windows together with white blinds. Don't be seen near the house on Sunday, as M. won't be at church, and she will watch. In your letter, dear love, tell me what night of the week will be best for you to leave the letter for me. If M. and P. were from home I could take you in very well at the front door, just the same way as I did in India Street, and I won't let a chance pass."

Now you see the condition on which alone she understood it to be possible to admit him to the Blythswood Square house. That condition was the absence of her father and mother from home—an absence which did not take place throughout the whole of the period with which we have to do. "If M. and P. were from home, I could take you in at the front door, and I won't let a chance pass." But the chance, gentlemen, never occurred. Her father and mother were never absent.

Again, it is very important for you to understand—for the Lord Advocate spoke in such a way as may have left a false impression on your minds—it is very important, I say, that you should understand the means by which communication was made between these two at the window. The Lord Advocate seemed to say that there were some concerted signals by rapping at the window or on the railings with a stick in order to attract attention. This, you will find, was an entire mistake. L'Angelier did on one or two occasions take that course, but the prisoner immediately forbade it, and ordered him not to do it again. In a letter which bears the postmark of December 5, 1856, she says—"Will you, darling, write me for Thursday first? If six o'clock, do it; I shall look. If not at six o'clock, why, I shall look at eight. I hope no one sees you; and, darling, make no noise at the window. You mistake me. The snobs I spoke of do not know anything of me; they see a light, and they fancy it may be the servants' room, and they may have some fun; only you know I sleep down stairs. I never told any one; so don't knock again, my beloved." Again, in the same letter, a little further down, she says in a postscript—"Pray do not knock at the window," earnestly repeating the same warning. About this time it is quite obvious that they had it in view to accomplish an elopement. It was quite plain that the consent of Miss Smith's parents to her union with the young Frenchman was not to be thought of any longer. That hope was altogether gone, and accordingly there are constant references in the letters about this time to the arrangements that were to be made for carrying her from her father's house and accomplishing a marriage either in Glasgow or Edinburgh. I won't detain or fatigue you by reading the repeated mention of these preparations; I merely notice it in passing as applicable to the period of which I am now speaking. But I beg you to observe, gentlemen, that in going through this series of letters passing in the course of last winter, I endeavour to notice as I pass everything that relates to their mode of correspondence and to proposals for meetings, or to meetings that

had taken place. I shall not willingly pass by one of them, for I wish thoroughly and honestly to lay before you every bit of written evidence that can affect the prisoner in that respect.

In a letter which bears postmark "17th December," she says—"I would give anything to have an hour's chat with you. Beloved Emile, I don't see how we can. M. is not going from home, and when P. is away Janet does not sleep with M. She won't leave me, as I have a fire on in my room and M. has none. Do you think, beloved, you could not see me some night for a few moments at the door under the front door? but perhaps it would not be safe. Some one might pass as you were coming in. We had better not." Now you will recollect that Christina Haggart told us that upon one occasion, and one only, there was a meeting in that place, arranged in the way spoken of in this letter—a meeting, that is to say, at the door, under the front door, that is to say, in the area, to which, of course, he required to be admitted through the area gate; and that was accomplished through the assistance of Christina Haggart. Then again, there is reference in the next letter, which bears the postmark of the 19th, to a desire for a meeting—"My beloved, my darling,—Do you for a second think I could feel happy this evening, knowing you were in low spirits, and that I am the cause? . . . Oh, would to God we could meet. I would not mind for M.; if P. and M. are from home—the first time they are, you shall be here. Yes, my love, I must see you, I must be pressed to your heart. . . . O yes, my beloved, we must make a bold effort." Here again, is the same condition, and the impossibility of carrying the meeting through unless in absence of the parents; but the first opportunity which occurs she will certainly avail herself of. Then in another letter, dated 29th, she writes—"If you love me you will come to me when P. and M. are away in Edinburgh, which I think will be the 7 or 10 of January." In the same letter, also she says—"If P. and M. go, will you not, sweet love, come to your own Mimi? Do you think I would ask you if I saw danger in the house?" On the 9th of January she writes again a letter, in which you will find a repetition of the same warning how to conduct himself at the window—"It is just eleven o'clock, and no letter from you, my own ever dear beloved husband. Why this, my sweet one? I think I heard your stick this evening (pray do not make any sounds whatever at my window.)" Further, she says in the same letter—"I think you are again at my window, but I shall not go down stairs, as P. would wonder why, and only he and I are up waiting for Jack. I wish to see you; but no, you must not look up to the window in case any one should see me. So beloved think it not unkind if I never by any chance look at you, just leave my note and go away." In the next letter, dated the 11th, she says—"I would so like to spend three or four hours with you just to talk over some things; but I don't know when we can, perhaps in the course of ten days. . . . If you would risk it, my sweet beloved pet, we would have time to kiss each other and a dear fond

embrace; and though, sweet love, it is only for a minute, do you not think it is better than not meeting at all? . . . Same as last." Plainly that was the short meeting which Christina Haggart told us of as occurring in the area under the front door; and so far as I can see, there is not a vestige or tittle of written evidence of any meeting whatever, except that short meeting in the area, down to the time of which I am now speaking—that is to say, from the 18th of November till the date of this letter, which is the 11th January. Then, on the 13th January, she writes a letter, which is also very important, with reference to the events at this period, because at that time he had been very unwell. The 13th of January is the date of the letter—"Monday night." It is posted on the 14th, but as she almost always wrote her letters at night, you will easily understand that it was written on the night of the 13th. She says—"I am glad you are sound. That is a great matter, I had a fear you were not, and I feared that you would die; but now I am easy on that point. I am very well." In the same letter she says—"I don't hear of M. or P. going from home, so, my dear pet, I see no chance for us. I fear we shall have to wait a bit." That may have reference either to the possibility of their meetings, or to the possibility of their carrying out their design of an elopement. It matters not very much. Then on the 18th January we have this—"I did love you so much last night when you were at the window." Now, whether that last phrase indicates that there was a conversation at that meeting or not does not very clearly appear; but, at all events, it can have been nothing more than a meeting at the window. She says—"I think I shall see you Thursday night"—I suppose the same kind of meeting that she refers to immediately after. Whether that meeting on Thursday night ever took place or not does not appear; but it is not very important, because, pray observe, gentlemen, that that Thursday night is a night of January; this being written on Monday the 19th, Thursday would have been the 22d. In the next letter, bearing the post-mark 21st January, she says—"I have not got home till after 2 o'clock for the last two nights. If you can I shall look for a note on Friday, eight or ten, not six." In the next, dated 22d January, she says—"I was so very sorry that I could not see you to-night; I had expected an hour's chat with you; we must just hope for better the next time. . . . I don't see the least chance for us, my dear love. M. is not well enough to go from home, and my dear little sweet pet I don't see we could manage in Edinburgh, because I could not leave a friend's house without their knowing of it; so sweet pet it must at present be put off till a better time. I see no chance before March." In the same cover there is another letter, dated Sunday night, where there is reference to a meeting; but my learned friend the Lord Advocate very properly admitted that that was a meeting at the window—nothing more; and therefore I need say no more of it. He was convinced of that by referring back to letter No. 93, and comparing them

together. He admitted the meeting there was merely at the window.

Now, gentlemen, that concludes the month of January. There are no more letters of that month. There is not another, so far as I can see, referring to any meeting whatever in that house. Christina Haggart told you, when she was examined, that in the course of that winter, and when the family were living in Blythswood Square, they met but twice; and it is clear that they could not meet without the intervention of Christina Haggart. I don't mean that it was physically impossible; but when the young lady saw so much danger, so much obstruction in the way of her accomplishing her object, unless she could secure the aid of Christina Haggart, there is not the slightest reason to believe that without that assistance she ever made the attempt. I mean, of course, you must understand, meetings within the house. I don't dispute the existence of the correspondence which was carried on at the window, and I don't doubt that even on occasions they may have exchanged words at the window, and had short conversations there. But I am speaking of meetings within the house. The only evidence at all as to meetings within the house is confined to the meeting in the area under the front door, and the other meeting that took place on the occasion when Christina Haggart introduced L'Angelier at the back-door. Now, I am sure you will agree with me that this is a most important part of the case; and I bring you down thus to the commencement of the month of February, with this, I think, distinctly proved—or at least I am entitled to say, without a shadow of evidence to the contrary—that they certainly were not in the habit of coming into personal contact. On the contrary, they had only met in this way on two occasions in the course of the winter.

But now we have come to a very important stage of the case. On the 28th of January Mr Minnoch proposes; and if I understand the theory of my learned friend's case aright, from that day the whole character of this girl's mind and feelings was changed, and she set herself to prepare for the perpetration of what my learned friend has called one of the most foul, cool, deliberate murders that ever was committed. Gentlemen, I will not say that such a thing is absolutely impossible, but I shall venture to say it is well nigh incredible. He will be a bold man who will seek to set limits to the depths of human depravity; but this at least all past experience teaches us, that perfection, even in depravity, is not rapidly attained, and that it is not by such short and easy stages as the prosecutor has been able to trace in the career of Madeleine Smith, that a gentle loving girl passes at once into the savage grandeur of a Medea, or the appalling wickedness of a Borgia. No, gentlemen; such a thing is not possible. There is and must be a certain progress in guilt, and it is quite out of all human experience, judging from the tone of the letters which I have last read to you, that there should be such a sudden transition from affection to the savage desire of removing by any means the obstruction to her wishes and purposes, that the prosecutor imputes to the prisoner. Think,

gentlemen, how foul and unnatural a murder it is—the murder of one who within a very short space was the object of her love—an unworthy object—an unholy love—but yet while it lasted—and its endurance was not very brief—it was a deep, absorbing, unselfish, devoted passion. And the object of that passion she now conceives the purpose of murdering. Such is the theory that you are desired to believe. Before you will believe it, will you not ask for demonstration? Will you be content with conjecture—will you be content with suspicion, however pregnant—or will you be so unreasonable as to put it to me in this form, that the man having died of poison, the theory of the prosecutor is the most probable that is offered? Oh, gentlemen, is that the manner in which a jury should treat such a case?—is that the kind of proof on which you could convict of a capital offence? On the 19th of February, on the 22d of February, and on the 22d of March—for the prosecutor has now absolutely fixed on these dates—he charges the prisoner with administering poison. Observe, he does not ask you to suppose merely that by some means or other the prisoner conveyed poison to L'Angelier, but he asks you to affirm on your oaths the fact that, on those three occasions, she with her own hands administered the poison. Look at the indictment and see if I have not correctly represented to you what the prosecutor demands at your hands. He says in the first charge that she “wickedly and feloniously administered to Emile L'Angelier, now deceased”—again, in the second charge, he alleges that she did “wickedly and feloniously administer to him a quantity or quantities of arsenic”—and in the third charge, that she did “wickedly and feloniously administer to, or cause to be taken by, the said deceased Emile L'Angelier, a quantity of arsenic, of which he died, and was thus murdered” by her. These are three separate acts of administration, not, I pray you to observe, general psychological facts, which you may deduce from a great variety of moral considerations, but plain physical facts—facts which, if anybody had seen, would have been proved to demonstration, but which, in the absence of eye-witnesses, I do not dispute may be proved by circumstantial evidence. But then you must always bear in mind that the circumstantial evidence must come up to this—that it must convince you of the perpetration of these acts.

Now, then, in dealing with such circumstantial proof of such facts as I have been speaking of, what should you expect to find? Of course the means must be in the prisoner's hands of committing the crime. The possession of poison will be the first thing that is absolutely necessary; and on the other hand the fact that the deceased was, on the first occasion, ill from the consequences of poison; on the second occasion, was ill in the same manner from the consequences of poison; and on the third occasion, died from the same cause. But it would be the most defective of all proofs of poisoning to stop at such facts as these, for one person may be in the possession of poison, and another person die from the effects of poison, and yet that proves nothing. You must have a third element.

You must not merely have a motive—and I shall speak of motive by and by—you must not merely have a motive, but opportunity—the most important of all elements. You must have the opportunity of the parties coming into personal contact, or of the poison being conveyed to the murdered person through the medium of another. Now, we shall see how far there is the slightest room for such a suspicion here.

As regards the first charge, it is alleged to have taken place on the evening of the 19th February, and the illness, on the same theory, followed either in the course of that night, or rather the next morning. Now, in the first place, as to date, is it by any means clear? Mrs Jenkins—than whom I never saw a more accurate or more trustworthy witness—Mrs Jenkins swears that, to the best of her recollection and belief, the first illness preceded the second by eight or ten days. Eight or ten days from the 22d of February, which was the date of the second illness, will bring us back to the 13th February, and he was very ill about the 13th February, as was proved by the letter I read to you, and proved also by the testimony of Mr Miller. Now, if the first illness was on the 13th February, do you think that another illness could have intervened between that and the 22d without Mrs Jenkins being aware of it? Certainly that won't do. Therefore, if Mrs Jenkins is correct, that the first illness was eight or ten days before, that is one and a most important blow against the prosecutor's case on this first charge. Let us look, now, if you please, at what is said on the other side as to the date. It is said by Miss Perry that not only was that the date of his illness, but that he had a meeting with the prisoner on the 19th. Miss Perry's evidence upon that point I take leave to say is not worth much. She had no recollection of that day when she was examined first by the Procurator-Fiscal; no, nor the second time, nor the third time; and it was only when, by a most improper interference on the part of one of the clerks of the Fiscal, a statement was read to her out of a book which has since been rejected as worthless in fixing dates, that she then for the first time took up the notion that it was the 19th which L'Angelier made reference to in the conversations which he had with her. And after all, what do these conversations amount to? To this, that on the 17th, when he dined with her, he said he expected to meet the prisoner on the 19th. But did he say afterwards that he had met her on the 19th? The Lord Advocate supposed that he had, but he was mistaken. Miss Perry said nothing of the sort. She said that when she saw him again on the 2d March, he did not tell her of any meeting on the 19th. Well, gentlemen, let us look now, in that state of the evidence, as to the probabilities of the case. This first illness, you will keep in view, whenever it took place, was a very serious one—a very serious one indeed. Mrs Jenkins was very much alarmed by it, and the deceased himself suffered intensely. There can be no doubt about that. Now, if the theory of the prosecutor be right, it was on the

morning of the 20th that he was in this state of intense suffering; and upon the 21st, the next day, he bought the largest piece of beef that is to be found in his pass-book, from his butcher; and he had fresh herrings for dinner in such a quantity as to alarm his landlady, and a still more alarming quantity and variety of vegetables. Here is a dinner for a sick man! All that took place upon the 21st, and yet the man was near death's door on the morning of the 20th, by that irritation of stomach, no matter how produced, which necessarily leaves behind it the most debilitating and sickening effects. I say, gentlemen, there is real evidence that the date is not the date which the prosecutor says it is.

But, gentlemen, supposing, for a moment, that the date were otherwise, was the illness caused by arsenic? Such, I understand, to be the position of my learned friend. Now, that is the question which I am going to put to you very seriously, and I ask you to consider the consequences of answering that question in either way. You have it proved very distinctly, I think—to an absolute certainty almost—that on the 19th February the prisoner was not in possession of arsenic. I say proved to a certainty for this reason—because when she went to buy arsenic afterwards, on the 21st February and the 6th and the 18th March, she went about it in so open a way that it was quite impossible that it should escape observation if it came afterwards to be inquired into. I am not mentioning that at present as an element of evidence in regard to her guilt or innocence of the second or third charges. But I want you to keep the fact in view at present for this reason, that if she was so loose and open in her purchases of arsenic on these subsequent occasions, there was surely nothing to lead you to expect that she should be more secret or more cautious on the first occasion. How could that be? Why, one could imagine that a person entertaining a murderous purpose of this kind, and contriving and compassing the death of a fellow-creature, might go on increasing in caution as she proceeded; but how she should throw away all idea of caution or secrecy upon the second, and third, and fourth occasions, if she went to purchase so secretly upon the first, that the whole force of the prosecutor has not been able to detect that earlier purchase, I leave it to you to explain to your own minds. It is incredible. Nay, but gentlemen, it is more than incredible; I think it is disproved by the evidence of the prosecutor himself. He sent his emissaries throughout the whole druggists shops in Glasgow, and examined their registers to find whether any arsenic had been sold to a person of the name of L'Angelier. I need not tell you that the name of Smith was also included in the list of persons to be searched for; and therefore, if there had been such a purchase at any period prior to the 19th February, that fact would have been proved to you just as easily, and with as full demonstration, as the purchases at a subsequent period. But, gentlemen, am I not struggling a great deal too hard to show you that the possibility of purchasing it before

the 19th is absolutely disproved? That is no part of my business. It is enough for me to say that there is not a tittle or vestige of evidence on the part of the prosecutor that such a purchase was made prior to the 19th; and, therefore, on that ground, I submit to you with the utmost perfect confidence as regards the first charge, that it is absolutely impossible that arsenic could have been administered by the prisoner to the deceased upon the evening of the 19th of February. Nay, gentlemen, there is one circumstance more before I have done with that which is worth attending to. Suppose it was the 19th, then it was the occasion in reference to which M. Thuau told you that, when the deceased gave him an account of his illness, and the way in which it came on, he told him that he had been taken ill in the presence of the lady—a thing totally inconsistent with the notion, in the first place, that the arsenic was administered by her, and its effects afterwards produced and seen in his lodgings, but still more inconsistent with Mrs Jenkins' account of the manner and time at which illness came on, which, if I recollect right, was at four o'clock in the morning, after he had gone to bed perfectly well. Now, gentlemen, I say, therefore, you are bound to hold not merely that there is here a failure to make out the administration on the 19th, but you are bound to give me the benefit of an absolute negative upon that point, and to allow me to assume that arsenic was not administered on the 19th by the prisoner. I think I am making no improper demand in carrying it that length.

