THE TRIAL

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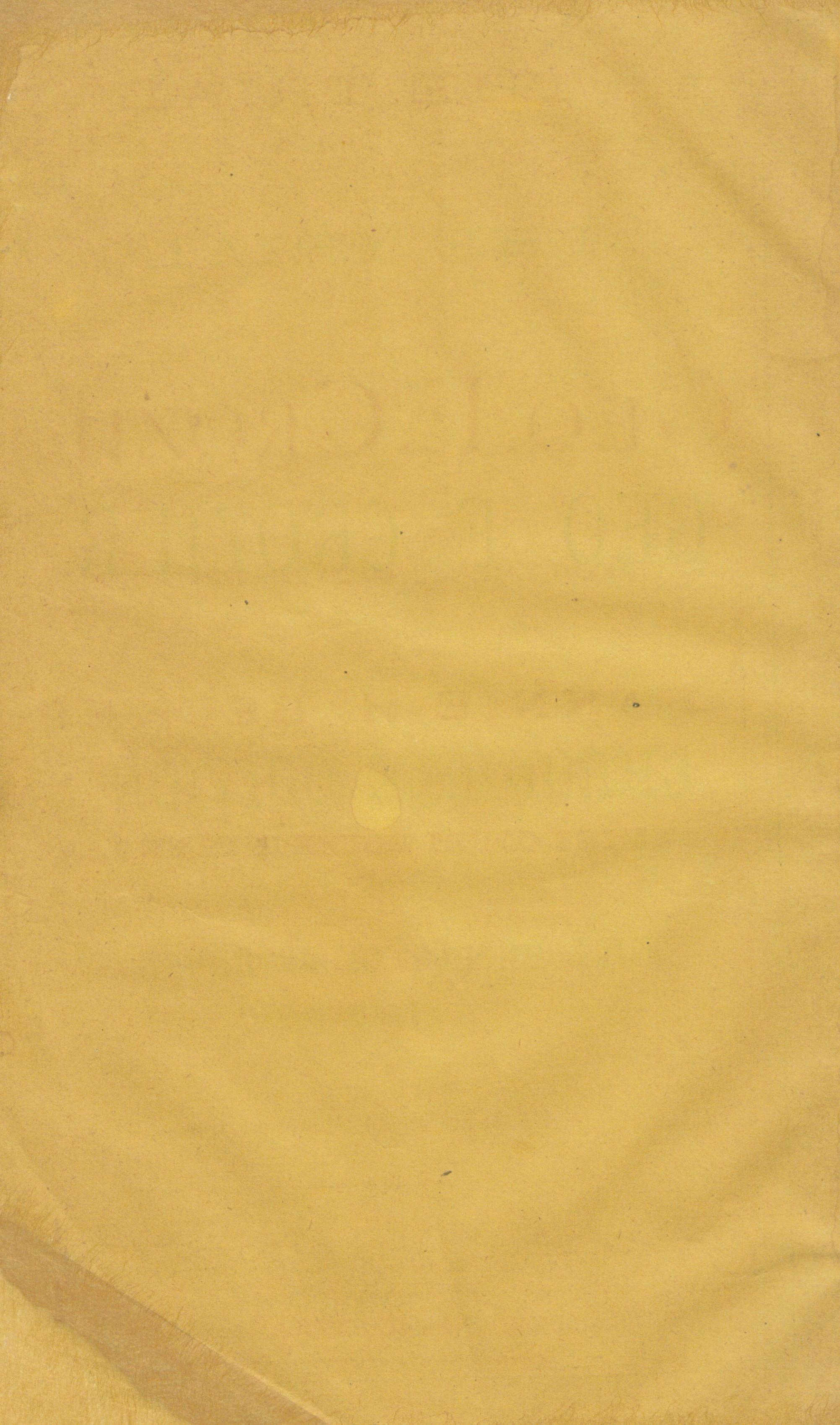
GEO. E. CROZIER.

CHRONICLE EDITION.

FULL REPORT OF EVIDENCE.

1876: CLEVELAND & CORNELL, Publishers, CHRONICLE OFFICE, PENN YAN, N. Y.





THE TRIAL

OF

GEO. E. CROZIER

FOR THE MURDER OF HIS WIFE

FANNIE H. BECKER,

AT THE COURT HOUSE IN PENN YAN,

MARCH, 1876.

DAVID RUMSEY PRESIDING JUDGE.

1876: CLEVELAND & CORNELL, Publishers, CHRONICLE OFFICE, PENN YAN, N. Y.

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COMMUTATION.

Information was received by Sheriff Bogart from the Executive Department on Thursday, June 8th, notifying him that the Governor had commuted the sentence of George E. Crozier to imprisonment for life. He will therefore be immediately taken to prison, and no further effort, it is understood, will made to obtain a new trial.

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GEORGE E. CROZIER.

George E. Crozier was born in Benton in 1833, and is the youngest of two sons. the only surviving children of Adam Crozier. His mother was Amy Southerland. daughter of Joseph Southerland, and granddaughter of David Southerland, the pioneer of Potter. His ancestry on both sides were pious and moral people, from whom it would not seem possible that he should inherit any criminal tendencies. The Croziers are a Scotch family, who came as emigrants from their native country in 1801, and settled in the town of Seneca. They were industrious, religious and exemplary people. David Crozier, the elder brother of George E. Crozier, is one of the most worthy and highly respected citizens of Benton. George has never been regarded as a man of the same solidity and gravity of character with his brother : but previous to this affair nothing has indicated to the public that he was otherwise than a man of fair integrity and moral rectitude. He has always had a somewhat light and trivial bearing, has found his principal social pleasure in children and youthful persons, and has never developed the stern and sober dignity of character which belongs to his Scotch ancestry. None could have believed him capable of the awful crime of which he has been convicted; and if he is truly guilty, it reveals an astonishing depravity of moral sentiment in a most unlooked for line of descent. If the weakness of his human virtue cries back to pre-natal conditions, it is the best and only excuse for the atrocious deed with which he is charged. If it is the reckless perversion of a character naturally as good as the average of human society, there is little to soften the severity of the judgment that must be visited upon him by the fair verdict of the world.

His counsel, Hon. Daniel Morris, about April 20th, presented a petition of 800 names to Gov. Tilden requesting that George E. Crozier's sentence be commuted to imprisonment for life. The Governor gave him a respite till the 16th of June, and postponed his decision on the application for commutation.

George E. Crozier has constantly maintained his innocence, and insists that his wife must have taken the poison by mistake or through a design to escape the pain and distress of a cancer in the stomach.

FANNIE H. CROZIER.

The wife of George E. Crozier was Fannie H. Becker, the niece and adopted daughter of William Becker. She was married in 1855, at the age of nineteen, and was a dutiful, decorous and loving wife. She was attractive in person and character, and was justly and highly esteemed. The fact that she was making preparations for the wedding of her son Frank, her only child, when seized with her fatal illness, makes it difficult to believe that she wantonly or willingly destroyed her life by deliberately taking poison to that end. That she loved her husband as she loved her child, the testimony of her last hours gives ample proof. While she felt that she had all the needed moral and spiritual preparation for death, she was not ready, in view of her relations to her family and the duties that lay before her.

Her sudden demise was no ordinary surprise and no ordinary grief to her friends. Her fine previous health, her ardent attachment to her family, and her usually happy and equable temperament, made it difficult to realize as well as difficult to account for. And hence the dark suspicions that speedily arose, which have since involved her husband in the terrible peril which confronts him.

MINERVA DUTCHER.

GEORGE E. OROZIER.

This young woman is the oldest of several children of Nathan Dutcher, a laboring man, who has recently moved to the West. Nothing has called public attention to her except her connection with this case, which may be as much her misfortune as her fault. The reader will gather from the incidents of the trial enough to form, perhaps, a just opinion of her culpability in this case.

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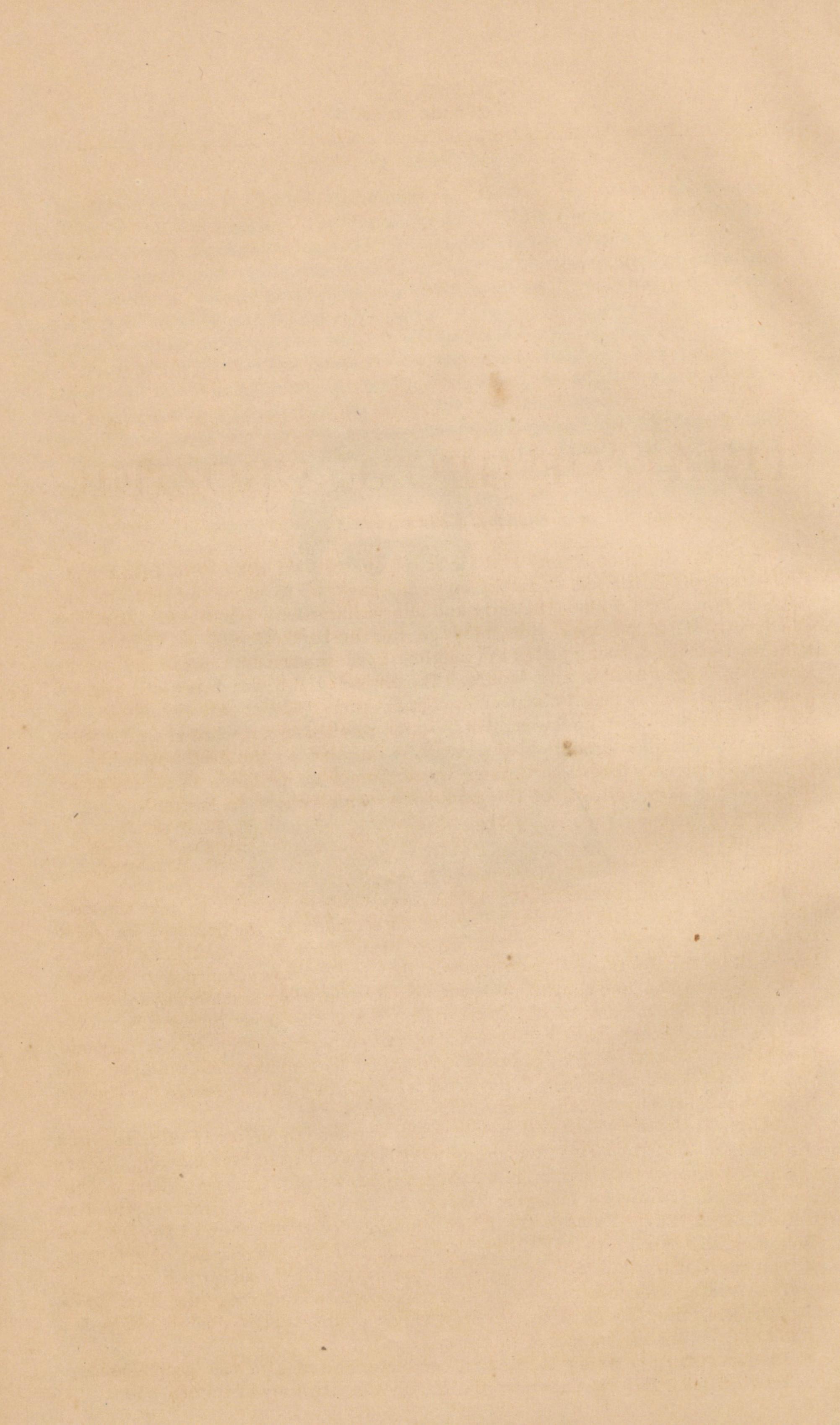
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The sudden death of Fanny H. Crozier on the 29th of July, 1875, with the circumstances preceding and attending the same, gave rise to suspicions that she had not been fairly dealt with. The early and almost immediate renewal of intimacies which had existed for some time between her husband, George E. Crozier, and Minerva Dutcher, a young girl of the neighborhood, imparted a voice to these suspicions, which grew louder and louder. The intimacy did not break off; and the comments of the community became so distinct that District Attorney Henry M. Stewart was impelled to make enquiries, which resulted in a resolution on his part to direct a legal investigation of the causes which led to the death of Fanny H. Crozier. Under his direction, Coroner Frank Tompkins, of Penn Yan, empaneled the following Jury, citizens of the immediate neighborhood in Benton:

Samuel B. Gage,
John B. Lovejoy,
Aaron Laird,
Henry Van Orden,

Almon C. Mallory,
William P. Scofield,
Peter C. Anderson,
John W. McAlpine,

D. M. West,
Thomas W. Smith,
Daniel Millspaugh,
D. D. Hodge.

This jury met at Benton Center on Thursday, October 28, 1875, to take the testimony of Prof. Towler of Geneva, to whom the stomach of the deceased had been taken for analysis; and by him it was proved that Fanny H. Crozier had come to her death by the administration of arsenic. The inquest was adjourned to the Court House in Penn Yan, and continued through Friday, Saturday and Monday following, and again on Wednesday of the same week. Six of the jurors rendered a verdict that Fanny H. Crozier came to her death by poison administered by her husband; four believed that she died by poison administered by some person unknown; and two that while the evidence was not conclusive of the guilt of George E. Crozier, it points suspiciously to him as the cause of her death.

