
IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1896.—Ordered to be printed.

Mr. CALL presented the following

**BRIEF AND PETITION TO THE PRESIDENT OF THE UNITED STATES
FOR GOVERNMENTAL INTERVENTION IN BEHALF OF MRS. FLORENCE E. MAYBRICK.**

Mr. PRESIDENT.

SIR: On behalf of Mrs. Florence E. Maybrick, we desire to request this Government to vigorously intervene in her behalf with the English Government, either through Mr. Bayard, our ambassador at London, or Sir Julian Pauncefote, Her Majesty's representative here; and would respectfully call your attention to the history of the case, the former actions of your Government thereon, and a brief summary of the legal questions involved, both international and local.

Mrs. Maybrick was born in 1862; is a daughter of William G. Chandler, a prominent banker of Mobile, Ala., the first husband of her mother, the Baroness de Roques, who was a daughter of Darius Blake Holbrook, of New York, a partner of Cyrus W. Field at the commencement of the laying of the first Atlantic cable, dying before its completion.

In 1881, at the age of 18, Florence E. Chandler married James Maybrick, of Liverpool, England, 44 years old, a thorough man of the world, who had lived a fast life, was the father of a family of illegitimate children, and was already paying the penalty of reckless excesses by a marked decline in health and bodily vigor, and who, in attempting to counteract the effects of his growing infirmities, had become addicted to the habitual use of powerful stimulants and tonics, and was a confirmed arsenic eater and a regular taker of a tonic called "Pick Me Up," which also contained arsenic, of all of which Miss Chandler was totally ignorant.

At the time of their marriage Mr. Maybrick actually resided and was a cotton buyer at Norfolk, Va., where they both lived for some years following, and then returned to Liverpool.

On April 27, 1889, Mr. Maybrick, who had been ailing for a long time, and using a great quantity of powerful stimulants, arsenic and other poisons, went to the Wirral races on horseback, got wet through, and stayed out very late dining with friends.

April 28 he was very ill from the effects of the wetting, exercise, and dissipations of the day before, and Mrs. Maybrick sent for Dr. Humphreys, and later, showing great solicitude, sent for a second physician, Dr. Carter, and nurses, who attended Mr. Maybrick until his death, May 11, 1889, at 8.40 p. m.

The physicians who attended him consulted together during his illness and decided that his illness and death were caused "by some grave indiscretion of diet away from home."

Early in the morning of May 11, before Mr. Maybrick's death, Mrs. Maybrick fell into a speechless swoon, and so remained for nearly forty-eight hours, from the effects of which she was prostrated until the 18th of May. While unconscious, immediately after the death of Mr. Maybrick, Mrs. Maybrick was charged by the police, upon the suspicions and at the instigation of Edwin and Michael Maybrick, brothers, and Alice Yapp and Bessie Brierly, servants of Mr. Maybrick and enemies of Mrs. Maybrick, with having murdered her husband by "administering doses of arsenic to him." Search for arsenic was made, and arsenic, in quantities sufficient to poison fifty men, was found in the house, all in his and none in her apartments or belongings.

On May 14, Mrs. Maybrick, while still unconscious, was arrested in bed, police were posted at her bedroom door, and a coroner's inquest commenced.

May 17 Mrs. Maybrick's mother, her first and only friend during all those distressing circumstances and happenings, arrived, and found two policemen, one on the landing and one in the bedroom, who brutally prevented her seeing Mrs. Maybrick alone or conversing freely with her.

May 18 the magistrate commenced the inquiry in Mrs. Maybrick's bedroom, and she was taken, still in a prostrate condition, from her bed to Walton jail, accompanied by Dr. Humphreys and a nurse, upon bare suspicion brought about by unscrupulous enemies, and the inquest adjourned to June 5, when counsel for Mrs. Maybrick said to the coroner that "before going further some evidence of the cause of his death should be produced," and the coroner replied that it was "a pity the application had not been made before."

Meantime the press had been full of utterly false and most sensational accounts of Maybrick's death, creating thereby universal adverse public opinion in England, owing to Mrs. Maybrick's American birth and citizenship.

Inquest was resumed on June 6. Mrs. Maybrick was not allowed to be present by the court, and Mr. Davis, the analyst, reported results of the analysis of Mr. Maybrick's liver, intestines, and stomach, as follows: One-fiftieth of a grain of arsenic found in the liver, none in the stomach or its contents, and traces not weighable in the intestines, which was not enough to kill a hummingbird. Mrs. Maybrick was committed by the coroner, upon the suspicions above mentioned, to the next assizes at Liverpool for trial on the charge of willful murder.

On June 13 she was brought before the magistrate, and for the first time heard the evidence brought against her.

July 31 trial commenced at Liverpool, lasting eight days, the last two of which being entirely consumed by the summing up of Mr. Justice Stephen. At the trial the medical evidence was entirely conflicting, one specialist, Dr. Stevenson, and two general practitioners, Drs. Carter and Humphreys, called by the prosecution, and four specialists, Drs. Meymott Tidley, Paul, Macnamara, and Barron, called by the defense, swore emphatically that all the symptoms were those of "gastroenteritis;" in the words of Dr. Tidley, "distinctly pointed away from arsenic." Drs. Humphreys and Carter, Maybrick's attending physicians during his illness, testified that they had no suspicion of poison until it was suggested to them, and that no arsenic was found in the stomach, and only the twentieth part of a fatal dose was found in the liver, and even this was uncertain. Dr. Paul, declared by the London Times to be the greatest authority on the effect of various poisons in England, testified "that there was no evidence of arsenical poisoning."

Dr. Barron—the eminent pathologist to the Royal Infirmary for four

years, and present at upward of 500 post-mortem examinations—testified that death was due to acute inflammation of the stomach caused by some irritant poison, such as sausages, grouse, fish, mushrooms, etc., might contain. And that the one-fiftieth of a grain of arsenic found in the liver might have been taken in mere medicinal doses. Drs. Tiddy and Macnamara declared at the trial that the symptoms pointed away from, rather than toward arsenical poisoning, and that there was no arsenic found in the stomach, all of which shows conclusively, to any unprejudiced mind, that there was no murder, and that James Maybrick did not die of arsenical poisoning. All of the above eminent specialists positively negative such an idea, and that if he did he was the victim of his own arsenic habit. Sir Charles Russell (now Lord Chief Justice of England), in commenting on the charge of Justice Stephen to the jury, said: "He passionately invited the jury to find a verdict of guilty, taking two days to sum up, the first day as a judge and on the second raged like a violent counsel for the prosecution against her." The verdict of the jury was a surprise. Conviction was not anticipated even by the prosecuting officers, and Justice Stephen (while the jury was out) said to the clerk: "It is impossible to find her guilty in the face of the medical evidence."

The jury, consisting of three plumbers, a wood turner, a provision dealer, a grocer, two farmers, an ironmonger, a baker, a painter, and a milliner, was only out thirty-six minutes, and when their verdict of guilty was announced protest was made in the court room; the judge was hooted and hissed and with difficulty reached his carriage. The sentence of death, which followed this strange "verdict," raised the public to a more intense excitement, and even the press, which had been extremely hostile theretofore, awoke to a sense of the enormity of the verdict, and, with the bar, united in the condemnation of the result, and eminent doctors of medicine everywhere pronounced it ridiculous. The jury stated, in commenting on their verdict, that "we could not hear the whole of the evidence very distinctly, and even if we could have done so it was impossible to carry away with us in our memories the important details. We therefore made free use of the newspapers, and made our own cuttings."

Thus it will be seen that this terrible verdict was rendered by the jury under the lead, and at the "passionate invitation to find a verdict of guilty," of a prejudiced and even then almost insane judge, who subsequently speedily developed mental disease, resulting in his forced resignation from the bench and showing him to be irresponsible at the trial for "raging like a violent counsel for the prosecution" on the last day of his charge to the jury and under the influence of a hostile press, without any regard to the evidence.

There being no court of criminal appeal in England, a monster petition was spontaneously gotten up, requesting the home secretary, Mr. Matthews, to review the case, and every member of the bar present at the assizes at which she was tried signed a memorial in her favor. Mr. Matthews, after reviewing the case, with the concurrence of trial judge, officially announced that the evidence "does not wholly exclude a reasonable doubt whether death was in fact caused by the administration of arsenic," and the death sentence was commuted to imprisonment for life.

The only evidence of Mrs. Maybrick's having procured or been in the possession of arsenic in any form was her purchase of fly papers containing a small quantity for making a cosmetic, and in her statement to the jury she explained that the fly papers she openly purchased

and soaked with the full knowledge of her husband and servants were for the purpose of preparing a cosmetic in accordance with a medical prescription, which she had mislaid, for curing an eruption on her face prior to attending a ball (which it was proved she did attend), and Judge Stephen in his charge told the jury to disbelieve her statement on the ground that she would have called evidence to support it if there had been any such prescription. Since her trial the mislaid prescription has been found, and the chemist who dispensed it has identified it by an entry in his books at the time he dispensed it.

One of the witnesses for the prosecution has since admitted in writing that his evidence was manufactured for him by the police, and that it was "a regular got-up case by 'the police.'"

The judge laid great stress on the testimony of a waiter, who alone swore to a meeting of Mrs. Maybrick with Brierly in a London hotel, as showing a motive, all of which has been absolutely destroyed by the waiter's protest over his own signature that he had not understood his duty, and that, as he was employed by the prosecution, he "went by their orders;" that he did not truthfully identify Mrs. Maybrick or her alleged paramour, as he had sworn on the trial; that they were pointed out to him by the inspector; and though he had stood "all the morning" close to the latter in the court room he did not recognize or suspect he had seen him before until told so by the police.

Although this statement has been published all over England for a long time, neither the inspector nor the police have ever contradicted it.

Mr. Valentine Blake has also, last year, testified that he furnished Mr. Maybrick in February, 1889, with 150 grains of arsenic, which fully accounts for the great quantity of arsenic found in his belongings. Capt. John Fleming has testified also recently that he had seen Mr. Maybrick put arsenic "like pepper in his food" at different times at Norfolk, Va. And I have been informed within a few months past by Norfolk friends that it was generally known by Norfolk people that he was a regular arsenic eater all of the time, and I can easily get any number of witnesses to it at Norfolk, if more were needed.

In fact, every material allegation against Mrs. Maybrick and every suspicious circumstance has been clearly and indisputably disproved by since-acknowledged perjury on the part of the witnesses themselves, or by reputable witnesses who have been found or came forward voluntarily out of a sense of justice.

And for six years this innocent woman has lived the life of a felon, and is still detained in prison against all reason, justice, and humanity; her case has been discussed by the press of the country, and copies of the evidence and proceedings sent to almost all of the great publicists of this country and England, and all who have examined the case pronounce her conviction unjust and unwarranted by the evidence.

Sir Charles Russell, the lord chief justice of England, has written her this year to Woking Prison that he "considered her conviction unjust, and that she should not be where she now is."

In 1890 Mrs. Maybrick forwarded, through the English office of foreign affairs, to Mr. Lincoln, our minister at London, a request for our Government's intervention in her behalf, which was granted and her release requested, but refused. The petition was forwarded to Mr. Lincoln by the English Government, which thus recognized her American citizenship, which she at all times, since her widowhood, declared her intention of resuming (and returning to America), and as far as

possible resumed, but has been prevented from so doing in any other manner than by her declarations, by being held a close prisoner under what has been clearly demonstrated to have been a false charge and an illegal conviction and sentence.

She now again appeals to her Government to protect her, and see that long delayed justice is done her, and we most respectfully and earnestly submit, that it is the duty of this Government to extend to her the same measure of protection that it would extend to any other of its subjects, unjustly and illegally held in a foreign prison. The English Government can not deny or raise the question of her American citizenship, after having admitted it in 1892, by forwarding, officially, through its foreign office, her petition—from Woking Prison—to our Government as an American citizen, appealing for governmental intervention in her behalf.

Mr. Secretary Foster, on September 8, 1892, cabled instructions to Minister Lincoln to "intercede with Rosebery for immediate release," but it has availed nothing. In 1894 Mrs. Maybrick addressed a memorial to Your Excellency asking your influence with the English Government that her case might be reopened and she be released.

In reply to this memorial instructions were sent by Mr. Secretary Gresham to Ambassador Bayard. But Mr. Bayard has not acted upon them in any manner whatsoever, and it appears he declines to act.

Mr. T. P. O'Connor, M. P., on August 22, 1895, brought up the case in the House of Commons, and in his remarks said that she was a citizen of the United States, and that a great number of people in the United States had petitioned for her release, and that "the lord chief justice of England believed her conviction unjust," etc.

Sir Matthew White Ridley, the new home secretary, in reply to Mr. O'Connor, promised to reopen the case, "being aware of the great interest this case possessed in the minds of many people, and the strong sense entertained by many that there had been possibly an unjust verdict."

Lord Russell wrote the Baroness de Roques on June 27, 1895, that he would see the new home secretary upon the case as soon as it could properly and safely be done, "and if possible, in conjunction with Mr. Bayard," and on September 12, 1895, he again wrote the baroness:

I shall not be available in London till November, and I would suggest that pressure be then diplomatically put on Mr. Bayard, with whom I shall then confer.

Lord Russell is expected in London early in November, and the home secretary is expected to close the case very soon after his conference with him.

Herewith are submitted various letters bearing upon the subject, which are for private and not for public use, yet it is deemed fair and just to submit these to the Executive for inspection and consideration, as it is desired by Mrs. Maybrick to withhold nothing that will throw any light whatever upon the question.

Upon the whole record, therefore, it is confidently submitted that Mrs. Maybrick has already sufficiently suffered for any offense she may have committed, and if guilty in fact—which to our minds is absolutely preposterous—she has fully paid the penalty. And now, upon her confinement, with her credit for good behavior, if she were an English woman she would be free, but she is not allowed this credit and release because she is an American woman.

Therefore, Mr. President, we confidently believe that with your intervention and the assistance of your kindly offices this poor, innocent,

unfortunate American woman will be liberated and restored to home and friends.

Respectfully,

L. D. YARRELL,
A. H. & R. C. GARLAND,
Counsel for Mrs. Florence E. Maybrick.

Hon. GROVER CLEVELAND,
President of the United States, Washington.

[Brookshire & Yarrell, attorneys and counselors at law, rooms 7 and 8, second floor, No. 505 E street NW.]

WASHINGTON, D. C., *April 17, 1896.*

MY DEAR SIR: I have your letter to Hon. A. H. Garland, my colleague in the above case, and herewith inclose a copy of the brief and petition addressed to the President of the United States, presented to Secretary Olney by Mr. Garland and myself as attorneys for Mrs. Maybrick early in November, 1895, which gives a pretty close and short statement of the case, and shows her innocence and the duty of this Government to protect her, especially when the lord chief justice of England has written her at Woking Prison recently that she was unjustly convicted and ought not to be in prison.

I have carefully reviewed the evidence—new and old—and I can say without hesitation that there was not enough evidence to have justified putting her on trial in any civilized country, and that, after perusing it all, and weighing the new evidence, I am as fully convinced of her innocence as I am of your being a Senator, and Mr. Garland absolutely agrees with me. Mr. Underwood has gotten a resolution through the House (I inclose a copy), and it is in Mr. Olney's hands. I know large light will be thrown on the case when it is replied to, and I hope you can keep your resolution from being called up until Olney reports.

I will hand you on Monday several reviews of the case, giving the evidence of the trial. I have a great mass of matter, but will not burden you with anything but the clearest and shortest statements of the facts. I do not believe that a single Senator who had the facts before him, and took the trouble to review them, could fail to be astonished at this monstrous and cruel miscarriage of justice.

Faithfully, yours,

L. D. YARRELL.

Hon. WILKINSON CALL, U. S. S.,
Senate Chamber.

[Fifty-fourth Congress, first session. Resolution No. 240, in the House of Representatives, April 7, 1896. Referred to the Committee on Foreign Affairs and ordered to be printed.]

Mr. Underwood submitted the following resolution:

“Resolved, That the Secretary of State be directed to communicate to the House, if not incompatible with the public interests, such correspondence and other information as the State Department has in its possession in regard to the imprisonment of Mrs. Florence E. Maybrick, formerly of Mobile, Alabama, and the steps that have

been taken by our Government to secure her liberation or an inquiry by the Government of Great Britain into the merits of the case in which she was condemned."

Passed April 9 unanimously. Sent to Secretary Olney April 10.

A LEGAL VIEW OF THE MAYBRICK CASE.

[By a retired barrister

[Since this pamphlet was written I have seen the text of Lord Salisbury's reply (dictated, no doubt, by Mr. Matthews) to the American petitioners. "Taking the most lenient view," he said, "which the facts proved in evidence and known to Her Majesty's secretary of state admit of, the case of this convict was that of an adulteress attempting to poison her husband under the most cruel circumstances, while she pretended to be nursing him on his sick bed."

Now, I say, without fear of contradiction, first, that the Crown did not at the trial rely upon any administration of arsenic to Mr. Maybrick while "on his sick bed" as the cause of his death, and that the jury did not find that Mrs. Maybrick administered any arsenic to him "while pretending to nurse him on his sick bed;" and, secondly, that the "facts known to Her Majesty's secretary of state," as distinct from the facts proved in evidence on the trial, have been studiously concealed, not only from the public, but from Mrs. Maybrick herself. It seems clear that the meat-juice incident is chiefly relied on at the home office as justifying the sentence passed on the prisoner. I have already called attention to one great defect in the evidence on this point given at the trial—the failure to prove that Mrs. Maybrick attempted to administer, or to induce the nurses to administer, any of the meat juice to the patient after she brought it back from the dressing room. Is it this defect which the secret evidence collected by the home office is supposed to have removed—evidence which might be inadmissible in a court of law—which might break down under the test of cross-examination, or which might be refuted by evidence on the other side? If so, what is the use of Magna Charta to a prisoner who has been wrongfully convicted? How can he displace evidence (or rather information) which is concealed from him?

I wish also to call special attention to the twenty-third section of the statute, 24 and 25 Vic., cap. 100. "Unlawfully and maliciously administering poison so as to endanger life" would surely be murder if the victim died; but if he does not die, it is not attempt to murder, but a special offense created by statute with a maximum penalty of ten years' penal servitude. But the fact is that even if I were to concede that a conviction for murder includes a conviction for attempt to murder (which I contend it does not), Lord Salisbury's answer to the American petitioners makes it clear that the particular attempt for which Mrs. Maybrick is now being punished is one which was never submitted to the jury; and if it had been submitted to them I think even Judge Stephen would have directed an acquittal.]

Quite irrespective of the question of Mrs. Maybrick's innocence or guilt, there are legal questions which arise in the case, the importance of which has not, I think, been duly appreciated even in legal circles, though as they deeply affect the liberties of the subject they are of very general interest. These questions are, first, the proper mode of dealing with reasonable doubt by the home office, and, second, the right of punishing a prisoner for a crime different from that of which he has been convicted, but which the home secretary regards as established by the evidence. I might perhaps add as a third the manner in which this right (if it exists) should be exercised.

Everyone knows that Mrs. Maybrick was tried on the charge of murder, and of murder only. The Crown counsel could have added counts for administering and attempting to administer arsenic with intent to murder if they desired, but they deliberately, and I think rightly, abstained from doing so. Had they framed such counts they would have been compelled to do what the home secretary has never done—to state the occasions and manner in which the prisoner administered and attempted to administer arsenic to her husband. The great disadvantage to a prisoner of being tried on such charges without any specification is obvious, and the law is quite right in not permitting it; and as counsel accused Mrs. Maybrick of nothing but murder, the judge expressly excluded all minor charges from the consideration of the jury. He told them that they could not find a verdict unfavorable to the prisoner unless they were satisfied that Mr. Maybrick died of arsenical poisoning. In this I think he was quite right; but he also told them—virtually, if not in terms—that if they came to the conclusion that the small quantity of arsenic found in Mr. Maybrick's body had been introduced by crime they were bound, notwithstanding the conflict of medical testimony as to the cause of death, to convict the prisoner of murder. In this he was altogether wrong. There were at least three other crimes by which the

arsenic might have been introduced, viz, administering arsenic with intent to murder (as held apparently by Mr. Matthews), unlawfully and maliciously administering arsenic so as to endanger life or to do bodily harm, and administering arsenic with intent to injure, aggrieve, and annoy.* For the first of these crimes the maximum sentence is that passed on Mrs. Maybrick—penal servitude for life. For either of the others a sentence of penal servitude for life, even after a regular trial and conviction, would have been illegal.

I need not recapitulate the evidence at length. The conflict of medical testimony was very great. The original theory of the Crown was that of chronic poisoning by arsenic, commencing soon after the quarrel at the Grand National Steeplechase and continued for about a month. But the medical evidence given on behalf of the Crown tended rather to establish acute arsenical poisoning—a fatal dose on the 3d of May, though possibly preceded and followed by others. Doctors on the other side declared against any kind of arsenical poisoning, whether chronic or acute. Others refused to commit themselves either to the poisoning or the nonpoisoning theory. Professor Paul's evidence, however, seems to me clearly against acute poisoning. It seemed to be conceded on all hands that there was nothing to indicate arsenic at the early stages of Mr. Maybrick's illness, when he himself ascribed it to an overdose of strychnine or nuxvomica. But the subsequent history of the case led some of the doctors to think that it was one of arsenical poisoning throughout. This is not a very safe kind of deduction. In the famous case of Dr. Palmer there seems little doubt that he first tried to poison his victim with arsenic and then had recourse to strychnine. If the Maybrick case was really one of intentional poisoning, why might not this process have been reversed?

The jury, in spite of the conflict of medical evidence, convicted the prisoner. They appear to have been led to this conclusion chiefly by the judge's charge, which was afterwards severely, and I think justly, criticised by the present attorney-general, who was Mrs. Maybrick's leading counsel. I have already noticed one serious misdirection (I could mention others), and besides misdirection the judge, no doubt from failing memory, in more than one instance misstated the effect of the evidence—a misstatement which, coming from such a quarter at the close of a long trial, would probably be accepted without question by a common jury. Allegations have also been made as to the jury separating and conversing with the public, and some of them even leaving the country after having been sworn. In short, the action of the judge and jury would probably have been sufficient to procure a new trial if we had a court of criminal appeal, irrespective of the questions as to the weight of evidence and of reasonable doubt. The public requires not merely that a prisoner should be guilty, but that he should be fairly tried before his sentence becomes final. The man who is lynched is no doubt guilty in the great majority of instances, but we do not in this country regard that as a sufficient defense for the lynchers. It is the same thing with every irregularity which interferes with the perfect fairness of the trial. But such cases puzzle the home secretary. He has not the resource which a court of criminal appeal would have—that of ordering a new trial. He must act upon the verdict, notwithstanding the faulty manner in which it has been reached, or liberate the prisoner, or try to effect a compromise by reducing the sentence.

But the conflict of medical testimony removed the case of Mrs. Maybrick from this class. If the doctors on one side were right, she was clearly innocent of the only charge on which she had been tried and convicted. If Mr. Maybrick did not die of arsenical poisoning there was no murder and no murderess. And the doctors who were of this opinion were certainly not less eminent in their profession or less reliable in their testimony than those who gave evidence for the Crown. Evidently the symptoms of arsenical poisoning, whether chronic or acute, had

*How the judge fell into this error is not difficult to explain. There is no more common symptom of failing intellect than that of being swayed exclusively by first impressions. Now, none of the medical witnesses for the Crown would have been positive that Mr. Maybrick died of arsenical poisoning but for the detection of arsenic in the body. On hearing this evidence the judge naturally concluded, "Then the crucial question is whether the presence of arsenic in the body can be otherwise explained; for if it can, there is a doubt, to the benefit of which the prisoner is entitled." With this fixed idea in his head he addressed the jury, altogether regardless of the evidence on the other side, to the effect that no matter what amount of arsenic was found in the body the symptoms were not those of arsenical poisoning. First impressions, indeed, predominated everywhere in the judge's charge—even when they were derived, not from the evidence, but from Mr. Addison's opening speech. Almost every mistake into which the learned counsel fell was repeated by the judge as a fact borne out by the evidence; and unfortunately (whether owing to his brief or not) Mr. Addison's accuracy was not equal to his fairness. The sections of the statute dealing with the subject are 24 and 25 Vict., cap. 100, sections 11, 14, 22, 23, and 24.

not been determined with such accuracy by medical science as to prevent a wide difference of opinion among competent physicians with respect to cases which closely approach the boundary line. If Mr. Maybrick had swallowed ten grains of arsenic at a dose there would probably have been no difference of opinion as to the cause of his death. Had nothing but unweighable traces been found in the body, none of the Crown physicians would probably have been positive on the subject. But the finding of a small quantity of arsenic confirmed both sets of physicians in their contradictory views—one because arsenic was in fact found as they expected it would be; the other because the quantity was much smaller than usually occurred in cases of arsenical poisoning—especially those in which the poisoner was not a doctor, who knew the importance of administering small doses at a time—and appeared to be consistent with self-administration in medicinal doses of which there was other evidence. I can hardly understand how the jurors could have failed to see that there was a reasonable doubt as to which of these conflicting medical opinions was the correct one. Of course if there was any reasonable doubt on the subject the prisoner was entitled to the benefit of it. A prisoner is not to be hanged because there is a chance of ten to one that he is guilty. Every reasonable chance of innocence must be excluded in order to justify a conviction. The juror's reflection should have been, "I think, Dr. Stevenson and Dr. Carter are right, and Dr. Tidy and Dr. McNamara wrong. But thinking is not enough. It must be proved beyond all reasonable doubt that the latter doctors have either committed perjury or made a very serious medical mistake. Has such mistake or perjury been proved? Certainly not."