Now, see the consequences of the position which I have thus established. Was he ill from the effects of arsenic on the morning of the 20th? I ask you to consider that question as much as the prosecutor has asked you; and if you can come to the conclusion, from the symptoms exhibited, that he was ill from the effects of arsenic on the morning of the 20th, what is the inference?—that he had arsenic administered to him by other hands than the prisoner's. The conclusion is inevitable, irresistible, if these symptoms were the effect of arsenical poisoning. If again, you are to hold that the symptoms of that morning's illness were not such as to indicate the presence of arsenic in the stomach, or to lead to the conclusion of arsenical poisoning, what is the result of that belief? The result of it is to destroy the whole theory of the prosecutor's case—a theory of successive administrations, and to show how utterly impossible it is for him to bring evidence up to the point of an actual administration. I give my learned friend the option of being impaled on one or other of the horns of that dilemma, I care not which. Either *L'Angelier* was ill from arsenical poisoning on the morning of the 20th, or he was not. If he was, he had received arsenic from other hands than the prisoner's. If he was not, the foundation of the whole case is shaken.

So much for the first charge. Gentlemen, before I proceed further, I am anxious to explain one point which I think I left imperfectly explained in passing—I mean regarding the meeting referred to in the letter of Sunday night in the envelope of the 23d January. My

statement was, that the Lord Advocate had admitted that that meeting which is there referred to was a meeting at the window. I think he did not admit it in this form, but he made an admission, or rather he asserted, and insisted on a fact which is conclusive to the same effect. He said that that Sunday night was a Sunday immediately preceding the Monday of letter No. 93. Now, then, if it be the Sunday night immediately preceding the Monday of letter No. 93, observe the inevitable inference, because on the Sunday night she says—"You have just left me." In the postscript to the letter of Monday she says—"I did love you so much last night when you were at the window." So that his Lordship's admission, though it was not made in the form that I supposed, was exactly to the same effect. It is proved that this was a meeting at the window, like the others.

I have disposed of the first charge, and in a way which I trust you won't forget in dealing with the remainder of the case, because I think it enables me to take a position from which I shall demolish every remaining atom of this case. But before I proceed to the consideration of the second charge more particularly, I want you to follow me, if you please, very precisely as to certain dates, and you will oblige me very much if you take a note of them. The first parcel of arsenic which is purchased by the prisoner was upon the 21st of February. It was bought in the shop of Murdoch the apothecary, and the arsenic there purchased was mixed with soot. Murdoch was the person who ordinarily supplied medicines to Mr Smith's family, and she left the arsenic unpaid for, and it went into her father's account; and I shall have something to say about these circumstances hereafter. I merely mention them at present. Now, on Sunday the 22d it is said, and we shall see by-and-by with how much reason, that L'Angelier again had arsenic administered to him, and so far it may be that we have, in regard to the second charge, a purchase of arsenic previous to the alleged administration. I shall not lose sight of that weighty fact, you may depend upon it; but, from the 22d February onwards, there appears to me to be no successful attempt on the part of the prosecutor to prove any meeting between these persons. He was confined to the house after that illness, as you have heard, for eight or ten days. There are letters written at that time which completely correspond with that state of matters—speak of his being confined, and of the possibility of seeing him at his window. But it is not pretended that there is any meeting during all that time, which lasted for eight or ten days after the 22d. Now, suppose it lasted for eight days, that brings you down to the 2d March. On the 5th March there is said to be a letter written by L'Angelier to the prisoner, and there is a letter from the prisoner to L'Angelier which is said to have been written on the same day. But neither of these letters indicates the occurrence of a meeting upon that day, nor bears any reference to any recent meeting, nor any anticipated or expected meeting. In short, there is not, from the 22d of Febru-

ary to the 6th of March, any attempt to prove a meeting between the parties. I think I am justified in stating the import of the evidence to be so. I shall be corrected if I am wrong, but I think I am quite certain that there is not an insinuation that there was a meeting between the parties from the 22d February to the 6th March. On the 6th March the prisoner goes with her family to the Bridge of Allan, and there she remains till the 17th; and on the 6th March, immediately preceding her departure to the Bridge of Allan, she buys her second parcel of arsenic, and that she buys in the company of Miss Buchanan, talks about it to two young men who were in the shop, signs her name on the register as she had done on the previous occasion; every circumstance shows the most perfect openness in making the purchases. Well, she goes to the Bridge of Allan on the 6th, and confessedly does not return till the 17th. Let us now trace, on the other hand, the adventures of L'Angelier. He remains in Glasgow till the 10th. He then goes to Edinburgh, and returns on the 17th at night. He comes home by the late train to Glasgow. On the 18th he remained in the house all day, and is not out at night. I thought, but was not quite sure that I was right in thinking, that the witness said so, and I am glad to find that my learned friend the Lord Advocate in his speech corroborates my recollection of this fact—that L'Angelier was in the house all the 18th. On the 19th, in the morning, he goes first to Edinburgh and then to the Bridge of Allan, from which he did not return till the night preceding his death, on the 22d. I have forgot to follow the prisoner on her return from the Bridge of Allan. On the 18th, on her return from the Bridge of Allan, the prisoner purchases her third portion of arsenic at Currie's in the same open way as before.

Observe, gentlemen, that unless you shall hold it to be true, and proved by the evidence before you, that these two persons met on the 22d of February, which was a Sunday, or unless, in like manner, you hold it to be proved that they met again on the fatal night of the 22d March, there never was a meeting at all after the prisoner had made any of her purchases of arsenic. I maintain that there not only was no meeting—that we have no evidence of any meeting—but that practically there was no possibility of their meeting. I say that, unless you can believe on the evidence that there was a meeting on the 22d of February, or again on the 22d of March, there is no possible occasion on which she either could have administered poison or could have purposed or intended to administer it. You will now, gentlemen, see the reason why I wanted these dates well fixed in your minds, for from the first alleged purchase of poison to the end of the tragedy, there is no possibility of contact or of administration, unless you think you have evidence that they met on one or other, or both of these Sundays, the 22d February and the 22d March.

Let us see if they did meet on the 22d February. What is the evidence on that point of Mrs Jenkins, L'Angelier's landlady? She says he was in his usual condition on the 21st, when he made that

celebrated dinner to which I have already adverted, and when she thought he was making himself ill, and on that 21st he announced to her that he would not leave the house all the Sunday—the following day. He had therefore no appointment with the prisoner for the Sunday, else he would never have made that statement. On the 22d, Mrs Jenkins says she has no recollection of his going out, in violation of his declared intention made the day before. Gentlemen, do you really believe that this remarkably accurate woman would not have remembered a circumstance in connection with this case of such great importance as that he had first of all said that he would not go out upon that Sunday, and that he had then changed his mind and gone out? It is too daring a draft on your imagination. She has no recollection of his going out, and I am entitled to conclude that he did not. And when he did go out of a night and came in late, what was his habit? Mrs Jenkins says he never got into the house on those occasions—that is, after she went to bed—except in one or other of these two ways; either he asked for and got a check-key, or the door was opened to him by M. Thuau. Mrs Jenkins says there was no other mode. She says he did not ask the check-key that night. If he had done so, she must have recollected. Thuau says he certainly did not let him in. Now, gentlemen, I must say that to conjecture in the face of this evidence that L'Angelier was out of the house that night is one of the most violent suppositions ever made in the presence of a Jury, especially when that conjecture is for the purpose of—by that means, and that means only—rendering the second administration of poison charged in this indictment a possible event; for without that conjecture, it is impossible.

Well, L'Angelier was not taken ill till late in the morning, and he did not come home ill. There was no evidence that he ever came home at all, or that he ever was out; all we know as matter of fact is, that he was taken ill late in the morning, about four or five o'clock. Only one attempt was made by my learned friend to escape from the inevitable results of this evidence. And it was by a strained and forced use of a particular letter, No. 111, written on a Wednesday, in which letter the prisoner says she is sorry to hear he is ill; but the portion on which he particularly founded was that in which she added—"You did look bad Sunday night and Monday morning." My learned friend says that that letter was written on the 25th of February, and points out to you that the Sunday before that was the 22d. And, no doubt, if that were conclusively proved, it would be a piece of evidence in conflict with the other, and a very strong conflict and contradiction it would indeed be, and one which you, gentlemen, would have great difficulty to reconcile. This, however, would not be a reason for believing the evidence of the Crown, or for convicting the prisoner, but for a very opposite result. But, gentlemen, in point of fact, the supposed conflict and contradiction are imaginary; for the only date the letter bears is Wednesday, and it may be, so far as the letter is traced, any Wednesday in

the whole course of their correspondence. There is not a bit of internal evidence in this letter, nor in the place where it was found, nor anywhere else, to fix its date, unless you take that reference to Sunday night, which is, of course, begging the whole question. Therefore, I say again, gentlemen, that it might have been written on any Wednesday during the whole course of their correspondence and connection. But it is found in an envelope, from which its date is surmised. And, gentlemen, because a certain letter, without date, is found in a certain envelope, you are to be asked to convict, and to convict of murder, on that evidence alone! I say that if this letter had been found in an envelope bearing the most legible possible postmark, it would have been absurd and monstrous to convict on such evidence. But, when the postmark is absolutely illegible, how much is that difficulty and absurdity increased! Except that the Crown witness from the Post-Office says that the mark of the month has an R, and that the Post-Office mark for February happens to have no R, we have no evidence even as to the month. My learned friend must condemn the evidence of his own witness before he can fix the postmark. The witness said the letter must have been posted in the year 1857; but perhaps even on that point the Crown will not take the evidence of a witness whom they themselves have discredited. The whole evidence on this point is subject to this answer—that the envelope proves absolutely nothing. Again, to take the fact that a particular letter is found in a particular envelope as evidence to fix the date of an administration of poison, is, gentlemen, a demand on your patience and on your credulity which to me is absolutely unintelligible. The Lord Advocate said in the course of his argument that, without any improper proceedings on the part of the Crown officials, nothing could be so easily imagined as that a letter should get into a wrong envelope in the possession of the deceased himself. I adopt that suggestion. And if that be a likely accident, what is the value of this letter as a piece of evidence?—especially in opposition to the plain evidence of two witnesses for the Crown, that the Sunday referred to in the letter could not be the 22d of February, because on that Sunday L'Angelier was never over the door. Well, I do not think the Crown has succeeded much better in supporting the second charge. For if the instrument be indispensable to the administration of poison, it is equally evident that there must also be the opportunity of administering it. I should like to know whether my learned friend still persists in saying that, on the morning of the 23d February, the deceased was suffering from the effects of arsenical poisoning; for, if he does, the inference recurs that the deceased was in the way of receiving arsenic from another hand than the prisoner's. And now, gentlemen, am I not entitled to say that, as regards the first two charges, step by step—tediously, I am afraid, but with no more minuteness than was necessary for the ends of justice and the interests of the prisoner—I have pulled to pieces the web of sophistry which had been woven around the case?

Well, gentlemen, time goes on, and certainly in the interval between the 22d February and the 22d March we have no event in the nature of a meeting between these parties. Nothing of that kind is alleged; and on the 22d of March it is perfectly true that L'Angelier goes to Glasgow, and goes under peculiar circumstances. The events connected with his journey from Bridge of Allan, with the causes and consequences of it, I must beg you to bear with me while I detail at considerable length. He went to the Bridge of Allan on the morning of the 19th, or, in other words, he went first to Edinburgh and then from that to the Bridge of Allan. You recollect that upon the 18th—from the night of the 17th, after his arrival from Edinburgh, and in the course of the 18th—he had expressed himself very anxious about a letter which he expected. He spoke to Mrs Jenkins about it several times; but he started for Edinburgh without receiving that letter; and I think it is pretty plain that the sole cause of his journey to Edinburgh that day was to see whether the letter had not gone there. Now in Edinburgh again he receives no letter, but goes on to the Bridge of Allan, and at the Bridge of Allan he does receive a letter from the prisoner. That letter was written on the evening of Wednesday the 18th—remember that there is no<sup>d</sup> doubt about that, we are quite agreed about it, and it was posted on the morning of Thursday. It was addressed by the prisoner to the deceased at his lodgings at Mrs Jenkins', the prisoner being ignorant of the fact that he had left town. It reached Mrs Jenkins in the course of the forenoon, and it was posted in another envelope by M. Thuau addressed to L'Angelier at Stirling, where he received it upon Friday. I hope you follow this exactly, as you will find it immediately of the greatest consequence. It reached the Post-Office at Stirling, I think, about ten on the morning of Friday. Now, gentlemen, there are two or three circumstances connected with this letter of the greatest consequence. In the first place, it is written on the evening before it is posted. In that respect it stands very much in the same position as by far the greater part of the letters written by the prisoner, which were almost all written at night and posted next morning. In the second place, it undoubtedly contained an appointment to meet the deceased on the Thursday evening. That was the evening after it was written—the evening of the day on which it was posted. But L'Angelier being out of town, and not receiving it until the Friday, it was of course too late for the object, and he did not come to town in answer to that letter—a very important fact too, for this reason, that it shows that if the tryst was made by appointment for one evening, he did not think it worth while to attempt to come the next evening, because he could not see the prisoner but by appointment. Remember how anxious he was about this letter before he left Glasgow; remember that he made a journey to Edinburgh for the very purpose of getting the letter that he expected. He was burning to receive the letter—in a state of the greatest anxiety—and yet when he gets it on the Friday

morning in Stirling, seeing that the hour of appointment is already past, he knows that it is in vain to go. She cannot see him except when a tryst is made. Now, most unfortunately—I shall say no more than that of it at present—that letter was lost; and, most strangely, not merely the original envelope in which it was enclosed by the prisoner herself, but the additional envelope into which it was put by Thuan are both found, or said to be found, in the deceased's travelling-bag, which he had with him at Stirling and Bridge of Allan. But the letter is gone—where, no man can tell. Certainly it cannot be imputed as a fault to the prisoner that the letter is not here, for that it was received is without doubt. On the Friday he writes a letter to Miss Perry, in which he makes use of this expression—"I should have come to see some one last night, but the letter came too late, so we were both disappointed." He got the letter; he knew that it contained an appointment for that night, and the preservation of this letter to Miss Perry proves its contents so far. But the letter itself is gone, and I cannot help thinking, although I am not going to detain you by any details on the subject, that the Crown is responsible for the loss of that letter. If they had been in a position to prove, as they ought to have done, that these two envelopes were certainly found in the travelling-bag without the letter, they might have discharged themselves of the obligation that lay upon them; but, having taken possession of the contents of that travelling-bag, which are now brought to bear on the guilt or innocence of the prisoner, I say again, as the fact stands, that that letter is lost, and they are answerable for the loss.

Now then, the next day there is another letter which is sent to the Bridge of Allan through the same channel. It is addressed to Mrs Jenkins' lodgings, and bears the postmark of 21st March—that is to say, Saturday morning. It reached Mrs Jenkins in the course of the forenoon; it was posted to Stirling by M. Thuan in the afternoon of the same day, and was received by the deceased at the Bridge of Allan on Sunday morning. Here is the letter:—"Why, my beloved, did you not come to me? Oh, my beloved, are you ill? Come to me sweet one. I waited and waited for you, but you came not. I shall wait again to-morrow night—same hour and arrangement. Oh, come, sweet love, my own dear love of a sweetheart. Come, beloved, and clasp me to your heart; come, and we shall be happy. A kiss, fond love. Adieu, with tender embraces. Ever believe me to be your own ever dear, fond Mimi." When was it that she "waited and waited?" It was upon Thursday evening—that was the tryst. The letter to Miss Perry proves conclusively that it was on the Thursday she waited, expecting him to come in answer to her previous invitation. When, then, do you think it was likely that she should write her next summons? I should think that, in all human probability, it was on the following evening—that is, on Friday. She almost always wrote her letters in the evening, and I think I am not going too far when I say, that when she did not write them in

the evening she almost always put the hour to them at which they were written; and when she wrote her letters in the evening they were invariably posted next morning, and not that evening, for very obvious reasons. Now, then, is it not clear to you that this letter, this all-important letter, written upon the Friday evening, was posted on the Saturday morning, while she still believed that he was in Glasgow with Mrs Jenkins, making the appointment for Saturday evening, and not for the Sunday—"I shall wait to-morrow night, same hour and arrangement." It is the very same amount of warning that she gave him in the previous letter written on Wednesday, and posted on the Thursday morning, when she made the appointment for Thursday evening. Here, in like manner, comes this letter written, as I say, upon the Friday evening, and posted upon the Saturday morning—fixing a meeting for the Saturday evening. The two things square exactly; and it would be against all probability that it should be otherwise. She was most anxious to see him; she believed him to be in Glasgow; and she entreated him to come to her.

Oh, but, says my learned friend, they were not in the way of meeting on Saturdays—Sunday was a favourite night, but not Saturday. Really, gentlemen, when my learned friend has put in evidence before you somewhere about 100 out of 200 or 300 letters, that he should then ask you to believe (because there is no appearance of a Saturday evening meeting in any of them which he has read) that there is no such appearance in any that he has not read—would be a somewhat unreasonable demand. But, unhappily for his theory or conjecture, it is negatived by the letters that he has read, as you will find. In one letter, No. 55, October 1856, she says:—"Write me for Saturday if you are to be on Saturday night." That is, to meet her on Saturday night. Again, in letter No. 111, she says:—"I shall not be at home on Saturday, but I shall try, sweet love, to meet you, even if it be but for a word"—alluding to her return from some party. Now, these are two examples selected out of the very letters that my learned friend himself has used, negating the only kind of supposition that he has set off against what I am now advancing. Gentlemen, I think further, with reference to the supposed meeting on the Sunday evening, that I am entitled to say to you that there is no appearance of their having ever met without previous arrangement. The very existence of that number of references in various parts of the correspondence, and at different dates, to meetings then made or that were past—the constant reference to the aid and assistance of Christina Haggart, whenever there was anything more than a mere meeting at the window required—all go to show that in meetings between these parties there always was and always must have been, in order to their being brought about at all, previous arrangement. If indeed, as regards the Blythswood Square house, the theory of the prosecutor had been correct, that the deceased had it in his power at any time to go to the window in Main Street and call her attention by some noisy signal, the case might have

been different. But I have already shown how constantly she repeated to him her warning that he was on no account to make the slightest knocking or noise of any kind—that when she wanted to see him she would watch for him and tell him when to come. But a signal at the window was to be avoided of all things, because it was sure to lead to discovery. Therefore, without previous arrangement, it does not appear to me to be possible for these parties to have met on the occasion the prosecutor says they did.