George E. Crozier was therefore taken into the custody of the Sheriff, to await the action of the Grand Jury, which met on the 22d of November following. Henry Collin of Benton was Foreman, and J. Warren Brown of Jerusalem, Clerk. They presented an indictment charging George E. Crozier with murder in the first degree. Hon. David Rumsey, the Judge who presided at this term of the Oyer and Terminer, adjourned it to the 6th day of March, 1876, for the purpose of this trial, and an additional panel of 24 petit jurors was drawn for the adjourned term.

The Court convened for the adjourned term on Monday March 6th: Hon. David Rumsey Presiding Judge, Hon. Andrew Oliver County Judge, Joel M. Clark and William C. Williams Justices of Sessions.

District Attorney Henry M. Stewart conducted the case for the people, assisted by Edwin Hicks, Esq., of Canandaigua, Ex-District Attorney of Ontario county.

Morris & Leary, of Penn Yan, conducted the defense, assisted by Samuel H. Torrey, Esq., of Rochester, former U. S. District Attorney in New Orleans.

Forty-seven jurors were called, of whom nineteen were peremptorily challenged on behalf of the people, and nine by the defense. Others were excused on the ground of conscientious scruples against capital punishment.

The following named persons were upon due examination, accepted and sworn in as the Jury:

Solomon D. Crittenden Milo. Peter P. Pulver Barring	rton
John A. Lamphear	
John W. HuffJerusalem. John B. MillerBarring	rton
Melvin J. Davis Jerusalem. Thomas B. Curtis Star	eleov.
William J. WilsonStarkey. Clayton Semans	rroy.
Albert Ayers	ttor.

The first day of the Court was consumed in empaneling the jury, and the trial opened on Tuesday, March 7.

TUESDAY FORENOON.

The Court convened at 9 o'clock, and the little court-room was soon filled to repletion by eager spectators, curious to witness the spectacle of a man on trial for his life. The jury were ushered in by their special custodian, looking bright and cheerful—a good-looking and more than respectable specimen of a rural jury, composed chiefly of substantial farmers. The prisoner, Mr. Crozier, was soon brought in and seated himself by his counsel.

Several witnesses for the People were called, but not being present, District Attorney Stewart began his

Opening Address

to the jury. He gave the legal definitions of and distinctions between the different degrees of the crime of murder; and dwelt forcibly upon the exceptional magnitude and heinousness of taking human life in the cold-blooded, premeditated manner of the poisoner. He alluded to the fact that he had heard it said it was difficult to convince a jury in Yates county of the guilt of an accused person in such a case as this, or on circumstantial evidence, but he could not and did not believe that a jury here would be wilfully oblivious to the evidence as presented. If, he said, strong and conclusive circumstantial evidence would not be accepted by a jury in such a case, then it would be impossible to have justice done or any guilty administrator of poison convicted, for such diabolical work is invariable done in the darkstealthily, secretly, silently. The indictment charges the prisoner with administering to the deceased white arsenic, on or about the 15th day of July, 1875, from the effects of which she became ill, but partially recovered. On the night of the 27th of July, she was more seriously attacked, and the next day a physician (Dr. Barber) prescribed for her, regarding the trouble as Gastritis. Subsequently Dr. Barber prescribed again, giving or sending some white powders, which the accused took in his possession. Further medicine was sent; and finally, on the 29th of July, ensuing Mrs. Crozier died. The theory of the prosecution is that the accused substituted arsenic for the white powders sent as a medicine by the physician, and this they propose to show by circumstantial evidence.

When, said Mr. Stewart, we look for an adequate motive for the commission of such a terrible crime on the part of the husband to a loving, pure, and faithful wife, we find it in the fact of his illicit infatuation with another woman which had thoroughly perverted his moral nature—an intimacy which had become scandalously notorious in his neighborhood—and to more fully and unrestrictedly indulge that base passion he deliberately took Mrs. Crozier's life. The facts were then referred to in reference to the postmortem examination, and Prof. Towler's analysis of the stomach and liver of the deceased, and the discovery of white arsenic there, in ample quantities to destroy life.

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sworn on behalf of the people, and testified: That she knew George E. Crozier and Fanny H., his wife; they resided in Benton Center; was present at the death of Mrs. Crozier; she died July 29th, 1875; Mrs. Bushnell, Mrs. Squires, Dr. Barber, Mrs. Ann Truesdell, David Crozier and wife, George E. Crozier and his son, Mr. Towner, Walter Becker and wife, Mr. and Mrs. Armstrong and Miss Emma Armstrong were also present when she died. Mrs. Bushnell, Mrs. Becker, Mrs. Truesdell, Mrs. Mariner and myself assisted in laying out the remains. (No crossexaamination.)

ROBERT POOL

was called and sworn on behalf of the peo ple and testified: I have charge of the cemetery at Benton Center; in October, 1875, I exhumed the remains of Mrs. Crozier under the direction of Coroner Tompkins; there were present when the body was taken from the grave, Dr. Barber, Samuel B. Gage, Elder Mallory, Mr. Towner, Dea. McAlpine, Dr. Waddell, Henry Woodhull, and others; the coffin was taken from the grave and opened; Dr. Waddell then removed a portion of the stomach and the coffin was then closed up and put back in the grave and covered up; we then left and were gone about fifteen minutes when we returned with the Coroner and Dr. Waddell; we opened the grave again and Dr. Waddell went down into the grave, HENRY WOODHULL AND SOLD OF THE STATE OF THE WOOD THE WOOD TO STATE I S

sworn for the people says: I assisted Mr. Pool in exhuming the body of Mrs. Crozier. (Mr. Woodhull's testimony was substantially the same as that of Mr. Pool.)

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sworn for the people and testified as follows: Am a physician; reside in Penn Yan; am one of the Coroners of the county; about the 18th of October, 1875, I was summoned to the grave of Mrs. Crozier, in Benton, for the purpose of disinterring her remains; my examining surgeons, Drs. Barber and Waddell, and the jnry I empanneled. Mr. Pool and Mr. Woodhull, and others were present; I had the grave opened and the casket removed from the grave, and the body opened and a portion of it removed; Drs. Waddell and Barber performed the operation; we intended to remove the stomach, but removed the lungs and heart, supposing it to be the stomach; we went to the grave a second time and removed the stomach and a portion of the liver; these portions were delivered to me: I put them in a jar and sealed them and delivered the same to Prof. Towler of Geneva, for analysis: the remains were much decomposed and very offensive.

Cross-examination-Isummoned the jnry before going to the cemetery; purchased two new fruit jars in Penn Yan before going to Benton, in which to place the stomach; personally superintended the disinterment; Dr. Waddell removed the stomach and liver under my direction; by mistake the heart and lungs were removed the first time; upon discovering this we returned to the cemetery and

procured the stomach and a portion of the liver.

Re-direct—The liver was in a collapsed state; removed about one-eighth of its bulk for analysis.

DR. JAMES M. WADDELL

sworn for the people: Am a physician; on the occasion spoken of by Dr. Tompkins I was ordered by him to remove the stomach of Mrs. Crozier; by mistake I removed the heart and a portion of the lungs, instead of the stomach; when we discovered the mistake we returned and procured the proper organs from the body.

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pened; Ineeday evening wine there she she had worked hard the day re-called and further examined by Mr. Hicks-Have known Mr. and Mrs. Crozier from childhood; live about two miles from their house; went to Crozier's July 27th, 1875, to make a friendly call; found Mrs. Crozier in bed. sick; when I went there George was sitting on the porch; I asked him where Mrs. Crozier was, he said, "in there" pointing to the bedroom. (The witness then gave a detailed statement of the location of the various rooms of the house.) I went into the bedroom; found Fanny in bed; she appeared to be in great distress and was vomiting; I placed my hand on her stomach: George approached and said, "don't touch her there, it hurts her there"; I heard her vomiting before I went into the bedroom; I remained about one hour; I think defendant took the vessel containing the vomit and went out with it. The contents of the basin appeared frothy with a bluish or grayish cast: Geo. was

out and in once or twice while I was there; I think I proposed giving her some bran-water; Dolly Crozier came in while I was there; she vomited two or three times while I was there; she complained of a burning sensation in her stomach, and a great pain in her back; she had her hand on her throat; she said she had worked hard all day and was so sick at the stomach; I saw a liquid in a tumbler or tea-cup on the bureau or stand; I think he, Crozier, gave her a teaspoonfull of it; saw her vomit after taking the medicine; George went back to the stoop and set down; I asked him why he did not have a doctor; he said it would be of no use, it would do her no good; I asked Fanny why she did not have a doctor; she said George would'nt; I went to him the second time and asked him why he did not get a doctor; he did not say anything in reply, but went into the bedroom; George was pale and he acted somewhat cool towards me; he seemed excited; he was in the bedroom every few minutes while I was there; when I went home I left Mrs. Dolly Crozier there; George said he could take care of Fanny himself and it was not necessary for me to stay; I went to the house again on Wednesday morning.

The Court here took a recess to 2 P. M.

The next ow my between but Tuesday Afternoon.

McAlpine, Dr. Waddell, Henry Woodhull, and others; the cofflu was taken from the

grave and opened; In. Waddell then removed a portion of the stomach and the

Direct examination was continued by Mr. Hicks.-I got there Wednesday between eight and nine o'clock; Mrs. Squires was with me; Mr. and Mrs. David Croizer were there; I asked Fanny how she felt, she said about the same; I remained about half an hour; when I left Mrs. Squires and Mrs. Crozier were there; I thought she appeared weaker than she did the night before; saw no medicine given her at this time; I went to Crozier's again Thursday morning at about 8 o'clock; Mrs. Walter Becker went with me; we found Ann Truesdell, Mrs. Squires, Dolly Crozier and her husband and George and his son there; she appeared very much worse; said she was thirsty and called for ice; she said my stomach and back hurt me so; her voice seemed unnatural but quite strong; she said she could'nt see, but knew my voice. The pupil of her eyes was contracted and looked dull; she died shortly after two o'clock; before she died she called for George and said to him, oh, George I love you so much, and he said there there don't worry about that now, and she replied: I am not worrying George; he sat on the side of the bed; he spoke in rather a loud tone of voice; on Thursday morning she was very weak and prostrated; do not think she was able to get up at this time; her body was spotted; her limbs were purple up to the joints; there was purple spots on her face at times; her hands were cold and clammy; I was there when Doctor Allen came, a short time before she died; he requested that she be removed into the parlor where she could get more air; George approved it; can't say just what he said; she was taken into the parlor; after Mrs. Crozier's death I saw George go into the pantry; he went in and came directly out and went to the bureau in the bedroom; he asked if they wanted any jewelry and he said if not he wanted to lock the bureau drawer, and kept it locked; his right hand was partially closed when he come out of the pantry. I knew Minerva Dutcher; have known her four years; she is about 18 years of age.

The defense objected to any investigation of any criminal intimacy between the defendant and the person mentioned as immaterial, unless it is shown that it was brought to the knowledge of his wife, and was the cause of controversy between

them.

Prosecution proposed to prove acts of improper intimacy between the defendant

and the person named, and neglect of his wife. Decision reserved.

Cross Examination by Mr. Morris.—I claim to be an aunt of Fanny; though she was the adopted daughter of my sister; the first time I was at Crozier's, George said the had been to the Doctor's and got some medicine; he said to me that I could tell the Doctor to come up; I got word to the Doctor and he went there at once I supposed; Tuesday evening when I was there she said she had worked hard the day before, and had eaten some berries and onions for supper; I thought it strange at the time that he should lock the bureau drawer.

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Sworn for the people and testified: Am a physcian; have practiced medicine for 10 years; know George and Mrs. Crozier; have been their family physician about seven years; was present at the disinterment of the body of Mrs. Crozier in October last; I did not go back to the grave the second time; I assisted Doctor Waddell the first time; on the 15th of July Mr. and Mrs. Crozier called at my office; I enquired and learned she had a difficulty of the stomach; I

prescribed for her; I prescribed a solution of bismuth; gave her three or four Dover powders and some cathartic pills, and told her to take the solution three or four times a day, and the pills one at night. On the morning of July 27th, George came to me and said Fanny was sick again; I saw her in the evening of that day; I gave to George to take to her some powders of sub-nitrate of bismuth; about noon Frank came and said his mother was no better and wanted me to send her some more medicine; I sent some of the liquor of bismuth reduced, to be taken every half hour, until she became easier; I went to see her on the evening of that day; Mr. or Mrs. Towner came for me; I got there about 9 o'clock; I found her suffering from inflammation of the stomach, with rapid pulse, skin and throat dry; very sensitive over the pit of the stomach; she said she was taken the night previous with vomiting; she vomited while I was there; she vomited a pint or more of matter; some one present expressed surprise at its peculiar appearance, it being blue; George said, that is nothing, is it? he said he had seen the same before and asked me if I hadn't. I prepared a prescription of ten drops tincture aconite, ten ipecac and one-quarter grain morphine; a teaspoonful to be taken every half hour: left the medicine on the table; I think she vomited two or three times while I was there that evening; I went there again at 9 or 10 o'clock next morning; I found she had vomited less frequently, but still complained of pain and heat in her stomach and back, and thirst; she complained very much; she had been purging from about 3 o'clock; I was there about one-half hour; she was taking the bismuth powders every four hours; I recommended they be discontinued; I prepared a solution of aconite and water; fifteen drops to a teacupful; I think to be taken each hour: I left it on the table; George was in the room at the time; I went there again Thursday morning at 6 o'clock; David came for me and said Fanny was worse; I found her almost pulseless; a difficulty in speaking, her tongue partially paralyzed, loss of vision, pupil very much contracted, could not see across the room; extremeties were cold; pain and heat in her stomach and back, extending to her bowels; I thought she was in a dying condition; everything indicated dissolution; I remained there till after her death; George said Fanny was very restless during the night, and he had thought best to give her one of the Dover's powders; about noon Thursday George and I were at David's barn; David came out and said Fanny would not last long, and George said to me, if Fanny died he didn't want any examination made of her body, as she told him in case of her death she never wanted her body cut up, as another young ladies' was a few years ago. Arsenical poisoning produces inflammation when taken in poisonous doses; nausea and burning sensation in the the stomach and throat, rapid pulse, dry, hot skin are the prominent symptoms of arsenical poisoning, and sometimes paralysis, blindness and purging; Mrs. Crozier's health was quite good prior to 15th of July.