I need not refer to the other branches of the case. Assuming that Mr. Maybrick died of arsenical poisoning, the case against his wife was one of circumstantial evidence. The chain looked a very strong one, but it had some weak points, nevertheless. Some persons would think it strong enough to exclude all reasonable doubt. Others would not. But it was not on this part of the case that the question turned, save that the judge and probably the jury used the evidence on it to decide the former question. This was plainly wrong. There were two distinct questions to be tried, viz: First. Did Mr. Maybrick die of arsenical poisoning? and second, if so, was the arsenic which killed him feloniously administered by his wife? The latter question only arose in the event of the former being answered in the affirmative. Nothing could be more unfair to the prisoner than to say to the jury, as the judge practically said, "There is a conflict of medical evidence as to whether this man died of poison or not; but your knowledge of human nature will tell you that his wife would be likely to poison him, and when you add to this other suspicious circumstances about her proceedings, you will be able to judge whether Dr. Stevenson or Dr. Tidy is most likely to be right." This is not the way in which the cause of death ought to be proved on a criminal trial where the question lies between natural causes and murder, and the life of the prisoner depends on the verdict. The conviction for murder met with general condemnation. Many even of those who thought her guilty were of opinion that the case for the Crown was not so clear and cogent as to justify a capital conviction. The judge seemed almost terrified at the result of his charge and said nothing in the support of the verdict after it was once given. The little that he has said since then points in the opposite direction. In the last edition of his History of the Criminal Law he refers to the case as almost the only one tried before him in which there was a doubt as to the facts. Probably he did not give Mr. Matthews much assistance in arriving at a decision, and the latter was to a great extent thrown on his own resources. He obtained, he informed us, the best legal and medical advice that could be procured; but, unfortunately, he neither gave the names of his advisers nor stated whether they all agreed with him, either as to his finding or his sentence. For this reason the decision must be taken as resting on the authority of the ex-home secretary alone.

Mr. Matthews was of opinion that the evidence as to the cause of death "did not wholly exclude a reasonable doubt" as to whether the cause of death was arsenical poisoning; but he stated the evidence led (him) to the conclusion that Mrs. Maybrick had administered and attempted to administer arsenic to her husband with intent to murder, and therefore he could only recommend the commutation of the death penalty to penal servitude for life. I think it plain from this statement that if the evidence had failed to convince Mr. Matthews that Mrs. Maybrick had administered and attempted to administer arsenic to her husband with intent to murder she would have received a free pardon. This was, indeed, made clearer by his answer to the American petitioners. "The most lenient view" that he could take of the case, he said—and he plainly implied that he had taken it—was that she was an adulteress who had attempted to poison her husband under the most cruel circumstances, on the pretense of nursing him when he was ill. This amounted to saying that she was being punished not for murder, but for attempt to murder, and that she would have received a free pardon if there had been no minor charges against her. So far the result is satisfactory. It goes to establish the principle that a reasonable doubt is

regarded at the home office as a ground for a free pardon, and not merely for a reduction of the sentence. If the jury convicts a prisoner notwithstanding the existence of a reasonable doubt, this conviction is a wrongful one. So long as we have no court of criminal appeal, the home secretary is the only person who can correct the error. He ought to do so, not by a reduction of the sentence, or even by a release on a license, but by a free pardon. Otherwise he is upholding in part a conviction which is wrong in toto. The well-known case of Dr Smethurst, which is almost exactly similar to that of Mrs. Maybrick in everything except the result, affords a good illustration of this principle. Where there is a reasonable doubt as to a man's guilt, he ought not, according to the spirit of the laws, to be punished at all. Instead of receiving a sentence of penal servitude for life, his imprisonment for a single month would be wrongful.

But assuming that the home office regards reasonable doubt as a ground of release, and that so far as the charge of murder is concerned Mrs. Maybrick is admittedly entitled to such a release, we have to examine the validity of the charges of administering and attempting to administer arsenic to her husband with intent to murder, and of the sentence of penal servitude for life which Mr. Matthews passed on her for these offenses, and which Mr. Asquith has affirmed. There are two distinct grounds on which the home secretary might seek to justify this conviction: First, that the verdict guilty of murder included it, and, though that verdict went too far, the home secretary might amend it by abandoning the excess and limiting it to the part which in his opinion was justified by the evidence; or, second, that the home secretary is at liberty to punish a prisoner who has been wrongfully convicted of one crime for any other crime which he regards as established by the evidence. On the latter point it may be noticed that in endeavoring to prove the crime of murder the Crown often gives evidence of some minor crime as a link in the proof of the murder. Thus bigamy was proved against Dr. Smethurst in order to establish a motive for his alleged crime. Previous unsuccessful attempts to murder have in more than one instance been proved as affording evidence of a murderous design on the part of the prisoner. But in these cases there was no trial for the minor offenses charged and no finding of the jury with regard to them. If the prisoner had been acquitted of murder there was nothing to prevent a second trial on the minor charge. Dr. Smethurst, after receiving a free pardon for the crime of murder, was actually tried, convicted, and sentenced to a year's imprisonment on the charge of bigamy. It is thus one thing to give evidence of a minor crime in support of a charge of murder, and another thing to try a prisoner for that minor crime as a substantive offense. And a different kind of proof may be required in the two cases. Take, for instance, the well-known meat-juice incident in the case of Mrs. Maybrick. For the purpose of the trial for murder, it was sufficient to show that she put arsenic into the bottle of meat juice with a felonious design, even if she was in some way or other prevented from making any attempt to administer it. But for a conviction on the minor charge an attempt to administer the meat juice should be clearly proved, and I can not find that any such attempt was proved by the evidence. Placing the most unfavorable construction on her conduct, the inference from the evidence would rather be that she saw that the nurse suspected her and was watching her, and for that reason she abstained from making the attempt, would be the most important element on a trial for the offense of which Mr. Matthews accused her, and which, judging from his answer to the American petitioners, he mainly relied on in justification of his sentence.

First, then, does a conviction for murder include a conviction for administering and attempting to administer arsenic with intent to murder? Clearly not; for the murder may be committed by stabbing, or shooting, or in fifty other ways. But if we know that the jury held that the murder was committed by arsenical poisoning, does not the conviction include a finding that the prisoner administered and attempted to administer arsenic with intent to murder? Again, I think the answer must be in the negative. In the first place, administering and attempting to administer arsenic with intent to murder are two distinct crimes coming under different sections of the statute. A prisoner can not be convicted of both offenses in respect of the same wrongful act. If there is proof of actual administration, the prisoner should be convicted of administering only. If the proof of actual administration fails, the conviction should be for attempting to administer only. Two acts, at least, are thus necessary to justify Mr. Matthews's conviction, whereas a conviction for murder does not imply more than one. Further, though a conviction for murder implies a wrongful intent of some kind, it does not necessarily imply an intention to murder. Any felonious design is sufficient.* Suppose a criminal in, trying to escape fires at an officer of justice; he would probably prefer maiming him to killing him, but if the officer dies it is murder. So if a burglar kills me in trying to escape from my house or an Irish moonlighter mortally wounds the victim he had only intended to maim,

* This is very well stated in Judge Stephen's Digest of the Criminal Law under the head of Murder.

the crime is not manslaughter but murder. Many similar cases might be alleged—suffocating the victim, for instance, in trying to stifle his or her cries. No one imagines that Allen, Larkin, and O'Brien intended to murder Sergeant Brett, or that murder was designed by the authors of the Clerkenwell explosion. Therefore, even if Mr. Matthews had limited himself to the single charge of administering arsenic with intent to murder, or to the single charge of attempting to administer arsenic with intent to murder, he would still fail to find intent to murder in the verdict of the jury, and, as already noted, no other criminal intent would render his sentence of penal servitude for life legal. Suppose, for instance, that Mrs. Maybrick administered arsenic to her husband with the intention of making him ill, so as to stop his inquiries about her proceedings in London, and to enable her to regain his confidence by assiduous nursing, the crime might amount to murder if he died of the arsenic, but it would not be administering poison with intent to murder if he recovered or died from some other cause. The maximum sentence in the latter case would be ten years' or three years' penal servitude, according to which section of the statute was supposed to apply to it—each sentence being reducible by one-third for good behavior—a remission which Mrs. Maybrick has earned.* The question whether Mrs. Maybrick's conviction for murder included a finding that she administered and attempted to administer arsenic to her husband with intent to murder, can, I believe, be tested by granting to Mrs. Maybrick a pardon on the charge of murder, with a proviso that this pardon is not to extend to the included crimes of administering and attempting to administer arsenic to her husband, and let her test the question whether they are included by a motion to the court. But, even if this course be inadmissible, assuming that the one charge legally includes the other, there must be some mode of amending the record so as to state correctly the offense for which the prisoner is really undergoing punishment—an amendment which would probably have saved her £2,500 in a recent civil action. It was because she had been convicted of murder that it was held that she could derive no pecuniary benefit from her husband's death. The result has been practically to add a fine of £2,500 to the heaviest legal penalty for the offense or offenses with which Mr. Matthews charged her.

While I am confident that Mr. Matthews's charges are not included in the finding of the jury, I think the action of the home office would be objectionable even if they were. When a jury goes wrong on the main issue, the public will not place much confidence in its judgment as regards minor issues. The prisoner did not receive a fair trial on any issue whether major or minor. Nor is it true that the major and minor charges can always be treated as distinct. It is true that a finding that Mrs. Maybrick murdered her husband by arsenical poisoning (if we are at liberty to expand the verdict into this) includes a finding that she administered arsenic to him with some criminal design. But very possibly the jurors would have reasoned thus: "This man died of arsenical poisoning; therefore someone must have poisoned him with arsenic, and the only person who could have done so was his wife." If this mode of reasoning would have been adopted, it would be absurd to uphold the finding of wrongful administration of arsenic while giving up the finding of murder, since the former finding depended on the latter, and not vice versa. The jurors did not think that the man died of arsenic because they were satisfied that arsenic had been wrongly administered, but they thought that arsenic had been wrongly administered because they were satisfied that the man had died of arsenical poisoning. And if the home secretary had proceeded to state the occasions and the manner in which arsenic had been administered or attempted to be administered—as must have been done if Mrs. Maybrick had been indicted on the charges in question—the possibility of a variance between the jury and the home secretary would have become immediately apparent. His answer to the American petitioners was indeed sufficient to show this. She had attempted to poison her husband, he said, under the most cruel circumstances, on the pretext of nursing him when he was ill. The jury found that his illness and death were caused by arsenical poisoning, but they did not find that there was any administration or attempted administration of arsenic after he became ill. They very probably thought that a single dose killed him—a dose most probably administered, as Dr. Carter affirmed, on the 3d of May when he was not confined to his bed or being nursed at all. In fact, the home secretary's mind was evidently running on the meat-juice incident already referred to; but as the evidence was quite explicit that Mr. Maybrick took none of the meat-juice after it had passed through his wife's hands, the jury could not possibly have included that attempt (if it was one) in their verdict of guilty of murder. Indeed, it is most probable that they never considered the question whether there was or was not an attempt (in the legal sense) to administer arsenic on that occasion. What Mr. Matthews imagined to

* Ten years' penal servitude could only be inflicted if that jury held the life was endangered or grievous bodily harm done by the poison thus administered. There was the same conflict of medical evidence on this point as on the cause of death.

be part of the finding of the jury may thus have been quite different from what they intended to include in it. The jurors were not asked to find when and how the arsenic, to which they ascribed Mr. Maybrick's death, was administered and they found nothing on the subject accordingly. Mr. Matthews, in erecting this minor charge into a substantive one ought to have specified the time and place, but he has never done so. In dealing with two such unsubstantial shadows, how can we decide whether the one does or does not include the other? Once give them definiteness of outline and the divergence, or at all events the possible divergence, will become immediately apparent.

I may illustrate this by a case which is now sub judice and on which I therefore offer no opinion. Mr. Monson is charged with murdering Lieutenant Hambrough by shooting, and also with attempting to murder him by drowning on the previous day. If convicted of murder, I presume the charge of attempt would not be persevered with; but what would be thought if, after conviction, the home secretary admitted that there was a reasonable doubt as to whether the shooting was not accidental, but stated that he could only commute the sentence to penal servitude for life, because Monson had (in his opinion) previously tried to drown the victim? Or how does Mrs. Maybrick's case differ from this if what the home office really relies on is (as the answer to the American petition implies) putting arsenic into the bottle of Valentine's meat juice with intent to kill? Hambrough was not killed by drowning, and Maybrick was not killed by the meat juice. This must be conceded on all hands. How then could a conviction for murder include either?

But if the conviction for murder does not include a conviction for administering or attempting to administer arsenic with intent to murder, how can Mrs. Maybrick's imprisonment be justified? Only if the home secretary is at liberty in the case of every wrongful conviction to examine the evidence in order to see whether there is any other crime of which the prisoner might have been convicted on that evidence; and if on arriving at the conclusion that there is such a crime, he is at liberty to inflict upon the prisoner whatever penalty he thinks suited to that crime (not exceeding the original penalty), under the pretext of remitting in part or of carrying out the original sentence. I add the latter words because the contention must go to that length. Suppose, for instance, that a Fenian was wrongfully convicted of murder, but that the home secretary thought, on reading over the evidence, that it warranted a conviction for high treason, he might allow the sentence to be carried out, because high treason is also a capital offense. Is not this a mere colorable evasion of the provisions of Magna Charta and the petition of right—an evasion which could not be accurately expressed on the record without enabling the prisoner to obtain his or her release? If Mrs. Maybrick is at present imprisoned, not for murder, but for administering and attempting to administer poison with intent to murder, and if a conviction for murder does not include a conviction on these charges, it is perfectly clear that Mrs. Maybrick is being punished for an offense (or offenses) for which she has never been tried. This is contrary to the very first principles of English law. Nor has she been merely deprived of her right of trial by jury. She has been deprived of the right of being indicted on clearly defined charges, which is, by law, the privilege of every accused person. She has been deprived of the right of being present at her trial and of being represented by counsel who would no doubt have adopted a different line of defense (as regards examination and cross examination, no less than address to the jury) had the minor charges been raised as distinct issues. She has also been deprived of her right of being sentenced by a judge, who would have had a very wide discretion in case of a conviction on these minor charges, and would not be likely to impose the maximum penalty of penal servitude for life on a delicately nurtured lady in feeble health, who came before him as a first offender, even if he regarded the crime itself as an aggravated one. Penal servitude is a very different punishment to Mrs. Maybrick from what it would be to a healthy man or woman who had always been accustomed to hard work and coarse fare—like the Irish poisoner, Michael O'Brien, whose sentence is the same as hers, but of whose guilt, I believe, the lord lieutenant entertained no doubt whatever. The punishment in the doubtful case is thus in reality far heavier than in the certain one. But Mrs. Maybrick has never been heard by counsel in reference to either her conviction or her sentence for these minor offenses. It was never intended, I believe, that the home secretary should, under the pretext of dispensing mercy, assume the power of trying and sentencing prisoners for new offenses—in which trial and sentence the prisoner is deprived of all the benefits which the law has secured to him in ordinary trials. Assuming that Mrs. Maybrick was wrongfully convicted of murder, why should she be placed in a worse position than she would have occupied if the jurors had performed their duty and acquitted her? A wrongful conviction is not a thing to be grasped at by the home secretary in order to legalize a punishment which is utterly inconsistent with the spirit and intention of the laws.

In illustration of these remarks, I may refer to the case of an Italian named Pelizzioni, who was convicted of the murder of Michael Harrington in 1865. A man

named Rebbeck was stabbed at the same time and place, but recovered. He was examined at the trial, and swore positively to Pelizzioni having stabbed him as well as Harrington. Pelizzioni was reprieved, and, while under sentence of death, another Italian—Gregorio Moggi—was tried for the same offense and convicted of manslaughter, there having been a scuffle between him and Harrington immediately before the latter was stabbed. Here we have the principal elements of the Maybrick case, except that the second crime was an attempt to murder a different person. What would have been thought if the home secretary had commuted Pelizzioni's sentence to penal servitude for life, on the ground that though there was a reasonable doubt as to the prisoner having murdered Harrington, the evidence led to the conclusion that he had attempted to murder Rebbeck? It is needless to say that he took no such course. Pelizzioni was tried for attempting to murder Rebbeck and acquitted—as I believe Mrs. Maybrick would be if tried on Mr. Matthews's charge before an impartial judge and an intelligent jury. And after this acquittal he was pardoned.

The reasons which Mr. Matthews assigned for commuting Mrs. Maybrick's sentence to penal servitude for life were, in my opinion, reasons which ought, in accordance with the fundamental laws of England, to have led to a free pardon. It was hoped that Mr. Matthews's successor would have viewed the matter in this light; but, as he has affirmed Mr. Matthews's decision, it seems clear that the home secretary will henceforth assume the function of trying and sentencing for one offense prisoners who have been wrongfully convicted of another, unless active steps are taken to prevent it. It is the hope that such steps will be taken, not merely to release Mrs. Maybrick, but to prevent the case from being drawn into a precedent and used to the detriment of any prisoner who may be wrongfully convicted hereafter, that the foregoing paper has been written.

I have assumed so far that the home office used no evidence against Mrs. Maybrick except what was given at the trial, but is this certain? That the home office receives secret evidence, and even secret information not amounting to evidence, is, I believe, admitted; and so long as this evidence is used only in favor of life and liberty the public will hardly object. But it is a different matter if an unsatisfactory conviction is to be affirmed upon evidence secretly collected by the home office subsequent to the trial and never communicated either to the prisoner or to the public. If such a course as this is adopted, what is to prevent conspirators from supplying the home office with additional false information against their victim, without any risk of detection and punishment? Such conspiracies have occurred. I do not allege that there was one in the Maybrick case, though no one can doubt that the enemies of the prisoner were (and are) extremely active and bitter. But the case becomes still worse, if secret evidence or secret information is used, not to sustain the verdict of the jury, but to substantiate a new charge (whether alleged to be included in the former or not). In such a case is the home secretary not only to constitute himself prosecutor, judge, and jury, and to decide the case behind the prisoner's back, without any full and clear statement of the crime, but actually to decide it on secret evidence or secret information, of which the prisoner is kept in absolute ignorance? I am informed that an application was made by Mrs. Maybrick's legal advisers as to whether any evidence against her had been received at the home office since the trial and that the information asked for was refused. Even with full particulars of the charges and the evidence before her, the prison rules would make it very difficult for Mrs. Maybrick to make a satisfactory defense; but when to the seclusion of the prison is added the want of all proper information as to the charges which she has to meet, the public will not be surprised to learn that she has been able to accomplish but little—for she has accomplished something—in the way of proving her innocence. But to convict her behind her back of administering and attempting to administer poison to her husband with intent to murder upon evidence which is carefully concealed from her and from her legal advisers, and which perhaps would be rejected as inadmissible in a court of justice, is carrying the criminal jurisdiction of the home office very far indeed. Is the public satisfied that it should be carried in future to this length? Is it satisfied that in future any person who has been wrongfully convicted should be left at the absolute disposal of the home secretary, freed of all considerations of law, of justice, or of precedent, because by one of the fictions in our present system he is supposed to be dispensing mercy, not justice. Mercy, it would seem, may retain in prison a person whom justice would forthwith release.

The foregoing remarks are not intended to apply to cases in which the commission of a crime is admitted, and it is only contended on behalf of the prisoner that this crime was, for instance, manslaughter or concealment of birth, instead of murder. The home secretary might in such cases pass a moderate sentence for the admitted crime if satisfied that the capital conviction was not justified by the evidence. But in the present instance the prisoner strenuously denied that she had committed any crime, and if the Crown had offered to accept the plea of guilty of attempt to mur-

der the offer would no doubt have been refused. The attorney-general was evidently of opinion that his client was entitled, on the evidence, to a simple acquittal. And I have no reason to believe that he has ever altered this opinion, or has failed to express it to his colleagues. The case therefore stands thus. The only legal justification for Mrs. Maybrick's imprisonment is the finding of the jury which is discredited by the home secretary. Its moral justification is the finding of the home secretary which is discredited by the attorney-general. And this latter finding in reality affords no reason for her further detention. While these pages were passing through the press a man was convicted of a very aggravated attempt to murder his wife. His sentence was four years penal servitude. Mrs. Maybrick has endured more than that already. The home secretary's sentence indeed accords much better with the finding of the jury than with his own finding. A return of the number of prisoners under sentence of penal servitude for life with a statement of the crimes of which they were convicted would show this at once. As regards our relations with a great friendly State, it is, moreover, unfortunate that the lady who has been selected for such exceptionally harsh treatment should have been an American.

[The Liverpool Daily Post, Friday, August 23, 1895.]

THE HOME OFFICE VOTE—THE KELSALL AND MAYBRICK CASES.

On a vote of £63,451 for the home office:

Mr. Lees Knowles (whose remarks were interrupted by an abortive count) called attention to the case of a man named Kelsall, who was convicted and sentenced to penal servitude at the Manchester assizes in May, 1892, for killing his wife by throwing a paraffin lamp at her. He was convicted mainly on the evidence of a woman named Curran, who afterwards confessed that she had committed perjury in her evidence, and, on being tried for that offense, pleaded guilty, and was sentenced to seven years' penal servitude. Kelsall was thereupon released, but no compensation had yet been given him for his sufferings under what must be taken to have been an improper conviction. He thought that if legal compensation could not be given to him he should at least receive a compassionate allowance in respect of the three years' imprisonment he had suffered.

Mr. T. P. O'Connor thought it was intolerable that Kelsall should not be compensated. He then called attention to the case of Mrs. Maybrick. This, he said, was a case upon which a large number of people felt deeply. The home secretary, when he looked at the records of his office, would find that a petition was signed in favor of this unhappy woman by a large body of the citizens of the United States, to which country she belonged. He knew that petitions from the other side of the Atlantic were sometimes held to be open to suspicion on the ground that they might be inspired by the exigencies of political conflicts in the United States, but they knew that Mrs. Maybrick was simply an unfortunate and almost friendless woman, and he did not think anybody could suggest that the petition in her favor was presented on any other ground than a sincere conviction that she had been unjustly convicted of the charge of murder. He did not think it would be quite fair to the home secretary or in the interest of justice that he should go into an exhaustive survey of the facts of the case.

He candidly confessed the enormous difficulty generally and the disadvantage in the public interest of making the House of Commons a court of appeal in criminal cases, and it was only in the case of a grave and urgent necessity that he thought a member was justified in bringing these cases before the House of Commons. The case of Mrs. Maybrick was one upon which he had felt deeply ever since the trial. He read the evidence with very great care at the time, and he formed a very strong belief that this woman was not justly convicted. He wrote to that effect very strongly and very warmly, and he must say that nothing had occurred since to shake his conviction in the matter. He did not like to say much about some of the circumstances of the trial, for obvious reasons. The judge who tried the case was dead; he had passed beyond their verdict, and therefore he (the speaker) was in mere decency and good taste to a large extent restrained in any comments he might make upon the conduct of the learned judge. But, after all, one had to consider the interest of the living, and so he would say he believed the conviction of Mrs. Maybrick was very largely due to misdirection.

On the conduct of the case by the learned judge he was bound in honesty and frankness to say a word. It was proved in the course of the trial that this woman

was untrue to her marriage vows, and the judge on the second day of his charge laid an enormous amount of stress on this fact. He must say that in charging a jury on a case like this it was most inexpedient—he would not use any stronger term—for a judge to lay stress upon an offense by this woman which, though heinous from a moral point of view, was not the offense for which she was being tried. He really believed they could fairly say that the summing up of the judge was that, as the woman had been proved to be guilty of adultery, she, therefore, necessarily must be found guilty of murder. It was never proved that Mrs. Maybrick was in possession of the poison by which her husband met his death, and, furthermore, the home secretary for the time being, finding either that public opinion was so dissatisfied with the result of the trial, or that the evidence was very incomplete, reprieved the woman. That decision, though it was desirable from the point of view of mercy and justice, was one of the most illogical that ever was put forward by a home secretary. What Mr. Matthews (now Lord Llandaff) declared was that it was not proved that Mr. Maybrick had died of poison administered by Mrs. Maybrick. If that was the case, Mrs. Maybrick was not guilty of murder. She might have been guilty of an attempt to murder, but as she was not guilty of the capital crime, she was entitled either to an acquittal or to a new trial. It was proved in the course of the trial that the unfortunate man Maybrick was in the habit of using arsenic as medicine and as a tonic. He could assure the home secretary that he had never known a case in his long experience as a journalist which excited stronger or more abiding interest. He would be sorry to say how many letters he had received; some from men and women occupying eminent positions in letters and in other walks of life, and, above all, he knew the intense belief in the innocence of Mrs. Maybrick that existed among her countrymen and countrywomen.

There was one point to which he wished to direct special attention. Everybody knew that Mrs. Maybrick was defended by the most eminent counsel, as he then was, of the English bar—the present lord chief justice. He had had no personal communication with the lord chief justice, nor would it be right that he should have upon such a subject, but he understood that his conviction at the time of the trial that this woman had not been properly and equitably convicted remained unchanged at the present day. He therefore thought he was entitled to ask the home secretary to consult the lord chief justice in regard to this case. He did not expect the right honorable gentleman to give an offhand answer to the appeal he now made; but he hoped that in the discharge of his duty in revising sentences he would direct his mind to the evidence in this case in order to see whether or not he was able to pass a more favorable judgment on it than any of his predecessors. (Cheers.)

Sir M. White Ridley said it was impossible for the honorable gentleman who brought such cases as this before the House, and still more impossible for anyone standing in his position to deal with all the details of arguments which must necessarily be brought to bear in cases of this kind. Whatever might have been the facts, they were known in the first instance. It must be notorious to gentlemen who had any experience or knowledge of criminal matters that there was a great deal, not of absolute evidence, but of reliable information and opinion, at the disposal of the home secretary for his guidance in deciding such cases from an equitable point of view which it was impossible for him to make public. At the same time he could assure the committee that he had already within his short experience found that it was absolutely necessary for the home secretary to seek that guidance and those opinions in forming a judgment on these questions which he had to settle.

With regard to the case of Mrs. Maybrick, he might say at the beginning that officially he knew nothing about it whatever. But in response to the appeal now made, being aware of the great interest that this case possesses in the minds of many people and the strong sense entertained by many that there had been possibly an unjust verdict, it was his duty to promise to give his best attention to it, and he was sure the honorable member could expect no more. [Hear, hear.] He would not follow the honorable member into his detailed remarks, with which he found no fault, but he could promise the honorable member that upon his representation he would examine all the case [cheers] to the best of his poor ability, and that he would seek such assistance as he was able to get in the elucidation of what would be admitted to be a very difficult subject. He could promise no more than that. [Hear, hear.]