And now let us see what the condition of Blythswood Square house and its inmates was upon this all-important Sunday the 22d March. If I am right in my reading of the letters, she expected him on Saturday evening, and she waited for him then—waited most impatiently; waited and waited as she had upon the Thursday, but he came not. On the Sunday evening she did not expect him—why should she? When he did not come on the Thursday evening, she did not expect him, and he did not come on the Friday evening—when he did not come on the Saturday evening, why should she expect him on the following evening? Having broken his appointment of the Thursday, he did not understand he could procure an interview on the Friday. Having broken it on the Saturday, why should he expect that the meeting was transferred to the following evening? Well, then, that is the state in which her expectations were on that occasion, and her conduct precisely squares with these expectations. She is at home in the family, with her father, mother, brother, and sisters. They are all at prayers together at nine o'clock. The servants come up to attend prayers along with the family. Duncan Mackenzie, the suitor of Christina Haggart, remains below while the family are at worship. The servants afterwards go down stairs after prayers, and go to bed as usual—one after the other, first the boy, then Christina Haggart, and lastly the cook, who gets to bed about eleven o'clock. The family then retire to rest, and the prisoner with her youngest sister descends from the dining-room to her bedroom between half-past ten and eleven. They take half-an-hour to undress; they both get into bed about the same time; the prisoner apparently is undressed as usual; goes to bed with her sister; and, so far as human knowledge or evidence can go, that house is undisturbed and unapproached till the prisoner is lying in the morning, side by side with her sister, as she had fallen asleep at night. Do you think it possible that, if there had been a meeting between these two parties, no shred of evidence of that meeting would have been forthcoming? The watchman was on his beat, and he knew L'Angelier well, and he saw nothing. As you must be aware, this is a very quiet part of the town; it is not a bustling thoroughfare, but a quiet west-end square of buildings, about which the appearance of a stranger at a late hour on a Sunday evening would attract attention. The policeman, whose special charge was, on such an evening, and in such circumstances, to see every one passing there (and there is no charge against him of not having been upon his beat,

and nothing in the least to detract from his evidence), sees nothing. Neither within the house, nor without the house, is there the slightest vestige of ground for suspecting that that meeting, of which they had been disappointed on Saturday, took place on the Sunday.

But now, let me turn to L'Angelier. It is said that he came from the Bridge of Allan in answer to the invitation sent him by the prisoner in the course of Saturday. I don't think that is altogether a reasonable presumption. But even if you assume it, it won't advance the prosecutor's case one step. But, I say it is not a reasonable presumption. I say for this reason, because, to say that he came into Glasgow on a Sunday, at such great inconvenience, to keep an appointment, the time for which was already past, is to suppose him to contradict on Sunday what he did, or rather omitted to do, on Friday, under precisely similar circumstances. If he had wanted to have a meeting on an evening subsequent to that for which it was appointed, he could have been in on Friday; and the circumstances were the same. And yet, on Sunday, when there was far less facility for putting his purpose into execution—when he required to walk a considerable part of the way, instead of going by rail, as he could have done on Friday—he is represented as having done this on purpose to keep a meeting which had been appointed for the previous night. I say that is not a reasonable supposition. We do not know what other letters he received at the Bridge of Allan on Sunday morning. There is no evidence of that. The prosecutor might have given it; but he has failed to do so. Then, there is surely a great deal of mystery attending the prosecution of this journey from the Bridge of Allan to Glasgow on that Sunday. But, before I go into that, let me remind you, with reference to the correspondence between him and M. Thuan, as to the forwarding of his letters, that we have this in his letter of the 16th March 1857. He says:—"I have received no letters from Mr Mitchell; I should like to know very much what he wants with me." Now, we don't know anything of Mr Mitchell, and the Crown has not told us; but apparently L'Angelier was expecting letters from this Mr Mitchell when he was in Edinburgh. He was anxious to receive them, and anxious to know what Mitchell wanted; and who can tell what letters he received at Bridge of Allan on Sunday morning? Who can tell whether there was not a letter from this Mitchell? and, if so, who can tell what it contained?

However, L'Angelier came to Glasgow, and, as I said before, there is a certain degree of mystery, and a very great obscurity thrown over this part of the case—I mean the course of his journey to Glasgow. I refer to this part of the evidence, because I think, everything that bears on the proceedings of L'Angelier on the Sunday is important to the case. It is most essential that everything should be laid before you; and it is for that reason, rather than because I attach any great importance to the thing itself, that we brought before you the evidence of the three apothecaries to

which I am going to refer. But observe, in the first place, what the evidence of the Crown is. They call the guard of the mail-train by which he travelled from Stirling to Coatbridge; and that guard says, that a gentleman travelled with him from Stirling to Coatbridge on a Sunday, and set out to walk to Glasgow in company of the witness Ross. Now, Ross did not describe the person of L'Angelier, or his conversation, or anything about him, in such a way that anybody could possibly identify him from his description. And Ross was not shown the photograph—a very remarkable omission on the part of the Crown, and of course done for some good reason. They did show the photograph to the mail-guard, and the mail-guard recognised and identified the deceased man entirely from the photograph; and yet, when we proposed, on the part of the prisoner, to identify him in the same way, the Crown seemed to think that we were relying upon very imperfect means of identification. Why, it was of their own making and suggestion. It was the very medium of identification on which alone they relied, only that they relied on the exhibition of that photograph to a single witness, and if he was mistaken, Ross' evidence is worthless; for Ross told us nothing particular about him, except that he walked with a gentleman to Glasgow. But there are some things connected with his conversation with Ross, while on the way to Glasgow, that certainly startle one very much. After they had the refreshment at the inn at Coatbridge, none of the other parties connected with which have been called as witnesses to identify or describe L'Angelier—after they left that inn—they fell into conversation; and while the conversation was at first of indifferent matters, it afterwards turned, among other things, on the place from which the supposed L'Angelier had come; and what was the account that he gave of himself? That he had come from Alloa. It seemed to me at first that there might be some misunderstanding or misstatement on the part of the witness in calling Alloa the Bridge of Allan, or something of that kind; but no. Ross was quite sure about it. He said there was not a word spoken about the Bridge of Allan between them. I asked him, Did he tell him how far it was from Alloa to Stirling, and he said, It was eight miles, which is just the distance of Alloa; while, as we proved to you, the distance between the Bridge of Allan and Stirling is only between two and three; and yet it is on this evidence that the Crown asks you to believe this was L'Angelier who came in with Ross. It might have been possible for the Crown to identify him further. In the course of his conversation with Ross, he said that he had come to Stirling the day before, or on Friday; that he had endeavoured to cash a check at the bank and had been refused, because they did not know him. No attempt has been made to show that L'Angelier did this;—no attempt to show that he had a check with him;—no attempt to show that he had occasion to cash a check, having no money with him. All these

things were open to the Crown to have proved. Not one of them have they tried.

Now, on the other hand, observe the condition in which the witnesses for the defence stand in regard to this Sunday. Ross, you know, said, that the man never parted with him from the time they started till they reached Abercromby Street in the Gallowgate; and, therefore, if it was L'Angelier who was with him, he gave him a perfectly false account of the place where he had come from, and the distance he had walked; and then his evidence—Ross' evidence—would be in direct conflict with that of the witnesses whom I am now about to refer you to. If L'Angelier was not with Ross, then there is no difficulty in reconciling the evidence, and no difficulty in believing the witnesses, Adams, Kirk, and Dickson. Adams, the first witness, speaks to the 22d, as the day of a gentleman passing along the road from Coatbridge to Glasgow, bearing a very strong likeness to L'Angelier. Adams is not so clear about the likeness as the others; but he is perfectly clear about the day. And when you come to the witness Dickson at Baillieston, he is clear about the likeness; and what he says to the date is this, that it was a Sunday at the end of March. Miss Kirk is equally clear about the likeness. She is very strong on that; and, besides, she identified the purse from which he took out his money, and which was found on the person of L'Angelier after death. And she also states the occasion to be the evening of a Sunday at the end of March. Now, gentlemen, I need not tell you it could not have been any later Sunday in March, because the poor man died the next morning, and it could not be the Sunday before that, for he was then in Edinburgh; and, therefore, if it was a Sunday in March at all, and, above all, if was a Sunday in the end of March, it could be no Sunday but the 22d. Now, if these three witnesses are correct in what they stated to you, observe these important results. He was ill on the road from Coatbridge to Glasgow; he was taking laudanum in the apothecaries' shops as he passed; and, finally, in Miss Kirk's shop he purchased, but did not consume in the shop, some white powder, of which Miss Kirk could not tell what it was. Well, he came to Glasgow. He is seen by Mrs Jenkins at his lodgings on his arrival, at about eight o'clock. He remains there till nine, and then goes out. He is seen in different streets. He calls about half-past nine o'clock on his friend M'Allester, who lives some five minutes' walk from Blythswood Square. He calls there, but finds that M'Allester is from home. Again, I ask, why have we not here M'Allester to tell us what he knew about him, or whether he expected him? Could M'Allester have told us anything about the Mitchell of the letter? Could not M'Allester have explained what was the errand on which he had come from the Bridge of Allan? Why do the Crown leave all these different things unexplained on this the last and most important day in his history?

Now, gentlemen, from half-past nine till half-past two o'clock—at least five hours—he is absolutely lost sight of; and I was

startled at the boldness of the manner in which my learned friend the Lord Advocate met this difficulty. He says, it is, no doubt, a matter of conjecture and inference, that in the interval he was in the presence of the prisoner. Good Heavens! Inference and conjecture! A matter of inference and conjecture whether, on the night he was poisoned, he was in the presence of the person who is charged with his murder! I never heard such an expression from the mouth of a Crown prosecutor in a capital charge before, as indicating or describing a link in the chain of the prosecutor's case. It is absolutely new to me. I have heard it many a time in the mouth of a prisoner's counsel, and I daresay you will hear it many a time in mine yet before I have done; but for the prosecutor himself to describe one part of his evidence as a piece of conjecture and hypothesis, is to me an entire and most startling novelty. And yet my learned friend could not help it. It was honest and fair that he should so express himself if he intended to ask for a verdict at all; for he can ask for this verdict on nothing but a set of unfounded and incredible suspicions and hypotheses.

Let us now look at this third charge in the light of probabilities, since we must descend to conjecture; and let us see whether there is anything to aid the conjecture which the Crown has chosen to consider as the most probable one. If you believe the evidence of the Crown, L'Angelier suspected the prisoner of having tried to poison him before. But then, says my learned friend, his suspicions were lulled. She had become more kind to him before he had left town, and his suspicions were lulled. But, I think, my learned friend said, in another place, that he was brooding over it when he was in Edinburgh, and spoke of it in a very serious tone to Mr and Mrs Towers at Portobello. That was the 16th of March, after which he had nothing to change his mind in the shape of kindness or confidence from the prisoner; and, therefore, if he did once entertain the suspicion, however unfounded, there was nothing, so far as the prisoner was concerned, to remove it from his mind anterior to the evening of Sunday the 22d of March. A man, whose suspicions are excited against a particular person, is not very likely to take poison at that person's hand. I am merely uttering a very commonplace observation when I say this,—but the circumstance of its being a commonplace observation makes it all the stronger here,—it is a thing so plain and obvious on the face of it, that nobody can fail to see it; and yet what are we asked to believe that he did that night? We are asked to believe that he took from her hand a poisoned cup, in which there lurked such a quantity of arsenic as was sufficient to leave in his stomach after his death 88 grains—such a dose, indicating the administration of at least double—ay, I think, as Dr Christison said, indicating the administration of at least half-an-ounce—240 grains—and this he took that evening from the hand of the prisoner, with all his previous suspicion that she was practising on his life. It is a dose which, as far as

experience goes, never was successfully administered by a murderer. There is not a case on record in which it has ever been shown that a person administering poison to another succeeded in persuading him to swallow such a quantity. There is the greatest improbability of such a thing being ever done; it is a most difficult thing to conceive a vehicle in which it could be given. Yet, with all these extraordinary circumstances attending the character and quantity of the dose, this gentleman swallowed it, having had his suspicions previously excited that the prisoner was practising on his life. Nay, more, even supposing he did swallow all this arsenic in a cup of cocoa, as is suggested, it is at least next to impossible, that, with all that undissolved gritty powder passing over his throat, he should not become aware that he had swallowed something unusual. And yet, instead of immediately seeking medical aid, or communicating his alarm or his suspicions to anybody, he staggers home in great pain; and, through the long dreary hours of that fatal morning, amidst all his frightful sufferings, neither to the landlady, nor to the doctor, does he ever suggest that he may have been poisoned, or breathes a suspicion against her whom he had previously suspected of an attempt to poison him.

But, gentlemen, here comes again another point in which the evidence for the Crown is very defective, to say the least of it. They knew very well when they were examining and analyzing the contents of this poor man's stomach, and the condition of his intestines generally, what was the arsenic that the prisoner had bought. They knew perfectly well, from her own candid statement, disclosed the moment she was asked, that the arsenic that she bought was got partly at Murdoch's, and partly at Currie's. Murdoch's arsenic was mixed with soot, Currie's arsenic was mixed with waste indigo. If that arsenic had been swallowed by the deceased, the colouring matter could have been detected in the stomach. I confess I did not expect to have it so clearly proved, when the witnesses for the Crown were originally in the box; but you recollect what Dr Penny said when he was recalled by my learned friend on the other side, and I think a more clear or precise piece of evidence I never listened to. He said he tried the experiment with animals. He gave one dog a dose of Murdoch's arsenic, and found the soot in its stomach after its death, notwithstanding constant vomiting. He gave another dog Currie's arsenic; and, said Professor Penny, after the dog had vomited and died, "I found particles that might correspond with the colouring matter in Currie's arsenic." But I asked him whether they did precisely correspond, and he said, Yes. I asked him whether they were identical, and he said, Yes. Now, gentlemen, there was one means of connecting the prisoner with this poison which was found in the stomach of L'Angelier—and a very obvious means. It may be very well for Professor Penny and Professor Christison to say now that their attention was not directed to this matter. Whose fault is that? The Crown, with the full know-

ledge of what was the arsenic which the prisoner had in her possession, could have directed their attention to it; they must have seen the importance of the inquiry, or, if they did not see that, they must suffer for their omission. Plainly, there can be no fault on the part of the prisoner, for, observe, she had no means of being present, or of being represented, at these *post-mortem* examinations or chemical analyses. The whole thing was in the hands of the authorities. They kept them to themselves—they dealt with them secretly—and they present to you this lame and impotent conclusion.

Such is the state of the evidence on this third and last charge upon the 22d of March; and I do venture to submit to you, that if the case for the Crown is a failure, as it unquestionably is, upon the first and the second charges, it is a far more signal and radical failure as regards the third. The one fact which is absolutely indispensable to bring guilt home to the prisoner remains not only not proved—I mean the act of administration—but the whole evidence connected with the proceedings of that day seems to me to go to negative such an assumption.

I might stop there, for nothing could be more fallacious than the suggestion which was made to you by the Lord Advocate, that it was necessary for the prisoner to explain how the deceased came by his death. I have no such duty imposed upon me. His Lordship in the chair will tell you, that a defender in this Court has no further duty than to repel the charge and to stand upon the defensive, and to maintain that the case of the prosecutor is not proved. No man probably will or ever can tell—certainly at the present moment I believe no man on earth can tell—how L'Angelier met his death. Nor am I under the slightest obligation even to suggest to you a possible mode in which that death may have been brought about without the intervention of the prisoner. Yet it is but fair that, when we are dealing with so many matters—matters of mere conjecture and suspicion on the part of the Crown, we should for a moment consider whether that supposition upon which the charge is founded is in itself preferable, in respect to its higher probability, to other suppositions that may be very fairly made. The character of this man—his origin, his previous history, the nature of his conversation, the numerous occasions upon which he spoke of suicide—naturally suggest that as one mode by which he may have departed this life. I say, gentlemen—understand me—that I am not undertaking to prove that he died by his own hand. If I were doing anything so rash, I should be imitating the rashness of the prosecutor—but I should not be stepping a hairsbreadth further out of the beaten track of evidence, and proof, and demonstration. For I think there is much more to be said for suicide than for the prisoner's guilt. But I entreat you again to remember that that is no necessary part of my defence. But, of course, I should have been using you very ill—I should have been doing less than my duty to the prisoner—if I had not brought before you the whole of that evidence which suggests the extreme probability of the deceased dying

by his own hand at one time or another. From the very first time at which we see him, even as a lad, in the year 1843, he talks in a manner to impress people with the notion that he has no moral principle to guide him. He speaks over and over again in Edinburgh, Dundee, and elsewhere of suicide—ay, and the prisoner's letters show that he had made the same threat to her, that he would put himself out of existence. The passages were read to you, and I need not now repeat them. And is it half as violent a supposition as the supposition of this foul murder, that upon this evening—the 22d of March—in a fit of that kind of madness which he himself described came over him when he met with a disappointment—finding, it may be, that he could not procure access to an interview which he desired—assuming that he came to Glasgow for the purpose—assuming, even, that he mistook the evening of the meeting, and expected to see her on the Sunday—can anything be more probable than that in such a case, in the excited state in which he then was, he should have committed the rash act which put an end to his existence? I can see no great improbability in that. It is said, no doubt, that his death-bed scene is inconsistent with the supposition of his having taken poison for the purpose of self-destruction, because he willingly received the services of Dr Steven. What is the evidence as to this? He refused most of the remedies suggested. He rejected the blister as useless. And he also rejected laudanum, and assigned a false reason for doing so. And, finally, he told his landlady after Dr Steven's departure, "The doctor does not know how ill I am," which seems to indicate his own knowledge of a cause for his illness, which was unknown to others. But even supposing that he had taken the treatment of the medical man with more appearance of a reliance on its efficacy, this would not be at all inconsistent with suicide. The cases mentioned by Dr Paterson, and the still more remarkable case of which Dr Lawrie gave so interesting an account, establish as matter of medical experience, that persons who take arsenic for the purpose of self-destruction, may, and do conceal the fact during the intense sufferings which precede death, and submit to medical treatment as if they expected and hoped that it might save their lives. This is the fair result of experience. But what experience is there to support the wild hypothesis, that one who has drunk poison in such quantities as to ensure detection, and that poison administered by a suspected hand, should yet die after hours of bodily torture, without suggesting poison as the cause, or hinting a suspicion against the administrator of the dose?