Cross-Examination by Mr. Morris-Fanny stated to me on 15th that she thought the cause of her sickness was eating cucumbers; on the 27th she attributed her sickness to overwork, and eating berries; one of the symptoms of poisoning by arsenic is defect of sight and ultimate blindness; an overdose of bismuth would tend to increase the inflammation; on Wednesday morning the vomiting had nearly ceased; I then made up three or four more powders, to be given every four hours; I also left tincture of aconite in solution; I found her worse on Thursday morning; dying from ordinary inflammatory disease we don't find a spotted appearance as in case of death by arsenic. Mr. Morris proposed to show the declarations of deceased that she had a cancer: 1/2 ounce aconite would produce death; I prescribed 1/4 a drop in a teaspoonful of water; sub-nitrate of bismuth is a sedative and used to allay

inflammation; a fatal dose of arsenic is from two to four grains.

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Sworn for the people and examined by Mr. Stewart: Am a physician and surgeon of 20 years' practice; reside at Gorham, Ontario Co.; was present at the death of Fanny Crozier: I went there a short time before she died; found her in a dying condition; I did not know what ailed her; we could not account, after talking with Dr. Barber, for the vomiting and pain in the stomach and loss of vision, and pain in her back; suggested that she be moved into the parlor, which was done; the symptoms of arsenical poisoning are nausea, pain in the stomach, vomiting, pains in the back and all over the system, and sometimes convulsions and burning sensations; aconite is given as an antiphlogistic and sedative; there is arsenic in the crude bismuth, but it is eliminated in its preparation as a medicine; I use it in cases of stomach difficulties. but a goodoroum a mis w aren't beginnage but tebweg stid w will be Court adjourned till 9 A. M. Wednesday.

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prescribed for her; I prescribed a solution of bisanchia gave her three or four to sends noitules substant of Wednesday Morning. as small bas replaced revol

our times a day, and the pills one at night. On the morning of July 27th, George Cross-examined—Have known George E. Crozier three or four years; have made no special study of the effects of poison; an overdose of aconite inflames the stomach -also an overdose of bismuth; Mrs. Crozier recognized me when I went to see her on the day she died; suggested to Dr. Barber that a small dose of morphine be given her to alleviate pain; did not examine the patient to diagnose the case, as she was then in a dying condition; would not prescribe sub-nitrate of bismuth or aconite in cases of acute inflammation of the stomach.

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Recalled and further examined by Mr. Stewart-Wednesday morning I left the powders and solution in a teacup on the table, and left directions to those in the room how they were to be given; George and Mrs. Squires were in the room; I had a package of this sub-nitrate of bismuth in my office, out of which I gave medicine

to other patients, and it had a good effect.

Cross-examined.—The effects of the medicine were not good in the case of Mrs. Crozier; I purchased the sub-nitrate of bismuth of Dr. Bordwell; when I fixed the powders and laid them on the table George was standing within a few feet of me: I have known George Crozier seven or eight years; he has had the nervous affection about the eye, the same now as when I first knew him; I think I did not give directions about the medicine to any particular person; George and Mrs. Squires were in the room at the time. DR. JOB S. STEVENS,

Called and sworn on behalf of the people, and testified as follows: Am a physician and surgeon; reside in the town of Milo; have practiced medicine about 30 years: am a graduate of Geneva Medical College; sub-nitrate of bismuth is in common use as a medicine; it is usually given in gastric difficulties; it is supposed to be a sedative: I have never known any poisonous effects to be produced by it; we understand that the process of manufacture entirely eliminates the arsenic; arsenical poisoning produces a burning sensation in stomach and throat and vomiting and prostration; the tongue and mouth become parched; the vomit is frequently dark colored; inflammation of the stomach may produce purging or constipation; aconite is a vegetable preparation; the medical effect is to relieve irritation; % drop might be given every half hour without bad effect.

Cross-examination by Mr. Morris-Inflammation of stomach will produce vomiting, and may purging; it is not usual for death to result from that disease alone in three or four days; if irritants were added, inflammation would be increased and death hastened; an overdose of bismuth will act as an irritant; aconite becomes a local irritant in overdoses; I would not apply as large a dose of an irritant where there is acute inflammation; bismuth taken into the stomach of a person in good health would produce irritation if taken in an overdose; poison taken into the stomach is taken up and passed into the blood and eliminated; inflammation renders the stomach more susceptible to poison; when the absorption is greater than the elimination, injurious results follow; the books say that tincture of aconite in overdoses is very poisonous, and produces prostration and dimness ot sight.

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Sworn for the people, and examined by Mr. Hicks-I am Professor of Chemistry and Toxicology in the Medical College of Geneva, and Professor of Mathematics. &c., in the University of Syracuse; have been a practical chemist since I entered life as a man. Dr. Tompkins brought to me a jar, sealed; said it contained the stomach and part of the liver of Fanny Crozier, on the 19th of October last. I was requested to make the proper analysis for the investigation of poison. On examining the contents of the jar I found the human stomach and a small piece of liver. I found no contents, except that the viscus was covered inside with a dark, slimy substance. The viscus is the sac or bag which contains the contents of the stomach. In one part, as large as my hand, the mucous membrane of the stomach was detached. I found in the slimy material a white powder; also in one corner of the stomach a round lump, nearly as large as the egg of a hen, composed of mucous membrane and blood, mixed with this white powder. I obtained a number of specks of this white powder and examined them with a microscope, and obtained a few crystals of arsenious acid, or white arsenic. I scraped off a small portion of the dark, slimy substance, placed it in an evaporating dish, applied pure hydrochloric acid, heated it to a boiling temperature, and then placed in the mixture a coil of

copper wire. The wire immediately became corroded with a dark-colored coating. I then took this coil out, placed it in water, washed it well,—repeating the water often,—then placed them in sulphuric ether to dissolve the fatty substance; then put them on blotting paper and dried them in the sun; then placed them in test-tubes and applied heat. After the application of heat there was a distinct arsenical smell, which the chemist can always recognize. There was produced white vapor, which attached itself to the inside of the tube. I then applied the heat further down, between the little spires and the white deposit in the tube, and applied heat below, and drove the deposit higher in the tube, near the orifice. I broke off a piece containing the white deposit, and have several specimens with me.

[The specimens were here produced by the witness.] Many de boning and the specimens were here produced by the witness.]

These specimens all show the crystals of arsenious acid when placed under the microscope; other parts I placed in pure nitric acid in an evaporating dish and boiled down the nitric acid so as to oxidize the arsenious acid and convert it into arsenic acid; I added a drop or two of water and a drop of a solution of nitrate of silver. By this process I obtained a brick-red deposit. All these steps indicate the presence of arsenious acid in the stomach in this slimy material. This was a preliminary experiment. I then repeated the same experiment with a portion of the liver and obtained the same results and have the specimens with me. The liver also contained arsenious acid. I then took most of the stomach and poured upon it a quantity of pure hydrochloric acid and heated it nearly to a boiling heat, having a tube connected to collect any of the vapor which might pass over it. After cooling, I filtered the liquid portion and poured into the vessel a quantity of water and filtered that also. I had a large quantity of solution highly colored, most like dark tea. I passed through this liquid a current of sulphate of hydrogen gas for some time. This produced a precipitate of a dark color. After I had got all the precipitate I could, I allowed it to become heated; again set it aside, and then filtered through a paper · filter, receiving upon the paper the deposit. I knew that this deposit on the paper must, of necessity, contain a deposit of sulphide of arsenic, having found arsenious acid before. I knew the deposit I had, if it contained sulphide of arsenic, was soluble in sulphide of ammonia, and that the sulphide of bismuth was not. Thus, therefore, pouring a dilution of ammonia upon the paper I obtained a solution which I supposed must be a solution of sulphide of arsenic. I evaporated this solution to dryness. It was of a darkish yellowish color. The color of sulphide of arsenic is bright yellow. I accounted for this dark color from the fact that it contained organic matter. I treated it with nitric acid, which decomposes the sulphide of arsenic and changed it to arsenic acid. Still I had the dark color. I then proceeded according to best method directed, and took the dry material. White arsenic is almost insoluble; arsenic acid is not. White arsenic is sometimes crystalized; arsenic acid is not crystalized. I took this mixture, after being boiled several times with nitric acid, which decomposed the sulphide of arsenic and converted it into arsenic acid, and I evaporated it to dryness. I then mixed it with a quantity of pure carbonate of soda, rubbing up with a bone spatula. Before mixing it I weighed it. The dry arsenic acid weighed more than a drachm. I mixed the mixture with carbonate of soda, rubbed out the dish well with these powders, and placed the mixture in a porcelain crucible. I placed that crucible, half filled, on the top of a clean fire, and heated it to redness, and added now and then a few more particles of nitrate of soda. By this process we get an arseniate of soda, with no organic material. This material is in the purest form for performing the next operation, namely, Marsh's test, which consists in mounting a vessel half filled with water and pure sulphuric acid, and using pure zinc, so as to make hydrogen gas. As soon as it operated long enough I lighted the gas, and it produced a flame. I tried this flame to see whether it was pure. I allowed the flame to play upon a porcelain dish, and found not the slightest mark of arsenic-proving that there was no arsenic in my materials. I added a solution of arseniate of soda. Soon after the flame became of a lavender color. I allowed the flame to play upon the evaporating dish, and produced large specks of metallic arsenic, and obtained the specks in abundance. A large quantity escaped; but I had a sufficiency. I took some of the specks and applied nitric acid and bottled it—thus converting the metallic arsenic into arsenic acid—and evaporating it to dryness, applied two drops of water and a drop of nitrate of silver, and obtained the red brick deposit, indicating the arseniate of silver. All these experiments show the presence of arsenic.

I performed, first Branch's process. Second, the Sulphur process, and third Marsh's process. I have specimens of with me of metallic specks and of arsenious acid obtained both from the liver and from the slimy material in the stomach.

[The specimens were here produced.] I produced arsenious acid crude from the stomach itself before I made any experiments. It was unabsorbed. In the slimy

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wire inniediately became corroded with a dark-colored con material I found some bismuth, and in that I found arsenious acid, crude, unabsorbed. Arsenious acid is the lower oxide of arsenic. Arsenic acid the higher. Only arsenious acid crystalized. I have made five or six experiments with sub-nitrate of bismuth, but did not find arsenic in any form whatever. When arsenic is taken into the stomach it is taken into the circulation and that is what we call absorption. I also produced white arsenic from the liver. That shows that death was most likely produced by its being absorbed.

There are 60 grains in a drachm; five grains of arsenic, I should think, would

certainly produce death; less might. Is even eved ban incoged end well printed account

Cross-examined by Mr. Morris-I did not weigh the substance brought to me by Dr. Tompkins. I found in the jar brought me viscus of the stomach, the slimy material and a portion of the liver; I preserved it all and analyzed it: I now have it at the college; it is too offensive to bring here; in my analysis I used hydrochloric acid, zinc, water, nitrate of silver, and nitric acid; I probably used a dozen vessels in my analysis; no one assisted me in the analysis; I never allow any interference; I have never found any arsenic in sub-nitrate of bismuth; have analyzed five or six specimens by the same process I used with the stomach, and found none.

Court took a recess until 2 P. M.

arsenious acid. I then took most of the stopsach and postned upon it a quantity of pure

lydrachioric told and heated it nearly to a boiling heat, having a tube connected to

through this liquid a current of sulphate of hydrogen gas for some time. This prosworn for the people testified: Am the wife of Frank Crozier, the son of the prisoner; was married August 5th, 1875, and have lived at the house of defendant since; before my marriage I lived with my father, David Armstrong, one mile south of Crozier's; I remember a conversation with George in regard to Fanny's death; he said he was afraid she had taken arsenic; said he had some in the house for the purpose of killing rats; said it was in the pantry and he went, after her death, to see if it was there, and it was all gone, and he was afraid she had taken it; he said he was afraid she had done it because she was afraid she had a cancer in her stomach. and if she had, she was going to put herself out of the way; this conversation was three or four weeks after her death; I had a conversation with the defendant in jail as to what I could testify to here; he asked me if Fanny hadn't ever told me she would take arsinic if she had a cancer in her stomach; I told him she had not, and he asked me if I wouldn't say so; he was speaking in reference to swearing as a witness here; he asked me if I wouldn't swear for him, and I told him I would tell the truth, if that was for him; when I told him I had not heard her say so, he asked me if I wouldn't say she had told me so; he said if I would only swear for him, I never should want for anything; the conversation about the arsenic in the pantry was before Mrs. Crozier was taken up.