The case of Kelsall had been more than once before the House. The case was a very difficult one, but after the best attention he could give to it he had come to the conclusion that the decision of the late home secretary (Mr. Asquith), that no compensation could be given to him, was perfectly right. There was evidence against him apart from that of Mrs. Curran, and though he was released from confinement he had not received a free pardon, nor, under all the circumstances, was he prepared to advise that such a pardon should be given to him. He had had the benefit of a doubt, and that was all. Under these circumstances he could not advise that any compensation or compassionate allowance should be given to him.

The Maybrick case—Why should I concern myself about the case of Mrs. Maybrick?

ANSWERS:

FOR THE LAWYER.

(1) Because, admitting the general imperfection of the state of the criminal law, the position of this case is unique and is a glaring example of inconsistency and of the possibility of an innocent person being improperly detained.

(2) Because the home secretary, as the supreme and only court of appeal, has deliberately decided that the evidence in this trial for willful murder by the administration of arsenic "does not wholly exclude a reasonable doubt whether the death was in fact caused by the administration of arsenic."

(3) Because it is the recognized principle of law that a prisoner (as the equivalent for the fact that he is not allowed to give evidence himself) must be proved guilty by clear and independent evidence and is entitled to "the benefit of the doubt"—that is to say, to the benefit of an acquittal if there is any possibility of reasonable doubt.

FOR THE MEDICAL MAN.

(1) Because four specialists (Drs. Meymott Tidy, Paul, Macnamara, and Barron) against one specialist (Dr. Stevenson) and two general practitioners (Dr. Carter and Mr. Humphreys) emphatically swore that the symptoms of death were those of gastro enteritis, and (in the words of Professor Tidy) "distinctly point away from arsenic." Nevertheless the judge told the jury that "It is essential to this charge that the man died of arsenic;" and at another time he said: "The doctors are divided in opinion, and of course I can not answer the question whether there was arsenical poisoning or not."

(2) Because Mr. Maybrick's death from gastritis is consistent with his becoming ill at the Wirral races (27th April) and getting wet and cold and being treated by his medical attendant until his death, as follows:

April 28. Diluted prussic acid.

April 29. Papaine and iridine.

May 3. Morphia suppository.

May 4. Ipecacuanha.

May 5. Prussic acid.

May 6. Arsenic (Fowler's solution).

May 7. Jaborandi tincture and antipyrine.

May 10. Sulphonal, cocaine, and phosphoric acid.

(3) Because at the post-mortem the stomach and its contents were sent to a local analyst, who found that they contained no trace of arsenic. The medical attendants having refused to give a certificate, the death was treated as a "mystery," and later, when the body had been exhumed and other parts sent to the analyst and to one of the Crown analysts, they between them found particles of one-hundredth and one-thousandth of a grain of arsenic, making in all only one-tenth of a grain of arsenic—a quantity insufficient to kill a mouse. This Crown analyst (Dr. Stevenson) said there are "no distinctive diagnostic symptoms of arsenical poisoning," but from his suggestion that the death was due to arsenical poisoning the other Crown analyst (Dr. Tidy) and Drs. Macnamara, Paul, and Barron all dissented.

FOR THE JOURNALIST.

(1) Because the press in giving voice to the public excitement in the locality of Liverpool and throughout the country prejudiced the impartial conduct of the trial. One local paper went so far as to print two separate editions announcing the result of this six days' trial—one "guilty," the other "not guilty." By some mistake the "not guilty" edition came out first and had to be recalled.

(2) Because Mrs. Maybrick was put on her "trial by journalism" for alleged offenses of her private life, and to which in prison she could not reply, and was thereby prejudiced in the real issue of murder or no murder.

(3) Because one London newspaper (Truth) went so far as to justify her conviction and detention, because "were Mrs. Maybrick to be released no husband would be safe were his wife to wish to put an end to his existence."

FOR THE JURYMEN.

(1) Because as guardians of the rights and privileges of Englishmen you should protest against the treatment and conduct of the jury during this six days' trial. The jury consisted of 3 plumbers, 1 wood turner, 1 provision dealer, 1 grocer, 2 farmers, 1 ironmonger, 1 baker, 1 painter, and 1 milliner.

(2) Because whereas in criminal cases the jury should (says Lord Coke) "be kept together, without speech of any and not hear evidence in private, either to refresh their memory or as to new matter which may arise during their deliberations, and if they do their verdict will be invalid;" nevertheless, this jury played billiards in the public rooms of the hotel with other persons, read the public papers containing the most sensational and unfounded statements and suggestions, and (as deposed to by the clerk of Mr. Bigham, Q. C.) "were allowed to walk through the streets of Liverpool from one hotel to another, the newspaper boys passing along the streets calling the news."

(3) Because the treatment of jurymen should be such as that they can fairly attend to the matter before them, yet in this case one jurymen has stated "we could not hear the whole of the evidence very distinctly, and even if we could have done so it was impossible to carry away with us in our memories the important details. We therefore made free use of the newspapers and made our own cuttings." When it is remembered that the case turned on medical and scientific evidence, and that the judge summed up to the jury for two whole days, the jurymen are not perhaps so much to be blamed as pitied.

FOR THE WOMAN.

(1) Because in spite of alleged defects in Mrs. Maybrick's moral conduct which have been dragged into the light of day, it is not fair or reasonable that a woman should be held guilty of murder merely because of these alleged blemishes. "Let him who is without sin cast the first stone."

(2) Because it was unfair for the charge to be aggravated as it was by the Crown counsel in his address to the jury by stating that it was "a murder founded on adultery and profligacy, and carried out with a hypocrisy and cunning rarely equaled in the annals of crime."

(3) Because in spite of the decision of the home secretary that the evidence did not exclude a reasonable doubt, he advised the Queen to spare her life and imprison her for life for an offense which was reasonably doubtful.

FOR THE MINISTER OF RELIGION.

(1) Because nothing but absolute justice should have the sanction of religion.

(2) Because religion should ever lead the way to mercy rather than to blind revenge.

(3) Because the Christian religion approves of our sympathies being extended to those who are in legal custody and even to those who are (rightly or wrongly) in the very act of execution. "I was in prison and ye visited me."

FOR THE SOCIAL SCIENTIST.

(1) Because the object of law is to educate the people by absolute justice, and not to brutalize.

(2) Because it would be better even for one guilty person to escape than for one innocent person to be wrongly punished.

(3) Because it is more moral to inquire into a possible miscarriage of justice than to use mere force to perpetuate the haphazard decision of an imperfect tribunal.

FOR EVERYBODY.

(1) Because every person, whether prosecuted or prosecutor, should have complete justice.

(2) Because the reinvestigation of this case will support the demand (approved equally by Lord Halsbury and Lord Herschell) for the establishment of a court of criminal appeal. A bill is now before Parliament.

(3) Because it will also support the demand, admitted to be reasonable by all lawyers, that all prisoners should be at liberty to give evidence, if they wished to do so, on oath. A bill is now before Parliament for this purpose.

[From the Our Half Hour, for June.]

WHY IS MRS. MAYBRICK IN PRISON?

From the Daily Telegraph, of May 8, we have taken the following extract from the opening speech of the chairman, the Duke of Argyll, at the meeting held in St. James Hall, London, to protest against the alleged Armenian outrages:

"I did not come here to attack any Government, but in the pamphlets issued by this society there are statements, verified by quotations from authoritative docu-

ments, which really make me ashamed of my country. For some years the foreign office have suppressed the evidence taken on the spot with regard to this question. [‘Shame!’] The foreign office has ceased for some years to publish the consular reports. This attitude is perfectly natural on the part of the foreign office. The Eastern question is the nightmare of every foreign office in Europe. They only wish to keep things quiet. As Mr. Gladstone says in his letter, ‘I wish peace and tranquillity all over the world.’ So do we all; but not at any cost. [Cheers.] I must say I think it the absolute duty of every Government to keep the people of this country informed of the facts of the case. ‘Open the window, open the door, let in the light.’ [Cheers.] Whatever action we take or fail to take, let us at least make the people of this country know what we have to deal with, and what are the horrors for which they are individually and collectively responsible.” [Cheers.]

How well this statement might, with very little alteration, apply to the treatment of Mrs. Maybrick by the home office. We are quite aware this case has been the nightmare of both Mr. Asquith and his predecessor.

“Open the window, open the door, let in the light” into the home office, and let the public know why this unfortunate prisoner is still detained, while others are let free.

“The Red Spot in Armenia” is the headline adopted by one of our dailies in describing the alleged atrocities. Might not the faithful followers of the Sultan adopt a similar title, “The Black Spot in England,” and with all truth point out that England, with all her boasted privileges, has no court of criminal appeal to which prisoners whose convictions are often very doubtful, and who might upon a second trial establish their innocence, appeal to.

While we rejoice to see that a movement on behalf of Mrs. Maybrick has been organized in London, and is rendering good service by calling public attention to the cause, there are a few matters of which we desire to remind the committee.

First. That while it is highly desirable to show the members of both branches of the legal profession and all who are interested in constitutional law and English jurisprudence the legal objections which lie against the procedure of the home office against Mrs. Maybrick, and the dangerous consequences of allowing the case to become a precedent to be followed by other home secretaries in the future, these grounds of objection will carry little weight with the general public, and it is on a strong expression of public opinion that we must rest all our hopes of success so long as the composition of the home department remains unaltered.

Second. That while very many persons were dissatisfied with the verdict at the time and have never been reconciled to it, a large number of others were satisfied, and that after a lapse of upward of five years public opinion is not likely to be roused to any strong action by merely dwelling on the evidence given at the trial and the conduct of the judge and jury on that occasion, nor is the press likely to open its columns for the rediscussion of matters that were discussed so largely at the time.

Third. That though the opinions of the present lord chief justice, Mr. Moulton, Q. C., and Mr. Poland, Q. C., are undoubtedly of weight, the public is hardly likely to conclude that these three counsel were right and the home secretary wrong, without learning the grounds on which their joint opinion was based—the facts stated in Messrs. Lumley’s case which were not given in evidence at the trial, and which are at present very inadequately known to the public—and to these ought to be added other facts pointing in the same direction discovered since this case and opinion were written.

THE FLY-PAPER INCIDENT.

It was on the purchase and soaking of the fly papers that the charge of poisoning against Mrs. Maybrick was originally founded. This charge was undoubtedly made at an interview between Alice Yapp and Mrs. Briggs and Mrs. Hughes, before the

letter to Brierley was written, or any of the trio believed that a charge of adultery could be established. And it still prejudices the public against her to no small extent, chiefly because the new evidence in her favor is so little known.

The police originally sought to connect the purchase and soaking of the fly papers with the quarrel at the Grand National. Bessie Brierly, who appears to have been a receptive subject for the policemen's ideas, swore all through the proceedings that the steeping of the fly papers occurred within a week after the Grand National, though she varied somewhat as to the day. But she had shown them to Alice Yapp and Mary Cadwallader, both of whom differed from her as to the date. Alice Yapp said it was a fortnight or three weeks after the Grand National, i. e., from the 12th to the 19th April. Mary Cadwallader said it was about a week before the ball, i. e., about the 23d of April. The first purchase of fly papers proved in evidence was from Mr. Wokes, chemist, who stated that it was not earlier than the 15th, nor later than the 25th. This agrees best with Mary Cadwallader. Mr. Addison accepted her date as correct. The judge accepted Alice Yapp's; but I think the reader will agree with me that the attempt of the police to connect even the first purchase with the quarrel on the 29th March, instead of the ball on the 30th April, broke down, as far as dates are concerned. The second purchase of two dozen fly papers from Mr. Hauson was, undoubtedly, made on the 29th of April.

In the year 1884 two Liverpool women, named Flannagan and Higgins, were convicted of murdering other women by means of arsenic extracted from fly papers in order to realize insurance on their lives. Hence a purchase of fly papers was regarded as a more suspicious incident in Liverpool than elsewhere. The Maybricks, however, were in America in 1884, and probably knew little or nothing of the details of this trial.

To resume, it is now established beyond dispute that Mrs. Maybrick had a prescription for an arsenical face wash, by Dr. Bay, of Brooklyn, which she was unable to find at the time of the trial, but was afterwards discovered in her Bible. The arsenic in this prescription—Fowler's solution—would not have been sold to her without a medical prescription. She was about to attend, and actually attended, a fancy ball on the 30th of April. Under these circumstances she went to Mr. Wokes's at the date already mentioned and bought a dozen fly papers. She was well known at this shop, and kept a regular account there.

The fly papers were sent to the house in a parcel, open at both ends, and Mary Cadwallader swore that Mr. Maybrick took it up and examined it. He probably guessed what it was for, as he had told Mr. Bancroft that he himself used arsenic for longevity and fair complexion. It was, no doubt, these fly papers that Bessie Brierley found steeping in the bedroom occupied by her master and mistress. She called two other servants, Alice Yapp and Mary Cadwallader, to see them. Mrs. Maybrick appears to have seen them looking, but did not rebuke their curiosity. The remains of the fly papers were left in the slop pail till next day, so that Mr. Maybrick had another opportunity of seeing them. Mrs. Anna Ruppert swears that, to her own knowledge, great numbers of ladies use fly papers to make such face washes when other means are not at hand.

Again, on the 29th of April, Mrs. Maybrick bought two dozen fly papers at the shop of Mr. Hanson, chemist, where she was also well known and kept a regular account. If she had desired to practice any concealment, it would have been easy for her to go into Liverpool and buy them in an assumed name (or without giving any name), at a shop where she was not known. But there was plainly no concealment whatever. Along with this supply of fly papers she bought some tincture of benzoin and elder flowers. These are known and advertised ingredients in face washes. Indeed, it was to purchase them that she went into the shop, but seeing some fly papers in a conspicuous place on the counter, she inquired the price and bought them also.

Each fly paper contained about two and one-half grains of arsenic, so that her three dozen fly papers contained about ninety grains. What, it has been asked, did she want with such a quantity—enough to kill, at least, twenty men? The investigations of Mr. Clayton supply the answer. The simple process of soaking in cold water, that she employed, would extract but a very small proportion of the arsenic. This, indeed, was stated by Mr. Davies, a hostile witness, at the trial. But Mr. Davies appears to have overrated the extractable amount according to Mr. Clayton, who experimented more carefully on the subject.

Mrs. Maybrick went to the ball and nothing more was seen of the fly papers; but, as noticed already in *Our Half Hour*, after her husband's death a bottle of weak solution of arsenic with a faint scent was found in the house, and opposite to the description of it in the police list, which Mrs. Maybrick held in the dock, she wrote the word "face wash." Mr. Davies thought there was about one-tenth of a grain of arsenic in the entire bottle—the smallest fatal dose being 2 grains.

In the cases of Flannagan and Higgins, it need hardly be said that no such defense could have been attempted, for women in their rank of life do not use arsenical face washes. But the crime was brought home to them in a different manner. In exam-

ining the bodies of the victims with a microscope, Mr. Davies found the fiber of the fly paper in them. He made the same examination carefully in the body of Mr. Maybrick, and no fly paper fiber was found.

Mrs. Maybrick, it was suggested, had taken warning by the preceding cases and got rid of the fly paper by filtering or straining. But there was no trace of any such process. Mr. Davies, indeed, thought that a handkerchief would have answered the purpose, and there were handkerchiefs that bore arsenical stains. Is it probable that Mrs. Maybrick, who conducted the purchasing and steeping so openly would have practiced such secrecy with regard to the straining? Be it so, however. Why was not the fiber detected in the handkerchief or handkerchiefs that had been so used? And, further, Mr. Clayton's researches show that a handkerchief would not have proved a sufficient filter. Nothing, he stated, would answer for that purpose except filter paper of good quality. (Mr. Davies does not appear to have been speaking from the result of actual experiment as Mr. Clayton was.)

But if this difficulty were surmounted, let us notice the other difficulties that Mrs. Maybrick would have experienced in poisoning her husband with arsenic derived from fly papers. She had evidently no means of testing the strength of the solution. She could not know whether what she was putting into her husband's food or medicine contained two grains or a tenth of a grain. If she gave him too little, she would miss her object; if too much, she would be certain of detection. Flannagan and Higgins had a much easier task than Mrs. Maybrick's, assuming that she was a poisoner. Their victims belonged to a class to whom the doctor pays only an occasional hurried visit, and is not called in at all until the illness becomes alarming. But in Mrs. Maybrick's case the doctor was called in at once and was in constant attendance, a second doctor being called in five days before death. It would have taken a woman of great knowledge of poisons, as well as cleverness, to poison her husband under their eyes without exciting their suspicions, which would evidently have occurred if Michael Maybrick had not accused her. But would such a proceeding have been possible if the prisoner had to rely on a fly paper solution of unknown strength?

What kind of arsenic could have been extracted from fly papers? Only a solution and a colorless solution. Of course she could have colored the solution with charcoal, but what possible motive had she for coloring it? But unless such coloring was effected, there was but one bottle in the house (besides that which she claimed as the remains of her face wash) which could have been a filtered fly paper solution. This bottle was found in one of her husband's hatboxes among a number of other bottles containing arsenic that must have had a source different from the fly papers.

It is needless to say that the packet of mixed arsenic and charcoal in powder with the inscription "poison for cats" could not have been obtained by soaking fly papers, and it was evident that the greater part of the solutions found in the house were solutions of this very powder. True, no charcoal was found in the body or in the remains of the food or medicine. But charcoal could have been much more easily strained out than fly-paper fibre.

Much light was thrown last year on the entire subject by the evidence of Mr. Blake. In the month of February, 1889, Mr. Maybrick obtained from him—stating that he was an arsenic eater and required the arsenic for his own consumption—about 150 grains of arsenic. It was in three paper parcels, one of white arsenic, one mixed with soot, and one mixed with charcoal. Mr. Maybrick probably threw away the soot mixture, finding it unpalatable. No trace of it was found except possibly those in the sinks. The white arsenic he had apparently almost consumed. None of the powder was found, and only one bottle of solution, with traces in other bottles. He was apparently beginning to use the charcoal mixture, and had made solutions of it for the purpose. The charwoman stated that one day the food at the office had a white sediment and on the next day a black one.

But it was plain that while all this arsenic had been in the house since February Mrs. Maybrick had not discovered it when she purchased and soaked the fly papers; otherwise she would, no doubt, have made use of her husband's stock, which was under her hand, to manufacture her face wash; or, if the face wash was a myth, she would have poisoned him with his own arsenic, instead of incurring needless trouble and risk by purchasing and soaking fly papers for the purpose. But her last purchase of fly papers was made on April 29. The doctor had been called in on the previous day. The Crown dated Mr. Maybrick's fatal illness from the 27th. Arsenic was found in the dregs of a medicine bottle that he certainly did not use after the 28th. We seem thus driven to the alternative, either that Mrs. Maybrick commenced the poisoning with the fly-paper solution, and without knowing that there was any other arsenic in the house, or else that she did not poison her husband at all.

If she poisoned him not with the fly-paper solution, but with the other arsenic in the house, when did she discover its existence and administer it to him? She evidently did not detect it until after the 29th April. She had no opportunity of giving him anything after the nurses took charge, on the 8th of May. There was no time, at all events, for slow poisoning with his own arsenic. The excreta were examined

on the 9th by Dr. Humphreys, who could find no trace of arsenic in them. A flannel shirt that he had ceased to wear about the same date showed no sign of its having exuded through the skin. There was no trace of arsenic in anything that he had taken after he took to his bed on the night of the 3d of May, and on that 3d of May he had forgotten to take to his office the lunch that his wife had prepared for him. If Mrs. Maybrick poisoned him with Blake's arsenic, when did she discover and administer it?

The Flannagan and Higgins case prejudiced the people of Liverpool against her as soon as the purchase and soaking of the fly papers was proved, and she ought, undoubtedly, to have been tried elsewhere, as she herself desired. But the fact is, that if she had succeeded in purchasing some other kind of arsenic—Fowler's solution, for instance—the case against her would have been much stronger; for the absence of the fiber of the paper in the body, the food and the medicine could no longer be relied on as an argument in her favor. The force of this argument, as well of others of the like kind, is not, I think, sufficiently appreciated. What would have been thought if Mr. Davies had discovered the fiber in the body; or what would have been thought if Blake, instead of swearing that he gave Mr. Maybrick 150 grains of arsenic without his wife's knowledge, had sworn that he gave Mrs. Maybrick 150 grains of arsenic without her husband's knowledge? I hope that even if the home secretary will not reopen the case the public will do so. They will find on every hand grounds either for believing in prisoner's innocence or for doubting her guilt—two things which, with an efficient appellate tribunal, ought to lead to the same result.

INVESTIGATOR.

[From Our Half Hour for July, 1895.]

WHY IS MRS. MAYBRICK IN PRISON?

During the last month, Mrs. Maybrick has lost one of her best friends, and another is lying seriously ill.

Our American friends advise us that one of Mr. Walter Q. Gresham's last acts before the worse turn came in his fatal illness was an effort on behalf of Mrs. Maybrick. As a proof of the hold the case has taken on the minds of great and good men, it is a fact that the late Secretary of State, Mr. J. G. Blaine, almost with his last breath, told those around him, "Do not forget Mrs. Maybrick."

It was with very deep regret we received the news of the serious illness of Miss M. A. Dodge, better known as Gail Hamilton. From advices to hand it is feared that her splendid career is ended. While there is life there is hope, but at the best it will be a long time, if ever, before she will be permitted to continue her powerful pen crusade against injustice, wrong, and evil as she has done for so many years.

In Gail Hamilton Mrs. Maybrick has had an ever active, kind, and devoted friend, and all will recall the splendid appeals made for justice for her young country-woman. With this number we reprint her article "Who is Mrs. Maybrick," a reply to the many libelous statements, some of which owed their origin to this side of the Atlantic. With our August number we shall give her letter to the home office.

We have much pleasure in informing our readers that the outcome of the meeting of ladies at the Pioneer Club, London, on May 30, has been the formation of a Women's International Maybrick Association, with Dr. Helen Densmore, as president; Mrs. Prindiville, special correspondent of the Chicago Times and Herald, vice-president; Mrs. Massingberd, president of the Pioneer Club, hon. treasurer. In order to carry on its work, it was decided to make an effort to secure the necessary funds, and it was resolved to appeal to the women of England and America to assist in opening a popular subscription of 1s. in England and 25 cents in America. For any further information until our next issue, we must refer our readers to the hon. secretary, Mrs. M. M. Cook, 10 West Chapel street, Mayfair, London, W.

On the 25th of July Mrs. Maybrick will have endured six years of actual penal servitude, equivalent, with the usual reduction for good conduct in the case of a female prisoner, to a sentence of nine years. We have every reason to believe that during the last few months Mr. Asquith is more favorably disposed toward this unfortunate prisoner, and we can only hope he will see his way clear, before giving up his portfolio, to recommend Her Majesty to release her.

THE NEW EVIDENCE.

[Affidavit of V. C. Blake.]

The following is a copy of the affidavit which, with others from Captain Fleming, Mme. Ruppert, the Baroness de Roques, Mlle. Marie Meyer, M. Bourgeois, formed the new evidence collected by Mr. Jonathan E. Harris, solicitor, 95 Leadenhall street, London, E. C., and submitted by him on April 11, 1894, to the Right Hon. H. H. Asquith, Q. C., M. P., Her Majesty's secretary of state, home department:

I, Valentine Charles Blake, of Victoria Embankment, Temple, in the county of Middlesex, traveling inspector to the Partington Advertising Company, of the same place, do solemnly and sincerely declare:

1. That I am the younger son of the late Sir Valentine Blake, late of Menlough Castle, county Galway, Ireland, twelfth Baronet, high sheriff of and Member of Parliament for the said county of Galway, and that I was presented to Her Majesty the Queen (represented on that occasion by His Royal Highness the Prince of Wales) by the then prime minister, the Right Honorable Viscount Palmerston.

2. That in the summer of the year 1876, my residence then being a house named Mountmichael, Botanical Gardens, Dublin, I several times visited and stayed in London in order to gain an insight into and knowledge of manufacturing chemistry. At that time I had reason to expect that on the termination of a chancery suit then pending in my family I should be in possession of capital, and had an idea of embarking in chemical manufacture, which I had been advised was a paying business. With this in view, I spent much time in conferring with and receiving practical instruction from one Mr. William Bryer Nation, manufacturing chemist and patentee, then engaged in the manufacture of paraffin wax (as used for candles), at his works, situated in Penarth street, St. James road, Old Kent road, in the county of Surrey.

3. The process of manufacture there was to treat refuse material of the kind with various chemicals in a progressive series of wooden tanks, the material in each tank being rendered purer than in the tank which was its predecessor. In the last tank but one, before the paraffin wax was perfected, the material, which had in each tank been growing more and more light-colored, was rendered black by the admixture of charcoal and other ingredients before it became in the last tank pure white.

4. The said Mr. Nation was incessantly essaying new experiments, and one of these, at which I, under his direction, in the month of August, 1876, assisted him, was to mix the charcoal mentioned in the last paragraph before applying it, as aforesaid, with arsenic.

5. The result thereof was to impart (in conjunction with other chemicals) a glossy polish to the wax when eventually molded into candles. This arsenical idea, however, did not get beyond the shape of a successful experiment, but the said Mr. Nation retained by him the large quantity of arsenic which he had obtained with a view thus using it in wholesale manufacture.

6. The said Mr. Nation obtained the arsenic, as far as my recollection serves me, in the following way, which (though, as a manufacturing chemist, he could buy whatever chemicals he wanted) he adopted for cheapness, in view of his possibly requiring large quantities. Certain kinds of iron ore, the supply of which is cheap and unlimited, contain arsenic. Some of the said kinds of ore was, by direction of the said Mr. Nation, subjected to a current of hot air in a furnace-like receptacle, heated insufficiently to smelt the iron, but sufficiently to make the arsenic, which is very volatile, fly away from the rest of the ore in the form of vapor, which, combining with the oxygen of the air current, passed into a long flue, where it was afterwards collected in the form of trioxide of arsenic, sometimes called arsenious acid, the ordinary white arsenic of commerce.

