TRIALS OF TWO HUSBANDS FOR POISONING THEIR WIVES WITH ARSENIC. JOHN THOMPSON, AT CARLISLE; THOMAS LEITH, AT EDINBURGH.

Two recent trials of husbands for poisoning their wives with arsenic, so strikingly coincide in their principal features as to deserve to be considered in intimate connexion.

TRIAL OF JOHN THOMPSON AT CARLISLE.

At the Cumberland assizes, August 4th, John Thompson was tried before the Lord Chief Baron Wilde, for the murder of his wife in the city of Carlisle. The parties had been married for about twenty years; they had gone to reside in Carlisle not much more than a year before the death of the wife, and no mention is made of a family. In the month of September, Thompson accidentally became acquainted with a widow to whom he represented himself as a widower, and, forming an intimacy with her, he at last came to pass the night habitually with her, leaving his wife alone at home. The widow after some time began to suspect that he had a wife still alive, and in the month of April, to satisfy her, a false certificate was sent to her of the death of his wife several years before. Doubts were raised as to the authenticity of this certificate by some of the widow's neighbours, owing to there being but the Carlisle post-mark on the outside, though it professed to come from a distance. Of these doubts Thompson was made aware. In the beginning of May, about three weeks before Mrs Thompson's death, her husband purchased arsenic from a druggist under pretence of poisoning rats, giving a false account of his place of residence. A second time, about a week before his wife's death, he purchased arsenic in the same shop. For about three weeks before her death, Mrs Thompson often complained to a neighbour that she was sick and like to vomit, and had a hot burning in her throat, and that her eyes were much affected, and to that neighbour her face had appeared during that time to be much swelled and altered in appearance. On the 25th of May, there was a veal pie for dinner at Thompson's house. The next day his wife, though able to go out in the morning, was seen by several neighbours to be very ill; and several persons to whom she gave away portions of the pie were ill for several days after partaking of it, the symptoms being sickness, vomiting, pain and swelling of the stomach and bowels, and in one case sore throat—in consequence, the chief part of the pie given to the neighbours was thrown away. Thompson himself, who was present when one portion of the pie was given away, said it had disordered him the day before. On the 27th, two days after, Mrs Thompson was found in bed very ill, affected with severe vomiting and
purgings, a burning heat in the throat, and prickling in her hands and feet, with excessive thirst, to quench which she had been drinking oatmeal and water. The neighbours sent for Thompson from his work, and insisted on his going for a doctor. He appears to have gone straight for Mr Mortimer, who could not come immediately, but saw her about mid-day. She told him that she had been very ill at the time he was sent for, but was then better. There was pain and tenderness over the stomach, and on the sides and lower part of the belly. Hot fomentations for the belly, and effervescing draughts, were prescribed. She continued to drink oatmeal and water throughout the 27th. On the morning of the 28th, she was still so ill that the neighbours sent for Thompson from his work to get the doctor again. Mr Mortimer, on the morning of the 28th, found her sitting on the edge of the bed, her countenance exhibiting stupor, much depression, and great anxiety; she said she had been very ill, and had been vomiting much. A piece of solid opium was administered, a prescription was given for the vomiting, and hot fomentations were again ordered, with a direction that Mr Mortimer was to be sent for if she was no better in the afternoon. She said she thought herself better in the afternoon—Mr Mortimer was not sent for. A little boy was sent to enquire for her on the morning of the 29th, who thought she was sleeping: about eleven o'clock Mr Mortimer called and found her dead—he judged that she might have been dead for three hours. Beside her bed were several empty mugs, and one containing meal and water, which drink she used without intermission during the two previous days, and most probably from an earlier period, as she was seen at her window on the 24th stirring up something in a mug. During Mrs Thompson’s illness there was no one constantly with her in the house. Her neighbours, though with her for considerable periods, were not with her during the night; and Thompson, as had been his practice for some time, passed the night at the widow’s during her illness as before, coming to his own house merely for a short time, at a very early hour, before going to his work. He was seen leaving his own house as usual before six o’clock on the 29th; and when told that she was dead some hours after, he expressed surprise, saying that she told him in the morning that she was a good deal better, and that she asked for a bit of bread and butter before he came out. On going home to his house soon after his wife’s death, he found some of his neighbours there, who told him the doctor had given express directions that the vessels containing what his wife had vomited should not be emptied. He began to dress himself for the purpose of going for the coroner, while the house was put in order by a girl he had sent for, her instructions being to preserve the contents of the vessels referred to. Thompson, however, appears to have been left alone in the house before going to the coroner; and before evening the contents of these vessels, as well as some other articles, had disappeared. He was the first to inform the authorities of his wife’s death on the day that it happened, and his house was taken possession of and shut up by them the same evening, though he was not apprehended till June 8.