Cross-examination-My maiden name was Emma Armstrong; have not talked with my father upon this subject; at the time of the conversation in the pantry there was rumors going around about Fanny's having been poisoned; George asked me if I had heard the stories going around, and then he said he was afraid she had taken arsenic because she said she was afraid she had a cancer in her stomach, and if she had she would put herself out of the way; he said the arsenic was kept in a vial or bottle on a shelf in the pantry; he found the vial but there was nothing in it; have not talked with my mother frequently on this subject; have said that I

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sworn for the people; I reside near Bellona in the town of Benton, about a mile from the prisoner's house. Between the 10th and 24th of last July the prisoner came along where my son and I were at work on the road. He appeared considerably excited and said York's dog came out at him when he came along. He said he was going to kill the dog and had the stuff to do it, and took a small vial out of his pocket of a whitish color. He said he had got so he didn't care for anything; I should think it was a 1/4 or 1/2 ounce vial.

build bus secoure undefer of bucose second distant being bennoting I sworn, testified to the same occurrence as the last witness.

edi morì shura bioa anoinesta b CHARLES T. FITCH.

sworn for the people, testified-Am R. R. agent at Bellona Station; know the defendant. On the occasion spoken of by the last witness Crozier came to me and

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said York's dog had come out at him and frightened him, and he wanted to borrow my revolver to shoot the dog.

SARAH S. TOWNER,

recalled and further testified as follows: I have seen Geo. Crozier write and hand notes to Minerva Dutcher at several different times during the past year. I cannot give any month or date. I have seen him hand notes to her in the Baptist Church at Benton Centre; he sat behind her in the choir and wrote notes and handed them to her. I noticed her particularly because the rattling of the paper annoyed me. I have seen him conversing with her 3 different times in the gallery; when I went into the gallery they separated and he went and sat down. These

things occurred the year preceding Mrs. Crozier's death.

Cross-examination—I can't state time when first note was written; but it was within the past year; best of the choir were present; my husband, David Crozier, George Crozier, Walter Becker, Ann Truesdell, Mrs. Mallory, Mr. and Mrs. Towner and myself composed the choir. Minerva Dutcher was not a member of the choir. Minerva sat at the right of George; several persons were between them. He passed the note to her in a book; the first note he wrote and folded and put in a hymn book and shoved it to the end of the seat. Minerva took it and opened it. The third occurrence was about the same thing; I thought he acted a little sly in passing the notes. These occurrences were quite a while before Fanny's death.

bies side box of company of CATHERINE SQUIRES.

sworn for the people and examined by Mr. Hicks: I reside in Benton in this county, nearly one mile and a half from the prisoner. I was first informed of Fanny's illness the Tuesday night preceding her death. I went there Wednesday morning, the 18th July. Mrs. Towner went with me. I think Mrs. Dolly Crozier was in the room when we went there; but no other person. Fanny was sitting up; and Dolly was making her bed. She sat up long enough for her bed to be made; and we helped her into bed. She was very weak. I remained there until after ner death. They had no nurse or servant about the house. I was there when Dr. Barber came Wednesday morning. George was also there. There was a stand, a bureau and a closet in the bedroom; the closet stood at the foot of the bed; the stand at the head of the bed; the bureau was on the north side of the room. Wednesday morning I observed a teacup on the stand with a teaspoon in it. I saw no other medicine at that time. I gave Mrs. Crozier the solution in the tea cup from time to time, according to directions. There was other medicines given her; in the form of a powder. I saw no powders while I was there, in the bedroom; the Doctor came there soon after I arrived, on Wednesday. He called for a teacup, that was standing on the stand, and asked me to throw the contents out; and get some water. Idid so, and he prepared a solution and gave me the directions. Mrs. Crozier asked the Dr. if she could have some ice water; he told her she could have ice water; or ice to hold in her mouth; they had no ice; and the Dr. told George where he could find it; just before he started for the ice I said to him is there in the tea cup all the medicine there is to be given? George said no, there is powder to be given; but don't have any thing to do with the powder; no one has any thing to do with the powder but myself; I prepared the powder; Fanny had vomited before the ice was spoken of; she spoke frequently and said, I am so sick at my stomach; she appeared to be in great distress; when she vomited I held the vessel for her; sometimes she raised herself up on her elbow and sometimes I lifted her up; the matter vomited was a darkish color, rather peculiar I thought; I cannot describe it; the defendant came back with the ice before noon; George Crozier gave her a powder about noon; I did not see him prepare it; he came out of the pantry with it prepared; before giving it he said it was time to give her the powder; he had a teaspoon with scraped apple in it; he gave it to her; I saw her take it; he stayed in the bedroom only long enough to give her the powder; I next saw him at dinner; after taking the powder her symptons were retching and vomiting; she vomited two or three times after taking the powder; she then complained of great burning in her stomach and distress in her back, and called for water frequently; she vomited about a teacupfull; it was of greenish color; did not at this time hear him say anything to his wife; he paid no attention to her during these paroxysms of vomiting; another powder was given her by George between 61/2 and 7 o'clock that night; George gave his wife no attention whatever between the time of giving the powders; before the second powder was given heard George say it was time to give her another powder, and he would go and fix it; he went into the pantry and I into the bedroom; he was gone five minutes or more; then I went into the pantry where he was; the pantry is off the dining room; George stood a little

south of the window; when I went in I saw George standing in front of the shelf; as I went up to him he took up a teaspoon in his hand and turned partially around from me; he turned from me and I turned and looked into the dish-cupboard and passed out into the bedroom; I did not say anything to him, nor he to me; I observed an apple there that he had scraped from, and that was all I saw; saw him wipe off his knife he had scraped apple with; he wipe, it on his pants; he came out of the pantry in a few moments and gave her the powder; she swallowed it after a good deal of exertion; he asked her to take the powder; he said then, Fanny you must take your powder; she said, oh, George, I can't take it; he said, you must take it; she said she could not swallow it, it sticks in my throat; after she had taken it he gave her some water and said how did that taste? did it have any taste? She said a little; he said she must swallow it down, she should never chew her medicine; his manner was rather cool; I thought indifferent; he spoke in rather a loud tone of voice; he sat on the stoop a good deal of the time that evening and smoked; after taking the powder Fanny vomited a little; she still complained of a burning in her stomach and bowels and in her back, and called for water; I think she vomited three time, after taking the powder-not throwing off any thing but a watery substance without much color to it; George took the bowl containing the substance vomited to a light in the sitting room and looked at it and said "she didn't vomit that up this time;" after the second powder was given she appeared very weak and prostrated; she spoke and said, "Aunt, I don't know but my time is nearly come, or almost come; I didn't know I was going to die so soon; I don't feel ready to die." She said there was many things she would like to say and do; then she said "Frank, Frank, my dear boy Frank, I love him, I love you all." Then George came in and she said "George, I love you too." He said, "there, I don't want to hear any more about that," and passed out; he came in again, and she said, "I don't feel hardly ready to die vet," and he said, well you are as ready as any one for death; he said something the effect, that "it sue wasn't ready to die, he didn't know who was;" he didn't manifest any sorrow, or any feeling; after he left the pantry to give this powder, I went back then for the purpose of looking around a little; I did not find anything; I stayed there Wednesday night; did not go to bed; she grew worse very rapidly; about 11 o'clock there seemed to be a marked change in her countenance; it seemed to have a purplish cast, and her eye balls were swollen and red; don't think she vomited any after 10 o'clock; purging commenced more rapidly than before at between 10 and 11 o'clock that night; I got her up about 2 o'clock in the morning to brake her bed; with my assistance she stood up long enough to turn around and sit down in a chair; after I put her back into her bed, she spoke and said "are you sitting here in the dark; why don't you have a light?" there was a lamp standing near the window, and one near the door in the dining room; she lay quietly a little while and then said "turn up those lights and make it light-it is so gloomy without a light," I said there are two lamps burning one by the window and one by the door; she rubbed her eyes and said "it is my eyes;" I took the lamp and held it up near her and noticed there was no expression in the eyes; don't think she saw it much; don't think she distinguished persons after that; George lay on the lounge in the sitting room; I informed him of her condition; she said "my feet are cold;" I went to the bed and found her feet and hands quite cold, a death-like cold; I commenced rubbing them, and found her limbs also quite cold; I called George and said, "George you had better get up and help me rub Fanny for she is quite cold;" he got up and I think rubbed her feet a very little and then said "cover them up, they will get warm," and went back to the lounge; I inquired if they had any mustard, and he said "yes, but it will not do any good;" after that she failed very fast, and between 3 and 4 o'clock I went to the lounge and told George to go and call Mr. and Mrs. David Crozier and Mrs. Truesdell; he went after them, and Mr. and Mrs. Crozier came in a few moments; Mrs. Truesdell soon after; he was asleep when I called him; during Wednesday I don't think she could walk without assistance; Wednesday morning George said he wanted to go away a little while; he wanted to get a man to split rails for him; about 9 o'clock he said, "Fanny I am going down to Mr. Harris', and you must not be uneasy about me;" and she said, "no, I won't be uneasy about you;" she died about 2 o'clock Thursday; before life was extinct George put his hand on her forehead and on her chin and closed her mouth; Mrs. Becker told him to take his hand away from her mouth; she gasped two or three times after he closed her mouth, and expired soon after.

Cross-examination by Mr. Morris—I attended the funeral of Mrs. Crozier; it was on Saturday; I did not see any powders lying on the table, at any time; I gave the medicine in the teacup; I first saw George give Fanny medicine on Wednesday—not far from noon; don't remember of seeing him give her medicine more than twice; I think George went away somewhere after giving her the first powder; he

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brought ice back with him; Mrs. Dolly Crozier was there that afternoon; I had a conversation with her; she said she "thought Fanny had a hard row of it;" when he was in the pantry preparing the powders, I suspected him of doing what he ought not to do; I suspected him of giving her poison; I did not tell any one of my suspicions; I had suspicions before I saw him prepare the pewder in the pantry; I had suspicions as soon as I went there—from her appearance; Fanny vomited often between giving the powder in the afternoon and evening: do not think George saw me when I went to the pantry; he saw me when I went up to his side, and took the spoon and turned from me; his turning away from me seemed singular; I went in to see what he was doing; my suspicions drew me in there; I don't know as I cared whether he saw me or not: I had no objection to his seeing me; I didn't make much noise-I had slippers on; it was between 3 and 4 o'clock that I called George to go after David and Dolly Crozier; Frank had gone away to get a hired girl, and got back about 1 o'clock; when he came back he ate a bowl of bread and milk and went to bed; I heard him ask after his mother; Frank said, "how is mother?" I did not say anything in reply; he understood it himself; when he passed his hand on her forehead and chin I thought it was singular, because there were others that could have performed that duty if she had been dead; George told Frank, when he asked after his mother, that she was about the same; Fanny had said to me, "don't tell Frank I am any worse—he feels bad when there is anything the matter with me;" when Frank went after the hired girl he took a young lady with him, and before he took her home he drove up in the front yard and made the inquiry of how his mother was, and George said, "Now, Frank, come right back and go to bed.'s adoption on an angular to round point on bould I ; drive etce on request its

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sworn for the people and examined by Mr. Hicks-Reside in Benton; know the defendant; have known Fanny Crozier since she was twenty months old; reside about two miles from Crozier's; learned of Fanny's sickness Wednesday evening; went there about 9 o'clock Thursday morning; when I arrived found Mrs. Squires, Mrs. John Truesdell, Mrs. Towner, Mrs. Becker and Mr. and Mrs. David Crozier; George Crozier and Frank were about; found Fanny in the bedroom; she was not removed to the parlor until afternoon; when I went in I went up to her and took hold of her hand; said, "don't you know me?" she said, "yes, I know your voice, but can't see you distinctly;" the pupil of her eyes seemed dilated; there was a redness about the white of the eye, and there seemed to be no expression to it; her countenance was bloated and swollen; I asked her how she felt, and she said, "Oh! I am dreadful sick!" I asked her "where?" and she said, "in my stomach and back and all over;" I stayed at the house until she died; the defendant was out and in the bedroom; she was taken into the parlor about half-past 1; the subject of her death was mentioned in the family; I had a conversation with Fanny after this; George was in the bedroom at the time; whilst he was there she spoke to Frank as he stood at the foot of the bed; she spoke to George and said. "Oh George, I love you ever so much!" he said, "there, there! don't trouble yourself about that!" I don't remember the exact words; she said a good deal, but I could not tell at what part of the conversation George was present; she said to Frank, when the defendant was there, "Oh, Franky boy! Franky boy! how many times I have prayed for you, that you might be a good boy; be kind to your father, for he is growing old; oh, how many prayers I have offered up for you. - I hope they will be answered!" I have known Minerva Dutcher three or four years; have seen acts of familiarity between her and the defendant, more particularly the last spring and summer; have seen them whispering in church and walking together; have seen it at the Sabbath school; Miss Dutcher was in her class and George was librarian; he would stop to whisper with her every Sabbath, and oftener than once have seen them walking together from church alone; when Fanny was at church she always rode—sometimes with David Crozier, in a two-horse wagon, and sometimes with Frank,—and have seen George go away with Minerva a number of times, and leave his wife to go with the others: it attracted my attention and occasioned remarks among the people; have seen it both in the day-time and in the evening.