7. I was present during one of the said operations of manufacturing arsenic, which took place in a building close to the said Penarth street works, and I observed that, although the said arsenic when first collected from the said flue (in the form, not of powder, but of small bits) was semitransparent, like scraps of bad glass, it very shortly changed to a slightly yellowish opaque white. Most of it was afterwards reduced to powder by being heated in an earthenware vessel, covered by a glass vessel filled with cold water. The arsenic turned to vapor and condensed on the bottom of the cold glass vessel, whence it was scraped off and collected as powder of a crystalline white color. Some of this changed in time to a slightly yellowish color, a trifle more yellow than ivory dust.

8. Between the autumn of 1876 and the spring of 1878 I found it necessary to remain in Dublin (occupying my said residence named Mountmichael) in consequence of the family chancery suit before mentioned, which suit at the named period terminated in a manner financially disastrous to myself. Being in consequence thereof compelled to earn a living, I preferred doing so in England, and in or about July, 1878, I applied to the said William Bryer Nation, requesting him—the only commercial man I then intimately knew—to put me in the way of gaining some kind of employment.

The said William Bryer Nation had at this time transferred his manufacturing premises to the Atlantic Works, Abbey road, West Ham, in the county of Essex. Part of the manufacture at the latter works consisted of making gelatine and isinglass from bones. To do so certain chemicals were used to separate the albumen of bones from its phosphates. After such phosphates were eliminated they remained in solution in certain acids, and were by a chemical process reduced to a form in which they were (mixed with other ingredients) sold for manure. The said Mr. Nation then and there gave me employment in his own service to assist him in the experiments which he (as hereinbefore mentioned) was constantly making, and concerning which he obtained many patents, and also in the service of his firm, to travel commercially with samples of gelatine and of chemical manure. Some of the said manure, which was in powder, was, as the result of another experiment, mixed with a combination of arsenic and soot, the arsenic thereof being part of that made as mentioned in paragraph 3.

9. I continued to assist the said Mr. Nation until about August, 1889, when he joined with a Mr. Raymond, of Rainham Ferry, in the county of Essex, in establishing there a factory for the making of fish manure, and relinquished his Atlantic Works aforesaid. I did not assist him in connection with the said Rainham Ferry Works. The latter were placed in this lonely spot in the Thames Marshes because their stench would have been unendurable in a town, and it was unendurable to me; but I assisted the said Mr. Bryer Nation in developing a discovery he was trying to perfect, by which rhea grass, otherwise called ramie, might be used as a substitute for cotton.

10. It had been previously demonstrated that the product of the said rhea grass was superior to cotton, but was not a financial success because of the costly machinery necessary to extract its fiber from the bark, pith, etc. The said William Bryer Nation purposed to accomplish the desired result by means of chemicals, and he and I made many experiments together, with the result that several patents were applied for and granted to the said William Bryer Nation on this subject.

11. The said William Bryer Nation intrusted to my possession, for the purpose of the above experiments, various chemicals, that I might experiment without him, and the said chemicals included part of the arsenic aforesaid, some of it white, some of it mixed with soot, and some with charcoal.

12. That the last of such patents so applied for by the said William Bryer Nation, relative to rhea, otherwise ramie grass, was in or about March of the year 1888. The perfection of the product thereof was finally achieved in or about January, 1889, in which month the said Mr. Nation sent me to Liverpool to see one Mr. James Maybrick, a cotton broker of that city (who the said William Bryer Nation told me was interested in the matter), to endeavor to obtain the said Maybrick's assistance in placing the said perfected ramie on the Liverpool market as a substitute for cotton.

13. That, accordingly, I called upon the said James Maybrick at his office in Liverpool, and showed him samples of such ramie. The said Maybrick made to me certain proposals in reference to the suggested dealings with the ramie, and it was arranged that I should return to London to confer thereon with Mr. Nation, and afterwards call again on the said Mr. Maybrick to settle a basis for business. The said Mr. Maybrick then (at the same interview) asked me, among other things, what chemicals were used in arriving at this perfection of the fabric, saying, "I do not wish to obtain your trade secrets, but it is a question of the price of manufacture, and perhaps the chemicals may be obtained more cheaply in Liverpool." I told him among other ingredients arsenic was employed.

14. The said Mr. Maybrick shortly afterwards, during discussion at the same interview, asked me whether I had heard that many inhabitants of Styria, in Austria, habitually took arsenic internally and threw upon it. I said that I had heard so. He then spoke to me of De Quincey, the author of "Confessions of an Opium-Eater," and asked me had I read the work. I said, "Yes," and that I wondered De Quincey could have taken such a quantity as 900 drops of laudanum in a day. The said James Maybrick said, "One man's poison is another man's meat, and there is a so-called poison which is like meat and liquor to me whenever I feel weak and depressed. It makes me stronger in mind and in body at once," or words to that effect. I ventured to ask him what it was. He answered, "I don't tell everybody and wouldn't tell you, only you mentioned arsenic. It is arsenic. I take it when I can get it, but the doctors won't put any into my medicine except now and then a trifle, that only tantalizes me," or words to that effect. After a pause, during which I said nothing, the said James Maybrick said, "Since you use arsenic, can you let me have some? I find a difficulty in getting it here." I answered that I had some by me, and that since I had only used it for experiments which were now perfected, I had no further use for it, and he (Maybrick) was welcome to all I had left. He then asked me what it was worth, and offered to pay for it in advance. I replied that I had no license to sell drugs, and suggested that we should make it a quid pro quo. Mr. Maybrick was to do his best with the ramie grass product, and I was to make him a present of the arsenic I had.

15. It was finally agreed that when I came to Liverpool again, as arranged, I should bring with me and hand him the arsenic aforesaid.

16. In February, 1889, I again called at the office of the said James Maybrick, in Liverpool, and, as promised, I handed him all the arsenic I had at my command, amounting to about 150 grains, some of the "white" and some of the two kinds of "black" arsenic, in three separate paper packets. I told him to be careful, as he had "almost enough to poison a regiment." When we separated, the said James Maybrick took away the said arsenic with him, saying he was going home to his house at Aigburth, to which he invited me. Having a train to catch, I declined the invitation, promising to accept it on my next visit to Liverpool, but before that occurred I read of his death.

17. After the wife of the said James Maybrick had been accused of his alleged murder, I wrote to Mr. Cleaver, her then solicitor, of Liverpool, to the effect that I could give some evidence which might be of use to his client, and I posted such letter, but received no reply.

18. At this time I was intensely anxious as to the fate of my only son, Valentine Blake, who had in the previous year sailed on board the ship *Melanasia* from South Shields for Valparaiso, which ship was then very long overdue and unheard of. I eventually learned, as a result of a board of trade inquiry, that the said ship must have foundered with all hands, my only son included. At the time I wrote, as aforesaid, to Mr. Cleaver, my entire attention was engrossed in endeavoring to get news as to the ship which never came home, and I felt little interest in any other subject. Receiving no reply to my said letter to Mr. Cleaver, I took no further steps in the matter until, seeing recently in a newspaper that Mr. Jonathan E. Harris, of 95 Leadenhall street, in the city of London, was now acting for Mrs. James Maybrick and her mother, the Baroness de Roques, I called at the offices of the said Mr. Harris and made to him a statement.

And I make this solemn declaration, etc.

WHO IS MRS. MAYBRICK?—IN HER VEINS MINGLES THE NOBLEST BLOOD OF OUR LAND.—GREAT SOLDIERS, STATESMEN, JURISTS, PREACHERS, AND AUTHORS AMONG HER KINSMEN.—GAIL HAMILTON'S POWERFUL PLEA FOR JUSTICE LONG DELAYED.

[Boston Traveller.]

Who is Mrs. Maybrick?

The New England clergy should know her well. She is the great, great-granddaughter of Rev. Benjamin Thurston, who was graduated from Harvard in 1774 and settled at North Hampton, N. H., an efficient preacher of good parts and pleasing address. His wife was Sarah Phillips, the beautiful sister of that John Phillips who, born in Andover and dying in Exeter, founded Phillips Academy in Exeter and endowed a professorship in Dartmouth, and contributed liberally to Princeton. It was Sarah Phillips's nephew, Samuel Phillips, who was lieutenant-governor of Massachusetts, who planned, founded, and organized Phillips Academy at Andover, of which Andover Theological Seminary is the outgrowth and development. To this institution, also, Sarah Phillips's brother gave first \$31,000 and a third interest in his estate; to the Exeter Phillips Academy, \$134,000. The sermon at the inaugural ceremonies of the Exeter Academy was preached by Sarah Phillips's husband, Benjamin Thurston, the grandfather of Mrs. Maybrick's grandmother. Mr. Thurston's charge and the reply by Mr. William Woodbridge are in manuscript in the library of Harvard University. The charge was given to the first preceptor of Phillips Academy.

The mother of Sarah Phillips, the great-grandmother of Florence Elizabeth Maybrick's grandmother, was an English woman, Elizabeth Green, sister of the wife of Dr. John Joy, of Boston. From her the name of Elizabeth came down in regular descent to Mrs. Maybrick. Surely, Boston should know Mrs. Maybrick.

Maine should know her gratefully, for Elizabeth—daughter of Benjamin Thurston and Sarah Phillips—married James Milk Ingraham. The Ingrahams came early to this country, and Edward Ingraham settled in York, Me. His son, Joseph Holt Ingraham, settled in Falmouth, Me. He gave to the city of Portland, for its improvement, property now amounting to millions—beautiful State street and the market, the property of the high school, and much more. Of the Ingraham family was the wife of Philander Chase, the first bishop of Illinois, uncle of Salmon P. Chase, Secretary of the Treasury under Lincoln, and Chief Justice of the Supreme Court of the United States. Of the Ingraham family was that Commodore Ingraham who won laurels for his country and himself by rescuing Martin Koszta from the clutch of Austria. Connected with the Ingrahams was that Edward Preble—born at Falmouth Neck—whose father served under Wolfe, and was wounded at Quebec; that Commander Preble, whose brilliant heroism before Tripoli received the recognition of a

gold medal, with the thanks of Congress. Rev. Joseph Hall Ingraham, author of "The Prince of the House of David," and Rev. John Phillips Thurston Ingraham, author of "Why We Believe the Bible," both rectors in the Protestant Episcopal Church, were sons of James Milk Ingraham and Elizabeth Thurston Ingraham.

From the latter, now rector of Grace Church, St. Louis, Mo., I derive these family details: Their sister, Elizabeth Thurston Ingraham, married Darius Blake Holbrook, who was born in Dorechester, Mass. His mother was a Ridgway. Her sister married a Quincy, and was aunt to John Quincy Adams. Mr. Holbrook was an originator of the land grant for the Illinois Central Railway and its first president. He owned Cairo at the mouth of the Ohio, and was associated with Cyrus Field in laying the first Atlantic cable.

Caroline Elizabeth was the only child of Darius Blake Holbrook and Elizabeth Thurston (Ingraham) Holbrook. She married William G. Chandler, of the banking house of St. John Power & Co., Mobile, Ala. William G. Chandler's father was Daniel Chandler, a lawyer of high standing in Georgia; his mother was Sarah Campbell, a sister of John Campbell, at one time assistant secretary of state of the Confederacy, previously Judge of the Supreme Court of the United States. Judge Lamar, also of the Supreme Court, was near akin by blood.

To Mr. and Mrs. Chandler two children were born, Holbrook St. John and Florence Elizabeth. Their father died in 1863, and their mother, on account of the war, took them abroad to be educated. The son died while pursuing his medical studies. The daughter, less happy, married when 18 years of age in St. James, Piccadilly, London, James Maybrick.

Who in this land has a better right to be known than this child, sprung from Andover, in direct descent from the godly men and women whose munificence still blesses the world—this child in whose veins mingles the noblest blood of North and South; this unhappy child who is enduring penal servitude for life in an English prison for a murder never committed upon an accusation for which she was never tried; against the protest of the Lord Chief Justice of England that she ought not to have been convicted, that she ought now to be released; against the protests of thousands in England and America?

Of all her saintly line, no woman has shown a more saintly bearing, a more dignified patience, than this Saint Elizabeth through her five years of cruel martyrdom. Five years of an imprisonment more terrible to the refined and delicate woman, young, mother of infant children, than that from which her kinsman wrested Martin Koszta—is there to be no rescue for her?

Every man who has been educated at Andover has been fed at a table spread by the generosity, the public spirit, of her family. Can no crumb from that table feed her soul in prison? A poor soul, whose only comfort to her mother is to cry out from the prison: "Your daughter, dear, is a convict, but, thank God, not a criminal. I don't understand what God's plans and purposes are, but we must believe they are good; and though I can not see how eternity itself can make up for my suffering, God must see, or He would never let me be misjudged and suffer so."

And her mother's uncle, the aged rector of Grace Church, St. Louis, writes: "I know it is the glory of England's infallibility that it never contradicts the decision of her most ignorant justices of the peace. Hence, in despair I have long since committed dear Florie's case to His hands who will at some time before the assembled universe judge the justices and call the nations before His bar."

But God works in this world through earthly hands. Parliament is supreme in England. Parliament can order the release of Mrs. Maybrick or an investigation of her case. Not mercy, but a public, impartial, and thorough investigation of her case is all that Mrs. Maybrick and her friends ask. She claims to be an American citizen. She claims "The rights of my American birth, which at no time have I voluntarily surrendered."

Are there not in the United States men enough who have profited by the beneficence of the Phillipses, of the Ingrahams, of the Prebles to speak through Congress to Parliament in behalf of that great charter which is the common inheritance of England and the United States and which is every day violated by the enslavement of Mrs. Maybrick?

GAIL HAMILTON.

[From Our Half Hour, August, 1895.]

WHY IS MRS. MAYBRICK IN PRISON?

In our last issue we published the affidavit of Mr. C. V. Blake, in which we clearly showed where the large quantities of arsenic found in the house after the death of Mr. James Maybrick came from.

"Wanted, a Sherlock Holmes, a true story of to-day," by W. T. Stead, should be read by all lovers of justice. Mr. Stead gives a full account of the trial of a Dr. Bynoe, and again shows the absolute necessity of a court of criminal appeal. The book is published at the very moderate price of 6d., and can be had of all booksellers.

If at the present time we could take the case of Mrs. Maybrick into a court of criminal appeal and reexamine every person who was in the house from May 4 to May 18 (see Diary published in our May number), we do not think it would require the skill of a Sherlock Holmes to find out who placed the large quantity of arsenic given by Mr. Blake to Mr. James Maybrick about the house.

A complete breakdown of the evidence given at the trial, and probably as interesting a confession might safely be anticipated, as in the case of Mrs. Curran. Among certain classes around Manchester and Liverpool it is the firm opinion that the whole charge and trial was the outcome of a conspiracy, brought without the intention to attain so terrible a result, but still a conspiracy to harm the unfortunate prisoner.

Great as our sympathies are with the Unionist cause, we much regret that at a time when we were confidently hoping some good results might follow our efforts there should be a change in the home office. Mr. Asquith has the whole facts of the case at his fingers' ends, and it will take some time before his successor will be able to fully grapple with all its intricacies.

We have every reason to believe, and it is the opinion of many, that Mr. Asquith has given much time to the study of the case, and that it was his intention to redress the injustice. The sudden going out of power, however, frustrated his humane and just intentions. It, however, only too clearly shows the urgent necessity of removing the reconsideration of all questions relating to the administration of justice to a department or a court entirely free from the influence of politics or the control of a minister whose term of office is subject to the vicissitudes of a cabinet.

The Woman's International Maybrick Association is steadily increasing its membership, and, though but a short time in existence, is issuing several well-written pamphlets on the chief points of the case, and the new evidence collected by Mrs. Maybrick's friends since the trial. The drawing-room meeting, held at Mrs. Densmore's town residence last week, was a great success, and the warmest acknowledgments of the ability and energy of the president was given.

Ladies desirous of assisting the association should communicate at once with Mrs. M. M. Cook, 10 West Chapel street, Mayfair, London, W.

The letter we print this month by Gail Hamilton is considered the most powerful appeal, as well as the most masterly explanation of the case, yet offered to the public in a small compass. We feel certain that no impartial person who reads it will not feel that an injustice is perpetrated by Mrs. Maybrick's detention.

We have just received a copy of the Women's Times of July 4, published at Washington and edited by Mrs. Lincoln, wife of the well-known editor, Mr. N. Lincoln, of the Washington Times. The paper contains the last article written by Gail Hamilton just before her illness on behalf of her unfortunate countrywoman. We regret we are compelled to hold a reprint of the article, together with a letter from Mrs. Blaine, over till our September number.

THE MAYBRICK CASE.—“GAIL HAMILTON’S” PLEA TO THE BRITISH HOME DEPARTMENT.—A REVIEW OF THE TRIAL AND AN APPEAL FOR THE RELEASE OF THE PRISONER.

The following letter was written by “Gail Hamilton” to the head of the home department of the British Government in behalf of Mrs. Maybrick, who was convicted of having poisoned her husband to death, and who is now in prison under a life sentence:

To the Hon. H. H. ASQUITH,
Secretary of State for the Home Department.

SIR: I am authoritatively informed from the home office that the secretary of state has come to the decision that he can not “reopen a question which was deliberately considered and decided by his predecessor,” but that he “will at all times be ready to give attention to any fresh materials of a relevant character which were not submitted to Mr. Matthews” in the case of Mrs. Maybrick.

Happily, the armory of weapons for the defense of Mrs. Maybrick is so amply stored that a fresh supply is always available. Will you permit me, therefore, in accordance with your humane and just suggestion, to claim your attention for several points which seem not to have engaged the attention of Mr. Matthews:

That Mrs. Maybrick was charged with the murder of her husband by arsenic, and by nothing else; that four separate stores of arsenic were presented at the trial, from one or from all of which stores she was argued to have poisoned her husband, and from no other.

First. Arsenic in store sufficient to kill fifty men was found in various places in her house—as, in a hatbox in Mr. Maybrick’s dressing room, in the trunk in the linen closet, and in other places, but “principally in the dressing room used as a separate room for Mr. Maybrick when he wished it,” as the judge charged the jury. Of this arsenic, the trial developed that none was found or seen before Mr. Maybrick’s death; that none was found after Mr. Maybrick’s death by the police; but that the police were conducted by Mr. Maybrick’s brothers, nurses, and servants to the places where they asserted that they had found it; that none of this arsenic was found in any place especially appropriated to Mrs. Maybrick; that none of Mrs. Maybrick’s especial belongings were found locked, except her wardrobe, and in that wardrobe no arsenic was found; that all this arsenic was found in places at all times as open to Mr. Maybrick’s brothers, nurses, and servants as it was to Mrs. Maybrick; that for thirty-six hours before and after it was said to have been found it was completely under the control of the brothers, nurses, and servants, because from the forenoon of the day on which Mr. Maybrick died at 8.40 p. m., Mrs. Maybrick lay in a swoon, unconscious for thirty-six hours, at the beginning of which swoon Mr. Maybrick’s brother, Edwin, bore her in his arms to a square room across the hall, and remote from the places where the arsenic was said to have been found, and laid her on the bed; on which bed she was taken into custody; on which bed she was surrounded and watched by policemen; on which bed she lay prostrated, dazed, only partially conscious, while a magisterial court was opened around it in the same room, and which bed she never left until she was removed from it to Walton Jail, thus leaving abundant time and space for any conspirators to bring and scatter the arsenic where it was alleged to have been found, without danger of detection by Mrs. Maybrick; that the evidence at the trial developed no anxiety on the part of the brothers, nurses, and servants concerning this swoon; that no curiosity was evinced as to its cause, no surprise at its occurrence or continuance, and no apprehension as to its result; that the judge in his charge not only admitted, but avowed, that none of this arsenic could be traced to Mrs. Maybrick’s possession or procuring; that he only affirmed that it was accessible to her, but did not deny what appeared in the evidence, that it was equally accessible to her brother-in-law, to their female companions, to the servants, nurses, and all chance visitors, some of whom, women allies of the Maybrick brothers, were shown at the trial to have penetrated into Mr. Maybrick’s sick room without the knowledge, against the wish, and incurring the remonstrance of Mrs. Maybrick.

That the second store of arsenic brought into court was said to have been detected by chemical analysis in a food particle said to have been found in an imperfectly washed jug at Mr. Maybrick’s office a week after his death, which jug with food was sent by Mrs. Maybrick from the house to his office nearly two weeks before his death; that this food particle was not analyzed by itself, but that the chemist testified at the trial that he boiled water in the jug and in a basin and a pan used at the office by Mr. Maybrick and found and delivered to the chemist, not by the police, but by Edwin Maybrick, and that what he analyzed was the rinsings of the three vessels; that Dr. Paul, one of the expert witnesses, testified that he had four times analyzed the glaze of four pans similar to the one used in this experiment, and had always found the glaze to contain arsenic; that there is thus no certainty that the arsenic was

set free from the food particle, while there is the highest probability that at the beginning of the experiment arsenic existed in the glaze of the pan; that at the trial it was abundantly proved, and since the trial it has been more abundantly confirmed that Mr. Maybrick had been for many years a confirmed though secret arsenic eater; that Mrs. Maybrick had feared that he was taking some harmful drug and had appealed to his physician and to his brother Michael to warn him against it, as the physician and the brother testified at the trial; that Edwin Maybrick, his brother, after Mr. Maybrick's death had found a pill box containing arsenic pills in his brother's washstand drawer, but kept it concealed, saying nothing, notwithstanding the peril of his brother's wife, until her solicitor, Sir Charles Russell, hearing of it, dragged the admission from him during the later stages of the trial; that, therefore, if the arsenic found in the office were freed from the food particle, and not from the glaze, it is more reasonable to assume that it was placed in the food particle by Mr. Maybrick, who, the evidence showed, was in the habit of eating arsenic, than by Mrs. Maybrick, who is not shown to have known anything about arsenic except as an ingredient of a cosmetic.

That the third store of arsenic was asserted to have been found in a bottle of meat juice, which Mrs. Maybrick was alleged to have prepared to give her husband; that the evidence developed that a bottle of meat juice had been in Mrs. Maybrick's hands for her husband, and had been by her placed on the washstand, where there were no other bottles, but where the usual toilet utensils stood, and nothing else; that it was by her never afterwards touched or inquired for, and that she never afterwards exhibited the smallest concern about it—either desire to administer its contents to her husband or desire to hide its contents from other persons; that her husband's brother, Michael, testified at the inquest that the bottle in which he alleged the poisoned meat juice was found he took, not from the washstand on which it stood, with only the ordinary basins and jugs of a washstand, but from a table by the window, where, he testified, it stood "mixed up with several other bottles;" that there is, therefore, no proof that it is the same bottle which was in Mrs. Maybrick's hands, but there is direct proof that it was another bottle, for no evidence was adduced and no attempt was made to show that any person had removed the bottle that was in Mrs. Maybrick's hands from the washstand, where she had placed it by itself, to the "table by the window, among other bottles," whence Michael Maybrick took it; that the bottle which Michael Maybrick took from the table by the window he by his own testimony held in his own private, undisputed possession in the house and in the garden from noon until after 4 o'clock in the afternoon, when he delivered it to Dr. Carter for analysis—during which time it was in the private and unwitnessed possession of at least one person who was already, by his own evidence, plotting and preparing accusations against Mrs. Maybrick—a time abundantly sufficient to stock the meat juice with arsenic, if arsenic were indeed found in it; that the judge charged the jury: "In the whole case, from first to last, there is no evidence at all of her having bought any poison or definitely had anything to do with the procuring of any, with the exception of the fly papers."

That the fourth store of arsenic was found in fly papers, which, according to the evidence in court, Mrs. Maybrick openly bought and sent openly home by the chemist's assistant, which lay openly on the hall table, which were seen and handled by her husband, which were openly soaked in a sponge basin in the dressing room ordinarily used by Mr. Maybrick, where they were seen and handled by at least two of her maids, and of which no attempt at concealment appeared; that she averred they were bought and soaked in order to make a face wash for her complexion; that the judge in court threw doubt on the face-wash story, but that her solicitors subsequently discovered evidence proving her knowledge and use of such a face wash in this country and in Europe before her marriage, but that the trial had been concluded so swiftly that the evidence did not reach them until the gallows were being built within hearing of the prisoner, who was to be thereon executed; that the analytical chemist testified at the trial that the fly-paper arsenic would have left in Mr. Maybrick's body traces of vegetable fiber, and that such fiber was sought and was not found either in his body or in the meat juice; that Superintendent Bryning, in making his charge before the magistrate, avowed: "What became of the fly papers, or of the liquid in which they were seen, there is absolutely no trace;" that, therefore, no trace of it could have been found in Mr. Maybrick's body.

That, therefore, all the evidence at the trial failed to reveal any connection whatever between the arsenic store found in the house, or the arsenic store found in the office, or the arsenic store found in the meat juice, or the arsenic store found in the fly paper, and Mr. Maybrick's death; or between these and any malicious intent or evil act of Mrs. Maybrick.

That, since Mr. Maybrick was a confirmed arsenic eater, and Mrs. Maybrick was not; and since a large part of the arsenic was found in Mr. Maybrick's dressing room and office and no part in Mrs. Maybrick's private possession; and since the only arsenic which could be traced to Mrs. Maybrick stopped at Mrs. Maybrick's cosmetic

basin and could not be traced to Mr. Maybrick's body, it is unreasonable, unwarrantable, clumsy, and cruel to transfer the arsenic from Mr. Maybrick's hatboxes to Mrs. Maybrick's assumed malice.