In the mean time he associated with the widow, and at times, at least, represented the deceased, not as his wife, but as his landlady, though he was deterred from pursuing this deception by the prospect of thus losing the furniture of his house; and, before he was apprehended, he had made some attempts to get the furniture disposed of. When the authorities took possession of the house, the dust taken from the pockets of his working clothes, from a till in a tool-chest, &c., was carefully collected, put up, and handed over to Dr R. Elliot. A bag of oatmeal had been observed in the house, but was not carried away till June 7th, when it was given to Dr R. Elliot; the house, however, had been locked up, and under the care of a police-officer all the while. On the third day after the death of the deceased, Thompson accompanied the police-officer to the house, and, being asked if he wished any thing out of it for the funeral, he said no, but there was a bag of oatmeal which he would like to have, as he was fond of porridge for supper, though it is alleged that he had
been heard to say that he could not take porridge. The officer refused to give him the oatmeal.

On the post-mortem examination, the stomach was found inflamed and ulcerated, the ulcerations being of the size of split peas, with vascularity around the patches; the intestine adjacent to the stomach was also inflamed; the stomach contained merely a few ounces of gruel-like fluid, slightly tinged with bile; the rest of the internal organs were those of a very healthy person. The gruel-like fluid in the stomach did not unequivocally show the presence of arsenic; but from the solution obtained by boiling the stomach after being cut in pieces, and also from the intestines treated in the same manner, arsenic was obtained in abundance. Arsenic was also found in the dust collected from two of the pockets of Thompson’s working clothes, and from the dust of the till of the tool-chest; while in other packages of dust collected from his pockets and from the house, there was no arsenic discovered; in the oatmeal which Thompson wished to take away, three days after his wife’s death, arsenic was unequivocally detected, while in some barley meal taken from the house no arsenic was discovered.

These facts were brought out with much distinctness by numerous witnesses, and, instead of being shaken, were on many occasions amplified and confirmed by the cross-examination. An elaborate defence was made by the counsel for the prisoner. The learned judge took a comprehensive view of the whole evidence, and the jury found the prisoner guilty on the counts charging him with mixing arsenic with the oatmeal designed for the food of the deceased, while they passed over the charge as to mixing poison with the real pie. He has since been executed.