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re-called and further cross-examined by Mr. Morris—I don't remember stating to Mr. Torrey at Geneva, when you were present, that I had made an analysis of the stomach and part of the liver and found traces of arsenic; I did not state that I had made a complete analysis of the stomach and liver, for I had not then done it; I don't pretend that I have all the arsenic found here; but I have a large quantity

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here; a large quantity escaped and some of it is in the form of arsenious acid, arsenic acid, arsenate of silver, and sulphide of arsenic; I can't detect arsenic with the naked eye, but can with the microscope; when you and Mr. Torrey were at Geneva you asked me about the quantity and other little questions; I answered your questions as briefly as I could; I gave you all the information you asked for; when the stomach was placed in my hands I found a large portion, as large as half my hand, on the inside of the stomach, the mucous membrane had been detached so that light could be distinguished through the tissue; I found a large ball, solid and compact, as large as a hen's egg; it had no covering, it was streaked with a reddish color, and a darkish color intermixed on the outside; in some parts of it I found white powders; this ball entered into my analysis; I could not judge whether it had been a healthy stomach during life; I thought the ball was the detached mucous membrane mixed with blood and the powder.

Re-examined by Mr. Hicks—I stated that I obtained the results, and afterwards, at my leisure, converted all into arsenic acid; when I had done that I removed the organic material by a process I described yesterday, in order to perform Marsh's test; I had satisfied myself that there was arsenic everywhere, but had not shown it by that process; nor had I got the results in a form that I could weigh them; I had not completed the analysis until Washington's birthday; after the preliminary examination I had the entire amount in the shape of yellowish sulphide of arsenic mixed with organic material, and could not perform Marsh's test without eliminating the organic substance; each speck I have exhibited here contains enough to make all the experiments with; I found no adhering tumor or fungus in the stomach; after the session of the grand jury I went through Marsh's test process, got the quantity.

eh ell word in the ELIZABETH A. TRUESDELL

Codent: have known family Coxier sine was twenty menty mount over Holland sworn for the people, examined by Mr. Hicks-Am the wife of John Truesdell; live nearly across the road from the defendant; have known Crozier for twenty-five years; think Mrs. Crozier was 37 years of age; I first learned of her sickness Tuesday afternoon and went to her house about sundown; the doctor arrived while I was there; I remained until about half past 10; I gave her a teaspoonful of the medicine out of the teacup on the table; did not give her any powders; she vomited several times while I was there; she seemed to have a great deal of pain; she vomited three or four times while I was there; George carried the substance vomited out once, and handed her a glass of water at her request; went there again Wednesday morning; she was still vomiting; she complained just the same; went there Wednesday morning at 7 o'clock; George was around the house; saw him in the room; was there half an hour Tuesday afternoon; saw Crozier give her a powder at that time; he said: "Fanny, it is time to take your powder, how will you have it?"; she said "I will have it in scraped apple"; after taking the powder I saw her vomit; George carried the basin out-doors; saw no powder given Wednesday morning; after dinner Wednesday I went in and stayed about an hour; I went again on Thursday morning about 5 o'clock, and stayed all day: when I went there she was very much worse; her fingers were purple to the second joint, her hands and feet were cold; she could not see me very well, she said; said she thought she was getting blind; as soon as I got there I heated the soap-stones and put them to her feet; some of us constantly rubbed her; quite a good deal of the time George sat on the side of the bed and rubbed one of her arms; she told me about the 15th of July, when she was sick, that she came home from church and ate a fried cake and drank a glass of lemonade and ate the peel; did not say who gave the lemonade to her; said she went to bed, slept till about 11 o'clock, then waked up with a feeling of heaviness and pain in her stomach; vomited three times before daylight; I know Minerva Dutcher; she worked for me the summer of '74; she came the first of April and stayed till November; she came to our house the first of March, '75, and remained till about the 15th of August; I have noticed attentions between George and Minerva Dutcher; the first time I thought of these things was when she was at our house in June; 1874; I was informed that people were talking about them, and that made me watch them; I saw that he liked to talk with her pretty well: he would come to our house and go around to the back door, and sit in the door and talk with her; as soon as he went there I would go there; he would come generally in the morning; he did not come when the family were not there; I forbid him doing so; when I heard the stories I spoke to him about it, and told him he must never come there while I was away; I spoke to Minerva about it a great many times; I recollect of the occasion when he gave her a letter; it was last summer, before Mrs. Crozier's death: Mr. Crozier came down there where we were all sitting on the stoop; he asked me where my husband was; I told him "in the cellar;" he said he would go and see him; he went around the

house, and Minerva got up and went through the house to the kitchen; I got up and took my baby and went out by the well; they were both by the cellar door; he was talking to my husband; Minerva was by the side of the cellar way; she went and got a drink of water and got back to the cellar before I got to the well; I heard him say, afterwards, that he gave her a note; it was at the church he said it; he was brought before the church, and that was mentioned; I don't know that I charged him with it, unless it was before the committee of the church; a year ago this past winter I had a conversation with George about his giving Minerva presents; he had given her a ring; I told him that I had told Minerva she had got to give it back,that as soon as I saw it I thought I knew where it was from; that I considered it very improper for any married man to be giving presents to a young lady, and that any wife would feel deeply hurt; have had a number of conversations with George in regard to Miss Dutcher; have seen him sit and talk with her at singing school; have seen them standing by the window at the church, talking; about six weeks after Fanny's death I saw them in the gallery when there was no one else there; they separated immediately as I went in; the winter before Minerva came to our house have seen George and she walking from church together a good many times; Mrs. Crozier would be with her brother-in-law and his family; I have spoken to George about his wife being unhappy; I said that no wife would like to have her husband paying attentions to young girls—that it made a wife unhappy; I think he made no reply; I know Minerva was at Crozier's the day after Fanny's death; I know of Geo. taking Minerva to his house about two months after Fanny's death; she went there Saturday evening; George went after her; I know he was home that night; she remained until Monday night; Frank and his wife were there before George brought Minerva there; they went away when she came; Miss Dutcher's mother was there Monday; Crozier took her home; George and Minerva did not go to church Sunday; after Minerva left. Frank and his wife went back to the house.

Cross-examination by Mr. Morris-I first heard something said about George and Minerva in June, 1874; I then told George people were talking about him and Minerva, and she was a poor girl and had nothing but her character and he must never come there when I was away; he said he cared no more for the girl than he did for other girls, but as long as she was a respectable girl he should speak to her and pay attention to her as he did to others; when I spoke to him about the ring we were talking about people talking about the girl and him; I said, "people talk a good deal," and said he gave her presents, and I spoke of the ring in particular, and I told him as soon as I saw it I thought where it came from, and questioned her, and she confessed that he gave it to her, and the ring disappeared from her finger, and he said she did give it back; Minerva would be at work at a table in the woodhouse and he would come and sit down and talk to her; it was always in day-time; Minerva used generally to sit in the gallery at church; she had a right in our seat always, and was perfectly welcome there; as a rule George was always at Sabbath school; he was librarian. at Bourson Contest know the defendant and Minor on the North Adelina The District Contest in the Contest in the

Tuesday evening when I was there I told Dr. Barber Fanny said she had been working very hard and had eaten berries and onions for her supper, and she said, "And that is not all I have done, either." Wednesday afternoon when I went there Frank was preparing to go to Phelps and get a girl; Fanny said she was going to send for Nellie McCarthy. Thursday morning George came to my bedroom window and rapped on the blind and said, "Fanny is worse;" I said I would come as quick as I could.

Re-direct examination by Mr. Hicks—When I went there Wednesday Fanny was in the bedroom alone; she was standing up; she had been purging; I said, "you should not have got up alone;" said she, "I had to;" I think George was sitting on the stoop at the time; she was very weak; she sat down on the bed, and I helped her get back in the bed and covered her up; don't know of his ever bringing any other young woman to his house after her death; I have seen him give notes to at least two young ladies; saw him pass notes to the two Miss Manbies; they are young ladies; I think it was over two years ago; I cannot name any young lady that I have seen him walk with as often as with Minerva Dutcher; have seen George pass notes to other than single ladies in the gallery; he was accustomed to do it.

and of Trollale webild strong stored FLORA BUSHNELL world design to a strong stored by the st

recalled and further cross-examined by Mr. Morris—I don't know what George and Minerva said when they were whispering together; thought it was a circumstance against them, certainly when it was so frequent as I had seen it.

MINNIE TRUESDELL

sworn on behalf of the people and examined by Mr. Hicks-Am the daughter of John and Elizabeth Truesdell: am 13 years old; know George Crozier and Minerva Dutcher; knew Fanny Crozier: I recollect when Minerva Dutcher lived at our house: while she live there have noticed defendant's coming there; have seen him and Minerva talk together; he talked with her some every time he came: Minerva did the work in the morning in the back part of the house in the kitchen; there is an outside door to the kitchen: that is out of the view of his house; a person could not be seen at the kitchen door from his house: have seen defendant go around to the back door; have seen George and Minerva there talking together; last summer I know of his coming there when father and mother were away; when I saw them she was in the wood-house, and he was going away from the back door; he had been there 3 or 4 minutes; I saw him going around toward the back door as I was coming away from Uncle David Crozier's: when I went into the house I went back through into the woodhouse; father and mother were in Wyoming county; don't know of his coming more than once; the year; before father and mother went to Rochester and were gone nearly a week; Miss Dutcher was at our house at that time; don't remember whether George came there or not; have seen George talking to Minerva in the kitchen; don't know how many times.

on absent od daidt I : wqqadau CHARLES TRUESDELL ship quuov of snoitaella parvaq sworn for the people, and examined by Mr. Hicks-Am the son of John Truesdell; I know of the occasion when the defendant and Miss Dutcher had an interview at the rear of the house by the cellar; it was on the croquet ground; I saw him hand her something; I would not say what it was: I did not see it; I was 3 or 4 rods off; It was not a basket: it was nothing-only something; I saw him put his hand into hers, and then she put hers in her pocket.

Cross-examination by Mr. Morris.—I saw him put his hand towards her; she moved her's towards him; saw their hands touch.

that hib and mailt bin add not anomes. JAMES M. LOWN CONTRACT CONT other girls, but as long as she was a respectable girl he should speak to her and pur

sworn for the people and examined by Mr. Stewart-Reside in Benton; have known defendant by sight 12 or 14 years. The attention of the witness is called to a conversation with the prisoner in relation to the state of his (Crozier's mind.) in reference to his wife, and women in general. Some a tendy adapted I it was the noise as min

Mr. Torrey objected to any testimony in regard to women-kind, except his wife

or the Dutcher girl. Objection sustained. I have avreaild plant it such bits all hims he would come and sit down and talk to her; it was always in day-time; Minery of

to an all grant of the gallery area and an algh a bad a PAVID WESTs wellen and ni tie of whomen been

sworn for the people and testified as follows: I am an usher at the Baptist church at Benton Center; know the defendant and Minerva, they attend church there: I recollect an occasion when I observed an intimacy between them at the church; she was seated in the house and got up and left pretty soon after the services commenced; she left the audience-room and seated herself against the partition in the hall; Crozier was sitting behind the stove on the opposite side; he took a piece of paper out of his pocket and wrote about 10 minutes, and put it in his pocket; he then took out a piece of buff paper and put it in a singing book and sat and wrote 10 or 15 minutes, and put that in his pocket; he went out and handed it to Minerva as he passed out; he stayed out a few minutes; came inand conversed with her a few minutes, and came in and took his seat: at this time she sat on a seat in the entry: it was at the Sunday service the next day after Mrs. Crozier's funeral. anter Mis. Crozier's runeral.

Cross-examination-Don't remember the text or the sermon or the hyms sung; George sat about as near me as the judge; I sat the same as I do now; and he sat the same as the jurymen: she sat the same as the county clerk did; I was watching him; that was a part of my business; I have seen the text, "it is well to watch;" I thought it was my duty: I thought it was marvelous that he should write on white paper under the circumstances; he circumstances were writing to a young woman, his wife having been buried the day before; I have seen reporters write in church in New York years ago; they did not give it to a women though; have seen prisoner write on paper in church before; have carried papers from Elder Mallory to the choir; don't know what he wrote; I was watching him all the time; thought it was my mission; have taken a pretty active part in this matter against Mr. Crozier; I did not watch the people; I had enough to do to watch George. Question-You

against them, organish when it was so frequent as I had seen it;

were a spy? Ans.—Yes, sir. Have not been called upon by Elder Mallory to look after the flock; I have interested myself in this matter a good deal; I was on the Coroner's jury and was sworn to do it.

Re-direct.—I was called as a witness at the church meeting; it was an investigation in reference to Mr. Crozier and Minerva Dutcher it involved this letter.

WILLIAM BALL

sworn for the people—Attend the Baptist church at Benton Center; I know Minerva Dutcher; I knew of the death of Fanny Crozier; her funeral was on Saturday; I was at church next day; the prisoner and Minerva were there; I saw Crozier come out from behind the stove and hand Miss Dutcher a paper; then he stepped outside the door; she sat on a bench in the entry; saw him come in again in a few moments, and step up to her and say a few words, and pass into church and sit down.