But whether he met his death by suicide, or whether he met his death by accident, or in what way soever he met his death, the question for you is—Is this murder proved? You are not bound to account for his death—you are not in the least degree bound to account for his death. The question you have got to try is—Whether the poison was administered by the hands of the prisoner? I have shown you from the indictment that that is the fact which you are asked to affirm. I pray you to remember that you are asked to affirm that on your oaths—to

affirm on your oaths as a fact, that the arsenic which was found in that man's stomach was presented to him by the hands of the prisoner.

Gentlemen, I have spoken of the improbabilities which belong to this story—to this charge. But surely you cannot have omitted to observe how very unnatural and extraordinary a crime it is to impute to a person in the prisoner's situation. I stated to you before, and I state to you again, as a piece of undoubted experience, that no one sinks to such a depth of depravity all at once. And now I ask you to remember at what period we left this correspondence. At a period when she desired to break off with L'Angelier no doubt—at a period when she desired to obtain possession of her letters. The return of them was refused. I am most unwilling to interperse my address with severe remarks upon the character of a man who is now no more. But picture to yourselves the moral temperament—paint the feelings of a human being who, having received such letters from a girl as you have heard read in this Court, would even preserve them. He must have been dead to all feelings of humanity or he would never have refrained from burning those letters. But he not only preserves them, he retains them as an engine of power and oppression in his hands. He keeps them that he may carry out his cold-blooded original design, not merely of possessing himself of her person, but of raising himself in the social scale by a marriage with her. That was his object from the first, and that object he pursues constantly, unflinchingly, to the end. He will expose her to her friends and to the world—he will drive her to destruction, or to suicide itself, rather than let her out of his power. It may be said that I am only describing the great provocation which she received, and therefore enhancing the probability of her taking this fearful mode of extricating herself from her embarrassment. I don't fear that, gentlemen. I want you to look now at the picture which I have under her own hand of her state of mind at this time—not for the purpose of palliating her conduct—not for the purpose of vindicating her against the charge either of unchasteness or inconstancy, or of impropriety as regards Mr Minnoch, but for the purpose of showing you in what frame of mind that poor girl was at the time—the very time at which she is said to have conceived and contrived this foul murder. There are two or three letters, but I select one for the purpose of illustrating what I now say. It is written on the 10th February, and it is written after she has asked for the return of her letters and been refused:—

“Tuesday evening 12 o’C. Emile I have this night received your note. Oh it is kind of you to write me. Emile no one can know the intense agony of mind I have suffered last night and to day. Emile my father's wrath would kill me, you little know his temper. Emile for the love you once had for me do not denounce me to my P/. Emile if he should read my letters to you - he will put me from him, he will hate me as a guilty wretch. I loved you, and wrote to you in my first ardent love - it was with my deepest love I loved you. It was for your

love I adored you. I put on paper what I should not. I was free because I loved you with my heart. If he or any other one saw those fond letters to you what would not be said of me. On my bended knees I write you and ask you as you hope for mercy at the Judgment day do not inform on me - do not make me a public shame. Emile my life has been one of bitter disappointment. You and you only can make the rest of my life peaceful. My own conscience will be a punishment that I shall carry to my grave. I have deceived the best of men. You may forgive me but God never will - for God's love forgive me - and betray me not - for the love you once had to me do not bring down my father's wrath on me. It will kill my mother (who is not well). It will for ever cause me bitter unhappiness. I am humble before you and crave your mercy. You can give me forgiveness - and you oh you only can make me happy for the rest of my life. I would not ask you to love me - or ever make me your wife. I am too guilty for that. I have deceived and told you too many falsehoods for you ever to respect me. But oh will you not keep my secret from the world. Oh will you not for Christ's sake denounce me. I shall be undone. I shall be ruined. Who would trust me. Shame would be my lot - despise me hate me - but make me not the public scandal - forget me for ever - blot out all remembrance of me. I have you ill. I did love you and it was my soul's ambition to be your wife. I asked you to tell me my faults. You did so, and it made me cool towards you gradually. When you have found fault with me I have cooled - it was not love for another, for there is no one I love. My love has all been given to you. My heart is empty cold - I am unloved. I am despised. I told you I had ceased to love you - it was true. I did not love as I did - but oh till within the time of our coming to Town I loved you fondly. I longed to be your wife. I had fixed Feby. I longed for it. The time I could not leave my father's house I grew discontented, then I ceased to love you—Oh Emile this is indeed the true statement. Now you can know my state of mind. Emile I have suffered much for you. I lost much of my father's confidence since that Sept. And my mother has never been the same to me. No she has never given me the same kind look - for the sake of my mother - her who gave me life, spare me from shame. Oh Emile will you in God's name hear my prayer. I ask God to forgive me. I have prayed that he might put in your heart yet to spare me from shame. Never never while I live can I be happy. No no I shall always have the thought I deceived you. I am guilty it will be a punishment I shall bear till the day of my death. I am humbled thus to crave your pardon. But I care not. While I have breath I shall ever think of you as my best friend if you will only keep this between ourselves. I blush to ask you. Yet Emile will you not grant me this my last favor. If you will never reveal what has passed. Oh for God sake, for the love of heaven hear me. I grow mad. I have been ill very ill all day. I have had what has given me a false spirit. I had resort to what I should not have taken but my brain is on fire. I feel as if death would indeed be sweet. Denounce me not. Emile Emile think of our once happy days. Pardon me if you can, pray for me as the most wretched guilty miserable creature on the earth. I could stand anything but my father's hot displeasure. Emile you will not cause me death. If he is to get your letters I can not see him any more. And my poor mother I will never more

kiss her - it would be a shame to them all. Emile will you not spare me this - hate me, despise me - but do not expose me. I cannot write more. I am too ill to night.

“M.”

“P.S. I cannot get to the back stair. I never could see the to it. I will take you within in the door. The area gate will be open. I shall see you from my window 12 o’C. I will wait till 1 o’C.”

Is that the state of mind of a murderess, or can any one affect that frame of mind? Will you for one moment listen to the suggestion that that letter covers a piece of deceit? No! The finest actress that ever lived could not have written that letter unless she had felt it. And is that the condition in which a woman goes about to compass the death of him whom she has loved? Is shame for past sin—burning shame—the dread of exposure—what leads a woman not to advance another step on the road to destruction, but to plunge at once into the deepest depths of human wickedness? The thing is preposterously incredible; and yet it is because of her despair, as my learned friend called it, exhibited in that and similar letters, that he says she had a motive to commit this murder. A motive! What motive? A motive to destroy L’Angelier? What does that mean? It may mean, in a certain improper sense of the term, that it would have been an advantage to her that he should cease to live. That cannot be a motive, else how few of us are there that live who have not a motive to murder some one or other of our fellow-creatures. If some advantage, resulting from the death of another, be a motive to the commission of a murder, a man’s eldest son must always have a motive to murder him, that he may succeed to his estate; and I suppose the youngest officer in any regiment of her Majesty’s service has a motive to murder all the officers in his regiment—the younger he is, and the further he has to ascend the scale, the more murders he has a motive to commit. Away with such nonsense. A motive to commit a crime must be something a great deal more than the mere fact that the result of that crime might be advantageous to the person committing it. You must see the motive in action—you must see it influencing the conduct before you can deal with it as a motive; for then, and then only, is it a motive in the proper sense of the term—that is to say, it is moving to the perpetration of the deed. But, gentlemen, even in this most improper and illegitimate sense of the term, let me ask you what possible motive there could be—I mean, what possible advantage could she expect from L’Angelier ceasing to live, so long as the letters remained? Without the return of her letters she gained nothing. Her object—her greatest desire—that for which she was yearning with her whole soul, was to avoid the exposure of her shame. But the death of L’Angelier, with these letters in his possession, instead of insuring that object, would have been perfectly certain to lead to the immediate exposure of everything that had passed between them. Shall I be told that she did not foresee that?

I think my learned friend has been giving the prisoner too much credit for talent in the course of his observations upon her conduct. But I should conceive her to be infinitely stupid, if she could not foresee that the death of L'Angelier, with these documents in his possession, was the true and best means of frustrating the then great object of her life.

So much for the motive. And if there is no assignable or intelligible motive, in any sense of the word, see what another startling defect that is in the case for the prosecution. Shall I be told that the motive might be revenge? Listen to the letter which I have just read. Tell me if it is possible that, in the same breast with these sentiments, there could lurk one feeling of revenge? No; the condition of mind in which that poor girl was, throughout the months of February and March, is entirely inconsistent with any of the hypotheses that have been made on the other side—utterly incredible in connection with the perpetration of such a crime as is here laid to her charge. It is of importance, too, that we should keep in mind the way in which her spirit was thus broken and bowed down with the expectation of an exposure of her unchastity; for, when the death of L'Angelier was made known to her, can you for a single moment doubt that her apprehensions were keenly awakened—that she foresaw what must be the consequences of that event; and, dreading to meet her father or her mother—feeling that, in the condition of the family, it was impossible she could remain among them—she left her father's house on the Thursday morning? I really don't know whether my learned friend meant seriously to say that this was an absconding from justice, from a consciousness of guilt? An absconding from justice by going to her father's house at Row! Oh, he said, all we know is, that she left Glasgow early in the morning, and that she was found, at three in the afternoon, on board a steam-packet going from Greenock to Helensburgh: the interval is unaccounted for. If my learned friend were only half as ingenious on behalf of the prisoner as he is in supporting the prosecution, he could have very little difficulty in knowing that one who starts by water from Glasgow to Helensburgh in the morning, may be easily overtaken by others travelling by railway to Greenock in the afternoon. She was on board a steam-packet, but its destination no further than Helensburgh and its neighbourhood. And that he calls absconding from justice. Gentlemen, it is no fleeing from justice, but it is fleeing from that which she could as little bear—the wrath of her father, and the averted countenance of her mother.

But she came back again without the slightest hesitation; and upon the Monday morning there occurred a scene as remarkable in the history of criminal jurisprudence as anything I ever heard of, by which that broken spirit was altogether changed. The moment she was met by a charge of being implicated in causing the death of L'Angelier, she at once assumed the courage of a heroine. She was bowed down, and she fled, while the true charge of her own unchastity and shame was all that was brought

against her. But she stood erect, and proudly conscious of her innocence, when she was met with this astounding and monstrous charge of murder. You heard the account that M. de Mean gave of the interview that he had with her, in her father's house, on the Monday. That was a most striking statement, given with a degree of minute and accurate truthfulness that could not be surpassed. And what was the import of that conversation? He advised her as a friend—and that was the very best advice that any friend could have given her—if L'Angelier was with her on that Sunday night, for God's sake not to deny it. And why? Because, said M. de Mean, it is certain to be proved. A servant, a policeman, a casual passenger, is certain to know the fact, and if you falsely deny his having met you that evening, what a fact that will be against you! Gentlemen, the advice was not only good, but most irresistible in the circumstances, if that meeting had taken place. But what was her answer? To five or six suggestions she gave the same constant answer, and at length she said—"I swear to you, M. de Mean, I have not seen L'Angelier for three weeks." Is this not proved to be true? If it is true that she did not see him on the 22d March, then she did not see him at all for three weeks. M. de Mean was in doubt whether she said three weeks or six weeks, either of which would have been practically quite true. Immediately afterwards, she was brought before the magistrate and interrogated on the circumstances implicating her in the suspicion which had come upon her. What does she say? She tells the truth again with a degree of candour and openness which very much surprised the magistrate, and which you too must be struck with. Listen to the words of her declaration; for, though these must lose much of their effect from being read by me, I must ask you to look at two or three particular passages which it is of the utmost importance that you should mark.

"I learned about his death on the afternoon of Monday, the 23d March current, from mamma, to whom it had been mentioned by a lady named Miss Perry, a friend of M. L'Angelier. I had not seen M. L'Angelier for about three weeks before his death; and the last time I saw him was on a night about half-past ten o'clock. He was in the habit of writing notes to me, and I was in the habit of replying to him by notes. The last note I wrote to him was on the Friday before his death—viz., Friday the 20th March current. I now see and identify that note and the relative envelope, and they are each marked No. 1. In consequence of that note I expected him to visit me on Saturday night, the 21st current, at my bed-room window, in the same way as formerly mentioned; but he did not come, and sent no notice. There was no tapping at my window on said Saturday night, or on the following night, being Sunday. I went to bed on Sunday night about eleven o'clock, and remained in bed till the usual time of getting up next morning, being eight or nine o'clock. In the course of my meetings with M. L'Angelier he and I had arranged to get married, and we had at one time proposed September last as the time the marriage was to take place, and subsequently the present

month of March was spoken of. It was proposed that we should reside in furnished lodgings, but we had not made any definite arrangement as to time or otherwise. He was very unwell for sometime, and had gone to the Bridge of Allan for his health; and he complained of sickness, but I have no idea what was the cause of it."

My learned friend, the Lord Advocate, said that this showed that she knew he had gone to the Bridge of Allan. Certainly it showed she knew it then, for she had been told it by M. de Mean. But it does not show—it does not in the least degree tend to show—against the real evidence of her own letter, which was addressed to Mrs Jenkins<sup>s</sup>—that she knew at the time. She says—

"I remember giving him some cocoa from my window one night sometime ago, but I cannot specify the time particularly. He took the cup in his hand, and barely tasted the contents, and I gave him no bread to it. I was taking some cocoa myself at the time, and had prepared it myself. It was between ten and eleven P.M. when I gave it to him. I am now shown a note or letter and envelope, which are marked respectively No. 2, and I recognise them as the note and envelope which I wrote to M. L'Angelier and sent to the post. As I had attributed his sickness to want of food, I proposed, as stated in the note, to give him a loaf of bread; but I said that merely in a joke, and, in point of fact, I never gave him any bread."

And it is perfectly plain from her letters that it was merely a joke.

"I have bought arsenic on various occasions." No hesitation about the buying of the arsenic—

"The last I bought was a sixpence worth, which I bought in Currie the apothecary's in Sauchiehall Street; and, prior to that, I bought other two quantities of arsenic, for which I paid sixpence each—one of these in Currie's, and the other in Murdoch the apothecary's shop, in Sauchiehall Street."

And then she goes on to specify the use she intended to make of it, and did actually make of it, after she got it. She is also asked about who was present when she purchased the arsenic; and she states this with perfect precision and accuracy, as has been proved; and she says that she entered her name in the book when she was asked to do it; and gives a particular account of everything that took place when she made these purchases, so far as she recollected—all which is precisely in accordance with the evidence now before us. Then, she admits her engagement with Mr Minnoch, and makes various other statements, with regard to which my learned friend was not able to say that any one has been contradicted by the evidence. Such openness and candour of statement, under such circumstances—first to M. de Mean, a friend, and next to the magistrate interrogating her on the charge, and who had, as was his duty, informed her that whatever she said might be used to her prejudice, but could not possibly be used to her advantage—I leave to speak for themselves.

But I have now to request your attention to one particular point in connection with this declaration—the different purchases of arsenic. With regard to the purchase from Murdoch, I will not trouble you with any further observations after what I have already said on this subject; but the occasion of the second purchase is too remarkable to be passed over without some further observations. It was made on the 6th of March, the day the prisoner went to the Bridge of Allan. For what purpose was it made? She had been doing everything in her power, as you see from one of her letters, to dissuade and prevent L'Angelier from going to the Bridge of Allan at the same time with herself, and had succeeded in persuading him to abstain from going; and yet, when she is going away to the Bridge of Allan, she buys this arsenic,—when she is going away from the supposed object of her murderous attack, and when, therefore, she could have no possible use for it. She carries it with her, it is to be presumed; it could not have been bought for the purpose of leaving behind her;—she carries it with her; and my learned friend says, whenever she found, either that she had some left over after the administration of a dose, or that she had got arsenic which for the time was of no use to her, she put it away. And it is in this way my learned friend accounts for none of the arsenic being left or found in her possession. But what is this she does on the 6th as connected with what she does on the 18th? She bought arsenic when she was going away from the man she wanted to murder, and when she could have no opportunity of administering it to him; and then, I suppose, we must take it for granted, on the Lord Advocate's theory, that, finding she could not administer it to him, she threw it away. What on earth could she mean by that? He says—that is his theory—she kept it at the Bridge of Allan in case he should come there. Well, then, she kept it down to the 17th. Why did she throw it away on the 17th, and buy more on the 18th? Can anybody explain that? Why did she throw away the arsenic when she was coming back from the Bridge of Allan to be in the immediate neighbourhood of her victim? and why, above all, having thrown it away, did she forthwith purchase more the very day after she came back, with those circumstances of openness, and exposure, and observation, that are perfectly inconsistent with the existence of an illegitimate purpose? Why expose herself to the necessity of a repeated purchase, when she could get or had got enough at once to poison twenty or a hundred men? Her conduct is utterly unintelligible on any such supposition as has been made by the prosecutor.