In this case, the proof of the deceased’s death being the effect of arsenic was beyond all doubt; and the evidence, though purely circumstantial, affords a complete moral conviction of the prisoner being the guilty instrument. It is idle to insist that circumstantial evidence is fallacious, and therefore to be held insufficient in the case of a capital charge. It may have been a good rule to distrust mere circumstantial evidence in charges of murder, when juries were disposed to rely on a mere “prima facie” view of a case, and when external violence, so commonly capable of direct proof, was the usual mode of perpetrating the crime. But now that the proportion of murders by poisoning is obviously on the increase, our rules of evidence should be accommodated to the nature of the proof, of which alone the crime of poisoning is most commonly susceptible. The proof of such a crime is necessarily circumstantial; it can hardly be in any case other than circumstantial; and it is perfect when the circumstances favourable to guilt are numerous, free from contradictions, giving each other mutual support, and coincident in their bearing on one only of the possible views of the case. Thompson’s unprincipled character, his attachment to another woman, his desire to appear to her a widower, his failure in the deception by which he tried to prove himself a single man, his purchase of arsenic under a false designation, the coincidence between that purchase and the commencement of his wife’s illness, the disappearance when he was alone in the house of the contents of the vessels ordered by the surgeon to be carefully preserved, his desire to get possession of the neglected box of poisoned meal after his house was shut up, and his pretense that he liked oatmeal porridge, though he had been heard to express his aversion for such food, are all powerful circumstances which mutually support each other, and coincide in their bearing on his guilt. It is quite possible that a man may be an abandoned character, that he may be unfaithful to his wife, and that, to gain the affections of another woman, he may pretend to be single, and forge a certificate of his wife’s death for that purpose; that he may have arsenic in his possession, and yet that his wife may die by accident or by her own hand from the use of that poison; but when no diligence of solicitors or ingenuity of counsel can produce any circumstance bearing out either of these two sup-
positions, can the most determined scepticism uphold the one supposition or the other in opposition to the purchase of poison coincidently with the commencement of the wife’s illness, the purchase of it under a false name, the removal, while the house was under his care, of the matters vomited by his wife, which he knew had been ordered to be preserved, his pretence that he liked what he disliked, to get possession of what, if innocent, he must have suspected might have been the cause of his wife’s illness? These last circumstances stand in lieu of direct evidence, and the first-named circumstances corroborate the inference drawn from them. Thompson, though plainly not an unintelligent man, did not act as an innocent man would have acted. But though not unintelligent, he did not act as a guilty man would have acted who was more conversant with the kind of evidence on which a conviction is obtained in trials for poisoning; and it is plainly owing to the ignorance of guilty parties on this head, that convictions are at present obtained. And therefore, as the knowledge spreads of the points on which conviction is dependent, the greater will be the necessity for pressing on the attention of that part of the public from which juries are drawn, the sufficiency and force of a refined train of circumstantial evidence.

Fortunately the old difficulty as to the establishment of the presence of arsenic, still the most common poison, has now nearly vanished. In this case the medical evidence was most satisfactory; and though the counsel for the prisoner chose to browbeat the medical witnesses, he came off second best. Not to speak of the judicious and well-merited reproof he received from the presiding judge, he showed himself up in a way satisfactory enough to all who understood the subject. The unhappy prisoner at the bar might well exclaim, “Save me from my friends!” There was no fault could justly be charged against the steps taken by the Drs Elliot to establish the presence of arsenic. Mr Mortimer, however, who seems to have escaped all blame, acted contrary to all rules in judicial medicine when he left the matters vomited by the deceased unsecured.

**TRIAL OF THOMAS LEITH AT EDINBURGH.**

On September 1st, Thomas Leith was tried in the High Court of Justiciary, before the Lord Justice-Clerk, Lords Cockburn and Wood, for the murder of his wife, by poison, in the town of Dundee. The Lord Advocate and George Deas, Esq., depute-advocate, conducted the case for the Crown; James Moncreiff and A. S. Logan, Esquires, appeared for the prisoner.