Cross-examination—I know Henry Kinyon of Bluff Point, who was a juror at the last court; I did not approach him and talk with him about this matter; he approached and commenced talking to me; he told me he was a juror after he had spoken to me.

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sworn for the people and examined by Mr. Hicks: Live in Benton; knew Fanny Crozier; know the prisoner and Minerva; her people live near my house. I have seen intimacy between the prisoner and Minerva during the last three years. Since 1872 it has attracted my attention considerably. I observed it more particularly on the way from church home. Since 1872, have seen them start from the church together and walk on the way alone; I could not enumerate the number of times; have noticed them going to church; he would go by my house frequently in the morning as early as 9 o'clock; he would go alone until he got to Dutcher's; and sometimes go by the house and halt until a girl came out of the house who looked like Minerva, and joined him. Have seen George go past my house and before he got to Dutcher's Minerva would come out, go a little ways and halt until he came up, and then go along together. I saw David Crozier and his wife on the forward seat of a democrat wagon with Fanny on the hind seat at church. I saw George and Minerva start off from the meeting house first, David got his team and started behind them; Fanny was on the back seat alone. They went thirty or forty rods and overtook George and Minerva. Fanny says: "George, come and ride with me;" he shook his head and refused. They drove on and George and Minerva walked on together. Think this was in the summer of "74. George generally distributed the Sabbath School paper in the Sunday School and usually closed up where Minerva sat. A short time after Mrs. Crozier's death I saw George get his horse and buggy and take Minerva and her mother home. Have seen George go to Dutcher's house while Minerva was there. After Mrs. Crozier's death I was passing there one night and he had David Crozier's horse there. Saw George when he was going home with this same horse. I remember an occasion when he and Mrs. Crozier were at a picnic at Crosby's woods; it was a year ago. About the time of the close of the picnic Fanny was packing up her things and George came to her while she was packing up and she said: "George, you have been playing around with the girls all day; now come and help pack up the things;" he said, "shut up your hog hole or I will jab this right down your throat," he had a roll of jelly cake in his hand; he raised his voice somewhat and appeared excited. The sea : bolb Telson') yours is ned w facebore

Cross-examination by Mr. Morris—Am the father of Frank Crozier's wife; what I have talked about this matter, has been against George; I don't know as I have had any private walk with a lady since I was married; have seen George walk with

Minerva a great many times.

SARAH E. MOON

sworn for the people: Live at Benton Center; know the defendant and Minerva; knew Fanny in her life time; recollect the occasion of a Sunday School Convention in Crosby's woods; it was about a mile and a half from my house; I was not there; saw George Crozier that day as I was going home from my father's; my husband was with me; it was the 5th day of September, after Fanny's death; saw George and Minerva come out of the woods and pass by us through a little lane; the convention was not being held in those woods; I have seen them walking together before and since Mrs. Crozier's death; during the fair saw them ride by together; have seen them pass on Sundays and on week days.

Cross-examination-They came out of a piece of woods between where I was and

where the convention was held; in coming from the convention they would not naturally come through those woods. I thought it looked a little curious; thought there was impropriety in it. I thought they came that way so that folks would not see them.

thever an asw il tunibered for GEORGE E. MOON, a se bolles asw I- toeribed

sworn for the people and testified as to the same occurrence as related by the last witness.

CORNELIA BARBER,

sworn and examined by Mr. Hicks—I was present at the Sabbath School Association in September last in Crosby's woods. Saw George Crozier and Minerva Dutcher there. I saw Minerva leave; she went a little westward from where I was. She started alone; in a few minutes George started in the same direction; this was perhaps half an hour after the service commenced.

Cross-examination-Neither of them would have to go in that direction to go

EMMA CROZIER, goodges ton bib I : runge said edit

recalled for the people: I remained at Crozier's after Fanny's death; George said they had got to have a hired girl; he spoke of Minerva after he had hired her and said he had hired her. I told him I had rather she wouldn't come; and asked him if he would not give it up and not have her come; and I would try and do the work alone with my husband's help; he said he had got her trunk there and was going to have her come and there wasn't any use of talking any more about it; George brought her there—the latter part of August or the first of September.

Cross-examination—I did not hear my husband request George to get a hired girl. I told my husband with his help I thought I could get along alone; think we talked some of having a girl; was married just one week after Fanny's death; was

married on Friday and went to Crozier's the next Tuesday.

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sworn for the people; know George Crozier and Minerva Dutcher; Minerva lived with her mother about thirty rods from our house; have seen attentions paid to her by George; don't remember of any thing until after Mrs. Crozier's death. I have observed him calling there at the house quite often after stopping in the road and she going out and talking with him; have seen him stop and go into the house; he usually went there in the afternoon or towards evening or just at evening; have seen them riding together during the winters that are passed; he remained in the house an hour or two as nearly as I can judge; sometimes saw him go; but did not see him go, away; once I think I knew the family were absent; at this time I saw him go; but did not see him go away; have seen them sitting in the same seat at church not long after Fanny's death.

Cross-examination—Don't regard it a familiarity for a gentleman to sit be side a lady in church; I don't know of George having sewing done at the Dutcher's; he went there more than occasionally; three times a week would be more than occa-

sionally for a married gentleman. Suodil to a married gentleman.

is principled saw out similar tonor some EMILY BECKER, Think Tentum paintened saw yours's

sworn for the people and examined by Mr. Stewart—Live at Benton Center and attend the Baptist Church; know George Crozier and Minerva Dutcher; I was present when Fanny Crozier died; as she was gasping I remember his rubbing her face and closing her mouth; it was before she had expired. I saw nothing to call for any such action; at the time she was in her last struggle and gasping for breath putting his hand under her chin had the effect of closing her mouth.

DELLA SQUIRES,

Minnerva a great many times.

sworn for the people; reside in Benton; know George Crozier; have seen Minerva Dutcher; have seen attentions paid by Mr. Crozier to Minerva; my attention was first particularly called to it in the winter of '74, at church; it was at a donation; he waited on her at supper that evening. Mrs. Crozier was present; he went to supper with Minerva. Fanny did not go out to supper; George and Minerva were together before going out to supper; there were remarks made about it. I have seen George pass a note to her in the gallery of the church; it was before Mrs. Crozier's death; he wrote for some time during the service on a piece of paper; folded it; put it in a singing book and shoved it to her. She took it out of the book and put it in her pocket. I afterwards saw her take a paper from her pocket and read it.

Cross-examination—At the time these notes were passed Mrs. Crozier sat in the choir in front of her husband; George sat in one end of a seat and Minerva in the other; George never wrote and passed a note to me; I mean to say that George and Minerva went to the table together at the donation: Minerva did not have Mrs. Truesdell's child to take care of at the time; I know of George asking his wife to supper: she did not decline; I thought it a remarkable occurrence for a married man to take this young woman to the table and leave his wife; I considered it improper in treating his wife the way he did that evening; I know the reason why his wife did not go to supper with him was because he took Minerva; when he asked her to go she said, "let us wait and go to the next table;" he replied, "no, I am going to this table, and if you want to go to supper with me come along;" Minerva stood by him in the aisle at the time.

Cross-examination by Mr. Morris-Minerva didn't take his arm; she walked along the aisle behind him; he asked her to go with him; can't give her words.

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sworn for the people and examined by Mr. Hicks—Reside in Benton; know George Crozier and Minerva Dutcher; Minerva lived at our house in the summer of '72 and '73; saw George and Minerva talking together a good deal at church during the last summer she lived with me; I saw a good deal of this on different occasions; she lived with me, and as we were getting ready to go home from church, I often found her in conversation with George in the vestibule or on the steps; it attracted my attention; I spoke to Minerva about it; it continued during the summer of '73; I didn't notice it so much afterwards, as I wasn't looking for her to go home with us.

story, and he would like to flud arto's is warringer them through to the full extent of the law; he said he had set Unois Have Bushaell on the track and he thought he

sworn for the people and examined by Mr. Stewart—Last fall I resided in the Penn Yan jail; I was put there for leaving my wife; know George E. Crozier; he was in the jail at that time; I remember the occasion of the examination before the coroner; during that examination I saw George show a portrait or photograph; I think he said it was Mrs. Dutcher's girl; I think he said if he ever got out he should marry her; he spoke of her swearing before the Coroner's inquest on that occasion.

Cross-examination—Was in jail four months; have not provided for my wife since; know Frank Crozier; had a conversation with him night before last; I don't remember stating to him that his father had never shown me a picture except his

mother's; my memory is not very good.

versations spoken of during her arrive white white the same vita the same.

sworn for the people and examined by Mr. Stewart—I was an inmate of the jail last fall, when the inquest was being held; saw Crozier exhibit a picture or photograph; it was a day or two after the inquest; he said Frank gave it to him; he said it was the Dutcher girl; he said, "that girl stood up so well for me that if I ever get out I am going to marry her;" Cole, the last witness, was present.

Cross-examination.—Did not see Frank bring the picture there; knew nothing about it except what Crozier said; I didn't come here to tell what I was in jail for, and am not going to; I have been in jail before; I did not state to Crozier that he never exhibited Miss Dutcher's picture to me,—no, sir, I never did; but he wanted I should.

Adjourned till 8:30 Friday morning.

ELIZABETH COLE

sworn for the people and examined by Mr. Stewart—Reside at Benton Center; have known the prisoner six years and Minerva four years; I attended school with Minerva Dutcher about two years; George was drawing wood past the schoolhouse, and I noticed every time he went by she made an especial excuse for going out; she went out where he was, and once he gave her a note; she came in and in a few moments; she read it; this occurred a good many times—perhaps a dozen; these occurrences took place all winter; since then have seen them very intimate together; first I noticed two notes; she went to singing school with him; this was four years ago this winter; I have seen him give her notes at church; I have seen them talk together at church, but never heard what he said; I have seen him speak to her a good many times, and they would be very close together in the entry way, their shoulders almost touching; after anybody came in he would go right out; after he

MADE EXIST

Cross-examination -At the time term proper proper and in had been out a little while she had a note to read; I have seen that a good many

times. Cross-examined—Am nearly 21 years old; I have stood near gentlemen; I did not think there was any impropriety in it because they were single; I never stood so near a married man as to touch him, because I consider it against the rules of propriety, bereinience I shiw ald evest bere stoot ent of memor amor and sales of

MRS. VESTA A. ANDREWS

sworn for the people and testified as follows: I live one-quarter mile south of prisoner's house; have known the prisoner nineteen or twenty years; I had an interview with the prisoner the second Sabbath after his wife's death, at the Baptist church, in which the death of his wife was the subject of the conversation; my husband was with me; he approached us and asked if I had heard the stories that were around; I told him we had; he had not until a day or two before; when he went down to Mrs. Truesdell's, and she told him the story was that Minerva Dutcher had poisoned Fanny; I told him I did not hear it in that way—that I heard that he had poisoned Fanny; he made no reply to that; he said also, that Minerva could not have poisoned her, for she hadn't been in the house that summer; he said if she had been poisoned she poisoned herself; he also made the remark that she told him a few weeks before she was taken sick that she didn't think she would live a great while, and he said "Why! why! why do you think so?" she said, "Oh, I don't think I shall live a great while;" he said then he thought of a bottle of laudannm that was in the cupboard, and he went and looked for it and it was nearly all gone. and he asked Frank what had become of it, and he didn't know, and that he then took it and put it away; he said some one in the Baptist church had started the story, and he would like to find out; he should put them through to the full extent of the law; he said he had set Uncle Dave Bushnell on the track and he thought he should find out; then he said he had become so hardened he did not care what he said, or what he did, and if he should see the whole Baptist church sinking he would not turn over his hand to save the whole dum'd thing.

and Maids I adquired and the ELIZABETH A. TRUESDELL, abadicula and have believe

recalled for the prosecution; when I had the conversation with Mrs. Crozier wherein she stated "that is not all I had done," it was a casual remark and we went right on to other conversation. She told me she had been to Mr. Remer's. She had done all her own work up to the time of her sickness. I was at the donation party spoken of. Fanny did not say any thing about a cancer in her stomach at any of the conversations spoken of during her sickness and in connection with the same.

real lies and to attanual us asw 1-13 DR. F. TOMPHINS, Leasure but dispose will not move

recalled and further testified-Persons taking large doses of laudanum are stupefied; a state of coma ensues; coma is a state of stupefaction, insensibility, or deep sleep; . the symptoms remain the same until the person dies.

Choss-examination. -Did not see Frank bring the picture there; knew nothing

about it except what Crosser said; I didn't come here to tell what I was in fail for.

and and not going to: I have been in jail before; I did not state to Gregier that he

percent exhibited Miss Dutcher's pleture to me, -no, sir, I mever did; but be wanted

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The people here rest.