Let us now look at what was her object at this time in another view. She wanted L'Angelier to go away; she was most anxious that he should go to the south of England—to the Isle of Wight—for ten days. Oh, says my learned friend, her object was to marry Mr Minnoch in the meantime. Why? There was no arrangement up to that time of the day of her marriage with Mr Minnoch. She was going away

herself for ten days upon a casual visit to the Bridge of Allan; and if L'Angelier had followed her advice and gone to the south of England for ten days, while he would in the meantime have been absent and beyond her reach, he would have returned only to find matters where they were—Minnoch her suitor, but not her husband. No time for the marriage had been fixed—nothing more definite than had been in the month of January; so that L'Angelier's absence could be no advantage to her, but the greatest disadvantage if she wanted to administer poison to him; rendering the further prosecution of her murderous enterprise for the time impossible. And, therefore, all the suppositions that were made in reference to this particular point, plainly show that she had no object in view except it may be to get rid of him for the time—that is to say, not to have him at the Bridge of Allan; for that certainly was one particular object, and any other object she had in view was probably nothing but a regard for his health, such as she professed in her letters.

But the possession of this arsenic is said to be a very unaccountable thing, so far as the use of it by the prisoner herself is concerned. Again, I must take leave to say that that may be so, and yet it won't aid the case for the prosecution if not otherwise proved. But you see the account which she herself gives of it. She tells you that she used it as a cosmetic. Now, however startling that statement may be at first sight to a person who has not previously heard of the extraordinary use to which arsenic is put, I really think, after the evidence you have had upon this trial, it cannot be so very amazing to you now. You have seen that as regards what occurred at school when she was there, her statement is so far borne out, that the pupils in the course of their reading stumbled upon an account of the way in which the peasants of Styria used arsenic, no doubt, internally, and not externally, for the purpose of bettering their wind; and one consequence of it was stated to be, that it improved their complexion, and gave them a certain plumpness of appearance. L'Angelier was very well aware of the same fact. He stated—and if it was false, it was only one of his numerous falsehoods—but I presume he stated truly, that he was in the habit of using arsenic himself. He stated so to more than one witness. He stated it to two witnesses, whose names I forget, persons from Dundee. He stated it to Mons. de Mean, and he contended, in argument with him, that it was a thing that might be used with perfect safety, if done discreetly. It is nothing very surprising, if L'Angelier knew this peculiar use of arsenic himself, that it should be communicated by him to the prisoner. It is not in the least degree surprising, that from an internal use, which everybody must think would be attended with great danger, it might be suggested to try it externally; and there is not the least reason to suppose that, assuming it to have been used externally in the manner in which the prisoner says she used it, it would be productive of any injurious effects, or to suspect, upon that ground, the truth of the statement she made.

We have no doubt seen medical gentlemen coming here and shaking their heads, and saying they could not recommend it—that they should think it a very dangerous practice. Well, so do I, and so do we all, think it a dangerous and foolish practice; but that is not the question. The question is, whether she could use it without an injurious effect; and that has been made matter of demonstration to you by the experiment of Dr Lawrie, fortified by the opinion of Dr Maclagan. The publication in *Chambers' Journal*, in *Blackwood's Magazine*, and in "Johnston's Chemistry of Common Life," of the information about the use of arsenic, had reached not the prisoner alone, but a multitude of other ladies, and had incited them to the same kind of experiments. You have heard the evidence of the two druggists, Robertson and Guthrie, that they had been visited by ladies in order to obtain arsenic for the very purpose suggested in these publications; and, therefore, you cannot think it at all surprising that, at the time and in the circumstances when the prisoner bought the arsenic, she might fairly intend to use it, and did, in point of fact, use it, for the very purpose which she assigned in her declaration.

Gentlemen, my learned friend, the Lord Advocate, said that, great as was the courage which the prisoner displayed when charged with this serious crime, it was not at all inconsistent with the theory of her guilt. He said that a woman who had the nerve to perpetrate such a murder, would have the nerve also to meet the accusation calmly when it was made. I doubt that very much. I know of no case in which such undaunted courage has been displayed, from first to last, by a young girl confronted with such a charge, when she was guilty. But our experience does furnish us with examples of as brave a bearing in as young a girl when she was innocent. Do you know the story of Eliza Fenning? She was a servant-girl in the city of London, and she was tried on the charge of poisoning her master and his family by putting arsenic into dumplings. When the charge was first made against her, she met it with a calm but indignant denial. She preserved the same demeanour and self-possession throughout a long trial, and received sentence of death without moving a muscle. According to the statement of an intelligent bystander, when brought upon the scaffold, she seemed serene as an angel, and she died as she had conducted herself throughout the whole previous scenes of the sad tragedy. It was an execution which attracted a great deal of attention at the time. Opinion was much divided as to the propriety of the verdict, and the angry disputants wrangled even over the poor girl's grave. But time brought that to light which explained the whole mystery. The true perpetrator of the murder confessed it on his deathbed—too late to avoid the enacting of a most bloody tragedy. That case, gentlemen, is now matter of history. It happened at a time beyond the recollection of most of those whom I now address; but it remains on record—a flaming beacon to warn us against the sunken rocks of presumptuous arrogance and opinionative self-reliance that

lie imbedded and hid in the cold and proud heart. It teaches us, by terrible example, to avoid confounding suspicion with proof, and to reject conjectures and hypotheses when they are tendered to us as demonstrations. I fear, gentlemen, that this is not a solitary case. Either the recollection or the reading of any one of us may recall other occasions

“ When, after execution, Judgment hath  
Repented o'er his doom;”

but I pray God that neither you nor I may be implicated in the guilt of adding another name to that black and bloody catalogue.

I have thus laid before you what I conceive to be all the important branches of this inquiry separately, and as calmly and deliberately as I could; and I now ask your judgment—I ask you to bring the whole powers with which God has endowed you to the performance of this most solemn duty. I have heard it said that juries have nothing to do with the consequences of their verdicts, and that all questions of evidence must be weighed in the same scale, whether the crime be a capital one or only penal in a lower degree. I cannot too indignantly repudiate such a doctrine. It may suit well enough the cramped mind of a legal pedant, or the leaden rules of a heartless philosophy; but he who maintains it is entirely ignorant of the materials of which a jury ought to be and is composed. Gentlemen, you are brought here for the performance of this great duty, not because you have any particular skill in the sifting or weighing of evidence—not because your intellects have been highly cultivated for that or similar purposes—not because you are of a class or caste set apart for the work; but you are here because, as the law expresses it, you are indifferent men—because you are like, not because you are unlike, other men; not merely because you have clear heads, but because you have also warm and tender hearts—because you have bosoms filled with the same feelings and emotions, and because you entertain the same sympathies and sentiments, as those whose lives, characters, and fortunes are placed in your hands. To rely, therefore, upon your reason only, is nothing less than impiously to refuse to call to your aid, in the performance of a momentous duty, the noblest gifts that God has implanted in your breasts. Bring with you, then, to this service, I beseech you, not only your clear heads, but your warm hearts—your fine moral instincts, and your guiding and regulating consciences; for thus, and thus only, will you satisfy the oath which you have taken. To determine guilt or innocence by the light of intellect alone is the exclusive prerogative of infallibility; and when man's presumptuous arrogance tempts him to usurp the attribute of Omniscience, he only exposes the weakness and frailty of his own nature. Then it is that

“ Man, proud man,  
Dressed in a little brief authority,  
Most ignorant of what he's most assured,  
Plays such fantastic tricks before high Heaven  
As make the angels weep.”

Raise not, then, your rash and impotent hands to rend aside the veil in which Providence has been pleased to shroud the circumstances of this mysterious story. Such an attempt is not within your province, nor the province of any human being. The time may come—it certainly will come—perhaps not before the Great Day in which the secrets of all hearts shall be revealed—and yet it may be that in this world, and during our own lifetime, the secret of this extraordinary story may be brought to light. It may even be that the true perpetrator of the murder, if there was a murder, may be brought before the bar of this very Court. I ask you to reflect for a moment what the feelings of any of us would then be. It may be our lot to sit in judgment on the guilty man. It may be the lot of any one of you to be empanelled to try the charge against him. Would not your souls recoil with horror from the demand for more blood? Would not you be driven to refuse to discharge your duty in condemning the guilty, because you had already doomed the innocent to die? I say, therefore, ponder well before you permit anything short of the clearest evidence to seduce or mislead you into giving such an awful verdict as is demanded of you. Dare any man hearing me—dare any man here or elsewhere, say that he has formed a clear opinion against the prisoner—will any man venture for one moment to make that assertion? And yet, if on anything short of clear opinion you convict the prisoner, reflect—I beseech you reflect—what the consequences may be. Never did I feel so unwilling to part with a jury—never did I feel as if I had said so little, as I feel now after this long address. I cannot explain it to myself, except by a strong and overwhelming conviction of what your verdict ought to be. I am deeply conscious of a personal interest in your verdict, for if there should be any failure of justice, I could attribute it to no other cause than my own inability to conduct the defence; and I am persuaded that, if it were so, the recollection of this day and this prisoner would haunt me as a dismal and blighting spectre to the end of life. May the Spirit of all Truth guide you to an honest, a just, and a true verdict! But no verdict will be either honest, or just, or true, unless it at once satisfy the reasonable scruples of the severest judgment, and yet leave undisturbed and unvexed the tenderest conscience among you.

#### THE LORD JUSTICE-CLERK'S CHARGE TO THE JURY.

The LORD JUSTICE-CLERK thereafter proceeded to deliver his charge to the Jury. He said—

GENTLEMEN OF THE JURY,—The contest of evidence and of argument is now closed, and the time has now come for deliberation and decision; and to enable you to discharge that duty aright and justly, it is necessary that you remember that the case is to be tried and decided *solely on the evidence*. You are not to give the slightest

weight to the personal opinion of the guilt of the prisoner, which I regret my learned friend the Lord Advocate allowed himself to express. Nor are you, on the other hand, to be weighed in the prisoner's favour by the more moving and earnest declaration made by her counsel of his own conviction of her innocence. I think on both sides such expression of opinion by the counsel ought never to be brought before a jury. Neither of them are so good judges of the truth as all of you are. Engaged in the case and in its preparation, influenced by many considerations and many circumstances which are not brought out before you, and misled and influenced, as you would plainly see, by the over-excitement of such a trial, it is not wonderful that in a case of this description the counsel on either side should entertain a wrong opinion as to the guilt of the accused, however honest and sincere that opinion may be. As Lord Campbell said in his charge to the jury in Palmer's case:—"Gentlemen—I must strongly recommend to you to attend to everything that fell from that advocate, so eloquently, so ably, and so impressively. You are to judge, however, of the guilt or innocence of the prisoner from the evidence, and not from the speeches of the counsel, however able or eloquent those speeches may be. When a counsel tells you that he believes his client to be innocent, remember that that is analogous to the mere form by which a prisoner pleads 'Not guilty.' It goes for nothing more, and the most inconvenient consequences must follow from regarding it in any other light."

Gentlemen, in a case of poisoning, which is almost always an offence secretly perpetrated, I may observe in the outset that it seldom occurs that anybody has seen the mixture and preparation of the poison, or seen it put into the fluid or substance in which it is administered. I believe there are only two cases in which this was done in this country—one of them the case of Palmer, and the other the case of a Mrs Nairn,<sup>1</sup> who was tried for poisoning her husband in the middle of last century. Poisoning is a crime which must generally be proved by circumstantial evidence; and it was very fairly and properly admitted by the Dean of Faculty, that the administration of poison may be most satisfactorily proved by circumstantial evidence alone. But, on the other hand, great care must be taken that the circumstantial evidence is such as to exclude the conclusion either of innocence on the one hand, or of an unexplained and mysterious occurrence on the other. It is one great misfortune attending the administration of poison, that if the party is not immediately detected, in some such way as to leave no doubt of actual guilt, suspicions arise often most unjustly, and obtain great weight and great hold over the public mind, just because it is a crime committed in secret. The person who last gave the deceased a cup of coffee, or a glass of water, or a glass of wine—the person who made the last appointment with him, is thus exposed to strong and

<sup>1</sup> Patrick Ogilvy and Catherine Nairn, August 1765.

apparently well-founded suspicions, and may be subjected even to false and groundless charges. You must, therefore, keep in view that while on the one hand the crime has been perpetrated secretly, and no eye has seen the parties at the time, or what passed—on the other hand, you must not allow positive evidence to be supplied by suspicion, and still less admit of loose presumptions as coming in room of that. You must be satisfied by proper evidence that the parties were together when the poison was said to have been administered, satisfied that there was the purpose to administer poison upon the occasion referred to, that the accused had the poison in her possession, and that it was given and administered upon that particular occasion, and in the circumstances set forth in the indictment. That you may have given weight to the remarks made before you by the counsel of the Crown I cannot doubt, but I think it was unnecessary to urge personal convictions upon you so solemnly, in a case of this kind, for the purpose of getting a verdict of guilty. I am quite sure that, if you are compelled to give a verdict against the prisoner, you can only be made to do so reluctantly, by satisfactory evidence. The duty I have to do in aiding you, as far as I possibly can, to come to a decision is very different from what fell to the lot of either counsel. I have simply to go over the evidence in detail, in case it may not be sufficiently in your recollection, and to make such observations as the evidence suggests as proper and fitting for your assistance; but what I want to impress upon your minds is, that whatever doubt you may have of the matters set forth in her defence, you must have evidence against her, satisfactory and convincing to your minds, in which you find no conjectures, but only irresistible and just inferences. I wish you to keep in view that although you may not be satisfied with any of the theories that had been propounded on behalf of the prisoner—though you may not be inclined to adopt the notion either that L'Angelier was the man taking laudanum twice over in the course of the journey to Glasgow, or that he took arsenic himself, or believe Miss Smith's statement of the use for which she got arsenic—still, nevertheless, though all these matters may fail in her defence, the case for the prosecution may be radically defective in evidence. I own there are some things which have been introduced into the evidence on the part of the prisoner—very naturally, perhaps, as it is very right to investigate everything regarding this man L'Angelier and his journey to Glasgow on 22d March—which, I think, cannot aid the prisoner in any degree. You must judge of that before you can arrive at the conclusion that on Sunday the 22d of March she did actually administer the poison.

His Lordship then entered upon a summary of the evidence elicited in the course of the trial, reading copious extracts from his notes to the Jury. After the evidence of Sheriff Smith and his clerk Gray, who spoke to the prisoner's declaration having been taken down in the regular way, after due warning had been given her of the position in which she stood, came the depositions of the most important witness in

the whole case, Mrs Jenkins, who kept the lodgings where L'Angelier resided, in Franklin Place. Her remark, that the deceased's health was good till about January, was important, as showing that his health seemed, to a certain extent, to have failed before any of the occasions on which the administration of poison was alleged to have taken place. The indictment charged the administration of poison with intent to murder, in so far as "on the 19th or 20th day of February 1857, or on one or other of the days of that month, or of January immediately preceding, or of March immediately following," prisoner did "wickedly and feloniously administer to the deceased a quantity or quantities of arsenic or other poison, to the prosecutor unknown, in cocoa or in coffee." Now, a mere variance as to the precise day of the week or month would be of no importance in an ordinary case, and whether the 19th or 20th February, or the 12th or 13th, were fixed as the date of the murderous attempt would not have been of any moment, or not at least of such moment as to make any variance in your decision, if the evidence pointed to a different date; but in this case you will observe that the Crown take the date not in the indictment, but in the argument and evidence, of the 19th or 20th February as the exact day. Now, if it were proved that it could not be on that day, but on an earlier date, then the evidence would be at variance with the case which the prosecutor wished to establish; because from the whole circumstances of the case, from the letters, from the conduct of the parties, and everything else, he was taking that date as the 19th and 20th, and if the evidence failed to prove it, then what he placed before you was not supported by evidence. Now, the landlady, in affirming L'Angelier's first illness to have been eight or ten days before the second attack, might be mistaken, and it might be that she was. But that was not enough, whatever suspicion they might have; because she was not shaken on that point at all. On the contrary, other evidence seemed to him to show that she was right upon that point. For she could hardly have forgotten, considering the illness of the 22d, whether that illness had only been one day or several days before, and whether he had recovered from the effects of his first illness before he was seized with the second. When he said "recovering," he did not allude to his altered appearance, but to the fact of his recovery from actual sickness. This was his first illness before the 22d. The evidence of Miss Perry went also to prove that the illness was on the 19th; but then they must not overlook the remarkable fact that there was no proof whatever, not the smallest vestige of proof, that the prisoner had arsenic in her possession at that time. It would not do to infer from her having arsenic afterwards, that she probably had arsenic on the first occasion. The purchase of arsenic had been sufficiently proved against the prisoner. She admitted it when she was examined, and it would be a matter for the Jury to consider afterwards whether the fact of her purchasing the arsenic so openly was a point as much in her favour as was at first supposed; for if she had

bought arsenic at another part of the town, and under a false name, that would only have made the case stronger against her. So that the mere open purchase of arsenic was, after all, not of much weight. But of the possession of any arsenic at the time of the deceased's first illness, they had no proof whatever. The use of arsenic in the way she stated afterwards, as a cosmetic, was not proved. There was one witness, who had been a servant in her father's house, and who, two or three years ago, had heard her say that arsenic was good for the complexion or the health; but it was not pretended that any of her family, or any one in the house, were aware of her having arsenic before the 19th February. Then, the Jury would remember that the contents of the stomach vomited in the way the landlady described were not examined; and the fact that arsenic produced the illness was merely an inference from the fact that, on the 22d March he did die of arsenic, and that the stuff then vomited was of the same character as on that occasion. This was, he thought, very loose and unsatisfactory indeed. The charge was the administration of arsenic on the 19th February; but the prisoner was not proved to have possessed arsenic at that time, and the stuff, indeed, was not proved to have contained any arsenious matter. It would not do to go back to the occasion of the death, and infer from the presence of arsenic then that this first illness also arose from the presence of arsenic, and not from other causes. As to the large quantity of meat ordered by L'Angelier, Mrs Jenkins did not say, nor did he so understand her, that the whole of it was meant for consumption at dinner on the day after his illness. It was obviously intended as a supply to be kept in the house.