That the post-mortem examination revealed in Mr. Maybrick's body only one-twentieth part of a fatal dose of arsenic, an amount entirely consistent with its medicinal ingestion; that Drs. Tidy, Paul, and McNamara testified that all his symptoms pointed away from arsenic as the cause of death; that Mrs. Maybrick asserted that her husband in his last illness repeatedly and pathetically implored her to give him a certain powder (in his own possession and unknown to the doctors, and hitherto unknown to herself, and of whose composition she remained ignorant), because he said he was in great distress and that it would relieve him; that the nurse present testified that they talked much together in a low tone, so that there was abundant opportunity for him to make these requests unheard; that the effect upon an habitual arsenic eater of the sudden and entire deprivation of arsenic is great distress and depression; that, therefore, is there not only no proof that Mr. Maybrick died of arsenical poisoning, but something very near an impossibility that he could have died of arsenical poisoning, and a possibility, if not a probability, that his death was hastened by the deprivation, consequent upon the constant presence of nurses and doctors and wife, of his customary allowance of arsenic.

That the judge, recognizing the imperfection of the evidence against Mrs. Maybrick, laid chief stress on motive, and found it in an assumed unlawful attachment to, and a desired marriage with, another man than her husband; that the chief evidence of such an illicit connection was their presence together at a hotel in London, as sworn to by a waiter at the hotel; that since the trial this waiter has protested, over his own signature, that he had not understood his duty, that, as he was employed by the prosecution, he "went by their orders;" that he did not in any true sense identify Mrs. Maybrick or her alleged paramour as he swore, but they were pointed out to him by the inspector; and though he stood "all the morning" close to the latter in the court room, he did not recognize him, or suspect that he had seen him before, until the police pointed him out as the paramour; that this statement has been many months before the public, and has not been contradicted by the inspector or by the police; that either this statement is true, or it is false; that, if it is true, it destroys the evidence the waiter gave in court, and if it is false, it deprives all his statements of value, including his evidence at the trial.

That it partially appeared in court and has since been distinctly stated, and is ready at any time to be sworn to before you, that Mrs. Maybrick went to London to secure and did secure and send to her husband a deed of separation from him for his suddenly discovered immoralities, thus proving that she was quite aware of the laws of marriage and divorce, and that her disagreements were a motive to divorce, but were not a motive to murder; that in the light of her knowledge of his immorality, of her knowledge of the laws of separation and divorce, and her prompt action upon them, and in the absence of all proof of murder or attempt at murder, the illicit love for another man would, if proven, furnish no motive for murder, and in view of the waiter's subsequent withdrawal and explanation of his testimony, such an illicit connection is not proven.

That the judge laid down to the jury as a principle of proof that it was necessary to a verdict unfavorable to the prisoner that Mr. Maybrick died of arsenic; that "if they thought he died of some other disease the case was not made out against the prisoner. It could not be made out * * * If there was a possibility of doubt they ought to acquit the prisoner;" that the home secretary, reviewing the case ten days after the verdict, proclaimed that there was "a reasonable doubt whether Mr. Maybrick's death was, in fact, caused by the administration of arsenic;" that, therefore, the highest legal authority in England has established the premises of which Mrs. Maybrick's acquittal is the only logical and legal conclusion.

That in dealing with the expert testimony, which bore heavily against the possibility of death by arsenic, the judge introduced a principle new to English law and charged the jury: "You must not consider the case a mere medical case, in which you are to decide whether the man did or did not die of arsenic, according to the medical evidence, or as a mere chemical case in which you decide whether the man died from arsenic as the result of a chemical analysis, but as a great and highly important case involving in itself a most highly important moral question, questions into which human nature enters, and in which you must rely on your knowledge of human nature;" that it is a great grief and scandal that a question of life and death, too intricate to be decided by the knowledge of those who know all that is known on the subject, should be remitted to the ignorance of those who know nothing; that it is an unheard-of grief and scandal, and a menace to life and liberty, that a jury of three plumbers, two farmers, one woodturner, one provision dealer, one grocer, one ironmonger, one milliner, one painter, and one baker, who, however honest and intelligent, are necessarily not experts in metaphysics, should be instructed by the judge to turn away from the evidence which acquits the prisoner, and to turn inward to their own metaphysics for a verdict that convicts to death.

That the subsequently and speedily developed mental disease resulting in the forced resignation of the judge removes from him responsibility, and therefore blame for his action, and makes the reversal, so far as possible, of its disastrous result the most honorable tribute to his memory, and in some sense imperative for the vindication of his integrity.

That Mrs. Maybrick is an American, born in the Republic of the United States; that all her family connections are Americans; that her nationality, forfeited by her marriage, she resumes by her widowhood; and that these facts furnish ground for the widespread interest and the interposition of the United States, expressed by petitions for her relief and release from all classes in official and in private life—but leave no ground for just charge against the petitioners of interference with another nation.

That the common institutions of America and England require public trial; that this public trial can be for no other purpose than to secure popular access to and popular supervision of the trial, in the interests of justice; and that this public trial makes it not only the inalienable right but the sacred duty of all citizens to watch the courts of justice, to protest against all wrongdoing, and to enforce the rights of even the weakest—of the woman and of the stranger within the gates.

That the institutions of justice, being the creation of man, can not be permanently insured against error, and are not disgraced, but honored, by reparation of error; that error persisted in against light and after discovery is infamy; and that no discredit or shame can be brought against courts of law so great and deep as the perpetration and perpetuation of wrong under the forms and the shield of law.

First, therefore, in the name of justice, whose institutions are the common trust of both nations; second, in the name of international friendship between great and kindred and friendly nations; third, in the name of humanity and of God, who is the source of humanity, of justice, and of peace—

I pray you, in whom the power lies and with whom the responsibility rests, for the immediate release of Mrs. Maybrick from Woking Prison.

GAIL HAMILTON.

OCTOBER 3, 1892.

MR. ASQUITH AND MRS. MAYBRICK.

Mr. Asquith, replying to a series of questions put to him by Mr. J. B. Hunter at a meeting of his constituents held in the Lumsden Memorial Hall, Freuchie, on Tuesday, July 16, said: "There were nine questions, and he would answer them generally by saying that, as in the case of every criminal case that came before him, he carefully examined and considered that of Mrs. Maybrick. He did not feel bound by the decisions of his predecessors in office. He brought to bear upon the case such judgment as he possessed, and he decided it honestly, conscientiously, and absolutely impartially." (Cheers.)

EFFORTS AND REASONS FOR THE RELEASE OF FLORENCE E. MAYBRICK, 1889 TO 1893.

The Maybrick trial closed in August, 1889. In October, 1889, the Rev. Robert Douglass, M. A., Vicar of Kidsgrove, Stoke on Trent, issued, at his own expense, a pamphlet entitled *A Critique of the Maybrick Case; Terribly Hasty Verdict; Was it Just?* Mr. Douglass appealed to the Queen to grant a full pardon to Mrs. Maybrick as being "an innocent woman."

On October 14, 1889, an Edinburgh merchant (whose interest and work on behalf of Mrs. Maybrick has never ceased) wrote to the President of the United States, laying the facts of the case before him and urging him to use his influence to aid Mrs. Maybrick (who is an American). The substance of this letter was subsequently inserted in the *Liverpool Daily Post* of January 31, 1890. President Harrison replied, saying he had handed the letter to the Secretary of State, J. G. Blaine (now deceased).

In January, 1890, a barrister, "Lex," of Manchester, published, at his own expense, a pamphlet entitled *Mrs. Maybrick Not Guilty; Insufficient Evidence*.

In January, 1890, Mrs. Eleanor Mason, an English missionary in India, published at Rangoon, at her own expense, a pamphlet and a supplement, quoting the remarks of John Bright. She says: "Really great questions, which affect the lasting interests of men, can never be laid fast asleep. In like manner questions which affect the liberty of human beings ought never to be so tightly locked in the arcana of law, but that truth may somehow gnaw itself out." Mrs. Mason condemns the trial and the judge, and declares that there was a conspiracy against Florence Maybrick. She further advances a curious theory as to the cause of James Maybrick's death. This remark-

able publication was widely circulated in England by medical men interested in the case.

In 1890, a valuable addition to the medical questions of the case was edited by Dr. Charles Meymott Tidy, M. B., F. C. L., and Dr. Rawdon Macnamara, F. R. C. S. I., at their own expense, entitled *The Maybrick Case; A Toxicological Study.* (Baillière, Tindall & Co., London.) These eminent analysts proved by medical testimony and experience that the "symptoms of the late James Maybrick pointed away from arsenic as the cause of death."

In 1890, a pamphlet was published by Mr. James L. Foulds, of Edinburgh, at the joint expense of himself and a Scotch friend, entitled *The Maybrick Case; A Treatise*, giving conclusive reasons for the continued public dissent from the verdict and decision. The chapter on the ex parte charge of Mr. Justice Stephen first drew public and Parliamentary attention to the state of health of this once eminent man. It was widely circulated among members of Parliament and the legal profession, and was followed by the *Times'* article of March 4, 1891, and by articles from the *Law Times*. The learned judge retired from the bench soon afterwards.

In 1891, Mr. Alexander W. MacDougall, barrister at law, issued a work of some 600 pages, published by subscription, at 10/6 a copy, giving the verbatim text of the newspaper reports of the trial and evidence and other matters gathered from all quarters. The volume contained valuable plates, and cost the subscribers £300, and is of value as a work of reference. Mr. MacDougall professes belief in Mrs. Maybrick's innocence, and has continued to argue in her defense.

In America, in September, 1891, Gail Hamilton, a powerful and popular writer, took up the defense of Mrs. Maybrick, her countrywoman, and commenced with a most able short history of the case. Thousands of copies were circulated in England and America. The immediate result of this effort was a petition by Mrs. Harrison, the wife of the then President of the United States. It was signed by all the wives of the United States Cabinet Ministers and addressed to Her Majesty, Queen Victoria, praying for the release of their young countrywoman, against whom there seemed so little to connect her with the crime; and also on account of her falling health, she having then been nearly two years in the infirmary of the prison. Gail Hamilton started a subscription fund in the *New York World*, asking for help to obtain counsel's opinion as to the possibility of obtaining a new trial in open court, at which might be brought forward all the new evidence obtained since the conviction. In less than a fortnight upward of £300 was subscribed, partly by a benefit performance given in New York by the well-known actress, Clara Morris, and her company, with the assistance of their manager. This money was sent to England, and Messrs. Lumley & Lumley, solicitors, were retained to prepare a full case and obtain thereon the opinion of the best counsel in England. The present attorney-general (Sir Charles Russell, Q. C., M. P.), Mr. Poland, Q. C. (counsel to the treasury), Mr. J. Fletcher Moulton, Q. C., and Mr. Reginald J. Smith were selected as counsel. After many consultations and a protracted consideration of the case they declared: "We are of opinion that in English criminal procedure there is no possibility of procuring a rehearing in a case of felony where a verdict has been found by a properly constituted jury upon an indictment which is correct in form. We think it right to add that there are many matters stated in the case, not merely with reference to the evidence at and the incidents of the trial, but suggesting new facts which would be matters proper for the grave consideration of a court of criminal appeal, if such tribunal existed in this country." When the solicitors conveyed this opinion of counsel to the friends of Mrs. Maybrick, they confirmed the fact that there was no possibility of a new trial being granted by any English court, and they advised an appeal to the clemency of the Crown. Messrs. Lumley & Lumley again took counsel's opinion and suggested using the following points in a petition: "The irregular and illegal conduct of the jury in forming their opinion of the evidence by reading the newspapers published from time to time during the course of the trial. Their attending public places of amusement during the evenings and conversing with the public. The want of reliable evidence and the absence of proof to connect Mrs. Maybrick with the death of her husband. That he being a notorious arsenic eater, it is doubtful whether the infinitesimal quantity of arsenic said to have been found in the liver could have had any injurious effect upon him. The absence of any motive for committing such a crime; and, further, that Mrs. Maybrick could in no way be benefited by her husband's death. That she was legally entitled to obtain a divorce, if she had so desired, by reason of his manner of conducting himself and his conduct toward herself. The conflict of opinion of eminent medical men as to the cause of death." This suggestion was at once acted upon by the American Secretary of State, who caused a petition to be drawn up, and it was signed by the Vice-President, by all the members of the United States Cabinet, and by 40 representative Americans, praying for the release of "Florence E. Maybrick, an American; a widow, without any near living relatives except her mother; a mother, deprived of her children, and condemned on what appeared insufficient evidence." All the

judges of the United States Supreme Court were made acquainted with the case in detail. Those who were asked to sign the petition were requested to study the case in order that they might be fully cognizant of the grounds for such an unprecedented action on the part of Americans in behalf of a woman. This petition was sent in May, 1892, to the United States legation in London for presentation, and in due course reached Her Majesty's secretary of state for the home department.

At this time the Baroness de Roques (Mrs. Maybrick's mother) had issued a printed appeal to her countrymen and countrywomen, which was circulated in every part of the United States. She prayed for intercession with England on behalf of her daughter, taking this course in consequence of the oft-repeated question, Why do not Americans intercede for their own countrywomen and not leave action to the English, to whom Mrs. Maybrick was scarcely known? The result of this appeal was the response by the members of the American Women's National Press Association in Washington, who addressed a petition to the Queen, asking for the release of their young countrywoman and asserting their belief in her innocence. A petition was also issued by the Women's Association of New Orleans, containing 2,000 signatures of ladies of the highest social standing, praying for the release of Mrs. Maybrick, on the ground that the evidence was altogether built on suspicion and given by servants to whom it had been suggested that they should watch to see what they might possibly perceive. There were petitions from St. Louis, signed by prominent officials, as well as by a large number of Freemasons, followed by appeals from Baltimore, Boston, and other cities, all expressing entire belief in Mrs. Maybrick's innocence.

In October, 1892, Mrs. Maybrick's mother had a full "case" drawn up, containing all the fresh evidence obtained since the trial, together with affidavits relating to the late Mr. James Maybrick's long-standing habit of using arsenic daily. This was sent to the secretary of state for the home department. At this period Mrs. Maybrick was still in failing health, and her mother applied for permission to send a physician to examine her at the prison and report. Her health history was furnished at the same time to the department. This request was refused.

In the same month Mr. W. T. Stead published in the Review of Reviews a résumé of the "case," and an eloquent appeal, with an excellent photograph of Mrs. Maybrick, urging the British Government to release Mrs. Maybrick as a tardy act of justice. In addition to the wide circulation which the Review of Reviews has, about 10,000 copies of the article were circulated.

In November, 1892, Gail Hamilton addressed a letter to Mr. Asquith, home secretary. This letter was favorably criticised by the press and commented on by the lawyers as a most able contribution to the various publications on the legal aspect of the case. Many thousands of copies of this letter were circulated all over the world.

In November, 1892, Mr. William Thomas, of Liverpool, published at his own expense a valuable addition to the medical aspect of the question, entitled *Let Justice be Supreme*. The work contains valuable chapters on the properties of the drugs administered to the late Mr. Maybrick during his last illness, and their poisonous character. Mr. Thomas also refers to the condition of Mr. Maybrick's health and his well-known habit of drugging himself with arsenic. The medical men who attended Mr. Maybrick in his last illness prescribed for him twenty poisonous drugs in a fortnight, including arsenic. Mr. Thomas argues that the unfortunate patient died from the want of arsenic. This is believed by many able men of high standing in medical science. Eminent physicians argue that a habitual arsenic eater can not be suddenly deprived of the drug without fatal consequences. They also aver that arsenic eaters can distinguish the taste of this almost tasteless drug. The theory of the prosecution was that Mrs. Maybrick poisoned her husband with small successive doses of arsenic. But it would have been difficult to have administered arsenic to an arsenic eater without his knowledge, and it would have been somewhat difficult to have poisoned an arsenic eater with infinitesimal doses of arsenic.

There is another point suggested which deserves attention. Why did not the medical gentlemen in attendance on the patient, who were cognizant several days before his death of the suspicions of the servants and persons apparently anxious to encompass Mrs. Maybrick's ruin, take steps to prevent his becoming a victim to the poison which it was alleged she was giving him? Why did they not administer an antidote for arsenic instead of administering further doses of it? The medical gentlemen did not, apparently, believe these rumors, and was satisfied that the patient was suffering from gastroenteritis; and if it had not been for the arsenic found all over the premises, both inside and outside, after the death of James Maybrick, not by the police, not by the medical men, but by persons who were undoubtedly unfriendly, they would have certified that death was caused by gastroenteritis. Why was not the search for poison instituted several days before the death of the patient? Surely medical gentlemen would have instituted such a search if they had really been suspicious of foul play. The prosecution argues that the first date of administration of arsenic by Mrs. Maybrick was the date on which it has since been proved that

the late Mr. James Maybrick stated to an intimate friend that he had himself taken an overdose of strychnine—a medicine which he had received from a chemist in London, which the servant took from the hands of the postman and delivered to Mr. Maybrick, and which he opened and administered to himself. This statement is corroborated by evidence given by a witness for the prosecution at the trial, and also since the trial by other parties.

In 1892 the Rev. J. P. T. Ingraham, of Grace Church, St. Louis, Mo., United States, great-uncle of Mrs. Maybrick, addressed to the press a letter in which he said: "Thousands in America have asked, and are now asking, why the noble, womanly, merciful British Queen has not interfered and released this innocent woman?" And he declines to believe the rumor which has been bitterly suggested, viz, that it is Mrs. Maybrick's nationality which has perhaps debarred her from obtaining the attention and consideration of her case which it is well known both English and Irish prisoners receive at the hands of the English Government. He believes that it is the usage in England for a member of Parliament, or a clergymen, or the solicitor in the case, to set forth reasons for a reconsideration of the case, or for the exercise of the clemency of the Crown, on behalf of any prisoner whose case suggests such a step; and that frequently, after a shortened term of imprisonment, the prisoner is liberated; and Mr. Ingraham makes an urgent appeal for prayer on behalf of Mrs. Maybrick in order to obtain the justice of God, since men turn a deaf ear to the sufferings of this deeply wronged woman.

In December, 1892, Mrs. Helen Densmore, an American philanthropic lady living in England, issued, at her own expense, a well-edited work, *The Maybrick Case: English Criminal Law*. The author remarks: "As for the victim, a pardon from the Crown for a crime never committed is the only means of escape, no matter what loss of good name, fortune, social position, and suffering have been inflicted." She gives particulars of cases where persons have been convicted of murder, sentenced to death, and afterwards found to have been innocent, and have in due course been pardoned. She has also compiled the articles by Mr. W. T. Stead, Gail Hamilton, and James L. Foulds, and gives a résumé of the case by Alex. W. MacDougall.

As to newspaper articles on the case, their number is legion. Messrs. Roe and Macklin, the solicitors of Mrs. Maybrick's family in America, have contributed valuable information. Col. Andrew H. H. Dawson, late district attorney for the State of New York, has devoted much time to the case, and his well-known criminal legal experience has enabled him to publish powerful articles in the press of the United States conclusively establishing the innocence of Mrs. Maybrick.

In 1892 the members of the Western Masonic lodges of the United States addressed a numerous and influentially signed letter to the Prince of Wales, urging His Royal Highness's intervention on behalf of Mrs. Forence E. Maybrick, the daughter and granddaughter of Freemasons, and asserting their belief in her innocence.

In December, 1892, Mrs. Maybrick's condition of health becoming hopeless, her mother was sent for by the authorities, and before her arrival Mrs. Maybrick had asked for and received the last sacrament of the Church of England, and taken her dying oath of innocence of the crime for which she was being punished. Request was made to the home secretary that an independent specialist physician should be allowed to visit Mrs. Maybrick, report on her condition, and alleviate her suffering. Sir Spencer Wells, Bart., M. D., and Dr. Norman Kerr seconded this request, and the former offered gratuitously to visit Mrs. Maybrick at Woking. This request was refused by the home secretary on the ground that there was "no precedent for such a visit."

Mrs. Maybrick's mother then appealed to her own American Government to sustain her request that her daughter might be given into her charge, her condition of health appearing hopeless. The American Secretary of State at once complied with this entreaty, and on the ground of international amity asked the English Government to release Mrs. Maybrick, she being too weak to work, apparently in a decline (with inherited consumptive tendency), apparently detained without having been accorded the benefit of the doubt expressed by Mr. Matthews; Mr. James Maybrick having, in the opinion of eminent medical men, died a natural death, and not from poison administered by his wife with felonious intent; and that she is apparently now detained for "attempt to murder"—a minor offense, for which the maximum life sentence is rarely administered—and has already suffered a long and miserable punishment of four years' duration, without the opportunity of testing or refuting the charge of "attempt" or of taking thereon the opinion of her legal advisers.

Mrs. Maybrick is still (May, 1893) confined in Woking Gaol, and still in the prison infirmary.

EVIDENCE IN THE MAYBRICK CASE, 1894.

THE BEARING OF THE NEW EVIDENCE IN THE MAYBRICK CASE.

1. Mr. Maybrick was an habitual arsenic eater. This the Crown disputed at the trial. It was argued that the American witnesses only proved that he used to take it as a remedy for, or preventative against, malarial fever, in a district where that disease was prevalent, and that the only evidence of his taking it in Liverpool was that of Mr. Garrett Heaton, who only recognized his customer by seeing a photograph after death. His statements that he took poisonous or deadly drugs were explained as referring to strychnine or nux vomica, not arsenic; but this contention is no longer tenable. Independently of the evidence of Mr. Blake, Mr. Bancroft states that Mr. Maybrick told him that he used arsenic for "longevity and a fair complexion." Captain Fleming, whose evidence probably relates to the year 1884 (the date on a box of pills containing arsenic and a compound, in America, which was found after his death), describes him as taking arsenic like pepper on his bread or meat—a statement which startled some physicians who read it, and stating that he could take enough with impunity to kill any ordinary man. The evidence of these witnesses corroborates that of Mr. Heaton and Mr. Blake, and tends to show that the reference to poisonous drugs, deposited to by Sir James Pool and others, related primarily to arsenic. As to Mr. Maybrick's statement to Mr. Blake that "he found it difficult to procure arsenic in Liverpool," it will be recollected that Mr. Heaton had at that time retired from business, and that a cousin of Mr. Maybrick's, who had been employed in a chemist's shop, had recently died.

2. The evidence of Mr. Bancroft and Captain Fleming points to the fact that Mr. Maybrick usually took arsenic in his food or in his wine, not separately. Hence, if he continued this habit, the Du Barry's Food at the office would be a very likely place to find it in, and he might naturally be expected to ask his wife to give him some in his meat juice.

3. The Crown, while denying that Mr. Maybrick was an habitual arsenic eater, contended that he was a person who might have been killed by a minimum dose of arsenic. The judge went further, and told the jury that 2 grains would have killed him. But from the evidence of Captain Fleming, corroborated by others, it seems probable that he could have taken 4 or 5 grains with impunity.

Considering the small amount of arsenic found in the body, this fact is very important and material. The evidence tends to show that there was no rapid elimination of arsenic from the body; for some time previous to his death there was no violent diarrhea. Two days before death Dr. Humphreys examined the feces and urine and found no trace of arsenic. The bedclothes, etc., bedding, including a flannel shirt which he had worn some days previously, were also found to be free from arsenic. It seems clear, that which probably in his case would be a 6 or 8 grain dose could not have been administered within a fortnight of his death. On the other hand, the small quantity found in his body was quite explained by his habits without imputing crime to anyone.

4. The habit of taking arsenic, like that of taking any other stimulant, is a growing one, and Mr. Heaton gave evidence as to the increase in his customer's allowance. Even, therefore, if Mr. Maybrick did die of slow arsenical poisoning, this may have resulted from his excessive use of arsenic as a stimulant. In Styria, to which Mr. Blake says he referred in his conversation with him, deaths from this cause are not unusual. It should be noticed, however, that if an habitual arsenic eater suddenly leaves off taking that stimulant, as Mr. Maybrick must have done when confined to bed, symptoms bearing a strong resemblance to arsenical poisoning result.

This was proved by Professor Von Tschudi on a trial for murder by poisoning in Styria more than forty years ago.

5. The fact that Mr. Maybrick obtained a supply of arsenic in February, 1889, calls attention to the origin of his illness. Early in March we find Mrs. Maybrick writing to his brother Michael to dissuade him from taking a white powder which she thought was doing him harm. In the same month she spoke of the powder to Dr. Humphreys, who was called in to see the children.

After the quarrel on March 31, 1889, the cook Humphreys described him as quite stiff. On the 5th of April, he consulted Dr. Fuller in London, and the interview lasted an hour, the girl Bessie Brierly having declared that she saw the fly papers steeping within two or three days after the Grand National, March 31.

Superintendent Bryning, at the magisterial inquiry, relied on this showing that he was already suffering from the effects of arsenical poisoning, and no doubt the superintendent would not have fixed on this date without consulting Drs. Carter and Humphreys, and finding that neither of them thought the date too early to explain what they had observed.

It was only when the evidence of Mary Cadwalleder, Wokes, the chemist, and

Alice Yapp rendered it evident that Mrs. Maybrick did not buy the first packet of fly papers until after her husband's visit to London on April 14 that the commencement of his illness was fixed by the prosecution as April 27.

From Dr. Carter's account in the *Liverpool Medical Chirurgical Journal*, it is plain that Mr. Michael Maybrick, when first charging his sister-in-law with poisoning her husband, assigned a much earlier date than April 27 for the commencement of the poisoning, from which neither of the doctors dissented.

He stated in fact that for a considerable time past his friends had noticed that he was always better when away from home.

If it could have been proved that Mrs. Maybrick bought fly papers in February, the Crown would no doubt have gone back to that date for the commencement of her husband's illness.

6. If Mrs. Maybrick had been aware of the existence of the arsenic brought into the house by her husband in February, for what purpose did she buy the fly papers? They required a slow process of steeping to extract the arsenic, and both the purchase and the steeping involved risks of detection which she evidently took no trouble to avoid; but if this arsenic was used in poisoning her husband there must have been a further process of straining the solution in order to get rid of the fiber of the papers, which could only be detected with the aid of a microscope. Mr. Davies looked carefully for the fiber in the arsenic in the body, but could find none. In a previous case of poisoning by arsenic in Liverpool Mr. Davies had found this fiber, and it formed one of the principal links in the evidence on which the prisoners Flanigan and Higgins were hanged. The quantity of arsenic in the bodies of the victims was much larger than in Mr. Maybrick's body. But in the present instance no trace of any filtering or straining was found, though the other parts of the process were carried on so openly.