Leith and his wife had been married for about twenty years, and had several children, but did not of late live happily together. In the winter of 1845–46, Leith had a shop-girl who lived for a short time in his house, and by whom he afterwards had a child. For a considerable time before his wife’s death he had become desirous of a separation, one reason he assigned for which was, that the phrenological development of her head was not such as to fit her for his wife. She was at first averse to the separation, and up to the time of her death the terms had not been agreed upon; and he seems to have latterly used her worse than usual, for the purpose of forcing her to come into his terms. For a considerable time before her death he appears to have used such language in speaking of her, as to lead some of those with whom he conversed to apprehend that he would do her some mischief. Some three or four weeks before Mrs L.’s death, his tea was sent down by his wife from the house to the shop, as usual, by one of the children, and a short time after he said he was sick, and chewed tobacco and drank warm water. He then vomited. His illness he ascribed to something having been put in the tea, in consequence of which Dr Lyell was brought to see him by a person who had by chance come into the shop. Before the doctor came, what he had vomited had been thrown out by his own direction. When the doctor saw him, he looked pale as if he had been vomiting, and complained of pain in the stomach and bowels. He said he had
taken one cupful of the tea, and then had been called away to serve a cus-
tomer, and when he returned to the back-shop, after half an hour, he felt him-
self sick, and vomited. Dr Lyell prescribed an emetic, and on pouring out the
tea, seeing a white powder in the bottom of the flagon, he took it away with
him, and afterwards found the powder to consist of from 40 to 50 grains of
white arsenic. When Dr Lyell returned in less than two hours, he found
Leith apparently quite well, his wife being present, who, having heard that he
was ill, had come to inquire for him. On being asked, she said that there was
nothing unusual in the tea when she sent it; that it was a part of the same tea
which she and her children had partaken of; and that, if any thing wrong was
in it, he must have put it in himself. Though Leith took no active steps to
have this matter inquired into, and though the police had made inquiries
without finding any ground for suspecting Mrs Leith, and though he even made
a merit of hushing it up, he did not cease to insinuate to many that his wife had
attempted to poison him. And accordingly, though after sending for blankets
to pass the night in his shop, he consented to sleep at home with his wife that
night, yet he never afterwards slept or took his meals there, owing, as he in-
sinuated, to his apprehensions of being poisoned. Some of those with whom
he was accustomed to converse, believed from the first that he had himself put
the poison in the tea, and even told him so—and on one occasion, defending
himself from this imputation, he said, "That something would soon happen to
convince every body that he was innocent of what was laid to his charge."
Leith was known to have arsenic in his possession prior to the discovery of it
in the tea, though, when questioned on the subject, he hesitated, and said the
poison which he had got for rats was brown, though white arsenic had been pre-
viously seen in his possession. Though, after the tea story, Leith had altogether
given up frequenting his own house, he was observed to enter it on one occasion,
about a week before his wife's death, and remain there for a quarter of an
hour, when his family were at church, and for this purpose he borrowed a key
from one of the neighbours. While he thus absented himself from his family,
he refused to give his wife money for common necessaries, and even beat her,
and threatened that he would wash his hands in her heart's blood. On the
morning of her death there was but a small quantity of oatmeal for porridge;
and, finding the quantity of porridge she had made was too little for all, she
took some barley-meal which had been laid aside as being of bad quality, and
made porridge for herself, which she took, and gave a smaller quantity to
some of the children, after they had taken their oatmeal porridge. Three
weeks before scones had been made of the same barley-meal, which were
objected to as being sandy, but no bad effects had followed the use of them.
Soon after breakfast, Mrs Leith and the children who had partaken of the
barley-meal porridge were taken ill. The evening before she had sent to
ask her minister to come to converse with her about the proposed sepa-
ration from her husband, and, on going to visit her that morning about
eleven o'clock, he found her and the children very ill, vomiting and purg-
ing. Immediately suspecting poison, he ran to Leith's shop, and told
him that his wife and children were under poison: Leith said, "They have tried
to poison me, but that failed, and now they have done it for themselves."
The minister insisted on his going to see them; he at first resisted, pleading
that he must attend to his shop, but finally went there with the minister. He
was then urged by him to go for a doctor, and went out for that purpose. In
the mean time, the deceased stated to the minister what has been already men-
tioned as to the two kinds of porridge for breakfast, saying the poison must
have been in the barley-meal, and that it must have been put into it on the
Thursday previous, when she and her children were at church. The minister
secured the bag with the residue of the barley-meal, taking care to have it
first identified distinctly by her and one of her girls. No doctor had come, and
the minister went back to Leith's shop, and found him there, when he said he
had been to three doctors, and all were from home. On the minister again
urging him, he sent his shop-boy for Dr Gardner, who lived about half a mile off, desiring him to tell Dr G. to come to his shop. Dr G. was not found, and finally Drs Crichton and Nimmo were got by the minister. The stomach-pump and other means were used, but all in vain. About an hour before her death, the minister said to her, "Annie, you are going to eternity. I urge on you affectionately, if you know any thing respecting this matter, throw off the lie, tell every thing you know, and don't go to eternity with a lie in your mouth." She turned round, smiled, saying,—"My dear father, I have told you all the truth." Leith was not present at his wife's death; he had left the house about two hours before, on the minister refusing to give him the bag of barley-meal, which he saw him holding in his hand, though nothing had been said in his presence to indicate the importance attached by the minister to the possession of the bag.

Besides the bag of barley, containing about a handful, the matters withdrawn by the stomach-pump, and a small quantity of the matters vomited, were secured with the requisite precautions by the doctors; the rest had been thrown away.

Leith was apprehended the same evening, and deliberately affirmed, with reiteration, to the superintendent of police, that he had not been alone in his own house for the previous six weeks.