Coming to the second illness, his Lordship desired the Jury to observe that it was on the 21st February that the prisoner had got the arsenic mixed with soot, at Murdoch's shop; so that if the use of that arsenic was not properly accounted for, they must suppose she got it for a purpose different from what she described. Little attention need be paid to the story about giving it to rats, because, without some such excuse, she would not have got it; and, if she wanted it for cosmetic purposes, it was not likely she would say so. But the fact remained that she possessed arsenic on the 21st; and then arose the question, did she see the deceased on the Sunday before the arsenic was administered? Mrs Jenkins did not know he was out of the house on that Sunday; and really there seemed a good deal of force in the Dean's observation, that the foundation of the prosecutor's case was somewhat shaken.

Coming to the question of the third illness, his Lordship thought there was ample evidence to show that a letter was anxiously expected by L'Angelier just before he went to the Bridge of Allan, so anxiously that even after his return to Glasgow from Edinburgh, and after leaving instructions with Thuau about forwarding his letters, he went back to Edinburgh to see if the letter had not gone there

before he went on to the Bridge of Allan; and it was evident that that letter so eagerly looked for, was in some way or other to regulate his motions. Well, a letter did come on the Friday, addressed to him at his lodgings, and was duly forwarded to him at the Bridge of Allan, and on the Sunday night L'Angelier unexpectedly returned, and when his landlady expressed surprise, answered, "It was *the* letter which brought me home." He looked well, and said himself he was much better. As to the statement that he had purchased laudanum twice on the road that night, his Lordship thought the Jury would be satisfied that that was a mistake. L'Angelier left the house at nine o'clock at night, taking his latch-key with him, as he expected to be late. Well, he had come back with some object, and he intends going off next morning. There is nothing occurring to lead any one to imagine that he intended to remain in Glasgow, in the expectation of any illness coming on from the symptoms he had during the day. The next fact was his coming home ill about half-past two in the morning, and his getting worse through the night, or morning rather. He told his landlady he thought it was bile, and that was important, as showing the absence of any belief in his mind that he had received anything from the prisoner to hurt him. His landlady's question, whether he had taken anything to disagree with him, would naturally have brought to his mind having received anything from the prisoner had he been with her, but he alluded to nothing of the kind. It was of great importance that the Jury should not be led away by the notion that it was the deceased who bought the laudanum in the two shops on the Coatbridge Road, for when the doctor prescribed laudanum for his sickness, he would have been sure to have said, "Oh, I've had too much of that already; it's done me no good, and it may make me worse." While reading the portion of the landlady's evidence relating to sending for the doctor, he said they would judge whether L'Angelier's anxiety for a doctor was like the conduct of a man who had taken arsenic to accomplish his own death. His Lordship next read the evidence relating to the letter found in L'Angelier's vest-pocket in the lodgings, and which had been sent by Thuau to the Bridge of Allan, beginning, "Why, my own beloved, did you not come," and fixing an appointment for the next night. After reading this letter, his Lordship said—Now, it is not proved that he got any other letter. He got this letter on the Sunday morning. He had complained in a letter to Miss Perry on the Friday that he had lost an appointment which had been made for the Thursday evening, owing to not getting the note till the Friday. And that this man, ardent to see this girl again, hoping to get the satisfactory answer which she had promised to give to his questions as to forming an engagement with Minnoch, should hurry home on the Sunday night, and go out from his lodgings in the hope that he would find her waiting, and that there was the greatest probability of his seeing her, was, he thought, the only conclusion they could come to upon

the matter. L'Angelier goes out apparently as soon as he changed his coat, and makes some arrangements about tea or something else. And it was for the Jury to say whether they doubted that that letter brought L'Angelier into Glasgow on that Sunday night, taking the mail train, and walking to Coatbridge; but here the proof stopped.

And, supposing the Jury were quite satisfied that the letters did bring him into Glasgow, were they in a condition to say, with satisfaction to their consciences, that as an inevitable and just result from this, they could find it proved that the prisoner and deceased had met that night? That was the point in the case. That you may have the strongest moral suspicion that they met—that you may believe that he was well able, after all this clandestine correspondence, to obtain the means of an interview, especially as she had complained of his not coming on the Thursday, said she would wait again to-morrow night, same hour and place, and talked of wishing him to clasp her to his bosom—that you may suppose it likely that, although he failed to keep his appointment on Saturday, she would be waiting on the Sunday, which was by no means an uncommon evening for their appointment,—all that may be very true, and probably you will all think so, but remember you are trying this case upon evidence that must be satisfactory, complete, and distinct. A Jury, said his Lordship, may safely infer certain facts from correspondence. They may even safely infer that meetings took place when they find these meetings either mutually appointed or arranged for by the parties. But it is for you to say here whether it has been proved that L'Angelier was in the house that night. If you can hold that that link in the chain is supplied by just and satisfactory inference—remember I say just and satisfactory—and it is for you to say whether the inference is satisfactory and just, in order to complete the proof—if you really feel that you may have the strongest suspicion that he saw her, for really no one need hesitate to say that, as a matter of moral opinion, the whole probabilities of the case are in favour of it—but if that is all the amount that you can derive from the evidence, the link still remains awanting in the chain, the catastrophe and the alleged cause of it are not found linked together. And therefore you must be satisfied that you can here stand and rely upon the firm foundation, I say, of a just and sound, and, perhaps I may add, inevitable inference. That a Jury is entitled often to draw such an inference there is no doubt; and it is just because you belong to that class of men to whom the Lord Advocate referred—namely, men of common sense, capable of exercising your judgment upon a matter which is laid before you to consider—it is on that very account that you are to put to yourselves the question, “Is this a satisfactory and just inference?” If you find it so, I cannot tell you that you are not at liberty to act upon it, because most of those matters occurring in life must depend upon circumstantial evidence, and upon the infer-

ence which a Jury may feel bound to draw. But it is an inference of a very serious character—it is an inference upon which the death of this party by the hand of the prisoner really must depend. And, then, you will take all the other circumstances of the case into consideration, and see whether you can from them infer that they met. If you think they met together that night, and he was seized and taken ill, and died of arsenic, the symptoms beginning shortly after the time he left her, it will be for you to say whether, in that case, there is any doubt as to whose hand administered the poison.

But then there is another part of the case to which your attention has been directed. There is another circumstance spoken to by the policeman and another witness, which I shall afterwards bring before you, as to where he was going. Proceeding to quote the remainder of the landlady's evidence, his Lordship noticed particularly the portion referring to his refusal to take laudanum, as showing that, whatever might have been his former practice, L'Angelier was not, at this period, in the habit of taking laudanum, and had a great aversion to taking it. On finishing the reading of the landlady's evidence, he said—This is a very important witness in the case; she speaks to his habit and character, to his not taking medicine, to his aversion to laudanum at this period, and to the important fact that L'Angelier said "the letter you sent me brought me home," when she expressed surprise at his early return. She was a very intelligent witness, and not inclined to press anything against the prisoner, or rather showing no desire to make out anything wrong in the case, though plainly she had suspected something wrong (as you cannot but do), from the fact of his having twice come home ill after being out at night. Then there was the evidence of the baker and the flesher, proving the purchase of the articles bought from them; of the lady who lived in Edinburgh, and who spoke of him lodging in her house; of the shopkeeper who spoke to seeing him in his shop in Edinburgh; and of the woman in Bridge of Allan, who said that L'Angelier "left the Bridge of Allan after the church came out in the afternoon." It was said that he must have given a false account to Ross when he said he had walked fifteen miles. But he might have walked to Alloa, and then to Stirling, and so made out the fifteen miles. Then there was the evidence of the post-master, who spoke to his calling for a letter; of the guard of the mail train, who spoke as to a foreigner joining the mail train; and of Ross, who stated distinctly that his fellow-traveller to Glasgow from Coatbridge went into no house or shop on the road. Was that a matter in which Mr Ross could possibly be mistaken? If the man who accompanied him had fallen ill and went into a druggist's shop, was that a matter which Ross could possibly have forgot? Or could he have forgot that he went into second druggist's, in order to do which he must have went off the main road. He says he did not, and the evidence given as to going into these shops seemed to be

merely the recollection that a man with a mustache, who resembled the photograph, did enter these shops that day. It is not at all probable that the man was the same person who accompanied Ross. A few minutes after taking a hearty dinner was not a very likely occasion for a man pouring laudanum down his throat.

Alluding next to Mr Stevenson's evidence, his Lordship said he intended here to make some remarks on a course of procedure which, at an early part of the case, appeared to be more material than was actually the case. At first it did look as if there was much more confusion about these letters, and that the prisoner had greater occasion to complain than it turned out she had. But there were serious defects in the mode of procedure in regard to these documents. When these letters were seized by warrant of the Sheriff, an inventory should have been taken by the officer of the Sheriff, the clerk—not that he was to be the custodian of them, so as to prevent the Procurator-Fiscal having access to them. Quite the reverse. But in order really and properly to ascertain what was found. No inventory of that kind ever was made up at all. But that they had all the letters that were found, he thought could not be doubted in the face of the evidence. He did not at all enter into the argument of the Dean of Faculty as to the loss of the letter written upon the Thursday night, and posted on the Friday. He did not think the Crown was responsible for that at all, and the letter was of no great value except as a loss to the Crown, because it might have so explained the hour and place of meeting on the Thursday night as to suggest how he could accomplish his object on the Sunday night. But there was another great defect, and it was this. As soon as these things were recovered, and brought properly to the office of the Procurator-Fiscal, the letter and the envelope in which it was found ought to have been marked by the same numbers at the time. That would not have excluded the chance and hazard of L'Angelier putting a letter in the wrong envelope, but it would have given them the certainty that from the time they were taken possession of by the Crown the same letters remained in the same envelopes in which they were found. He did not allude to this matter because the prisoner had sustained any grievance, but it might have been otherwise. It was quite obvious that, after taking possession of these documents, these officers sat down at their leisure—taking a little time one day and a little time another—till about a fortnight was lost in this irregular procedure. There seemed to be a great want of superintendence on the part of the three Sheriffs, as not one of them seemed to have superintended the examination of the witnesses, or the collection of these documents, which were relied upon by the Crown as most material evidence.

Passing next to the medical testimony, his Lordship said he did not know if he should go over these long reports and the medical testimony. He understood it not to be disputed by the counsel for the panel that he died of arsenic.

MR YOUNG—Not at all.

THE LORD JUSTICE-CLERK—Then that relieves us from going over that part of the case. It is proved by the clearest evidence that he died of arsenic; and there is no occasion for discussing the question as to the appearance of jaundice if it is proved and admitted that the death was caused by arsenic. He referred next to the evidence as to the colouring matter, noticing the statement made as to the extreme difficulty of taking out the colouring matter, although a professional chemist might take most of it out by dexterous manipulation. Noticing next the medical evidence as to the articles found in L'Angelier's lodgings, he directed attention to the fact that none of them could destroy life except the aconite, and the quantity of it was too small for that purpose. In regard to the evidence as to arsenic being used as a cosmetic by the prisoner, in consequence of having read of the Styrian peasants, who, by taking it, become rosy and plump in complexion, his Lordship remarked that any one using arsenic as a cosmetic must have known that it was to be taken inwardly, and that the desired result could only arise from its long-continued and persistent use in small quantities. He could not imagine that this girl, reading the journals and magazines on the subject, could suppose that by laying arsenic into a basin and using it all at once by washing in the water, she could possibly improve her complexion. And, as to his friend Dr Lawrie's experiment about the arsenic used in that way not having a bad or irritating effect if washed off immediately, and also the remarks of his friend the Lord Advocate, telling Mr Lawrie that he might expect his face wonderfully changed, he looked upon all that as absurd. It was quite evident that the prisoner could not expect that a single application of arsenic externally in the way mentioned could possibly improve the complexion. All that they might consider as an extreme idea in this case. As to the question of how large a quantity of arsenic might be held in suspension, he directed attention to the fact that it was admitted that the thicker the stuff more would remain suspended, and less would be dissolved. Dr Penny thought that a large quantity might be kept in suspension in such a fluid as cocoa. Then the medical testimony showed—and this went again to the question how the arsenic could have been given, or how he could have been induced to take so much—that in all probability there would be as much thrown off in vomiting as would remain in the body, which would make a very large quantity indeed. Then there was some evidence as to the time betwixt the taking of arsenic and the appearance of the symptoms of poisoning. They knew very well, however, that he went out of his lodgings well, without arsenic, about nine o'clock, and that he came home ill about half-past two o'clock. It was clear that the illness must have intervened, but whether it was half an hour or two hours after the arsenic was taken was really immaterial. It was quite clear that he did not take it before he left the Bridge of Allan, because exercise would have ac-

celerated the action of the poison ; and it was, therefore certain that he arrived in Glasgow without arsenic, and that he left his lodgings without it, after changing his coat.

Alluding next to the evidence of M. Thuau, his Lordship said, that though it was obtained through an interpreter, he did not think, somehow or other, that they had got it satisfactorily. In going over the evidence of M. de Mean, the French Consul, in reference to that part of it in which he says—"Sometime after L'Angelier had spoken of his relations with Miss Smith, I told him I thought he should go to Mr Smith and tell him that he was in love with his daughter, and that he wanted to marry her,"—his Lordship observed, I don't think there is any proof at all that the father was ever aware of his daughter's intimacy with L'Angelier, although the mother may have known it ; and, however painful it might have been, I think it would have been a satisfactory thing to have got her father's statement, when, I have no doubt, it would have been seen that her connection was wholly unknown to him ; for I cannot but think that he would have taken stronger measures than the poor mother did, if he had known of it at all. L'Angelier, however, told De Mean that Miss Smith had asked her father's consent several times, and he refused it. De Mean went to Mr Smith and told him of L'Angelier's death. Next day, after being in Huggins' office, and hearing "certain rumours," he called on Miss Smith, mentioned L'Angelier's death, and told her that it was said that he had come from the Bridge of Allan the day before his death in consequence of an invitation from her. "Miss Smith told him that she was not aware that L'Angelier had been at the Bridge of Allan, and denied that she had given him an appointment for Sunday. She said she wrote him on the Friday evening, giving him an appointment for the following day, Saturday." This, said his Lordship, was a curious thing, and contrary to the theory of the Dean of Faculty as to the letters, that the first letter was intended for a meeting on Friday night, while she told the witness that she had given him an appointment for the Saturday.

Mr YOUNG—The appointment in the first letter, my Lord, was for Thursday night ; and it is the second letter that she was speaking of, as appointing the Saturday, and that squares exactly with the Dean's theory.