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aworn for the people and agained by Mr. Stewart-Reside at Benton Center; have known the prisoner six years and Minerva four years; I attended school with Minerva Dutcher about two years; George was drawing wood past the schoolhouse. and A socioed every time he went by she am especial excuse for going out; she went out where he was, and once he gave her a note; she came in and in a few mocoentra she roud it; this occurred a good vant times - perhaps a dozen; these occurreal real place all winter; since their inere seen their very intimute topology from and when the property of the weight with the first thing weight to the contract of the land this winter; I have seen him give not seen at character i more than a model at the seed a contract of the seed of arcther at thursel, but merer heard what he said: I have not a speak to her a land growd minus, and they would be very close together in the entry was, their aboutlers almost touching; after anybody came in he would go right out; after he

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T-KI MOKRUTTA. . . .

ith Fautt particularly about a caheer in her stomach; I saw George when his come as Opening the Defense.

D. Morris, Esq., then opened the defense, in an address to the jury. He said that the prisoner at the bar stands accused of a very grave crime, and it is the duty of the jury, in justice to him, to be entirely unprejudiced in the casequoting the well defined and well settled legal maxim that an accused person is to be presumed fully innocent until clearly proven guilty by competent legal evidence. He then cited authorities to show that a higher degree of evidence is required in criminal than in civil cases; and where murder is charged, the fact must be legally established that it is murder as well that the accused is guilty of such murder. The District Attorney in his opening has referred to two classes of evidence positive or direct, and presumptive or circumstantial; and he has even claimed that the latter class may be the strongest evidence. This is a sophism. A fact may be true or not a lie, but the witness undertaking to detail it may be untrue.

In this case we are confined exclusively to presumptive or circumstantial evidence, and of this there are three classes-first, violent presumption; second, probable presumption; and third, rash or weak and unwarrantable presumption. Of each of these classes the counsel gave pertinent illustrations.] There is often great danger in relying upon even probable circumstances, and legal history fully

shows it.

In this case, we have merely the third class of presumptive evidence—the very weakest and most unreliable, as legally defined. [A case was here cited, in which an innocent English lady was tried, convicted and executed because she was found standing over the slain body of a friend, holding in her hand the bloody dagger with which the fatal crime had been committed. After her execution it was clearly ascertained that another person had perpetrated the murderous deed, and had fled unseen upon hearing the approach of the friend. This fact illustrates the great

danger of relying upon circumstantial inferences.]

In this case before you, gentlemen of the jury, it is in evidence, and we admit, that Fanny H. Crozier came to her death by arsenical poison. But we shall show you that not the accused, but the wife, terminated her own life by voluntarily taking that poison. We shall show you that she thought she had a cancer in the stomach; that she was apprehensive of dying therefrom, and despondently and desperately took her own life; that she had been heard to declare she would; and that her husband, at her request, and upon the pretext that it was needed to destroy rais. purchased arsenic in Penn Yan in March, 1875, and gave it to his son to deliver to her. We shall demonstrate the nature of the peculiar ball or cyst found by Prof. Towler, in the stomach of Mrs. Crozier after her death, and show how that cyst long delayed or prevented the fatal absorption of so much arsenic as was found in the organs of the deceased. We shall also place George E. Crozier upon the witness stand and have him testify in his own behalf; and you are to regard him as a competent witness—as fully so as any; and we further assert that we shall clearly show to you his unimpeachable character. We shall also show, upon the evidence of Prof. Lattimore, an expert chemist of Rochester, that bismuth frequently contains arsenic, and that of five specimens, procured in Penn Yan, which he has recently analyzed, he found arsenic in each specimen.

Further, we shall produce here the identical vial of arsenic which Mrs. Crozier had and from which she took the poison, and shall show, from her own diary, in her own handwriting, an entry made there that she on a certain date had purchased two

ounces of arsenic.

Finally, the jury should reserve any full opinion upon the merits of this case until the evidence for both the prosecution and the defense is completely before them; and if there shall then remain any reasonable doubt of the guilt of the accused, they are both morally and legally under the sacred obligation to give him the full benefit of that doubt by acquitting him of the grave criminal charge brought against secondary of the vani and delivered it to you. [Witness shown vist.] That him. shaged aw birtou ods a

ELIZABETH A. TRUESDELL

recalled for the prisoner and examined by Mr. Morris-I attended the donation party spoken of; it was in December, '74; the prisoner and Minerva were there; at the supper table I sat next to George Crozier on one side and Minerva sat the other side of my husband; I requested her to go to the table to help take care of my baby: I

got up and left the table before the rest got through with supper; when they passed around the coffee my little girl was grabbing after things, and asked the girl to sit the other side of me, so that my husband could help me; no I was wrong; in the first place she sat between me and my husband, and I asked her to sit the other side of me so my husdand could help me take care of the baby; then that brought Minerva next to Mr. Crozier; I took my little girl and daughter Minnie and came back and sat between my husband and Minerva; I never had any conversation with Fanny particularly about a cancer in her stomach; I saw George when he came into the supper room; he sat down by me; Minerva was with him; Minerva got up from her seat before! I'left the supper table and went and sat where George was; I saw the circumstance of George placing his hand upon Fanny's forehead and chin before she died; George stood at the head of the bed and I at the left; I thought she was dead; he passed his hand under her chin and closed her mouth: did not see any indication of life at that instant; I did not note particularly whether it was gently or rudely done; I just noticed the simple act; there was an exhibition of life; afterwards heard Mrs. Becker speak to him in connection with that act; and he removed his hand in consequence of what she said, I suppose. De tall si tellum ered w bus tellan in mais laminui tebrane done to galling at DAVID CROZIER How as rebrane at the such bedeilded

affirmed for the prisoner and examined by Mr. Morris-I am a brother of the prisoner; we reside about one hundred feet apart; he has always lived there; they were not accustomed to keep any servants; I remember when Fanny was taken sick; it was on Monday evening preceding her death; I was there the next day, and my wife also; I went there after I heard she was sick; I think I saw medicine on the stand or sewing machine; I think it was given.

Witness here shown a diagram of the house, which he pronounces correct.

There is a cupboard in the woodhouse; I went to the house with my wife and Mrs. Truesdell, since George was incarcerated in jail, to examine or look if we could find any substance in a paper or phial; there was a phial produced from the cupboard; I was not in the woodhouse at the time—had stepped outside the door; saw the vial at the time. [Witness shown a vial.] Think it is the same that was found: I took it and handed it to Mrs. Truesdell, and saw her give it to you [Mr. Morris at your office: George walked to church as often as he rode, at certain seasons of the year; he had been a member of the choir, but was not at the time of his wife's death; has been librarian of the Sabbath school a number of years; knew Minerva Dutcher; she sat in the gallery, near the choir; George liked young company—was very fond of it, and seemed to enjoy it; very fond of both sexes; it had always been so since he had got to be a young man, or since he was married; he seemed to be as young as any of them; I don't know that I have ever seen him pass notes; he was much addicted to writing in the choir on Sabbath; I have seen him write a long time, and double up the paper and put it in his pocket; this has been his habit ever since he has been a member of the church; there has been no difference in his manner in two or three or four years; so far as I know George and his wife lived pleasantly together; think I had opportunity for knowing; think he was particularly indulgent to his family in many respects: I think he went beyond his means many times getting things for his wife and son; I know he did the churning and milking and such things; it was usual for Fanny to ride to church and George to go on foot ever since they were married.

Cross-examination:-- I did not find the vial; it was produced to me on the 3d day of February: the house has been occupied since Fanny's death; the cupboard was open to every one, and has been ever since Mrs. Crozier's death; I did not look into it before February: we found in it some empty match-boxes, a basket-there were other things in it; all I can say is, this looks like the same phial found there; I have seen George pass two notes; he might have passed notes to Minerva frequently and I not have seen him; saw him pass a note to Albert Towner and one to Mrs. Jennings, an entry made there that she on a certain date had purchased twigging

RUTH M. TRUESDELL

oces, of arsenic.

sworn for the prisoner and examined by Mr. Morris—Reside in Benton, directly opposite the defendant's: after Mrs. Crozier's death I went to the house with Mrs. David Crozier for the purpose of making an examination; we found the vial in the bottom of a basket in a cupboard in the woodhouse; David Crozier was also present; I took possession of the vial and delivered it to you. [Witness shown vial.] That resembles the bottle we found. ELIZABITH A. TRUESDELL

Cross-examination by Mr. Hicks-We were looking to see if we could find anything that would throw any light on this case; I went there at the request of Mrs.

over table I sat next to George Creater on one side and Minerca sat the other side

are bushand: I requested her to go to the table to help take care or my balance I

David Crozier; it was last February; do not remember that anything was said by Dolly to me after leaving the house until we found the vial; we looked around in the pantry first; we didn't do anything in the pantry, only look around; we took the things out of the dish closet, so we could see; we took down some of the dishes and the rest we removed so we could see around them; we found a half-ounce vial; it contained a white substance. I took it home, and afterwards gave it to Mr. Morris; there were other other vials there: there were one or two that contained white substances; I dind't think it was necessary to take them; we were looking for arsenic or anything else; Mrs. Crozier told me what was in the bottles we did not take: she did not know what was in the largest bottle; one was labeled "sugar of lead;" think we went to the bedroom from the pantry; we then looked a little in the bookcase, and from there went to the clothes room; I didn't look much among the books; Mrs. Crozier looked a little; did not take many of the books down; we all went into the clothes room; on one shelf we found flannel sheets-found things on all the shelves; some of them I took down and some Mrs. Crozier moved; we next went to the cheese room; I don't know as we expected to find any vial there; we looked around on the shelves; then we went back to the woodhouse; we went through the woodhouse at first, as we went into the house; Mr. Crozier went for a light, and before he got back we were looking in the cupboard; think we went right to the cupboard when we went into the woodhouse; Frank and his wife occupied the house at this time; did not see them there that day; we both looked into the cupboard, and Mrs. Crozier had the basket and I took the bottle out; when I found it I said "what is that?" Mrs. Crozier said something, I don't know what, nothing had been said to me about going to search the house from the time of Fanny's death until this particular day; Mrs. Crozier asked me to search the house; she said her husband wanted her to speak to me about it and see if I would do it; she said she thought it ought to be done to see whether there was anything there that would throw light on it; she wanled some one to go with her that was out of the family; did not tell her I would go at this time, for I thought I couldn't go; after considering the matter I thought I ought to go, and next day went up and told her so, and the next day we went over and made the search; at first I thought if I went it would make hard feelings among neighbors, but my anxiety to find out what there was in the house overcame my scruples and I went; we did not look in any other place after we found the bottle in the cupboard. and both both of gold and the day of both The court took a recess to 2 P. M. more above and no bodiew I depredent another.

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recalled and further examined by Mr. Morris-Fanny never told me of any suspicions she had had of a cancer in her stomach; she said, "if I had to suffer like that I would make way with myself"—as a person I had told her of. to a make a more thorough search, and got

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recalled and further testified—Fanny never said anything to me that she had a cancer in her stomach, nor in my presence; I couldn't say positively that I ever did hear her say she had a cancer; I have heard her talk upon the subject; Mr. John Truesdell and, I think, Ann Truesdell were present at the time; it was two or three years ago; think she said, "put herself out of the way;" this remark was made in reference to the contingency of a cancer in her stomach.

MARTIN W. BARDEN

sworn for the defense and examined by Mr. Morris-Reside in Benton, about 100 rods from prisoner: I remember being at Crozier's about the middle of July last: did not see the prisoner; saw Mrs. Crozier; she lay on a couch when I went in; she got up and I inquired for Mr. Crozier, and she said he wasn't home; she told me she was sick-wasn't feeling very well; she said she did not know what was the matter, that her stomach hurt her badly; she prepared and took a white colored medicine in water while I was there: she said she was feeling badly and knowed not what ailed her, but if she had a cancer in her stomach as some other women did, she would take something to kill or cure it; she took something at this time; it was a whitish powder that she took in water. The ten between the detect your offer to guing out DOLLY W. CROZIER Now and well at the start of the start o

sworn for the prisoner and examined by Mr. Morris-Am the wife of David Crozier; George and his wife's domestic relations were pleasant as far as I know; in regard to his conduct and manner don't know of anything wrong, any more than a great

many; they didn't always think alike any more than other people; I never heard Fanny say anything about a cancer in her stomach; George came over after me early Tuesday morning and told me Fanny was sick, and I went over to do up the work; I stayed with her Wednesday night; George waited on Fanny a number of times; emptied the bowl when she had vomited; there was nothing in his manner that attracted my attention; Tuesday night Fanny told me that she would rather I would not hold her head when she vomited; about 3 o'clock Wednesday morning; George got up and said he would take care of Fanny and I could get some rest: I came back about 6 o'clock, when it was time to do the work in the cellar; I saw Fanny sitting in a chair in the sitting room Wednesday morning at 9 o'clock; did not see her up after that day; was there Wednesday evening; but saw no one give her any medicine; the Doctor was there on Tuesdoy evening; George came for me at 4 o'clock Thursday morning; found Fanny very much worse; I am quite sure she did not vomite Thursday morning; Mrs. Squires was taking care of her then; did not keep a servant; she has told me she had rather do her own work, and at other times heard her say she could not afford it; was after donation spoken of: think George and Fanny went with us in a sleigh; George said to Fanny they want us to come and eat at their table; she spoke at the door and said "George, don't let us go to this table:" he said "they want us to;" I turned away and he went in, and Fanny turned back; I heard her say that she ought to have gone with him; it was not that night I heard her speak of it; I went to George's house after he was shut in jail, with Mrs. Truesdell, at your (Mr. Morris') request; we made an examination of the pantry, but sound nothing that attracted attention; found a bottle labeled "Sugar of Lead" in the pantry; we looked in the cupboard in the wood-house and found a bottle of white powder (witness is here shown a bottle and said it resembles the one found:) Miss Truesdell took charge of the bottle and delivered it to me: I went there to search for a particular thing; I want to see if there was any thing there that this case was about; George walked to church as often as he road; George was very fond of children and seemed to be delighted when he was with them: I used to think he was as much a child as any of them; he was very fond of young people and young girls.