On the post-mortem examination of the body of the deceased, the vessels of the brain were found somewhat turgid, and there was a small quantity of serum at its base; in other respects, the contents of the head were natural; the contents of the thorax were natural, with the exception of some old adhesions between the pleura pulmonalis and pleura costalis. On opening the abdomen the stomach and bowels were externally red. On slitting up the gullet the two upper thirds were found natural, the inferior third somewhat red, gradually deepening as it approached the stomach, which was of a dark red colour throughout the whole inner surface, and in some parts there was an appearance as if blood had been extravasated underneath the villous coat. The duodenum was red and vascular at its juncture with the stomach, but fainter in colour and less vascular as it retired from it. The great intestines and the other visceras were natural. The report is signed by Messrs Crichton and Nimmo. A second report signed by the same gentlemen, and also by Alexander Hamilton, chemist, describes the result of the analysis of the residue of the barley-meal, and of a portion of the contents of the stomach collected at the post-mortem examination, and the presence of arsenic was unequivocally proved in both by an infallible series of tests—namely, the proper colour of the precipitates, the reduction to the metallic state, and the re-convertion of the metal to the state of arsenious acid, and a subsequent application of the liquid tests, with the proper result. A third report from Dr Douglas Maclagan of Edinburgh, applies to the state of the stomach, and a portion of the gullet and of the small intestines, to the nature of the fluid drawn off by the stomach-pump, and that of a portion of the barley-meal, all of which with proper precautions had been sent to him. The mucous membrane of the stomach, and the part of the intestines sent to Dr M., presented an appearance corresponding to that described by Messrs Crichton and Nimmo, and in the tenacious mucus of the surface of the stomach were found crystallized grains having the form and appearance of arsenious acid; while in the fluid which had exuded from the stomach and intestines, in the fluid drawn off by the stomach-pump, and in the barley-meal, arsenic was unequivocally detected by the application of Reinsch's process.

As to the cause of death there could be no doubt; and the facts before stated were brought out with much distinctness on the trial by many witnesses. The Lord Advocate addressed the jury for the crown, and Mr Moncreiff for the prisoner, after which the Lord Justice-Clerk summed up and commented on the evidence at great length. The jury, after deliberating for upwards of an hour and a half, returned a verdict finding the prisoner, by a
majority, guilty in terms of the libel, but unanimously recommended him to mercy. The Lord Justice-Clerk said that he would immediately transmit the evidence in the case, along with the recommendation of the jury, to the proper authorities; and, on speaking to his brethren on the bench, they thought it right, in order to do justice in the case, that they should know the grounds on which the recommendation had been given. The chancellor of the jury said, he believed that the grounds upon which the jury had come to that resolution were, that they disapproved of the punishment of death as one element, and also that a considerable number of them would otherwise have brought in a verdict of not proven.

In this case, as in the former, arsenic was indisputably the cause of death; and the guilt of this is brought home to Leith with irresistible force, not by direct evidence, but by a train of circumstances which compel assent. In the former case, the circumstances inferring guilt were of a broader and more decided character. Here, the chain of circumstances, though equally decisive of the guilt of the party, is of a finer cast, and requires a nicer degree of pains and judgment for its just appreciation. There was not an equal proof of an essentially unprincipled disposition in Leith, as in the case of Thompson; though the suspicions entertained of him before the murder by some of his acquaintances, are presumptive evidence of his character being known to be bad. It would not, however, have been admissible to set him down for a man likely to commit murder solely because he was unfaithful to his wife, and had become a Socialist. The incident of the poisoned tea begins the evidence against Leith. Here there is not the shadow of a ground for suspicion against his wife. It is one of the established facts of the case, that he put the poison himself into the tea. Every one who considers the whole circumstances brought out on the trial, will be convinced of this. A second point against him is, not the having poison in his possession at all, but his having misrepresented the nature of that which he said he got against rats to Mr Johnston, the minister, when asked if he ever had any. Another important point against him is, his private visit to his own house, when he knew his family would be at church, for just such a number of minutes as would suffice to introduce arsenic into a bag of meal, and on the very day on which he had announced that an event would soon happen which would clear him from the charge of putting poison into his own tea to inculpate his wife; and this visit, it is to be remembered, he took pains to deny when apprehended. These may be regarded as the most direct of the circumstances against him; and how well is the inference from these corroborated by the other minor circumstances, while not a single particular turns up favourable to the supposition either of suicide or of accident? What, then, are these minor circumstances? Among these, are his attachment to another woman, whom he continued to visit privately up to the time of his wife's death. His recent threats against his wife's life; his refusal latterly to give her the means of supplying food to herself and children, so likely to force her to have recourse to the barley-meal, before thought unfit for use; his manifest reluctance to lend assistance or get medical advice, when told by Mr Johnston that his wife and family were suffering from poison; his message to Dr Gairner, not, as was most natural in an innocent man, to go to the house where his wife was ill, but to come to the shop, where he might first see him; and, finally, his desire to get possession of the bag in which was the residue of the poisoned barley-meal, of which he could know nothing had he been innocent of introducing the poison into the meal.