The charcoal in the arsenic could have been detected even more easily than the fiber, and if any of the arsenic and charcoal mixture was used in poisoning Mr. Maybrick it must have been so detected, but there were no traces of charcoal in the arsenic found in the body or in the remains of the food or medicine. However, there was enough of white arsenic in solution or otherwise in the house to poison Mr. Maybrick without resorting to any filtering or straining, and, if Mrs. Maybrick knew of its existence, why did she use either the "fly-paper" arsenic or the arsenic and charcoal mixture at all? In both cases, too, the supposed filtering and straining must have been carried on with a secrecy and caution which did not appear in her other proceedings.

7. The discovery of Mrs. Maybrick's lost prescription for the arsenical face wash and the evidence given as to the common use of such face washes, and even of fly papers being employed for the purpose, strongly corroborate the statement made by Mrs. Maybrick in court.

It is further corroborated by her purchasing tincture of benzoine and elder-flower water at the same time with one packet of fly papers, and by the fact that both packets were purchased within a week of a ball which actually took place, and which she attended with Edwin Maybrick, after which the fly papers were seen no more.

A still further corroboration was afforded by the discovery of a weak solution of arsenic, with a faint scent in the bottle, in the house after Mr. Maybrick's death; but though she purchased the fly papers in order to make a wash of them, no doubt she would not have done so if she had a supply of arsenic suitable for the purpose ready at hand. The purchase of the fly papers thus proves that she knew nothing of any other arsenic up to the 29th of April, the date of the last purchase of fly papers.

8. Mr. Maybrick declared that the doctors did not understand his disease. Undoubtedly he distrusted his wife, as his will sufficiently proves. He was, moreover, well acquainted with the effects of arsenic on his system, yet he never seems to have ascribed his illness to arsenic or charged anyone with poisoning him. He referred, indeed, in the earlier part of his illness to an overdose of strychnine taken by himself; his expression to Mrs. Maybrick, "Don't give me the wrong medicine again," was with reference to some medicine that the nurse was urging him to take after he had been more than two days in the hands of the nurses; and the expression, "Oh, Bunney, Bunney, I would not have thought it of you," is certainly not the language in which a violent-tempered man, who distrusts his wife, would have charged her with poisoning him. They seem to have gone on talking in a low tone afterwards; nor did Mr. Maybrick's wish to have her with him cease. If he thought he was being poisoned at all, or poisoned by her, with arsenic in particular, he would no doubt have communicated his suspicions to the doctors and asked them if they agreed with him, and to give him the proper remedies. The fact that the arsenic given by Dr. Humphreys alleviated his condition points to the cutting off of his usual supply of arsenic as having at all events aggravated his illness.

Can it be said that, taking the new testimony into consideration as well as the old, there is evidence on which any intelligent jury could convict the prisoner either of

murder or attempt to murder? It is thought not. It is to be added, however, that the medical witnesses who maintained that death resulted from arsenical poisoning admitted that neither the symptoms during life nor the post-mortem appearances were decisive on that question, and that they would not have given a decided opinion but for the finding of arsenic in the body, and it is probable that it will be admitted that they expected to find more than they did find or was actually detected. Consequently, if an innocent explanation of the presence of this arsenic was actually given, the case for the Crown collapses.

Such explanation is given by the new evidence.

The following has been dispatched to the home secretary:

Re F. E. Maybrick.

95 LEADENHALL STREET, E. C., April 11, 1894.

SIR: I have the honor to submit herewith declarations of Captain Fleming, Mr. C. V. Blake, Mme. Ruppert, the Baroness de Roques, Mlle. Marie Mayer, M. Bourgeois, and myself, and exhibits referred to, together with a brief résumé of the facts bearing upon this case. The declarations and submissions cast reflections on no one in connection with this unfortunate woman and her trial, and it is my desire, if possible, to attain her release without bringing adversely into question persons or procedure. My recent application for an inquiry is dormant pending your decision upon these declarations, and it is with confidence and respect that I assert that Mrs. Maybrick's detention should now be a thing of the past. I have other evidence in my possession which (on the grounds of public policy and respect for our legal system) I am anxious to suppress if my present application is successful. An occasion like this, when a woman's liberty is at stake, is no time for affectation, and I do not remark sentimentally on the evidence it is my duty to submit. Finally, I respectfully commend the testimony to your favorable consideration with a conviction of my success.

I have the honor to be, sir, your obedient servant,

J. E. HARRIS.

To the Right Hon. H. H. ASQUITH, Q. C., M. P.,
H. M. Secretary of State, Home Department.

NOTES ON FRESH EVIDENCE.

In the matter of Florence Elizabeth Maybrick (a convict).

95 LEADENHALL STREET,
 London, E. C., April 11, 1894.

SIR: On the 31st day of July, 1889, the above-named Florence Elizabeth Maybrick was called upon to plead at Liverpool assizes to an indictment worded as follows:

"Lancaster, to wit:

"The jurors for our lady the Queen, upon their oath, present that Florence Elizabeth Maybrick, on the 11th day of May, A. D. 1889, at Aigburth, in the county of Lancaster, feloniously and willfully, and of her malice aforethought, did kill and murder James Maybrick."

To this indictment she pleaded "Not guilty."

The learned judge presiding (Mr. Justice Stephen) thus directed the jury, after all the evidence obtainable had been given and counsel heard on both sides:

"It is essential to this charge that the man died of arsenic."

"This question must be the foundation of a verdict unfavorable to the prisoner, that he died of arsenic."

The jury found the prisoner guilty.

On the 22d August, 1889, the then home secretary, the Right Hon. Henry Matthews, announced the following to be the decision of the home office:

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

It is not my object in the present résumé to go into any subject foreign to the issues involved, or to sentimentally comment upon the unfortunate prisoner's position; but if the evidence which is now forthcoming had been produced at the trial of the said Florence Elizabeth Maybrick, it is reasonable, I think, to assume that the direction given by the learned judge to the jury would have been so different to what it appears to have been, that an acquittal instead of a conviction would have been the just and proper and only possible result of such trial.

On this point the most convenient form of placing the facts before the home secretary appears to be this:

The great mass of medical evidence tending to show that deceased died or might have died of arsenic becomes at a stroke of the pen evidence which may be logically disregarded in view of the late home secretary's admission that "the evidence does not wholly exclude a reasonable doubt as to whether his (Mr. Maybrick's) death was in fact caused by the administration of arsenic." This is, of course, another way of saying that there is no conclusive evidence to prove how the deceased came by his death, or to negative the proposition put forward by the defense that the deceased met his death by natural causes. The learned judge's direction being "that proof of the death by administration of arsenic must be the foundation of a verdict unfavorable to the prisoner," the decision of the home office logically and legally takes the foundation out of any allegation that the deceased was murdered.

The medical evidence on both sides is, therefore, for the present purposes a quantity negligible.

The discovery in the house of the deceased, and after his death, of arsenic strewn all over it, although in the most unlikely places for the prisoner herself to have placed it, or to have let it remain to be found, had she, cherishing any felonious intent, known of its existence, has undoubtedly told heavily against her notwithstanding that no arsenic (except the fly papers, of which more hereafter) was ever in the remotest degree traced to the prisoner's possession or knowledge, and that it was all found in places to which everybody in the house had access, and none whatever in any locked-up receptacle of her own. The inference hitherto has been that all the arsenic was imported into the house by her. Had the evidence now given by Mr. Blake, in his declaration herewith, been given at the trial, such an inference, unsupported as it was by a jot of evidence, would have been impossible.

The quantity of arsenic thus found in the house after death was between, I believe, 70 and 80 grains. How it came there, there was at the trial absolutely no evidence to show, and the only inference now to be drawn therefrom is one favorable to the prisoner.

The fact which has obtained the strongest grasp upon every prejudiced mind brought to bear on the subject is the question of the fly papers. Now I submit that no sane person would have run the risk of buying these in his or her own particular neighborhood to try and extract arsenic therefrom, had he or she been aware of the store of arsenic available within easy reach. Even had the prisoner really wanted to poison her husband, is it not incredible that she, or anyone else, would have set to work among conditions of difficulty, suspicion, and danger, to manufacture more arsenic, had she known of the existence in her own house, and under her very eyes, of enough to poison the whole household?

Upon this point I beg again to call the attention of the Secretary of State to the declaration of Mr. Blake.

It may be recalled that in the case of the packet of arsenic found (in a place open to all) and labeled "Poison for cats," the writing was admittedly not that of the prisoner. It is clear, therefore, that another, or others besides herself having access to the house, had the power to place poison therein. I must also draw attention to the just, and what I think to be the correct, remark of the learned judge in his summing up on the 7th of August, 1889, wherein his lordship says: "You must begin the whole subject of poison with this, which is a remarkable fact in the case, and which it appears to me tells favorably rather than otherwise for the prisoner—in the whole case, from first to last, there is no evidence at all of her having bought any poison, or had anything to do with the procuring of any, with the exception of those fly papers.

Rejecting, therefore, the question of all arsenic not traced to the prisoner's knowledge, and relative to which the inference is that she was ignorant of its existence, I come to the only two points which can be, by elaboration, urged against her.

Firstly, the only link to connect her with the possession of arsenic, i. e., the fly papers.

Secondly, the only link to connect her with the administration or attempted administration of arsenic to her husband, i. e., her admission that she had at his urgent request placed a powder in a bottle of Valentine's meat juice, and that a (not necessarily the same) bottle of similar food was found to contain arsenic.

In explaining these incidents the prisoner made a statement to the jury from which the following is an extract:

"I wish principally to speak of the fly papers and meat essence. The fly papers

were bought with the intention of using them for a cosmetic. Before my marriage and since for many years I have been in the habit of using a face wash prescribed for me by a Dr. Grays, of Brooklyn. It consisted principally of arsenic, tincture of benzoin, elder-flower water, and other ingredients. The prescription I lost or mislaid last April, and as at that time I was suffering from a slight eruption of the face I thought I should like to make a substitute myself. I was anxious to get rid of this eruption before I went to a ball on the 30th of that month. When I was in Germany, many of my young friends there I had seen use a solution derived from fly papers, elder water, and lavender, mixed into a face mixture, and then applied to the face with a handkerchief when it was well soaked together; but to avoid evaporation of the scent it was necessary to exclude the air as much as possible, and for that purpose I put the papers under a towel folded up, and another on top of this. My mother has been aware, for a great many years, that I used an arsenical cosmetic in solution."

On this portion of the prisoner's statement the learned judge comments as follows:

"It is a singular thing that if this (i. e., her account of wanting the arsenic for a face wash) be a correct fact, there should be no witnesses to prove it; why is there no evidence? She was in the habit of using a face wash prescribed by Dr. Gregg, which prescription she says she lost. Surely if she was in the habit of using that face wash she was comparatively in the habit of getting prescriptions made up somewhere, but on that subject no evidence is forthcoming. It is very singular there is no evidence brought forward to substantiate that part of the case. Then, again, she mentions her mother, saying that she knew her habit for years of using an arsenic face wash. Where is her mother? Why is not her mother called if she knew this—if she knew that Mrs. Maybrick had been in the habit for many years of using an arsenical cosmetic? It may be said because she never thought of it, and could not be expected to know the importance of calling her mother."

The latter sentence possibly may demonstrate some impartiality on the part of the learned judge by his seeking to find a reason for the absence, on behalf of the prisoner, of evidence which his lordship here clearly and emphatically indicates would have been vital to the issue. The importance of calling her mother being thus established beyond cavil, the Secretary of State is invited to peruse the copy declaration of the mother (the Baroness de Roques) and the copy declaration of Marie, her maid, and that of the person verifying the making up of the prescription, and then to compare the same with the foregoing extract from the learned judge's charge.

The second crucial point in this case, as regarded by the prosecution, is the presence of poison in the meat juice, and the voluntary admission made by the prisoner, that she placed a powder therein. She, in her statement to the court (before quoted), says: "My Lord, I now wish to refer to the bottle of meat essence. On Thursday night, the 9th, after Nurse Gore had given my husband beef tea, I went and sat on the bed by the side of him. He complained to me of feeling very sick, very weak, and very depressed, and again implored me to give him the powder which he had referred to in the evening, and which I had declined to give him. I was overwrought, terribly anxious, miserably unhappy, and his evident distress utterly unnerved me. He had told me the powder would not harm him and that I could put it into his food. I then consented."

His lordship comments on the portion of her statement thus:

"What powder? I suppose she means to say some powder which he wished to drink, or that she would put into his food. Now, nowhere in the whole evidence, as far as I can see, is there any reference to his wishing to have any powder to be put into his food."

I respectfully submit that the learned judge would have not only refrained from the above observations, but have made an equally strong point in the prisoner's favor, had the court then been in possession of the facts disclosed by the declaration of Captain Fleming and Mr. Blake, sent herewith.

A point at the trial was made of the presence of arsenic in a bottle of glycerin found in the lavatory of the house wherein Mr. Maybrick died. Mrs. Maybrick did not mention this in her statement to the jury, and intelligibly so—she simply knew nothing about it.

I should be diffident in obscuring the issue on a point I consider of small importance, but for the fact that, glycerin having been used to moisten the mouth of Mr. Maybrick, the tracing of even the smallest quantity of arsenic in some glycerin found in the house caused a storm of indignation among the inhabitants of the prisoner's venue on the alleged ground that "she even put arsenic in the glycerin that she moistened his lips with." As a matter of evidence it was never attempted to be proved that she had ever touched, seen, or even known of this bottle of glycerin. The inference of the jury, no doubt, was "Here be traces of arsenic! Who put them there? Who but the accused?" It is not a rash inference that had the court known what is disclosed by my personal declaration such a method of inductive reasoning, based on wrong premises, would, by the learned judge's direction, have been ren-

dered exanimate, for had the court known that before or about the time of Mr. Maybrick's death a great quantity of glycerin contaminated with arsenic had been thrown on the English drug market, and that arsenic is traceable in imperfectly manufactured glycerin, Mrs. Maybrick would have been undoubtedly exonerated, I submit, from the necessity of accounting for the presence of a trace of arsenic in some glycerin which was never in her hand.

I would strongly urge the attention of the home secretary to the evidence of Madame Ruppert, from which it is clear that fly papers are used frequently for the purposes of a face wash.

I would also ask him to consider the remarks of the said learned judge himself in the second edition of *The General Views of the Criminal Law of England*, 1890, wherein his lordship says, at page 173, that out of 979 cases tried before him from January, 1885, to September, 1889, "the case of Mrs. Maybrick was the only case in which there could be any doubt about the facts."

I suggest that the same spirit which caused his lordship to put his finger on the weak point of the prosecution as to arsenic, i. e., that none of it but the fly papers was traced to the prisoner, and that the discovery of the other and greater quantity was rather favorable to her than otherwise, led him also to indicate the weak point in the prisoner's statement, i. e., that it lacked corroboration. Had it been at the trial corroborated as it is now, not only would those severe remarks of the judge have been absent, but (it is submitted) the evidence now produced would have elicited remarks not only more neutral toward, but strongly favorable to, the jury's belief of the prisoner's said statement, with the result that (whatever suspicion might or might not attach to her) her acquittal would have been the only possible sequel to the trial.

It is for these reasons briefly stated, and from the facts deposed to, that I respectfully ask that Florence Elizabeth Maybrick, a convict, may no longer be detained in custody.

I have the honor to be, sir, your obedient servant,

J. E. HARRIS.

To the Right Hon. H. H. ASQUITH, Q. C., M. P.,
Her Majesty's Secretary of State, Home Office, Whitehall, S. W.

THE EVIDENCE.

In the matter of Florence Elizabeth Maybrick.

I, Caroline de Roques, of 1 Rue Tannery, Rouen, in the Republic of France, wife of Baron Adolf de Roques, do solemnly and sincerely declare as follows:

1. That the above-named Florence Elizabeth Maybrick is my daughter, whose trial took place in Liverpool, in August, 1889.

2. That after her arrest, but before her said trial (as I am informed and verily believe), the trustees under the will of her deceased husband (the late James Maybrick) sold all the furniture and effects of the said James Maybrick, then in his residence and place of decease, with the exception of a few articles handed by them to Mr. Cleaver, of Liverpool, my said daughter's then solicitor.

3. That neither my said daughter nor myself were given any opportunity to search the said furniture and effects, or the said residence, or any part thereof, to discover any documents which might help to reveal the truth or otherwise in reference to the charge made against her, including among such documents an arsenical prescription for face wash, concerning which my said daughter wrote me from Walton Prison on the 28th June, 1889, in the words following, that is to say, "I had it at home, but of course, it won't be found now."

4. That the few articles named in paragraph 2 were, after my said daughter's trial, handed to me by the said Mr. Cleaver and packed in a box which (inter alia) I took with me to Rouen in the following year, 1890. Soon after my taking up my abode at my residence aforesaid, my servant, Marie Salome Meyer, assisted me to unpack the said box. Therein was a Bible which had belonged to the said Florence Elizabeth Maybrick's father and my first husband, William G. Chandler. I opened and turned over the leaves thereof, when my said servant, Marie Salome Meyer, handed me a paper which she told me had just dropped from the said Bible. I read such paper, and identified it at once as the earliest of several prescriptions for face wash which my said daughter had to my knowledge possessed. The said prescriptions were the same as regards arsenic, but the latter prescriptions differed slightly by the substitution of different perfumes and the addition of fresh ingredients, one of which, to the best of my recollection, was benzoin.

5. That the said prescription so found and handed to me by my said servant is now in the possession of my solicitor, Mr. Jonathan Edward Harris, of 95 Leadenhall

street, and a photographic fac simile thereof, which I have compared with the original and found identical, is produced and shown to me at the time of making this my declaration, and marked with the letter A.

6. That when I observed stamped thereon the name "Brouant," although the address does not there appear on such prescription, such name brought to my recollection that it was that of a large chemist and perfumer in the Avenue d'Eylau, Paris, where my said daughter had had her face wash prescription as aforesaid made up in the year 1878, as hereinafter mentioned. I had forgotten the name until it was thus recalled to me, when I remembered that in the said year 1878 she had suffered from an eruption of the face, caused by delicate digestion. I accordingly communicated with the said Monsieur Brouant, desiring him to search his books to ascertain whether, at the period aforesaid or at all, he could find any trace of having dispensed such a prescription, and as a result thereof I received from him the certified copy of an entry in the books, which copy is produced and shown to me at the time of making this my declaration, and marked with the letter B.

7. I distinctly remember her using the wash as aforesaid, and I know and swear to my own knowledge she was and had been using the same or a similar remedy under the circumstances aforesaid.

8. I had from the time of the infancy of the said Florence Elizabeth Maybrick had similar prescriptions, containing a small portion of arsenic, made up and prescribed for her use, and my said daughter was to my knowledge in the habit of mixing the said ingredients by her own hand, as, indeed, have I done myself. In the Southern States of the United States of America, during the years when slavery existed, it was my habit to attend to the ailments of my slaves, as is the custom of the ladies of that country, and I have thus become aware of the preparations and selection of medicines and lotions, and I am aware that my daughter was conversant with the preparation thereof, and once having had a preparation thereof from a physician, we were often, for the sake of economy, in the habit of manufacturing the preparations such as aforesaid.

9. I am able to, and do most positively, swear that my family were frequently in the habit of using the prescription as aforesaid, utterly unconscious that the same was harmful or unlawful.

10. During the occurrence of the circumstances mentioned in paragraph 6 hereof, I say I was in Paris, accompanied by my said daughter and my son (since deceased). At that time we stayed at 58 Avenue Malakoff, Paris, in the Republic aforesaid. I personally called upon the said chemist, Monsieur Brouant, at the address, which was at the time called Avenue d'Eylau, and is now known as the Avenue Victor Hugo, and had the said prescription made up and subsequently called for and obtained and paid for the same.

11. I was ready and willing to be called as a witness at the trial, to speak of the circumstances then within my knowledge, but I was not so called, and it was not till after the said trial that I became aware that, in the opinion of the learned judge, as expressed in his summing up, the absence of my evidence was an important factor in the issue, left to the jury to determine; nor was I permitted to be present during the said trial.

And I make, etc.

NOTE.—The exhibits referred to in this declaration are the copy and the original prescription respectively set out after the declaration of Mr. Edouard Bourgeois, and also referred to in the declaration of Mdle. Salome Meyer.

In the matter of Florence Elizabeth Maybrick.

I, Marie Salome Meyer, of 1 Rue Tannery, Rouen, in the Republic of France, domestic servant to Madame la Baronne de Roques, of the same place, do solemnly and sincerely declare as follows:

1. The said Baronne de Roques took up her abode at the address aforesaid in the year 1890, and soon afterwards I, being then, as now, her servant, assisted her to unpack certain boxes of luggage. From one of such boxes she took a book and opened it. As she did so a paper fell from such book to the floor, and I picked up the same and handed it to her. I observed that the said paper was printed on one side and contained written matter on the other.

2. She read the said paper on both sides, and then said to me: "Marie, this is one of the doctor's prescriptions which were lost, and which would have proved that Mrs. Maybrick used arsenic for a cosmetic. What a pity it was not found in time," or words to that effect.

3. I have looked at the said paper, and solemnly and sincerely declare that I believe the paper writing referred to in the declaration of the said Baronne de Roques, and marked and made an exhibit to her said declaration with the letter "A," is an identical copy of the said paper referred to in paragraph 2 of this, my declaration.

And I make this solemn declaration, etc.

In the matter of Florence Elizabeth Maybrick.

I, Edouard Bourgeois, of 54 Faubourg Saint Honoré, Paris, in the Republic of France, clerk to Messrs. Sewell & Maughan, solicitors, of the same address, make oath and say as follows:

That I have examined the document now produced to me, and marked A, this 9th day of February, 1894, with the book kept by L. Brouant, of the house formerly known as No. 81 Avenue d'Eylau, now known as No. 91 Avenue Victor Hugo, Paris, aforesaid, pharmacien, being a register of prescriptions dispensed by him for the year 1878, the said book being now in the proper custody of the said pharmacien at the address above mentioned.

That the said document is a true and faithful copy of a prescription entered under the number 41691 C, as having been dispensed and entered in the said book on the 17th of July, 1878:

| | |
|---|---|
| <p>“L. BROUANT, Pharmacien de 1ère Classe, 81, Avenue d'Eylau, Paris.</p> | <p>Copie de l'Ordonnance No. 41691 C, de Mr. le Docteur Bay, du 17 Juillet, 1878.</p> |
|---|---|

| | |
|--------------------------|------|
| * Liqueur de Fowler..... | 30 |
| Chlorate de potasse..... | 7.50 |
| Eau de roses..... | 210 |
| Alcool rectifié..... | 30 |
| Usage externe.” | |

And I make, &c.

In the matter of Florence Elizabeth Maybrick.

I, Valentine Charles Blake, of Victoria Embankment, Temple, in the county of Middlesex, traveling inspector to the Partington Advertising Company of the same place, do solemnly and sincerely declare:

1. That I am the younger son of the late Sir Valentine Blake, late of Menlough Castle, County Galway, Ireland, twelfth baronet, high sheriff of and member of Parliament for the said county of Galway, and that I was presented to Her Majesty the Queen (represented on that occasion by His Royal Highness the Prince of Wales) by the then prime minister, the Right Honorable Viscount Palmerston.

2. That in the summer of the year 1876, my residence then being a house named Mountmichael, Botanical Gardens, Dublin, I several times visited and stayed in London in order to gain an insight into and knowledge of manufacturing chemistry. At that time I had reason to expect that on the termination of a chancery suit then pending in my family, I should be in possession of capital, and had an idea of embarking in chemical manufacture, which I had been advised was a paying business. With this in view, I spent much time in conferring with and receiving practical instruction from one Mr. William Bryer Nation, manufacturing chemist and patentee, then engaged in the manufacture of paraffin wax (as used for candles), at his works, situate in Penarth street, St. James's road, Old Kent road, in the county of Surrey.

3. The process of manufacture there was to treat refuse material of the kind with various chemicals in a progressive series of wooden tanks, the material in each tank being rendered purer than in the tank which was its predecessor. In the last tank but one, before the paraffin wax was perfected, the material, which had in each tank been growing more and more light colored, was rendered black by the admixture of charcoal and other ingredients before it became in the last tank pure white.

4. The said Mr. Nation was incessantly essaying new experiments, and one of these at which I, under his direction, in the month of August, 1876, assisted him, was to mix the charcoal mentioned in the last paragraph, before applying it as aforesaid, with arsenic.

5. The result thereof was to impart (in conjunction with other chemicals) a glossy polish to the wax when eventually molded into candles. This arsenical idea, however, did not get beyond the shape of a successful experiment, but the said Mr. Nation retained by him the large quantity of arsenic which he had obtained with a view of thus using it in wholesale manufacture.

6. The said Mr. Nation obtained the arsenic, as far as my recollection serves me, in the following way, which (though, as a manufacturing chemist, he could buy whatever chemicals he wanted) he adopted for cheapness, in view of his possibly requiring large quantities: Certain kinds of iron ore, the supply of which is cheap and unlimited, contain arsenic. Some of the said kinds of ore were, by direction of the said Mr. Nation, subjected to a current of hot air in a furnace-like receptacle, heated insufficiently to smelt the iron, but sufficiently to make the arsenic, which is

* Arsenic.

very volatile, fly away from the rest of the ore in the form of vapor, which, combining with the oxygen of the air current, passed into a long flue, where it was afterwards collected in the form of trioxide of arsenic, sometimes called arsenious acid, the ordinary white arsenic of commerce.

7. I was present during one of the said operations of manufacturing arsenic, which took place in a building close to the said Penarth street works, and I observed that although the said arsenic when first collected from the said flue (in the form not of powder, but of small bits) was semitransparent like scraps of bad glass, it very shortly changed to a slightly yellowish opaque white. Most of it was afterwards reduced to powder by being heated in an earthenware vessel, covered by a glass vessel filled with cold water. The arsenic turned to vapor and condensed on the bottom of the cold glass vessel, whence it was scraped off and collected as powder of a crystalline white color. Some of this changed in time to a slightly yellowish color, a trifle more yellow than ivory dust.