The LORD JUSTICE-CLERK, on reading the following statement of this witness—"She told me that L'Angelier had never entered into the house, meaning, as I understood, the house in Blythswood Square"—remarked—Now, really, gentlemen, the statement of the Dean of Faculty that this girl starts into a heroine at this moment is an exaggeration which I did not think to hear from my learned friend. Why, if you believe Christina Haggart, he did enter the house, and was a whole hour with her on one occasion, and this supposed instance of the indignant denial by an innocent girl is a falsehood. Whether, then, this is anything more than a mere denial

to this gentleman, whom she may have thought had no right to question her as he did, you will not pay much attention to it, especially if you believe the fact that she had at least one long interview with him in the house. De Mean having spoken of L'Angelier's sudden illness one Sunday afternoon in 1855, after having remained at the bottom of the stair of witness' house with a female for some time, his Lordship said—In the case of so extraordinary and sudden a death as this, you cannot lay aside these violent illnesses, coming on so unexpectedly, and apparently reducing him very much at the time; I do not think that bile will account for it; it appears to indicate something internally wrong. In reference to L'Angelier's discussion with De Mean about arsenic, in which "he maintained that it was possible to take it in small quantities without injury," his Lordship said, it was perfectly obvious that if he ever practised taking that drug, which, notwithstanding his vapouring in Dundee about using it himself and giving it to horses, he still thought doubtful—if ever he did take it, it was only in small quantities—that he ever took it in such an overdose as was stated by the Dean in this case, 200 or 250 grains, there was no ground for supposing. After finishing De Mean's evidence, he said—I have already said that I think the prisoner derives no benefit from her denial to De Mean, that she ever admitted the deceased into her father's house; on the other hand, it is quite clear that this man had threatened not to give up her letters, and had made her aware that he would never allow her to marry another man. Therefore, there is probability in the supposition that despair and a feeling of revenge may have prompted her to endeavour to get rid of him; but her object was to get back her letters, and she could not do that, even by his death, so long as they were kept in the clerks' desk in Huggins' office. After reading the evidence of Mr O'Neill, who made the plan of the house, he came to the declaration of the prisoner. This, he said, was a very important document in every case, and especially in such a case as this, where the prisoner is in possession of arsenic, and where there are circumstances appearing to connect that party with the death of another. It certainly was of great importance in the case of a girl, who was a very unlikely person to be employed to purchase arsenic for killing rats, but who stated that she had bought it for that purpose. He then began to read the prisoner's declaration, and having proceeded to that part of it where she says—"L'Angelier was very unwell for some time, and had gone to the Bridge of Allan for his health, and he complained of sickness, but I have no idea what was the cause of it"—his Lordship said he could not explain that statement in the same way as the Dean of Faculty—that she had *heard* of his being at the Bridge of Allan, after he had been there and come back. According to his reading, the passage meant that she knew he had been there for his health; and if so, it contradicted the statement which she had made to M. de Mean. The statement of the prisoner as to her having given L'Angelier a

cup of cocoa at her window between ten and eleven o'clock at night, which she had prepared herself, was very remarkable, but became more important still when taken in connection with her statement further on in the declaration, that she thought her using it must have been known to the servants, as the package containing it lay on the mantelpiece in her room, no one in the family using it except herself. Now, said his Lordship, that poor girl's young sister was brought in to say that she drank the cocoa at breakfast time, and that it was openly known in the family. There was a fire in her room, while she merely stated that she got hot water from the servants. In reference to her statement that she had been advised to use arsenic as a cosmetic, by washing the face, by a young lady, the daughter of an actress, while at school, he did not think there was a particle of truth in it, neither had any newspaper been discovered in which there was a single word recommending the practice. Then the prisoner's alleged object in writing the first letter to the Bridge of Allan was to have a meeting with L'Angelier, to tell him of her engagement to Mr Minnoch; but, if that was her only object, could she not have told him so in writing? On the supposition that that was her object, her language was most unaccountable. According to that, it was to clasp him to her bosom, and tell him she was engaged to another man—a very odd mode of making known her engagement. He then went over the evidence of Miss Jane Buchanan, who had accompanied the prisoner into Currie's shop when she bought the arsenic. She stated that the shopman had suggested phosphorus, and the prisoner then said "that they were leaving their town house, and that there would be no danger in laying the arsenic in the cellars." In reference to the denial of Miss Guibilei (now Mrs Walcott) that she had ever advised the prisoner to use arsenic as a cosmetic, it was certainly very plausible that the daughter of an actress should have been fixed upon to recommend its use for that purpose; but unfortunately, the statement was disproved by the lady herself—a most respectable-looking person. The panel also said, that she had read recommendations to this effect in certain publications. In reference to the latter assertion, his Lordship remarked, that not one of the publications produced contained anything of the kind. With regard to the young lady designated as the daughter of an actress, she was a very respectable lady of very prepossessing appearance, married to an English solicitor, and she distinctly declared that she had never had any conversation with the prisoner on the subject of cosmetics. William Smith, her father's page, deponed to having been sent on one occasion for prussic-acid by the prisoner, who told him that she wanted it for her hands. That, said his Lordship, was another extraordinary use to which to apply poison. Having adverted to the evidence of the druggists from whom the arsenic had been purchased by Miss Smith, he read that of William Campsie, the gardener at Rowalyen, who said he never had got any arsenic from

Miss Smith to kill rats, and who himself used a paste mixed with phosphorous for that purpose. His Lordship said there was rather an odd circumstance which struck him at the time this statement was made. He had no idea that the prisoner was intending to escape when she left her father's house on the Thursday morning after L'Angelier's death. The Dean of Faculty had said that she was fleeing from the shame of an exposure; but his Lordship's opinion was that, having made a statement already about getting arsenic for the gardener to kill rats, and knowing that if it were discovered that he had got no arsenic from her for such a purpose, unpleasant consequences might follow, she wished to see him in order to make an arrangement by which that statement might be borne out. The steamer in which she went only sailed from Helensburgh to Gairloch and back; therefore, escape by it was nearly impossible; and, in point of fact, he did not believe she had any intention of attempting it. He then came to the evidence of Mr Minnoch, who, he said, was in a very painful position. After stating that the prisoner had accepted him on the 28th of January, he read the affectionate letter which she had sent to that gentleman from the Bridge of Allan; and in which she expressed her warm attachment to him, rejoicing that their marriage day was fixed, and said that the occasion of her last long walk with him was the happiest day of her life, "and all that sort of thing." His Lordship then said there was a good deal of other evidence, but he found that he was utterly unable to finish it that evening. He did not think it right to go on with it in his present exhausted state, and he therefore proposed to reserve it until next day, when he would endeavour to be as brief as possible. He did not think it would be necessary to go over the correspondence in detail, unless the Jury specially wished it; and they would be prepared to let him know when he came to that part of the case whether they considered it necessary for him to do so.

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## NINTH DAY.

TUESDAY, JULY 9TH.

The Court met at Nine o'clock.

CHARGE OF THE LORD JUSTICE-CLERK *Continued.*

THE LORD JUSTICE-CLERK resumed his charge. He said, it was a remarkable fact that not one of L'Angelier's letters was found in the prisoner's room, although she evidently had them all in her possession up to the 12th of February, when she told him that, if he brought her letters on the Thursday, she would return

his along with his photograph. Next, in noticing the irregularities connected with the collection of the letters, he said he did not think the panel had suffered any prejudice, however loose, irregular, and slovenly the whole proceedings were. Nor did it appear that much difficulty had arisen from the delay in identifying and marking the letters. One important letter was only dated Wednesday, while the postmark was not legible, and it was only from the contents they could ascertain the date, if it could be ascertained; but most of the letters, even though they were not in their own envelopes, were of such a nature as to make the precise date of comparatively little consequence, unless the letters at the close, the dates of which were sufficiently ascertained from the contents. The evidence of Christina Haggart, his Lordship next remarked, distinctly proved the fact of an interview between the parties in the house, and he thought the only conclusion to which the Jury could come from all this was, that the panel had ample facilities for admitting L'Angelier into the house, if she wished it; and therefore, if there was evidence otherwise, no practical difficulty lay in the way of his having an interview with her in the house on that Sunday evening—certainly there was nothing in the form or arrangement of the house to exclude his being there. That, however, would not supply the want of evidence of the fact; and if they did find that evidence, the mere facility would prove nothing. The witness never saw any colouring matter in the water in the prisoner's basin, but really he did not think there was much in that, for he was disposed to look on it all as a false pretence—an excuse got up to account for her possession of the arsenic. As to L'Angelier being at the house in Blythswood Square on the Sunday night, there was evidence by two witnesses that they saw L'Angelier after he left his lodgings on the Sunday night in that quarter of the town; and the important fact was that, having gone out well at night, after he returned from the Bridge of Allan, he had gone in the direction of the panel's residence. It was plain that he had been too early at nine o'clock. He had been too impatient to wait; and finding he was too early, he went and endeavoured to find his acquaintance MacAllister. When he came to the evidence of Mr M'Donald of the Glasgow Post-Office, with regard to the postmarks on the letters, his Lordship said that now, after the remarks from Lord Campbell, and from himself, in a communication to the Post-Master General, on the necessity for having the marks distinct, he hoped this would be the last occasion on which the postmarks would be so carelessly impressed as they had been, and that the attention of the Post-Office authorities would be still more directed to a matter of such great importance. In Miss Perry's evidence, mention was made of a letter written by L'Angelier to her, in which he says:—"I received a letter *too late to enable me to see some one.*" That he alluded to the panel, no one, looking to her declaration, could doubt. That, of course, plainly was the first letter sent to him in his absence. He did not start for Glasgow

on receiving it, because he got it too late to enable him to keep the appointment. The letter which actually brought him to Glasgow was also too late, if it referred to Saturday night; but it was not surprising that, on receiving this second letter, couched in such urgent terms, and imploring him to come so passionately, that she might clasp him to her bosom—it was not surprising that he should immediately start for Glasgow on receiving it, even although he understood the appointment to be for Saturday night, and knew that he was again too late. Miss Perry, and her sister Mrs Towers, both spoke of L'Angelier having remarked that he was made ill by the cocoa and coffee, Miss Perry said, from the prisoner. That was good competent evidence, and the Jury would judge of its weight. In Miss Perry's evidence relating to her visit to Mr Smith's house after L'Angelier's death, his Lordship directed attention to the question put to Miss Perry by Miss Smith, "Is there anything wrong?" as a very important piece of evidence. Why should Miss Smith suspect that there was anything wrong? She had not seen Miss Perry for a time, and there was nothing in the fact of her calling to suggest such a question. As to Miss Perry's reasons for recollecting the date of the illness on the 19th, his Lordship thought she had stated in her evidence very fair grounds for the recollection of that date. It is true, he continued, that this lady is exposed to the observation that she had encouraged a clandestine correspondence and engagement with these parties, had allowed the panel to visit her, and had written; and certainly that was very strange conduct in a person of her station, respectably connected, and at her time of life, as she was not a young girl. But sometimes you have seen that ladies of that time of life have a good deal of interest in such matters, and this lady seems to have had a sort of pleasure in being a confidante in this affair. The question, however, was, did the evidence of Miss Perry and the others amount to more than giving rise to grave suspicions? The Jury must remember that, although he was ill upon these occasions, and seemed to have ascribed his illness to the cocoa and coffee he got from the panel, there was no proof that his illness was really caused by arsenic upon either of these occasions. The symptoms corresponded to the effects of arsenical poisoning, but then so did many of the symptoms with bilious attack. And as there was no examination of the matter vomited from the stomach they would have to consider whether they were warranted from his statement, however honestly made to Miss Perry, in holding that these attacks were caused by some poisonous substance administered by the panel. It had not been shown that the panel was possessed of arsenic before the 19th. Any poisonous substances, however, would be comprehended in the charge. Arsenic she did buy on the 21st of February, before that second illness, and therefore the fact of her possession of arsenic before the second occasion of course gave much greater strength and point to his remark, that he did receive some-

thing from her which had made him ill upon the 22d of February. Coming to the evidence for the defence and referring to Mr Pringle's statement about L'Angelier's pointing a counter-knife to his throat in Mr Laird's shop, his Lordship said he should think, according to all one's knowledge of human nature, that the man who talked in this way of suicide—of throwing himself over the Dean Bridge, and over the window of his bed-room, six stories high—of drowning himself if he should be jilted, after, in reality, he had been jilted, was not a man very likely actually to commit suicide. The Jury would consider whether all that was merely the mere vapouring of a loose, talkative man, fond of awakening an interest in the minds of others about himself, or whether it afforded any indications that he was likely to commit suicide. With regard to L'Angelier's statement to Mr Ogilvie, assistant teller in the Dundee Bank, as to giving horses arsenic in France, that was a very odd story too, for in most places on the Continent there were well-regulated posts, and it was nonsense to talk of a small quantity of arsenic making the horses long-winded, as it was only the long use of it in small quantities which could produce any effect. He said to this man, "Oh, I take arsenic myself." Evidently that was to keep up the truth of his vapouring story, and to remove the force of Mr Ogilvie's remark about arsenic being dangerous. That evidence was brought forward in order to support the notion that the deceased poisoned himself with arsenic, but he did not think it had much bearing upon the matter. Unless they were satisfied that he took up and had a purpose of suicide in his mind, his vapouring about it was of no consequence. No doubt it did not lie upon the prisoner to show that the deceased poisoned himself; it was enough that she satisfied the Jury that it was not *proved* that it was she who poisoned him. But it was certainly a very unlikely thing that L'Angelier, after coming to Glasgow to see her, should have poisoned himself in the street nobody knew where, and that he carried about with him such a quantity of the white powder, and swallowed it. He thought, therefore, the case stood far better for the prisoner to take her stand on the point that the guilt could not be brought home to her, which was really the point on which the matter turned. His Lordship thought it was not unlikely that L'Angelier had talked to the panel about the use of arsenic as a cosmetic, and this may have led her to use it; or it may, on the other hand, have suggested this excuse to her. The question was, whether there was anything in the whole character of the deceased which looked like a person who was in any danger of committing suicide; or whether he was not a man of far too much levity to do so. From all they knew of him, he believed he was not the man to do so. There seemed to be no reason for any depression of spirits on his part, so far as his worldly circumstances were concerned. He had a salary of L.100 a-year—was better off than he had ever been in his life before, and had every reason to congratulate himself, instead

of being cast down or depressed. Dr Girdwood, Falkirk, deponed to having been applied to by several parties for arsenic to use as a cosmetic, after an article had appeared in *Chambers' Journal* on the subject. That many silly women, after seeing things talked about in the newspapers, may have tried whether arsenic would improve their complexions might be true enough; but he did not think that would satisfy them that that was the object of the prisoner in purchasing it. His Lordship then referred to the evidence of Dr Adam, and the other druggists whose shops he was said to have visited on his way from Coatbridge to Glasgow. The stories told by them were certainly very odd. Mr Ross had seen him at the inn eat a quantity of roast beef, and drink some porter—he had walked with him all the way to Glasgow, conversed cheerfully on several subjects, and never went into any shop on the road. Were they to believe, in opposition to this, that only 600 yards or 700 yards from the inn at Coatbridge, he entered a druggist's shop and swallowed 25 drops of laudanum? At Bailieston, again, wholly inconsistent with Ross' statement, it was asserted that he went into another shop, bent with pain, and got 25 or 30 drops more of laudanum. His Lordship thought there must be some mistake on the part of these people; their evidence, both as to the day and the man, was indistinct and indefinite. Miss Kirk said that a gentleman like the photograph shown her, came into her shop a little before or after eight o'clock, and bought some medicine—she thought a powder, but if that powder had been arsenic, surely the woman would have remembered it. She was bound to write it down, and she must have known that. Dr Paterson of Leith, had described several cases of poisoning by arsenic which had come under his own observation among the girls employed at colourworks; and in these cases, though the victims denied having taken the poison, they submitted to medical treatment just like any other patient. None of them, however had desired a doctor to be called. Now, L'Angelier never objected to a doctor being sent for, and at last became urgent to see one. Dr Lawrie of Glasgow, stated that he had washed his face and hands into a basin in which half an ounce of arsenic had been thrown, and experienced no bad effects. That was just what might have been expected from a single application; but whether the continued use of it in this way would produce any beneficial effect on the skin, either disagreeable or beneficial, was a totally different matter. Dr Maclagan of Edinburgh, also said that so little arsenic would be dissolved in cold water, that washing in it would not likely have any appreciable effect. He stated also that the organic matter in cocoa or coffee would lessen, instead of augmenting, its dissolving power; a considerable quantity would, however, be dissolved, if it were boiled in these vehicles. His Lordship next directed attention to the correspondence. On this point he observed:—The Lord Advocate states his theory of the case thus: the panel became acquainted with L'Angelier, the acquaintance went on very rapidly, and ended

in an engagement; they corresponded frequently and clandestinely; on the 6th May 1856 he got possession of her person; the engagement was discontinued once or twice; the family did not know of it, and the letters continued on her part in the same terms of passionate love, for a very considerable time—I say passionate love, because unhappily they are written without any sense of decency, and in most licentious terms. After a certain time, Mr Minnoch's attentions to the girl became very marked; she saw there was no chance of marrying L'Angelier even if she continued to like him sufficiently; but the other was certainly a most desirable marriage for her to make. The Lord Advocate says, that her object then was to extricate herself from the position in which she was placed; that she first makes an appeal to L'Angelier to give up her letters; she writes then very coldly, and says the attachment has ceased on her part, and she thinks on his part also; certainly there was no reason to suppose that, though he frequently blamed her conduct; but that is what she states. The Lord Advocate says that by these cold letters she was trying to make him give her up and to give up her letters. She failed in that. The Lord Advocate says, that then she proceeded to write in as warm terms as ever, and to talk of their embraces, as she had done before. She does not succeed by that tone, and then she receives him, as he says must be inferred and is proved, into her house for the purpose of gaining her object. She has to leave Glasgow, and he too has to go to Edinburgh. She returns, and she understands that he returned, and she writes letters for the purpose of having interviews with him. The Lord Advocate says that, on the former occasion, when she failed in getting the letters, out of resentment she had administered the poison to him on the 19th and 22d; and aware that no allurements, or enticements, or fascinations from her would get the letters from him, she had prepared for the interview which she had expected on the 22d March, by another purchase of arsenic, and with the intention to poison him. The Lord Advocate's theory and statement is that the interview having taken place, she did accordingly administer that dose of arsenic, from which, howsoever administered, he died. All this, on the other hand, is treated as a totally incredible supposition by the counsel for the prisoner. It is said that she could not have had such a purpose—that it is something too monstrous to believe or inquire into even. Gentlemen, it is very difficult to say what might not occur to the exasperated feelings of a female, who had been placed in the situation in which this woman was placed. And there it is that the correspondence comes to be of much importance, in ascertaining what sort of feelings this girl cherished, and what state of mind and disposition she was of, and whether there is any trace of moral sense or propriety to be found in her letters, or whether they do not exhibit such a degree of ill-regulated, disorderly, distempered, licentious feelings as to show that this is a person quite capable of cherishing any object to avoid disgrace and exposure, and of taking any revenge which

such treatment might excite, in the mind of a woman driven nearly to madness, as she says she was. I shall not read many of these letters, but there are some characteristics of the character of the panel—displaying her mind and feelings—which I think it is of importance to place before you, as showing the progress of this attachment and the manner in which it was carried on by her. It is very curious that the first letter is written by her; and L'Angelier replied as you might expect a young man of his temperament to do. His Lordship then read one of the letters, ending with “fond embraces, kisses,” etc., remarking that it seemed that the girl's ill-regulated passions broke out months before any sexual intercourse had taken place; the expressions used in that and following letters were most singular, as passing between two unmarried people. His Lordship here read part of the letter of 30th April 1856:—

My own, my Beloved Emile,—I wrote you Sunday night for you to get my note on your birth day (to-day), but I could not get it posted. Disappointment it was to me—but “Better late than never.” My beloved, may you have many happy returns of this day . . . P/ has not been a night in town for sometime, but the first night he is off I shall see you. We shall spend an hour of bliss. There shall be no risk, only C. H. shall know. . . . Only fancy in turning out an old box yesterday I got an old notebook three years old, and in going over it many of the pages had the name L'Angelier on them. I did not think I had been so fond of my darling then. I put it in the fire, as there are many names in it I would not like to see beside yours my own sweet darling husband. Now, this is a very long letter to-night. I must conclude with a fond, fond embrace, a sweet kiss. I wish it were to be given, not sent. Kindest warmest love to you my husband dear. A kiss. Another, oh to be in thy embrace my sweet Emile. Love again to thee from thy very fond thy loving and ever devoted Mini, thine

Own Wife.