Yet with these elements of the most complete moral conviction before them, some of the jury doubted of his guilt. It appears that out of the fifteen jurors, ten voted him guilty, and five for bringing in a verdict of "not proven." Surely these five jurors had not well considered the nature of the evidence, to hold a doubt under such circumstances. Or, rather, had they not de-
ceived themselves with the fallacy, that circumstantial evidence is an insufficient ground of conviction, and, though morally convinced of Leith's guilt, were short-sighted enough to allow, as far as in them lay, a monstrous crime to pass unpunished, by availing themselves of the intermediate verdict of "not proven," permitted by the law of Scotland? We must say, however, that, consistently with their oaths, these jurymen were not entitled to propose such a verdict, unless they did in truth entertain a doubt of Leith's guilt. If they were morally convinced of his guilt, they were bound to bring him in guilty; the intermediate verdict is allowable only when the evidence does not go beyond strong suspicion. We have observed of late some expressions of regret among medical jurists in the southern part of the island, that such an intermediate verdict as "not proven" is not permitted by the law of England. We cannot join in this regret. We think it deserves the consideration of the legislature, whether the "not proven" of the Scotch law be not of pernicious influence in capital cases. It nourishes the fallacious distinction among jurymen between moral conviction and legal evidence, and permits weak-minded men to compound with their consciences, and throw off the burden of being instrumental to a capital punishment, even with irresistible evidence before them, particularly in that most dangerous and most frequent of crimes in advanced states of society—secret assassination by poison.

Part Fourth.

MEDICAL NEWS.

MEDICO-CHIRURGICAL SOCIETY OF EDINBURGH.

SESSION XXVI.

MEETING XIV.—WEDNESDAY, 7TH JULY.—DR HAMILTON, PRESIDENT, IN THE CHAIR.

ON THE MORBID ANATOMY AND PATHOLOGY OF THE TYPHOUS FEVER WHICH HAS BEEN PREVALENT IN EDINBURGH DURING THE SESSION 1846-7. BY DR HUGHES BENNETT.—Until the commencement of the present session cases of intestinal lesion in typhus fever have been exceedingly rare. During the three years the author had acted as pathologist to the Royal Infirmary previous to the present session, and during which he had examined upwards of 500 individuals who had died of the disease, he had only met with it three times. Since November, however, they had become more frequent, and the author had studied the morbid anatomy of typhus in reference to the opinions put forth by Rokitanski, Engel, Hammersick, Gunsburgh, and other pathologists of the Vienna and Prague schools of medicine. According to these observers, typhus fever is accompanied by a peculiar dyscrasia of the blood, and the intestinal and other lesions produced, contain a peculiar deposit called typhous deposit, which bears the same relation to the constitution of the blood as tubercle and cancer do to the tubercular and cancerous cachexie.

The cases of fever admitted into the Royal Infirmary from the 1st of November 1846 to the 30th of June 1847, amounted to 2071. Of these 278 died. Owing to the imperfect arrangements which exist in the Royal Infirmary, however, regarding post mortem examinations, only 63 of these cases had been inspected after death. It was upon these data that the following statements were founded.

The organ most frequently affected was the spleen. In the majority of cases it was more or less enlarged and softened, presenting a mahogany brown