8. Between the autumn of 1876 and the spring of 1878 I found it necessary to remain in Dublin (occupying my said residence named Mountmichael) in consequence of the family chancery suit before mentioned, which suit at the named period terminated in a manner financially disastrous to myself. Being in consequence thereof compelled to earn a living, I preferred doing so in England, and in or about July, 1878, I applied to the said William Bryer Nation, requesting him—the only commercial man I then intimately knew—to put me in the way of gaining some kind of employment.

The said William Bryer Nation had at this time transferred his manufacturing premises to the Atlantic Works, Abbey road, Westham, in the county of Essex. Part of the manufacture at the latter works consisted of making gelatin and isinglass from bones. To do so certain chemicals were used to separate the albumen of bone from its phosphates. After such phosphates were eliminated they remained in solution in certain acids, and were by a chemical process reduced to a form in which they were (mixed with other ingredients) sold for manure. The said Mr. Nation then and there gave me employment in his own service to assist him in the experiments which he (as hereinbefore mentioned) was constantly making, and concerning which he obtained many patents, and also in the service of his firm, to travel commercially with samples of gelatin and of chemical manure. Some of the said manure, which was in powder, was, as the result of another experiment, mixed with a combination of arsenic and soot, the arsenic thereof being part of that made as mentioned in paragraph 3.

9. I continued to assist the said Mr. Nation until about August, 1889, when he joined with a Mr. Raymond, of Rainham Ferry, in the county of Essex, in establishing there a factory for the making of fish manure, and relinquished his Atlantic Works aforesaid. I did not assist him in connection with the said Rainham Ferry Works. The latter were placed in this lonely spot in the Thames marshes because their stench would have been unendurable in a town, and it was unendurable to me; but I assisted the said Mr. Bryer Nation in developing a discovery he was trying to perfect, by which rhea grass, otherwise called ramie, might be used as a substitute for cotton.

10. It had been previously demonstrated that the product of the said rhea grass was superior to cotton, but was not a financial success because of the costly machinery necessary to extract its fiber from the bark, pith, etc. The said William Bryer Nation purposed to accomplish the desired result by means of chemicals, and he and I made many experiments together, with the result that several patents were applied for and granted to the said William Bryer Nation on this subject.

11. The said William Bryer Nation intrusted to my possession, for the purpose of the above experiments, various chemicals, that I might experiment without him, and the said chemicals included part of the arsenic aforesaid—some of it white, some of it mixed with soot, and some with charcoal.

12. That the last of such patents so applied for by the said William Bryer Nation relative to rhea, otherwise ramie grass, was in or about March of the year 1888. The perfection of the product thereof was finally achieved in or about January, 1889, in which month the said Mr. Nation sent me to Liverpool to see one Mr. James Maybrick, a cotton broker of that city (who the said William Bryer Nation told me was interested in the matter), to endeavor to obtain the said Maybrick's assistance in placing the said perfected ramie on the Liverpool market as a substitute for cotton.

13. That, accordingly, I called upon the said James Maybrick at his office in Liverpool, and showed him samples of such ramie. The said Maybrick made to me certain proposals in reference to the suggested dealings with the ramie, and it was arranged that I should return to London to confer thereon with Mr. Nation, and afterwards call again on the said Mr. Maybrick to settle a basis for business. The said Mr. Maybrick then (at the same interview) asked me, among other things, what chemicals were used in arriving at this perfection of the fabric, saying, "I do not wish to obtain your trade secrets, but it is a question of the price of manufacture, and perhaps the chemicals may be obtained more cheaply in Liverpool." I told him among other ingredients arsenic was employed.

14. The said Mr. Maybrick shortly afterwards, during discussion at the same interview, asked me whether I had heard that many inhabitants of Styria, in Austria, habitually took arsenic internally and thrived upon it. I said that I had heard so. He then spoke to me of De Quincey, the author of Confessions of an Opium-Eater, and asked me had I read the work. I said "Yes," and that I wondered De Quincey could have taken such a quantity as 900 drops of laudanum in a day. The said James Maybrick said, "One man's poison is another man's meat, and there is a so-called poison which is like meat and liquor to me whenever I feel weak and depressed. It makes me stronger in mind and in body at once," or words to that effect. I ventured to ask him what it was. He answered, "I don't tell everybody, and wouldn't tell you, only you mentioned arsenic. It is arsenic. I take it when I can get it, but the doctors won't put any into my medicine, except now and then a trifle, that only tantalizes me," or words to that effect. After a pause, during which I said nothing, the said James Maybrick said, "Since you use arsenic, can you let me have some? I find a difficulty in getting it here." I answered that I had some by me, and that since I had only used it for experiments which were now perfected, I had no further use for it, and he (Maybrick) was welcome to all I had left. He then asked me what it was worth, and offered to pay for it in advance. I replied that I had no license to sell drugs, and suggested that we should make it a quid pro quo. Mr. Maybrick was to do his best with the ramie grass product, and I was to make him a present of the arsenic I had.

15. It was finally agreed that when I came to Liverpool again, as arranged, I should bring with me and hand him the arsenic aforesaid.

16. In February, 1889, I again called at the office of the said James Maybrick, in Liverpool, and, as promised, I handed him all the arsenic I had at my command, amounting to about 150 grains, some of the "white" and some of the two kinds of "black" arsenic, in three separate paper packets. I told him to be careful, as he had "almost enough to poison a regiment." When we separated the said James Maybrick took away the said arsenic with him, saying he was going home to his house at Aigburth, to which he invited me. Having a train to catch, I declined the invitation, promising to accept it on my next visit to Liverpool, but before that occurred I read of his death.

17. After the wife of the said James Maybrick had been accused of his alleged murder I wrote Mr. Cleaver, her then solicitor, of Liverpool, to the effect that I could give some evidence which might be of use to his client, and I posted such letter, but received no reply.

18. At this time I was intensely anxious as to the fate of my only son, Valentine Blake, who had in the previous year sailed on board the ship *Melanasia* from South Shields for Valparaiso, which ship was then very long overdue and unheard of. I eventually learned, as a result of a board of trade inquiry, that the said ship must have foundered with all hands, my only son included. At the time I wrote as aforesaid to Mr. Cleaver my entire attention was engrossed in endeavoring to get news as to the ship which never came home, and I felt little interest in any other subject. Receiving no reply to my said letter to Mr. Cleaver, I took no further steps in the matter until, seeing recently in a newspaper that Mr. Jonathan E. Harris, of 95 Leadenhall street, in the city of London, was now acting for Mrs. James Maybrick and her mother, the Baroness de Roques, I called at the offices of the said Mr. Harris and made to him a statement.

And I make this solemn declaration, etc.

In the matter of Florence Elizabeth Maybrick.

I, John Fleming, of 1 Ontario street, Halifax, Nova Scotia, master mariner, captain of the steamship *Ulunda*, of Halifax aforesaid, now lying in Brunswick dock, Liverpool, do solemnly and sincerely declare:

1. That I knew and was well acquainted with the above-named James Maybrick through his loading cotton on ships commanded by me, and I was also privately with him on terms of close and intimate friendship.

2. That as I have seen and conversed with the said James Maybrick on very many occasions, both in America and England, I can not fix the date of the occurrence mentioned in paragraph 3 further than to state that I was then captain of the bark named the *Blanche*, lying at Norfolk, Va., where she had touched under my command several times; that the said James Maybrick then lived in Freemason street, Norfolk, Va., aforesaid, and had an office in or near Main street and near Boston quay (or wharf), in the same town; that he was then married to his present widow, the above-named Florence Elizabeth Maybrick, and that they had issue.

3. That on the occasion alluded to in paragraph 2 I was in the said James Maybrick's said office. He was cooking in a small pan over an oil stove what I took to be hominy, a food much partaken of in the Southern States of the United States of America. I saw him deposit in his said food a gray powder resembling light-colored

pepper. He said to me, "You would be horrified, I daresay, if you knew what this [meaning the powder] is." I said, "There is no harm in pepper," and he answered, "It is arsenic." I then said, "Good God, man! that is a deadly poison." He, the said James Maybrick, said: "We all take some poison, more or less; for instance, I am now taking arsenic enough to kill you." He then offered me a little of the compound, saying that a little would not hurt me; but I declined it, saying that I would not meddle with such a thing without the advice of a doctor, and asked him why he did so. He answered: "I take this arsenic once in a while because I find it strengthens me."

4. I frequently thereafter, in the intervals between voyages (which voyages lasted about three and one-half months each), saw the said James Maybrick in his office mix the same description of powder with what he was cooking there in the manner hereinbefore mentioned.

5. That at the time when (as I am informed and believe) Florence Elizabeth Maybrick was undergoing her trial for the alleged murder of the said James Maybrick namely, in August, 1889, I was at or near Surabaya, in the Dutch East Indies, as captain of the ship *James Morton*, and did not hear of such trial until after its termination.

And I make this solemn declaration, etc.

Re Florence Elizabeth Maybrick.

I, Anna Ruppert, of 89 Regent street, in the county of Middlesex, hereinafter described, do solemnly and sincerely declare:

1. That I am and have been for sixteen years now last past an expert in the treatment of the human skin, whether for disease or for the restoration of complexion to a naturally healthy and therefore attractive state. To effect the latter it is necessary to eliminate from the skin all and every kind or kinds of impurities, and one of the most effective agencies for this purpose (although I do not myself prescribe it) is arsenic.

2. The number of persons whom I have, for the above purposes, had under my treatment exceeds 125,000, and includes members of the English royal family. In a number of such cases, exceeding 10,000, I have found that my lady clients themselves practiced the use of arsenic. In the majority of such latter cases I found that they were acquainted with the fact that arsenic for the said purpose could be obtained from fly papers, and that they occasionally bought fly papers with the object of so obtaining arsenic therefrom, whenever arsenic was required and was otherwise unprocurable; and in one such case, where I called on a lady at her own house, I was shown and saw fly papers soaking in water, the said lady informing me that the solution thereof was what she was then using for a face wash. That although I, from long and constant practice, can at once detect, when I see a certain kind of complexion, that it is due to arsenic, it would not be apparent to anyone lacking my experience that such a complexion was anything but natural, and it is pleasing to the eye.

3. That in the case of every lady so using arsenic for her complexion, her desire has been to keep the fact secret from her male relatives and acquaintances, since the effect (upon others) of an attractive complexion would be greatly discounted or diminished in their eyes by their knowledge that it had been procured by any such means. It is for this reason that, although, as I solemnly and sincerely declare, the properties possessed by fly papers for the said purposes are widely known among ladies, the fact thereof, like many other secrets of the toilet, is as practically unknown to men in general as it appears to have been to all those gentlemen who took part in the trial of the above-named Florence Elizabeth Maybrick.

And I make this solemn declaration, etc.

In the matter of Florence Elizabeth Maybrick.

I, Jonathan Edward Harris, of 95 Leadenhall street, in the city of London, solicitor, do solemnly and sincerely declare:

1. That as a result of inquiries instituted by my representative in the cities of Liverpool and Manchester and the town of Birmingham, on the 10th day of January, 1894, my said representative called, I am informed and verily believe, at the factory of Alfred Bird & Sons, baking and custard powder manufacturers and chemists, Devonshire Works, Floodgate street, Birmingham, in the county of Warwick, and then and there saw a gentleman whom I am informed and verily believe was Mr. Bird, the head of the said firm.

2. The said Mr. Bird was informed that it had from various sources come to my knowledge that early in the year 1889, during the period just preceding the decease of James Maybrick, the late husband of the above-named Florence Elizabeth Maybrick, a very large consignment of glycerin, containing traces of arsenic, distinctly

traceable by an analyst, had been imported from Germany and thrown on the English market; that some of the said glycerin had been tendered to his said firm, but that, discovering the samples thereof to be contaminated with arsenic, he had rejected the said tender, and he was asked whether the foregoing was true, to which question he replied in the affirmative.

3. I am informed and verily believe that the said Mr. Bird added that he kept an analyst specially to analyze all samples of all goods submitted to him, and rejected all which contained any extraneous matter, whether injurious or not, so that he could rely on his own products being absolutely pure, and that it was on this ground, and not on the ground that the said arsenic was present therein in such quantities as to cause harm, that he refused such glycerin.

4. I am informed and verily believe that the said Mr. Bird was asked why, on discovering the said presence of arsenic, he did not inform the proper authorities instead of allowing the said contaminated glycerin to be taken away and be sold elsewhere. He replied that a trifling proportion of arsenic in glycerin was not dangerous to life or health, and in confirmation thereof pointed out that nobody, to his knowledge, had been injured by it.

5. The said Mr. Bird added, I am informed and verily believe, that his custom of analyzing all goods was exceptional in his trade, and that in all probability, according to the established custom of such trade, no portion of the said glycerin ever was analyzed except that portion submitted to him, and that portion found in the house of the said James Maybrick. He finally informed my said representative that he attributed the said presence of arsenic therein to imperfect manufacture thereof.

And I make this solemn declaration, etc.

EDITOR: I have sent a copy of the accompanying list of reasons for granting Mrs. Maybrick a free pardon or a public inquiry to the Right Hon. Sir Matthew White Ridley, the English home secretary, who will presently hold a special investigation of her case; but as this investigation will not be open to the public I feel that it is necessary that the public in England and in America should, as far as possible, be furnished with the information I now send to you, if you will, as an act of justice, give room in your valuable paper for the whole of it. In the event of Sir M. W. Ridley not granting either of the proposals contained in the heading to the annexed paper, the Press will, I hope, urge the necessity of a full proof of the prisoner's guilt being given to satisfy the terrible anxiety respecting her fate. This surely is not asking more than the whole circumstances of the case demand. There is not a day to be lost in publishing the "reasons," which I sincerely trust may be noticed by you in your editorial capacity. In that event I should be grateful to any friend of justice who would send me cuttings of the "reasons" and your remarks thereon that the same may be furnished to the various members of the English Government and to members of Parliament, etc.

Your obliged

HEATHCOTE HARDINGE.

GRENADO HOUSE, RAVENSCOURT PARK,
London, W., England, October 1, 1895.

REASONS FOR GRANTING MRS. MAYBRICK A FREE PARDON OR A PUBLIC INQUIRY.

(1) Because the judge informed the jury at the trial of the prisoner for murder that "It is essential to this charge that the man died of arsenic. This question must be the foundation of a judgment unfavorable to the prisoner that he died of arsenic."

(2) Because the prisoner was tried and convicted on the charge of murder and of murder only; and because Mr. Matthews declared that the evidence "does not wholly exclude a reasonable doubt whether his (Maybrick's) death was in fact caused by the administration of arsenic," which question was to be "the foundation of a judgment unfavorable to the prisoner," according to the judge.

(3) Because Sir James Fitzjames Stephen admitted (at page 173 of the second edition of his *General View of the Criminal Law of England*, 1890) that out of many cases it was the only case in which there was "any doubt about the facts," and because it appears by his recently published life that he always admitted that Mr. Maybrick might have died of natural causes.

(4) Because it is opposed to the spirit of the laws and of the constitution to make use of a wrongful conviction for one offense charged in order to punish the prisoner without any trial for a different offense charged against her; because the sentence

passed on Mrs. Maybrick for this new offense is the heaviest the law admits of in case such offense was proved, and is largely in excess of that usually passed on a conviction for attempt to murder; and because the keeping alive of the wrongful conviction for murder has caused Mrs. Maybrick to lose the provision made for her by her husband, which penalty when added to the sentence of penal servitude for life is in excess of what the law permits on a conviction for attempt to murder.

(5) Because the charges of administering and attempting to administer arsenic made against Mrs. Maybrick by the ex-home secretary have never been defined nor has any statement been made of the evidence relied on in proof of them; nor has the prisoner been afforded an opportunity of being heard by counsel in answer to them or of pleading anything in defense or extenuation.

(6) Because Sir Charles (now Lord Chief Justice) Russell, Mr. J. Fletcher Moulton, Q. C., Mr. H. Bodkin Poland, Q. C., and Mr. Reginald J. Smith have given their joint opinion that in the case of Mrs. Maybrick "there are many matters stated in the case not merely with reference to the evidence at and the incidents of the trial, but suggesting new facts which would be matters proper for the grave consideration of a court of criminal appeal if such a tribunal existed in this country."

(7) Because, in addition to the "new facts" and other matters just alluded to, important facts have since come to light which are known to the public as the new evidence, published by Mr. J. Harris, solicitor, 95 Leadenhall street, London, and which evidence has been publicly stated to bear on its face the stamp of genuineness, of trustworthiness, and of conclusiveness in regard to the matters of which it treats. These matters are fundamental, for they deal with and account for the presence of the arsenic found in the house of the late Mr. Maybrick, and for the arsenic found in his body and in the remains of some of his food and medicine. And they account for these things in a way that completely exonerates Mrs. Maybrick, if the evidence can not be upset, which it is believed it can not be, because the witnesses are responsible persons.

(8) Because where there is "a reasonable doubt of guilt" the prisoner ought to obtain a free pardon as was granted in the case of Dr. Smethurst.

(9) Because a question of law arising on the decision of a home secretary can not be referred to any legal tribunal, and because an error of law on the part of a home secretary is beyond repair unless reconsidered by his successor.

(10) Because the criminal laws of this county can not be set in motion to secure justice being done to a convict, while the criminal laws in America and elsewhere are available for that object, and because "a reasonable doubt of guilt" in America and elsewhere sets a prisoner free.

(11) Because it was proved, partly at and more fully since the trial, that Mr. Maybrick was a confirmed arsenic eater, and used to take arsenic in his food, and because no more arsenic was found in his body or in the remains of some of his food and medicine than his habits (as now proved) would fully account for.

(12) Because the medical witnesses for the Crown were unaware, when giving their evidence, that Maybrick was an arsenic eater, and consequently they were misled in their diagnosis by finding arsenic in the body.

(13) Because the attendant physicians did not suspect arsenical poisoning until Michael Maybrick charged Mrs. Maybrick with it on grounds quite distinct from the symptoms; and because the relief which Dr. Carter felt on finding that the bottle of Neave's Food, which he analyzed, was free from arsenic shows that even after the charge was made he regarded the symptoms as admitting of an innocent explanation.

(14) Because arsenic derived from fly papers can be detected by the fiber of the fly paper unless there has been very careful filtering or straining; because there was no trace of any such filtering or straining, and no proof that the prisoner knew the importance of removing fiber that could only be detected with a microscope; but a microscopic examination of Maybrick's body failed completely to detect the fiber.

(15) Because it has been proved that thousands of ladies use fly papers to make face washes; and because Mrs. Maybrick's purchase and steeping of the fly papers was perfectly open and took place a few days before a ball which she attended.

(16) Because she would not have bought the fly papers if she had known of the stock of arsenic in the house, which her husband had obtained from Mr. Blake for his own consumption two or three months before.

(17) Because, if the case were really one of arsenical poisoning, her repeated references to the white powders that her husband was taking as a cause of his ill-health were calculated to put the doctors on the right track and to induce them to take steps to stop and counteract the poisoning.

(18) Because Maybrick ascribed his illness on the 27th of April to an overdose from a bottle that came from London and was handed to him without passing through his wife's hands; and because the principal aggravation of his illness (on the 3d of May) took place on the day that he had forgotten to take with him to his office the luncheon which his wife had prepared for him.

(19) Because after this aggravation of his illness he progressed favorably as long as his wife was his sole attendant, but sank and died when in charge of the trained nurses.

(20) Because, assuming that the arsenic in the bottle of Valentine's meat juice was introduced by her, it was only natural in a habitual arsenic eater to procure arsenic from those about him when unable to get it otherwise; and because she never made any attempt to administer this meat juice or to throw it away.

(21) Because there were opportunities of introducing arsenic into this meat juice both before and after she meddled with it, and the persons who had such opportunities were hostile to her.

(22) Because glycerine often contains a larger portion of arsenic than was found in the bottle analyzed in this case; because the identity of the bottle used with that analyzed was not proved, and because the bottle used appeared to the nurse to be fresh and unopened when Mrs. Maybrick handed it to her.

(23) Because no arsenic was found in any place to which Mrs. Maybrick had exclusive access, while the stains on her dressing room handkerchief and apron are explained by her use of an arsenical face wash.

(24) Because there are many suspicious circumstances about the finding of arsenic in the house, and the numerous false and malicious statements made about her since the trial sufficiently prove that she has very bitter and unscrupulous enemies.

(25) Because the intercepted letter to Brierly was written in pencil and was in hostile hands for several days before it was produced to any impartial person; because there are various suspicious circumstances about it, and it ought to have been examined by an expert for alterations.

(26) Because the expression "he is sick unto death," as used by a native of the Southern States of America, does not imply hopelessness, and the context shows that the writer did not regard the case as hopeless. The expression in the letter to Brierly, which went so far toward procuring Mrs. Maybrick's conviction, is often used in the Southern States (Mrs. Maybrick's native place), in the sense extremely sick; as, for instance, at page 54 in a book lately published by T. Fisher Unwin, entitled Famous Adventures and Prison Escapes of the Civil War, will be found almost the same expression, viz, "Feb. 25.—A long gap in my journal, because H. (the writer's husband) has been ill unto death with typhoid fever. * * * I got the best doctor here (Southern States) and when convalescence began the question of food was a trial." When this diary ends, after the fall of Vicksburg, "H." was alive and well.

(27) Because many of the Crown witnesses, as well as other persons, refuse to give any information in answer to questions put on behalf of the prisoner, though it is believed that such answers if given would have a material bearing on the case.

(28) Because the conduct of the police in getting up the case against the prisoner needs (as in the case of John Kelsall) investigation.

(29) Because there are several inquiries which the prisoner's advocates can not pursue without assistance; for example, as to whether the packet of mixed arsenic and charcoal found in the house was the same that Mr. Maybrick received from Mr. Blake, and, if so, whether Mr. Blake can throw any light on the handwriting on it, as this handwriting does not appear to be that of either Mr. or Mrs. Maybrick.

(30) Because if the ex-home secretary's reason for refusing a release was that he does not credit the new evidence or some part of it, the whole of this evidence ought to be publicly tested and a reasoned decision as to its credibility arrived at.

(31) Because this new evidence is of so material a character that no intelligent person can conclude that the judge and jury would have acted as they did if it had been given at the trial; hence the increased dissatisfaction with the verdict which was so strongly condemned in all parts of the Kingdom, and which condemnation has increased more and more in consequence of Mrs. Maybrick being sentenced to penal servitude on charges made against her without being permitted to answer the same.

(32) Because since the new evidence was tendered to the home office no one has attempted to justify the conviction or the sentences (passed upon the prisoner) in an argument in which that evidence was taken into consideration.

(33) Because the punishment of a prisoner can never prove beneficial to society unless public opinion goes along with it, and because a very large section of the intelligent public in this country and in America will never rest satisfied unless Mrs. Maybrick be publicly proved guilty or granted a free pardon.

(34) Because if the home office authorities have received secret information against her and have acted thereon, such information should be furnished to her and to her legal representatives, and an opportunity afforded them of disputing or answering the same.

(35) Because the home office has never assigned any reason for not acting on the new evidence.

(36) Because if the jury had returned a verdict in the same terms as the finding

of Mr. Matthews the judge would have entered it as a verdict of "not guilty" and discharged the prisoner.

(37) Because although the deceased was an habitual arsenic eater, the quantity of arsenic found in his body was not sufficient to cause the death of an ordinary person.

(38) Because all the evidence went to negative any rapid elimination of arsenic from the body, whether through the excreta or the skin, shortly before death.

(39) Because it would be impossible for any medical man to distinguish between death caused by overindulgence in arsenic as a stimulant and slow arsenical poisoning by a murderer.

(40) Because the arsenic which Dr. Humphreys administered to Mr. Maybrick alleviated the patient's symptoms.

(41) Because many of the later symptoms would be caused by the sudden stoppage of arsenic by a habitual arsenic eater, and because the absence of arsenic in the contents of the stomach (as well as in the excreta) and in the stomach itself, and the very minute quantity found in the intestines indicate that there had been such a stoppage some days before death.

(42) Because many of the persons, including high legal authorities, who have examined the evidence in this case and are far more competent to form a correct judgment thereon (it being very complicated) than the common jury who tried it declared the evidence insufficient to justify a conviction.

(43) Because owing to the prisoner being a stranger in Liverpool she had very few friends to take her part, while her husband's relatives and friends, who were well known there, were strongly hostile to her; because her illness and early arrest, and the fact that the house was in possession of hostile persons, greatly interfered with her chance of making a successful defense; because the local press published all kinds of injurious reports about her while her defense was reserved, and because a common jury was not competent to deal with a complicated case, while such jurors were no doubt influenced by preconceived opinions.

(44) Because the judge, whose mind was apparently beginning to fail, charged very strongly against her and appears to have fallen into several errors both of law and of fact, some of which were severely criticised in a memorial at the time addressed to the home secretary by the present lord chief justice of England.

(45) Because the jury, after being sworn, separated from each other, and conversed with the general public, notwithstanding that the bailiffs in whose charge they were placed during the trial had taken the usual oath to keep them together and not to suffer any person to speak to any of them, and that the judge had specially warned them not to separate.

(46) Because the jury were allowed to read the newspapers during the trial, and to take cuttings therefrom, and because it was admitted by one of them that "We could not hear the whole of the evidence very distinctly." (See the *Liverpool Daily Post*, August 10, 1889.)

(47) Because when before the magistrate Alice Yapp declared that Mrs. Maybrick had told her that Maybrick had taken an overdose of "strychnine," whereas at the trial she dropped the mention of strychnine, which would not have supported the arsenic theory which was to be, according to the judge, "the foundation of a judgment unfavorable to the prisoner that he (Maybrick) died of arsenic."

(48) Because only three months before Maybrick's death he obtained 150 grains of arsenic for self-administration, and that he used to take arsenic, according to the sworn declaration of Captain Fleming and others, in quantities quite sufficient to account for what was found in his body.

(49) Because "the verdict came as a surprise upon the trained minds of the bar of the northern circuit, and that to the very last moment (even after the summing up) the leading counsel for the prosecution, Mr. Addison, Q. C., persisted in saying that the jury could not (especially in view of the medical evidence) find a verdict of guilty." (See Sir Charles Russell's—now lord chief justice—protest to the home secretary already referred to.)