Why, what else could be expected? It may well be asked what else did she intend or wish than sexual intercourse, after thus provoking and inviting it? We heard, said his Lordship, a good deal said by the Dean of Faculty as to the character of this panel; we have no evidence on the subject except what these letters exhibit, and no witness to character was brought; but certainly these letters show as extraordinary a frame of mind and as unhallowed a passion, as perhaps ever appeared in a court of justice. Can you be surprised, after such letters as those of the 29th April and 3d May, that on the 6th of May, three days afterwards, he got possession of her person? On the 7th of May she writes to him, and in that letter is there the slightest appearance of grief or of remorse? None whatever. It is the letter of a girl rejoicing in what had passed, and alluding to it, in one passage in particular, in terms which I will not read, for perhaps they were never previously committed to paper as having passed between a man and a woman. What passed must have passed out of doors, not in the house, and she talks of the act as hers as much

as his. His Lordship here read the letter and observed:—This is a letter from a girl, written at five in the morning, just after she had submitted to his embraces; can you conceive or picture any worse state of mind than this letter exhibits? In other letters, she uses the word “love” underscored, showing clearly what she meant by it; and in one letter she alludes to a most disgusting and revolting scene between them, which one would have thought only a common prostitute could have been a party to, and exhibiting a state of mind most lamentable to think of. Certainly such a sentence was probably never before penned by a female to a man. There are many other letters all written in the same strain, and certainly exhibiting a state of mind which it was fearful to contemplate. If, while he was correcting her bad habits, he was, as is said, undermining her principles; still, so far as these letters go, they certainly prove that she was in a most depraved state of mind. Of that there can be no doubt. Probably it was not the less so, if he had been endeavouring to undermine her principles and virtues. Of that, however, there is no proof whatever—not the slightest. These letters go on in the same way until November and December. Afterwards they are very much in the same style—all alluding to meetings which they had had and to arrangements for meetings in the future, although of these meetings we had no proof beyond the letters, until the time that Christina Haggart lets him in. The same strain of passionate love continues until the 2d of February, when L’Angelier became jealous of the attentions which were being shown her by Minnoch, and returns her letter. Then, indeed, she writes in a very different strain, and asks the engagement to be broken off, to which he will not consent, and she appeals to him to return the letters—a request with which he will not comply; and, finally, returns to her old style, signing herself as his “beloved.” And, with respect to this, the Lord Advocate says, she wrote thus for the purpose of luring him back to her arms, in order that she might get her letters back, and so accomplish the purpose which she had in vain endeavoured to achieve, by the first means she adopted. Coming down to the closing letters of February and March, his Lordship said he did not think it was very material what the Lord Advocate insisted upon, as to the dates of the letters, in which she says she must give him a loaf of bread; still it must be borne in mind that her allusion to his illness confirms the statement, which he makes about the same time to one of the witnesses; that he had become ill in the presence of a lady. Following the course of the letters, we come to the first one addressed to L’Angelier from the Bridge of Allan, in which she employs the same terms of affection, and to that of the 16th, in which she addresses Mr Minnoch as “My Dear William,” but still fails to obtain from L’Angelier, by the new policy on which she has entered, the return of her letters. That she is, then, acting a part, there can be no doubt. I think that is as clear as letters can establish. On the 16th, she writes to Minnoch—

“My Dearest William,” and these expressions here happen at the time the arrangements are going on for her marriage; and, in the meantime, she gets no return of her letters, and she makes no excuses about that; but it appears that he had returned at the time mentioned, and there is a letter written which we have seen came to his lodgings on the evening of Thursday. Then he was very anxious to get his letters, and on the morning of the 19th he went to the Bridge of Allan, and comes into Stirling to see if the letter was there, but finding there is none, he returns in the afternoon to Bridge of Allan. That letter is the one that reached him at Stirling next morning. And then she wrote to him again, and that was the letter plainly that she wrote, addressed to him at Franklin Place. It was posted on the 21st March, deliverable that night, and the envelope in which it was enclosed by Thuau, bears the date of 21st March, and must have been posted between 2.15 and 6 P.M., when the post left Glasgow and reached the Bridge of Allan early in the morning of the 22d. (Read the letter again.) She says in her declaration, that the object of writing was to tell him that she was engaged to Minnoch. I put to you yesterday what a marvellous statement she makes. To want to be clasped to the heart of a man to whom she was to say, “I am engaged to another.” His Lordship remarked on the fact, that in the letter in which the prisoner said she would give the deceased a loaf of bread the next time he came, she said she would give him it before he went “out”—showing that it was intended he should be let into the house. Well, then, that letter brought him to town. I think, said his Lordship, upon the evidence that I have read to you, that there can be no doubt of that. It is the conviction which flashed on Stevenson’s mind the moment the letter was found. In the ordinary matters of life, when you find the man came to town for the purpose of getting a meeting, you may come to the conclusion that they did meet; but, observe, that becomes a very serious inference indeed to draw in a case where you are led to suppose that there was an administration of poison, and death resulting therefrom. It may be a very natural inference looking at the thing morally. None of you can doubt that she waited for him again, and if she waited the second night, after her first letter, it was not surprising that she should look out for an interview on the second night after the second letter.

The DEAN OF FACULTY.—She did not wait the second night after the first letter. She waited only one night.

The LORD JUSTICE-CLERK.—I am sure the Jury understood what I meant.

The DEAN OF FACULTY.—It is the turning point of the case, because the slightest difference of expression may convey a different meaning.

The LORD JUSTICE-CLERK.—She says:—“I shall wait again tomorrow night, same hour and arrangement.” And I say there is no doubt—but it is a matter for the Jury to consider—that after writing

this letter he might expect she would wait another night—that is the observation I made, and therefore it was very natural that he should go to see her that Sunday night. But, as I said to you, this is an inference only. If you think it such a just and satisfactory inference that you can rest your verdict upon it, it is quite competent for you to draw such an inference from such letters as these, and from the conduct of the man coming to Glasgow for the purpose of seeing her—for it is plain that that was his object in coming to Glasgow. It is sufficiently proved that he went out immediately after he got some tea and toast, and had changed his coat. But then, gentlemen, in drawing an inference, you must always look to the important character of the inference which you are asked to draw. If this had been an appointment about business, and you found that a man came to Glasgow for the purpose of seeing another upon business, and that he went out for that purpose, having no other object in coming to Glasgow, you would probably scout the notion of the person whom he had gone to meet saying I never saw or heard of him that day; but the inference which you are asked to draw is this—namely, that they met upon that night, where the fact of their meeting is the foundation of a charge of murder. You must feel, therefore, that the drawing of an inference in the ordinary matters of civil business, or in the actual intercourse of mutual friends, is one thing, and the inference from the fact that he came to Glasgow, that they did meet, and that, therefore, the poison was administered to him by her at that time, is another, and a most enormous jump in the category of inferences. Now, the question for you to put to yourselves is this—Can you now, with satisfaction to your own minds, come to the conclusion that they did meet on that occasion, the result being, and the object of coming to that conclusion being, to fix down upon her the administration of the arsenic, by which he died? Now, then, gentlemen, let us take the three charges in the indictment. The first charge is, that she administered poison on the 19th or 20th February 1857. Probably you will be of opinion, on the evidence of Miss Perry and others, that he did see her on that occasion, as well as on the 22d; but, as to the 19th, she was not proved to have had arsenic or any other poison in her possession; and what I attach very great importance to is, that there is no medical testimony, by analysis of the matter vomited, that that illness did proceed from the administration of arsenic. If the doctor had examined the matter vomited, and said there was certainly arsenic here, I am afraid the case would have been very strong indeed against her, as having given him coffee or something immediately before his illness on that occasion. But it is not proved that the illness arose from the administration of poison; arsenic she had not, and there is no proof of her having possessed anything else deleterious. It is not even proved that there was oxalic acid in the house for cleaning boot-tops, or such purposes. Therefore, I have no hesitation in telling you that that charge has

failed. He had thrice before been seized with illnesses of this description—at M. de Mean's, at Mr Roberts', and in his own lodgings, as spoken to by one of the Bairds—which are not alleged to have been caused by arsenic. And therefore I have no hesitation in telling you as to that, that I think that charge has failed. I think it my duty to tell you, as a Judge, that on that charge you should find her not guilty. But we are in a very different situation as to the illness of the 22d and morning of the 23d. In one respect it is not proved to be from the administration of any deleterious substance; and, perhaps, you may think it safer not to hold, in such a case as that, that it was the result of the administration of arsenic or of any poisonous substance. But what would connect the prisoner with that is I think much stronger—that is to say, connect her with a meeting with him that night. If you should think you can acquit her of the first, and that there is too much doubt to find the second proved, why then you will observe how much that weakens all the theories that may be raised on the correspondence of a purpose and a desire of revenge or of something arising from the change of tone, and a desire to allure him again to her embraces and her fascinations, which cannot be accounted for excepting on this supposition; in that view undoubtedly the foundation of the case is very much shaken, and will not lead you to suppose that the purpose of murder was cherished on the 22d. Then as to the charge of murder, gentlemen, the point for you to consider—surrounded as the panel is with grave suspicion, with everything that seems to militate against the notion of innocence, upon any theory that has been propounded to you—is this, are you prepared to say that you find an interview with the deceased, on the night of the 22d March, proved against her? She had arsenic before the illness of the 22d February, and I think you will consider that all the excuses which she made about having arsenic are just as groundless as those which she stated to the apothecaries. She bought arsenic again on the 6th, and certainly it is a very odd thing that she should buy more arsenic after she came back to Glasgow on the 18th of March. It is true she says she washed her hands with the whole ounce that she bought before she went to the Bridge of Allan; but then if you take that view of her disposal of the arsenic, it would be on the supposition that she truly used it for this purpose. She has arsenic before the 22d, and that is a dreadful fact, if you are quite satisfied that she did not get it and use it for the purpose of washing her hands and face. It may create the greatest reluctance in your mind, to take any other view of the matter, than that she was guilty of administering it somehow, though the place where may not be made out, or the precise time of the interview. But, on the other hand, you must keep in view that arsenic could only be administered by her if an interview took place with L'Angelier; and that interview, though it may be the result of an inference that may satisfy you morally that it did take place, still rests upon an inference

alone; and that inference is to be the ground, and must be the ground, on which a verdict of guilty is to rest. Gentlemen, you will see, therefore, the necessity of great caution and jealousy in dealing with any inference which you may draw from this. You may be perfectly satisfied that L'Angelier did not commit suicide, and of course it is necessary for you to be satisfied of that before you could find that anybody administered arsenic to him. Probably none of you will think for a moment that he went out that night, and that without seeing her, and without knowing what she wanted to see him about if they had met, that he swallowed above 200 grains of arsenic on the street, and that he was carrying it about with him. Probably you will discard that altogether, though it is very important, no doubt, if you come to the conclusion that he did not swallow arsenic; yet, on the other hand, gentlemen, keep in view that that will not of itself establish that the prisoner administered it. The matter may remain most mysterious—wholly unexplained; you may not be able to account for it on any other supposition; but still that supposition or inference may not be a ground on which you can safely and satisfactorily rest your verdict against the panel. Now then, gentlemen, I leave you to consider the case with reference to the views that are raised upon this correspondence. I don't think you will consider it so unlikely as was supposed, that this girl, after writing such letters, may have been capable of cherishing such a purpose. But still, although you may take such a view of her character, it is but a supposition that she cherished this murderous purpose—the last conclusion of course that you ought to come to merely on supposition, and inference, and observation, upon this varying and wavering correspondence, of a girl in the circumstances in which she was placed. It receives more importance, no doubt, when you find the purchase of arsenic just before she expected, or just at the time she expected, L'Angelier. But still these are but suppositions—these are but suspicions. Now, the great and invaluable use of a Jury, after they direct their minds seriously to the case with the attention you have done, is to separate firmly—firmly and clearly in their own minds—suspicion from evidence. I don't say that inferences may not competently be drawn; but I have already warned you as to inferences which may be drawn in the ordinary matters of civil life and those which may be drawn in such a case as this; and, therefore, if you cannot say—we find here satisfactory evidence of this meeting, and that the poison must have been administered by her at a meeting—whatever may be your suspicion, however heavy the weight and load of suspicion is against her, and however you may have to struggle to get rid of it, you perform the best and bounden duty as a Jury to separate suspicion from truth, and to proceed upon nothing that you do not find established in evidence against her. I am quite satisfied that whatever verdict you may give, after the attention which you have bestowed upon this case, will be the best approxi-

mation to truth at which we could arrive. But let me say, also, on the other hand, as I said at the outset, that of the evidence you are the best judges, not only in point of law, but in point of fact; and you may be perfectly confident that if you return a verdict satisfactory to yourselves against the prisoner, you need not fear any consequences from any future, or imagined, or fancied discovery, which may take place. You have done your duty under your oaths under God and to your country, and may feel satisfied that remorse you never can have.

The Lord Justice-Clerk having concluded his charge, the Jury retired into an adjoining room to consider their verdict.

“The Jury having returned into Court, they all answered to their names, and gave in the following verdict:—

“The Jury find the panel not guilty of the first charge in the indictment by a majority; of the second charge, not proven; and by a majority find the third charge also not proven.

“The Court assoilzied the panel *simpliciter*, and dismissed her from the bar.

“The Jury then received the thanks of the Court for the great trouble and attention they had paid to the case, and were informed that, in consequence of the length of their attendance, each of them would be held as entitled to be excused from serving as Jurymen before the Court for five years to come; and, further, that a recommendation would be given to the Sheriffs of the respective districts to excuse them from serving as such in all criminal cases, before their courts for the same period.”

## A P P E N D I X.

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### No. I.

PROCEEDINGS IN THE MATTER OF JAMES CUNNINGHAM, PUBLISHER OF THE "SCOTCH THISTLE" NEWS-PAPER. (See p. 95.)

DURING this Sederunt, the following Order was pronounced, and procedure thereon took place:—

*By Authority of the Right Hon. The Lord Justice-Clerk, and Lord Commissioners of Justiciary.*

The DEAN OF FACULTY, on the part of the panel, Madeleine Hamilton Smith, represented to the Court that, on a printed circular, dated "Scotch Thistle Office, 369, High Street, Edinburgh, 30th June 1857," and signed "J. Cunningham," it is stated that "the 'Scotch Thistle' of Saturday first, 4th July; will contain a portrait of Miss Smith, as she appeared in the dock, by a celebrated artist, a full report of the trial, a copy of the indictment, and all the letters between the prisoner and L'Angelier;" and that he had reason to believe that all the letters libelled on were in possession of the said J. Cunningham, and were intended to be reprinted.

Therefore we hereby order the attendance in Court on this day, within the Justiciary Court Room, Parliament House, of the said J. Cunningham, whose name bears to be attached to said circular, and that immediately after intimation of this order to him.—Given at Edinburgh, the 3d day of July 1857.

J. HOPE, *I.P.D.*

I, William John Munro, Macer to the High Court of Justiciary, hereby certify that, upon the 3d day of July 1857 years, between the hours of 12 noon and 1 afternoon, a copy of the foregoing order, with a copy of intimation and service appended thereto, was left by me for the above therein-designed J. Cunningham, within the office of the "Scotch Thistle," in the High Street, Edinburgh,

with a servant therein, to be given to him, as I could not find himself personally; and which copy of intimation contained a notice for his immediate appearance in Court, after the intimation of the said order by me.

WM. J. MUNRO.

EDINBURGH, 3d July 1857.

The before-named J. Cunningham having appeared at the bar, and been interrogated by the Court on the matter complained of, gave such explanation of his intentions in relation to the publication of the proceedings of the trial as to be satisfactory to the Court, and the counsel for the prisoner; whereupon he was dismissed from the bar.

C. NEAVES.

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No. II.

*The following were the Regulations made with reference to this Trial:—*

NOTICE IN REGARD TO THE TRIAL ON THE 30TH INSTANT.

1. No one, except Judges, to be introduced to the Bench, unless on application to the Court.
2. No one to be within the Bar except the gentlemen engaged in the case and the Faculty Reporter.
3. No one to be admitted at the door opposite the Reporters' seat except Advocates and the Reporters, and the Policemen will send in to the Reporters the cards of their messengers.
4. The Side Seat opposite the Jury Box to be kept for the Glasgow Reporters.
5. No one to be allowed to Stand in the Passages.
6. One of the Side Galleries to be kept, so far as necessary, for Advocates, whose Officer will attend. It is expected that Advocates who attend the Trial shall be in their Court Dress, and that those only take their places who mean to attend for the day, as the Private Stair is so close to the Bench that going up and down disturbs the Judges much.
7. To the other Side Gallery admission will be given on orders from the proper Officer.
8. Strict orders are given that no Money be taken at the Doors.
9. The Doors will be opened at Eight.

10. A Policeman to be on the outside and at the inside of each Door of the Court.
  11. The Police to keep the Passages clear.
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The Officers were not allowed to keep the Seats, when not filled within a quarter of an hour after the Meeting of the Court by those having a right in the first instance.

An application by the S.S.C. to the Lord Justice-General was not attended to.

THE END.