(50) Because had there been a count for "attempt to murder" made in the indictment for "murder" the examination in chief and the cross-examination of many of the witnesses would have taken a different line, and additional witnesses might have been produced in order to meet the charge of attempt. The particular attempt or attempts relied on would have had to be set out and proved, and the prisoner's counsel would have had an opportunity of addressing the jury upon each alleged attempt.

(51) Because the late Dr. Tidy (formerly professor of chemistry and public analyst for the city of London) and other noted and experienced scientists positively declared that the "symptoms actually pointed away" from arsenic.

(52) Because "out of the hundreds of thousands of persons who have followed the case with eager interest and attention not one in three was prepared for this verdict. The large majority had believed that in the presence of so much contradictory evidence the jury would give the prisoner the benefit of the doubt and bring in a verdict as much like the Scotch 'not proven' as is permitted by our English law." (See *Times*, August 8, 1889.)

(53) Because a proved attempt to murder shall be punished by penal servitude (not necessarily for life—sometimes only three years); but the charge must be proved in open court to be a felonious attempt by some means actually used to effectuate the intent, and it rests with the prosecution to produce the necessary evidence that the means used were sufficient for the accomplishment of the object. "The burden of proof as to any particular fact lies on that person who wishes the court to believe in its existence." (See Sir James Fitzjames Stephen's Digest of the Law of Evidence, 3d ed., p. 100, art. 96.)

(54) Because the bottle of face wash ("a weak solution of arsenic with a faint scent") was found on the tray of the trunk in the linen room six days after the packet of arsenic and charcoal with other things had been removed from that tray, and must therefore have been placed where it was found by some person other than Mrs. Maybrick, who was confined to her room, and because various articles, and in particular a bottle of vanilla essence and the second bottle of Valentine's meat juice, were found in places where Mrs. Maybrick was never shown to have left them, and where she was most unlikely to have done so, but where an unscrupulous enemy would be very likely to place them.

(55) Because the evidence against the prisoner at the trial was wholly circumstantial, and all the circumstances relied on have now been shown to admit of an innocent explanation.

[From Our Half Hour, March, 1896.]

WHY IS MRS. MAYBRICK IN PRISON?

But suppose that the home secretary should simply give an adverse decision and, like Mr. Matthews and Mr. Asquith, fails to give a sound reason for that decision. What would be the opinion of the students (legal and others) of this case? It would be said with every appearance of truth that Sir Matthew Ridley denies bare justice to a very large section of the English public, while he refuses an act of comity to a great and friendly nation, whose Government in a similar case would have acted otherwise. It would likewise be said that he has found it impossible to justify to the public either the conviction of or the sentences passed upon the prisoner. That he fails to justify the fact of Mrs. Maybrick being condemned to penal servitude for life on charges made against her without being permitted to answer such charges, which is contrary to Magna Charta and to the constitution of this country as was pointed out to him in the list of reasons for granting Mrs. Maybrick a free pardon, which list, containing 55 paragraphs, was sent by Mr. Heathcote Hardinge, of Ravenscourt Park, London, in a letter he addressed to Sir Matthew White Ridley on the 11th September last. In the 34th paragraph of those reasons it was clearly pointed out that "If the home office authorities have received secret information against her, and have acted thereon, such information should be furnished to her and to her legal representatives, and an opportunity afforded them for disputing or answering the same." In other paragraphs of the above-mentioned "reasons," the improper, the crooked, and unprecedented proceedings which took place at the time of the trial were brought to the notice of the home secretary. There is no doubt that Mrs. Maybrick is made to suffer an excessive punishment compared with that inflicted on other prisoners proved guilty of a like offense, and for which she has endured a full average sentence, as Sir M. W. Ridley will discover if he examines the sentences passed during the last ten years for "attempt to murder."

Penal servitude for life is not the usual sentence for "attempt to murder," but is the maximum sentence which is only passed on very rare occasions and when the prisoner has been specially indicted and tried for attempt to murder and after public proof of guilt has been given.

In the United States of America much greater interest is manifested in the case of Mrs. Maybrick than in that of the Venezuelan question which after all is not one of life or death to a human being, and this remark will apply to thousands of the Queen's subjects who regard the continued incarceration of Mrs. Maybrick as a blot on the laws, the justice, and the Christianity of England as a nation. We extract the following remarks from The Birmingham Gazette of February 20 last, when speaking of Mrs. Maybrick: "We have held from the first that the lady was wrongfully convicted. It was not clearly proved that Mr. Maybrick died of arsenic poisoning. Mr. Henry Matthews even admitted this, and, in the absence of such proof, her conviction was a miscarriage of justice. We hope the home secretary will have the courage to disregard the red-tape rules of his department, and do an act of justice that has been too long deferred. The substance of that paragraph constitutes the echo of the legal and learned portion of the public who have devoted years of attention to this unique case. It is one which in itself demands a court of criminal

appeal. Such a case as this, had it taken place in the United States of America, would have been set at rest years ago to the satisfaction and peace of an intelligent public. The home secretary—who is no doubt anxious “to do justice and to love mercy”—will, we trust, prove sufficiently strong against the red-tape views, and, although he admitted in August last that “he knew nothing about the case,” we, with very many thousands in various parts of the world, shall be delighted to find that he has set the prisoner free and has thus prevented her punishment degenerating into actual persecution, reminding us of the dark deeds of the Star Chamber, against which English men and women and Americans would certainly protest, for notwithstanding that she may have fallen when in great trouble through the artifices of a vile and selfish man, she is “not guilty” of the crimes charged against her.

[From supplement to Our Half Hour, for April.]

WHY IS MRS. MAYBRICK IN PRISON?

It is perfectly well known that Lord Russell, of Killowen, is deeply pained and greatly surprised, as he had faith that the strong representations he himself prepared and sent in to the home office in Mrs. Maybrick's favor would have had weight and brought relief. He openly expressed his belief in a positive miscarriage of justice if the present refusal to release Mrs. Maybrick be adhered to.

* * * * *

WHY IS MRS. MAYBRICK STILL IN PRISON?

As Sir Matthew White Ridley, the present home secretary, has publicly promised to give his best attention to the case of Mrs. Maybrick, and as this promise drew forth the “cheers” of those members of the House of Commons who had studied this intricate subject, it is only reasonable to expect that he will, in due course, take an opportunity of making known his opinion after he has endeavored to “elucidate this very difficult case” (as he was pleased to designate it), and that he will do so in Parliament very shortly there is no doubt, because it is a matter of the greatest interest to so many people in this Kingdom as well as in the United States of America. Moreover, the forthcoming decision, if it be not one involving a free pardon, must, under all circumstances, be a well-reasoned decision showing whether he relied on the charge of murder or on the charge of attempt to murder, and in the latter case what particular attempt or attempts he relied on as sufficient proof of her guilt. It will be positively necessary in the absence of a free pardon to ascertain whether the home secretary has been induced to rely on anything in the shape of secret statements or evidence to the prisoner's disadvantage that was not given at the trial. That if anything of this nature has been conducive to an adverse decision the peculiar circumstances of the case require it to be clearly stated whether the prisoner and her advocates, or at any rate her legal adviser, have been furnished with a copy of the secret charges made against her in order that they might be afforded an opportunity of meeting and testing and refuting the same as required by the constitution and the special circumstances of the prisoner's case. Possibly the home secretary may indicate, before publishing his decision, the points to which he desires evidence or arguments to be directed. At present we do not know what points may be wanted, if any, to secure the prisoner's liberty. Unsworn statements in the prisoner's favor may have been rejected because not given on oath, in which case affidavits can in most instances be procured. Many people believe that the Venezuelan question has been detrimental to the immediate release of Mrs. Maybrick. The Times, on the 7th of March last, had a very instructive article on the Venezuela Blue Book. It speaks of the American people “as shrewd and fair-minded men, bred in the same habitual regard for legal principles as ourselves, they can not fail to be struck by the volume and the cogency of the evidence attained in the support of our claims.” These editorial remarks in the Times are very important, not only on the Venezuela matter, but as bearing on the subject treated of by Mr. Frank Richards in another part of this paper, in which he quotes the remarks made by the late attorney-general for New York, who boldly declared that: “The brave old barons who confronted King John at Runnymede, made nothing more prominent than the bill of rights. They demanded the right of trial by jury, and from that day to this it has been respected, and the Magna Charta has not only been the boast of Englishmen at home but of Anglo-Saxons and their descendants throughout the civilized world.” Well may the Times admit that our friends over the water, especially our legal friends, are “shrewd and fair-minded men, bred in the same regard for legal principles as ourselves.” The great legal authorities in the United States agree with the more intelligent of the great legal authorities in England when they say that Mrs. Maybrick is not legally guilty and that she ought to be set at liberty, as pointed out from time to time by Mr. Heathcote Hardinge and other able writers on this subject. But the Times, in the

article before alluded to, and which might, to some extent, have been written for Mrs. Maybrick's case, goes on to say, "Facts have been ignored or distorted, documents have been garbled or suppressed." How very true all this is in the case of the prisoner, and how suited are the remarks of the Times in reference to this last quotation when it says: "We have no fear that any devices of the sort will be of much avail with a population, every man of which is used to think and to judge for himself. To men habituated to self-government and to the discharge of the duties of the jury box the serried logic of the British case will appeal with a force immeasurably greater than any amount of sonorous declamation unsupported by serious efforts at proof." Again, this assertion is most important as it forcibly applies, not so much to the Venezuelan case as to that of Mrs. Maybrick, for no "serious efforts at proof" of her guilt have ever been made, and we venture to assert never will be made, while "the serried logic" of our case will continue to appeal with increasing force, for in the words of the Times "Our reasoning is clear and simple. We appeal to facts, and from them we build up our position as lawyers do in a court of law. They are capable of proof and if any of them are questioned or denied, we say that we are ready to prove them. * * * If any substantial points are brought forward against us, we are able, as we believe, to rebut them." Had the writer of the article in the Times, from which we have made the foregoing quotations, been advocating the case of Mrs. Maybrick instead of the British case in the Venezuelan question he could not we think, be expected to have urged the circumstances of her case for the favorable consideration of the people in the United States and in this country with more reason, power, and ability than he has done in the paragraphs we have called attention to. The English mind, like the American, instinctively and instructively revolts against all subterfuges which appear to indicate unfair play in any form. In the opinion of the great majority of those who have studied the prisoner's case (including high legal authorities, not in England only, but also in the United States), there is but one view given, viz: "Mrs. Maybrick is legally innocent and ought to be free." The home office authorities desire to think otherwise. They dare not, however, venture to point out in detail their reasons for believing her to be guilty of any crime. Yet it is, in consequence of the present state of public feeling respecting all the circumstances of the case, a matter of so great importance that a satisfactory decision should be arrived at by the home secretary that it becomes a duty to be assured that the prisoner is not being actually persecuted by her prolonged punishment. From 1889 up to the present moment the original "doubt" as to her guilt has increased to such an extent that she is considered legally innocent, and consequently a stranger in this country who ought to be allowed to return to her own people. Sir Matthew White Ridley has been furnished with such sound reasons for complying with the prayer for her release, that he, in justice to public opinion, should either prove her to be guilty or give her, like other prisoners, "the benefit of the doubt" and set her free. That the "doubt" respecting her guilt is more than ever a fact is confirmed by the "cheers" which greeted Sir Matthew Ridley in the House of Commons when he promised to look carefully into her case, and the long delay which the circumstances of her case cause in arriving at a satisfactory decision add considerably to the well-founded reports of an intention to release her. In some of the New York and other papers of the United States, dated 24th and 25th February last, it is a remarkable fact that articles appeared saying that the home secretary had resolved to set Mrs. Maybrick free. "This," says the Springfield (Mass.) News, "is good news. The charge of the judge was so strongly against the prisoner that the jury had no alternative except to bring in a verdict of guilty. No such charge would be allowed in America, and should not anywhere in civilization. * * *

The release of Mrs. Maybrick will be an honor to the Salisbury administration." Other United States papers, of either the 24th or 25th February, have articles set much to the same tune. In the face, then, of all evidence, facts, and reasons which have been produced in favor of setting the prisoner free, nothing short of public proof of her guilt can be possibly (or should ever be allowed to) satisfy our friends on either side the water that her further incarceration is not an act unworthy of a friendly nation, involving excessive punishment contrary to the laws of England and America alike. Therefore, there can be no rest in the minds of the public until a reasonable decision is arrived at, for to assert what is known by some people to be untrue is almost as bad as stating what is known by all to be irreconcilable with fact, and to say that the "doubt" in the prisoner's favor is not sufficient to warrant a free pardon is beyond the power of any human being to justify. Lord Esher, in the Times of 17th August, 1889, strongly advocates a court of criminal appeal, and the Times in an article of the same date supports the views expressed by Lord Esher and by Lord Fitzgerald, and declares that "a court of appeal, as Lord Esher sketches it, would not be open to the objections which can be fairly urged against our present informal method of procedure. The home secretary, as a quasi court of appeal, is, as Lord Fitzgerald remarks, not a judge and has not the power of a judge. * * *

The judgment pronounced by a strong court of criminal appeal, such as Lord Esher's

letter suggests, would do more to satisfy the public mind than the best efforts of the home secretary could possibly do. The reform which Lord Esher advocates has been long called for, and Lord Fitzgerald did well to press it on the Government. * * *

What the public feel is that they would rather have the fallibility of trained judges than the fallibility of an individual sitting without any of the apparatus with which a court of law is enabled to detect truth and falsehood, and perhaps unconsciously confusing the prerogative of mercy with justice." This view of the subject will unquestionably be taken by the great majority of the students of the Maybrick case in the event of an unsatisfactory decision being finally arrived at. The Times, in the various paragraphs we have already given, forcibly advocates, whether intentionally or not, the case of Mrs. Maybrick. The public, through the Whitehall Review and other papers, have confirmed the views expressed in England's "leading journal," that the opinion of the home secretary is not to be compared to that "of trained judges," and that the fact of Sir Matthew Ridley "sitting without any of the apparatus with which a court of law is enabled to detect truth and falsehood and perhaps unconsciously confusing the prerogative of mercy with justice," is not conducive to enable him to arrive at a wise decision, which, if given by judges, would be so reasoned that public opinion would go with it. When, however, it is well known that the lord chief justice of England and other great legal authorities in England, not one of them being anything less than a Queen's counsel, admit what it is well known they have admitted, and which, in a word, may be stated that Mrs. Maybrick ought to be free in the absence of sufficient proof of her guilt, it can not for a moment be expected that any views expressed by the home secretary of an opposite nature and without sound reasons being published, will, in this particular and certainly unprecedented case, be accepted by the intelligent public who know the facts and who are more behind the scenes and the home office secrets than either Sir Matthew White Ridley or Lord Salisbury suspects, and it is for this reason, as well as for the host of incontrovertible reasons for the prisoner's freedom with which the present home secretary has been furnished, that will presently induce the representatives of the people in Parliament and the representatives of the people in the United States of America to continue their best efforts to obtain the Queen's pardon, particularly after nearly seven years of the most terrible punishment for a crime or crimes charged against Mrs. Maybrick which our own great legal men admit have never been satisfactorily proved against her. After what has been said by the Times—that the American people are "shrewd and fair-minded men, bred in the same habitual regard for legal principles as ourselves"—it will be impossible to ignore their opinion on this case. They are very well informed of all the facts. Their judges agree with the general views now so clearly expressed in all quarters of the United Kingdom, that Mrs. Maybrick's continued imprisonment is doing great harm, and that it is now a matter for the serious consideration of all classes who profess to believe in English justice whether the time has not long since arrived for wisely ending the notorious scandal involved and maintained by her continued incarceration in the face of the fact that she is made to suffer a greater and a longer period of punishment than certain other individuals against whom the crime of attempt to murder was fully proved, and at whose trial "fair play" was admitted, the judge in their case not having taken captive the judgment of the jury; the leading counsel for the prosecution not having said, as was said in Mrs. Maybrick's case, "that the jury could not (especially in view of the medical evidence) find a verdict of guilty," and because the trial of those individuals was admitted to be a proper trial in each case by a jury, and not, as was the case with Mrs. Maybrick "a trial by judge rather than a trial by jury." The professional experience of Mr. Matthews and Mr. Asquith counts as nothing, and their legal attainments as very small when compared with those of the present lord chief justice of England and other legal authorities who desire, if they do not publicly demand, the immediate freedom of the unfortunate prisoner, and as this subject is daily and hourly becoming more and more strongly a question for the public to deal with, we may be certain that they will uphold the views of the great legal authorities and will never sanction the exercise of arbitrary power by any home secretary when such arbitrary power is diametrically opposed to an act of justice toward a woman who has not been allowed to answer the charges brought against her, not by a jury, but by a single individual, who, no doubt, acted in the belief that he was not taking undue advantage of his position as home secretary and that he was acting fairly toward a prisoner who was a stranger in England, and consequently a stranger to the laws of this country. We only represent the opinion of many thousand learned people when we say, that they will not believe that Sir Matthew White Ridley can possibly arrive at a final decision to detain the prisoner after the opinions and important reasons which have been given for granting her a free pardon. The United States opinion in all quarters fully concur in this view, and we feel convinced that our new home secretary will no longer allow this root of bitterness to continue between England and America but, that in consideration of all the circumstances of this case he will come forth as a

champion of justice and set the prisoner free without further delay. We say this because the public will never allow the opinion of great criminal legal authorities, including the lord chief justice, to be ignored and justice outraged by the exercise of arbitrary power as indicated by a statement in the Standard on the 2d instant. It therefore becomes the duty of Parliament to prove this case at once, and, if necessary, to insist on the prisoner being forthwith given the benefit of the doubt, which is now more than ever her due.

In another column we have made some remarks calling the attention of our readers to a letter from Mr. Frank Richards, of Park place, St. James, W. C., which appeared last month in the Cork Constitution, the Liverpool Review, etc. The writer, after stating that the editor of the Liverpool Mercury is not entitled to assert that those who consider that there exist reasons for this woman's release are "crudely informed sympathizers," points out that such men as the lord chief justice of England, Mr. Fletcher Moulton, Q. C., and Mr. H. B. Poland, Q. C., and the other able counsel, the President of the United States, the judges of the Supreme Court, Senators, and all the leading men of that country who have gone into this case are certainly not "crudely informed sympathizers." "Sympathy," says he, "has no place in the matter." But we will give the remainder of his remarks in his own words. Mr. Richards continues: "It is a simple question. Is Mrs. Mabrick guilty of the murder of her husband? She was tried for murder. She was either guilty or not guilty of the crime with which she was specifically charged. We have reason to believe that she was not guilty. We know that her husband's death was due to natural causes; that the sickness from which he suffered was brought about and accelerated entirely by acts of his own imprudence. But for the sake of argument, if she was guilty of so foul a crime, there was only one way of dealing with her according to the law of England, and she ought to have been hanged. The Queen was bound by her coronation oath to see justice done. If Mrs. Maybrick is not guilty, then why is she in prison?"

"The judge who tried the prisoner said, 'it is possible that James Maybrick died from other causes.' This was his own admission, made voluntarily shortly before his death. (See p. 447, Life of Sir Fritz James Stephen, written by his brother, Leslie Stephen.) Therefore, the question of doubt that exists in this case is not raised by the writer or other unauthorized person. It was raised by the home secretary himself, and published to the world in his remarkable and illogical decision. It has not only been discussed throughout the length and breadth of the civilized world, but it has occupied the closest attention of statesmen of both England and America. The reason why it has been so discussed, with your permission, sir, I will endeavor to make clear. It is not merely a question of guilt or innocence of Mrs. Maybrick, but what are we to do with her, seeing that there exists in the minds of the home secretary and the judge who tried her a 'reasonable doubt' whether James Maybrick died from the effects of poison, administered by his wife, or in fact from poison of any kind? Under the circumstances, the prisoner is entitled to the benefit of the merciful maxim of the common law, which prevails in every civilized community and enacted by legislatures, wherever trial by jury according to the rules of the common law, that the prisoner is presumed to be innocent until the contrary is proved, that in the case of a 'reasonable doubt' as to whether guilt is satisfactorily shown, he is entitled to an acquittal, ipso jure, she is entitled to immediate release.

"How are we to regard this extraordinary decision? It is not a question merely affecting the release of Mrs. Maybrick. It affects our mothers, our sisters, our wives, and it may even affect ourselves. It may affect the personal liberty of each one of us. We might with reason exclaim with Horace, 'Mutato nomine de te fabula narratur.' It is without exception a most cruel violation of the provisions of Magna Charta. The late attorney-general for New York says: 'The brave old barons who confronted King John at Runnymede made nothing more prominent than the bill of rights. They demanded the right of trial by jury, and from that day to this it has been respected, and the Magna Charta has not only been the boast of Englishmen at home but of Anglo-Saxons and their descendants throughout the civilized world.'

The decision in this case is the first attempt that has ever been made to trample the sacred rights conferred by Magna Charta in the dust, and to break the pledge of the Crown to respect the rights of the people under the cross of St. George. It is not only calculated to startle and alarm every subject of the British throne, but any citizen of any Government or the subject of any monarch. The Government that demands of its citizens and subjects obedience to law must observe obedience to law. The price of allegiance is protection. Contracts broken on one side are broken on both sides. The Government which violates a contract can not enforce it. To command the respect of the world it is necessary for Governments to be honorable. This question of imprisonment of Mrs. Maybrick is not the concern of her, it is yours—it is mine, it is everybody's. The very selfishness which degrades the human heart should arouse an interest in every land, and call forth expressions of protest in every language in which the innocence is sacred, justice respected, and humanity

protected against oppressions and persecution. No attention is paid to those whose fame does not fill the world on this or any other subject about which little is known. Voices in the wilderness are not heard in these days. The agony of sorrow commands no sympathy in the halls of power. Individuals are mere ciphers, and their wants and wishes are regarded as whims. To move the masses—I mean the thinking masses, the mental magnates—a principle must be at stake that concerns public justice, the popular welfare, and the fame of Governments, all of which are at stake in this case. Are we then to permit this gross violation of our rights to be passed unnoticed? Or, are we to bring it before the minds of men that they will so arouse public opinion that the whole Government will itself become swallowed up in the yawning abyss of the stigma imposed upon it by the disgraceful action of one who was one of its ministers? It will if it allows this gross injustice, this cruel imprisonment of a young American woman, sentenced to death for a crime which had not been committed, and then afterwards imprisoned for a crime for which she had neither been indicted nor tried. Yet this late home secretary was so mindful of his own opinion—"decision" he termed it—that he is altogether oblivious of what Lucan so fitly said, "Stat magni nominis umbers."

Counsel recently put the case to Sir Matthew White Ridley in this way:

(1) Did James Maybrick die of arsenic?

(2) Did Mrs. Maybrick administer it?

It was also respectfully submitted 'that unless, after a reconsideration of the history of the case, and of the circumstances, or proved relative facts and acts, upon which this woman was convicted of murder, you are satisfied that James Maybrick died from arsenic administered to him by her, you will feel it your duty to take prompt steps to appoint a commission of public inquiry or to advise Her Majesty that Mrs. Maybrick should be restored to her children, vindicated before the world of having compassed or caused her husband's death.'

To this we do not get any straightforward reply—the communication is evasive and equivocal. It has been said by those in high places that Mrs. Maybrick may be technically guilty. Well, sir, it is an evil day for England when persons who are thought to be technically guilty are detained in penal servitude for the term of their natural lives.

LETTER TO THE HOME SECRETARY.

SIR: Regretting deeply the decision at which you have arrived in the case of Mrs. Maybrick and believing that she could still be successfully vindicated if we knew the exact nature of the charges against her, the full evidence by which they are supported and the points in which the evidence in her favor is regarded as deficient. I write to ask you for such information as will enable her advocates to cope with them in fair terms.

You are aware that this is no ordinary case. Your predecessor, the present Lord Llandaff, practically stated that the charge of murder was not established to his satisfaction, but that the evidence satisfied him that she had administered and attempted to administer arsenic to her husband with intent to murder. You are aware that Lord Salisbury made practically the same statement in his answer to the American petitioners, and that in this answer he relied not only on the evidence given at the trial but on "facts known to Her Majesty's secretary of state"—the nature of which facts we have never been able to ascertain. We have likewise never been able to ascertain on what occasions, in the opinion of the home secretary, Mrs. Maybrick "administered or attempted to administer arsenic to her husband with intent to murder." Indeed, we do not know whether Mr. Asquith and yourself agreed in Lord Llandaff's and Lord Salisbury's finding, or whether you preferred to rely on the original charge of murder. I am legally advised that a conviction for murder does not include a conviction for attempt to murder, and that Mrs. Maybrick has therefore never been tried by a jury on the charges relied on by Lord Llandaff. Surely this affords a stronger reason why these charges should be strictly defined and all the evidence bearing on them, which is in the possession of the home office, being made known to her advocates. If, for instance, you would tell us that she is charged with attempt to poison by introducing arsenic into the meat juice, we would devote all our efforts to disprove that charge; but it is very difficult to try to satisfy you when we do not know your requirements. Is there any reason for concealing them from us? If, again, you would tell us that you disbelieved Mr. Blake's evidence, we should endeavor to procure its corroboration and to satisfy you of his truthfulness. Unfortunately, we do not know whether you believe him or not. Why should her advocates have to fight her battle under every possible disadvantage, not knowing what they are expected to prove or to disprove? I ask you to give us and to give her fair play, and not to rely upon secret information to her disadvantage without affording us an opportunity of meeting it. She has asked for a public inquiry. Why are her enemies averse to that? Surely if she were guilty they would be the persons to desire it.

If she does not fear it, why should they? You can hardly deny the possibility of her innocence. What will your feelings be hereafter if you find that an innocent woman has been imprisoned for years or for life merely because her advocates could not procure the information from you which would have enabled them to plead her cause successfully? Is it too much to ask for what specific crime she is imprisoned and on what evidence? You know that for attempt to murder penal servitude for life is a most unusual penalty.

Faithfully, yours, etc.,

M. T. WALKER.