Cross-examined by Mr. Hicks-Since four years ago, have heard things said about Minerva and George; about his walking to and from church with her, and flirtations in church; I waited on Mrs. Crozier while I was there; don't remember any act of George waiting on his wife aside from empting the bowl; I did not see her up after Wednesday morning; during the inquest I was at the house to search if I could find any thing to throw light on the subject; I was looking for white powder; found this bottle of Sugar of Lead; I was looking for some posion; found a bottle of white powder that was not labeled; Mrs. Mallory took charge of it; we then searched the burean; we found a bottle of white powder; Mrs. Mallory took this also; in February Mr. Morris told me to make a more thorough search, and get somebody outside of the family to go with me; we were looking for something that would tell; when I found the last bottle it occurred to me that it might have been put there since the first search; heard Frank say his father had reason for thinking that it might have been put there since the last search; we went from the pantry to the bookcase and from thence to the clothing room; I moved the bed clothes to the clothes-room. (Mrs. Crozier here fainted and was removed from the court room.) Further cross-examination deferred.

appeared for the prisoner and testified-Miss Tsuesdell passed the two bottles exhibited; I have retained them ever since, until they were passed on to the clerk of the court; I procured a sample of bismuth in each drug store in Penn Yan, with the name of the druggist endorsed upon the paper, and passed them over to Prof. Lattimore of Rochester; I went to Dr. Barber to inquire if he had any of the bismuth in his possession that he had given in this case, he said he had none. biggow one, bil ment who like FRANK CROZIER,

affirmed for the prisoner and examined by Mr. Morris-Am the son of the prisoner; in the Spring of 1875; my mother requested my father to get some arsenic for the purpose of killing rats; before that she sent by me for some and I forgot it; I was at Penn Yan with my father when when he got it; he handed it to me at Mr. Perkins' store; and I took it home and gave it to my mother; she put part of it in a vial and the remainder in some bread and stuff; and I put some of it in the coal bin and some down cellar; (witness is here shown bottle); the bottle my mother put the arsenic in

was about the size of that one; don't know what she did with the bottle; I went out of the house at that time; I learned of her being sick the Monday evening before she died, after tea; between half past five and six o'clock; she went into the pantry and took a bottle about the size of the bottle she put the arsenic in containing a white powder and put some water in it; she stirred it up and took it; I asked her what she was doing; I then went out and hitched up; and she and I went to Mr. Remer's don't know, whether or no, she vomited before she started; she complained of her stomach; said she felt sick at her stomach; on the way to or from Mr. Remer's she said she thought she had a cancer in her stomach, that she was taking stuff from the doctor; she said before she would be eaten up by a cancer as some folks were, she would take stuff to put herself out of the way; this conversation was Monday evening, going to Mr. Remer's; after she returned; she took some more of this white looking stuff; she went out, back of the house, to the cistern and vomited after she took it, I thought she took the second powder from the same bottle as the first; I saw her take a white powder Tuesday morning; then she laid on the lounge a minute and went out back of the house and vomited again; I know my father went to Dr. Barber's Tuesday forenoon; the medicine he brought from Dr. Barber was powders; I went to Dr. Barber's that day; shortly after dinner, and brought a bottle of medicine he put up for her; it was a liquid; I went to Phelps Wednesday morning, after a hired girl; she came the next day; her name was Nelly McCarthy; I took a book to my father after he was in jail; it contained two photographs; the book was a diary kept by my father.

[Witness is here shown photographs and identified them as the same brought to his father by himself and says they are pictures of his mother and Nelly McCarthy; witness is here shown a book purporting to be the diary of Mrs. Crozier] I know my mother's hand writing; the attention of the witness is called to entries under date of March 7th 1875; and pronounced it to be in the hand writing of his mother; also, the attention of witness is called to enteries under date of each Sunday of March, April, May, June and July and entries under date July 11th, 12th, 13th and 14th also an entry without date at the bottom of page marked one (1) which reads as follows; "two ounces of arsenic twenty cents.") These entries, I think, are all in my mother's hand writing. When my mother said she would take something to make way with herself; I told her not to; I told her I did not want her to take anything to kill herself, she said there wouldn't anybody ever know it; and I told her they would; I told her if they did it would be laid to my father or me; she said there would not anybody know it; I didn't know she had any white powder; only that arsenic; I did not put the bottle in a basket in the wood house. Before my mother died, I noticed powders folded in papers on the south side of the pantry in a sauce dish or a tea saucer; there were three or four left after mother's death, and I threw them in the stove; I was at the jail with my wife when she had the interview with my father; heard part of it; he told her he wanted her to tell the truth; father and mother lived as pleasantly together as anybody; don't remember whether it was my father or mother that requested me to go to the doctor's on Tuesday and got medicine; I got back from Phelps about one o'clock Wednesday night and asked mother how she was feeling; she said about the same; father was lying on the lounge. Was present when my mother died; I did not notice that my father put his hand upon my mother's forehead and chin; I told my father that I thought the work was too hard for my wife and that she wanted a hired girl; he said he didn't know where he could get anybody; he brought Minerva Dutcher there a short time after; just before bringing her he told me he had hired some body to come and help do the work; he brought Minerva there Saturday night and she stayed till Monday night; about dark and then she left.

Cross-examined by Mr. Hicks—I was first engaged to be married to Miss Armstrong four or five years ago; were making some preparation for our marriage, when my mother was taken sick; mother had talked of going to Geneva that week for me to get my wedding clothes; she and I had talked the matter over; and she was entering into my plans with a good deal of cordiality and pleasures; we went to Mr. Remer's to get some money in contemplation of my marriage; my mother requested me to get some arsenic along in April or the first of May; she said she wanted it to kill rats with; when my father got the arsenic my mother said the rats bothered her so and ate up everything in the cellar; so that she could not keep anything to eat; she told him she would like to have him get some arsenic to kill rats with; he said if he did not forget it he would get some; he said to me at Perkins' store before he forgot it he guessed he would go and get that arsenic; he gave it to me in the store after he got it and said there was the arsenie I could take it and give it to her; I gave it to her shortly after I got home; about as soon as I gave it to her she put part of it in a bottle and part of it on some bread and I put part of the bread in the

coal bin; and a part of it down cellar; I don't remember that I swore before the grand jury, "the rest was put in a vial or bottle and she put it in the bureau drawer;" I think it was true if I swore to it; I saw her go into the bedroom with the bottle containing the arsenic; I saw her take some white substance, Tuesday night; she was in the pantry; she poured it into a spoon from a bottle; she did not take the bottle from the pantry: she put it in a tumbler with some water; stirred it up and drank it; it was the color of milk and the powder looked as though it was dissolved; it changed the water white; I say she drank that right before me in the pantry; she brought a bottle from the bedroom; I saw her put the powder in a spoon and put it in water and drink it: she stirred it up and was just going to drink it when I went out; she was putting it to her lips when I went out to hitch up to go to Remer's; it is four or five miles to Remer's; we stayed at Remer's long enough for me to go in and get what I went after; she did not go in; we got back home about nine o'clock; have heard mother complain of her stomach before-said she felt a burning sensation; a something crawling; after we came back from Remer's she took a bottle and took some more stuff; it looked like the same bottle; she was in the pantry; she had the bottle when I went in the room; I don't remember to whom I told the circumstance I say she took the vial from where she put the vial that contained arsenic; I thought nothing of the arsenic then, although she had taken a vial from the bedroom where she had put the arsenic; I did not say anything about it or think of it after she told me she was going to put herself out of the way.

After she told me, going to Remer's, that if she had a cancer in the stomach she would put herself out of the way, and I told her not to do it, I saw her take this stuff, and never mentioned it to any one until just before they took her up, I don't remember to whom I stated it, or who was present, or when it was; I did not swear before the grand jury that mother tried to vomit coming home from Remer's, I don't remember that I said anything about it to my father or to my wife, David Crozier or his wife, I did not tell the doctor when my mother was sick that she said she would take poison herself; I loved my mother; I knew she had spoken of taking poison within the same week, and I did not tell of it: I did not think of it; I knew the further circumstance that I had seen her take something that was white, but did not mention that: I have been to the jail to see my father frequently since he has been there, I know my father did not have a picture of Minerva Dutcher in the jail, because he never took a picture with him; he told me he did not; I know he did not have a picture of Minerva there, because I found it in the bureau drawer; I will swear that he never had her picture there, that I ever saw; after mother's death Minerva Dutcher came to my father's house, and my wife and I left; I suppose she stayed there until Monday night; after she went away we went back; at the interview in the jail between father and my wife I did not hear all that was

said.

Question by Mr. Hicks-I understood you to say that your mother used half the arsenic you brought home that night? Answer-Yes, sir.

Q. One-half of it for rats? A. Part of it.

Q. You answered me "one-half."—Did your father not touch you? A. No, sir.

Q. Do you swear he did not? A. Yes, sir.

Q. Did you swear before the grand jury—speaking of the arsenic—"about half of it was used the next day by mother on bread and butter, and the rest was put in Q. If you did swear so, it was true? A. I don't remember.
Q. Was it true, if you said so? A. Yes, sir; if I said so it was true.

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dark and then she left.

sworn for the prisoner and examined by Mr. Morris-I knew Fanny Crozier in her life-time; have heard her speak of a cancer in the stomach; she said if she had one and knew she had to die with it, rather than suffer for weeks and months she would take something to end it at once; we had been telling her about a lady that had a cancer whom we had been to visit; I once heard her allude to the condition of her stomach—said she had a turn of the old trouble in the stomach; I was at the donation party at the Baptist church; there was nobody with George when he came in; he sat down next to his wife; when I went to the table Minerva was holding my little girl; my wife requested me to remain and help take care of her; she asked Minerva to change places with her so I could hold the child; after they changed places Minerva was next to George; George was always in the habit of carrying on with any one who would carry on with him, no matter how small they were; it was his way whenever he was in company; I was at the Sabbath school picnic in the woods in October; George and Minerva were there; I did not see either of them principle of the pastor of the Hapfist obutel at Benton Och

leave; think George sang in the choir on that occasion: George and Fanny's family relations were pleasant, so far as anything I ever saw; I knew them inti-

Cross-examination by Mr. Hicks-My attention was not particularly attracted to Minerva at the donation; George sat next to her at the supper table a portion of the time; she got up and took the seat next to George; at the time of the conversation in reference to cancer, I supposed Mrs. Crozier made the remark in reference to what we had been saying.

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uninfiatered to her, the precise medicine the florein prescribed; did not add anvibling recalled and further examined by Mr. Morris-I would not say positively that Fanny ever said she had a cancer in her stomach; I heard her make the remark, "If I had a cancer, and knew I would die with one, I would take something to put myself out of the way before I would suffer and die by inches," as some one died that she mentioned; I have heard her complain of pain or trouble in her mustomach. Had-one vidadorg rediegos

Cross-examined by Mr. Hicks-I think there was a company present when she made this statement in reference to a cancer; it is my opinion that it was the same occasion alluded to by Mrs. Truesdell; I had no idea from what she said that she contemplated suicide.

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recalled for the prisoner and examined by Mr. Morris-During the last sickness of Fanny, David spoke to me in reference to her having a cancer in her stomach; it was not in the presence of Fanny; I remember the Sabbath school gathering in Crosby's woods; saw the prisoner there; did not see Minerva; when I was going there I saw Minerva-she was alone in the highway, going north from the woods where the picnic was held; it was on the direct road to Benton Center, forty or fifty rods from the woods.

Cross-examination.—The first time Mrs. Crozier was sick I think she told me she thought it was caused by eating cucumbers; the second time she said she thought it was brought on by hard work and eating berries and onions; I have been her family physician for seven years, yet in all that time she had never intimated to me that

she had a cancer; I told her I regarded it dyspepsia.

Mond I nob I : erote enished and Mr. Perkins store: I don't know

te enne blance is: I merer saw dille. To know it wenter resembler; I bought some at sworn for the prisoner and examined by Mr. Morris-I reside near Benton Center; was at the Baptist church the Sabbath after Mrs. Crozier was buried; saw George there; he sat behind the stove on the north side; I sat in the back slip, next to the alley; I think I sat nearer to George than Mr. West did; I did not observe George going out of the church during service; did not see him writing; I didn't miss him from the church at all during the service.

Cross-examination by Mr. Hicks-I belong to that church; I go there for the purpose of hearing the preaching; I was paying strict attention to the preaching that Sunday; the seat I was in was at right angles with the seat which George

occupied danghear-in-law left: I was at the Baptist church the Sam beiqueso ma

MARTIN W. BARDEN

recalled for the prisoner and further testified—At the time I called at Crozier's Fanny said that if she was sure she had a cancer she would take something to kill or cure it; she took a white substance at the time; she put it in a tumbler with a teaspoonful of water; it was in connection with that act that she made the remark; this was between the middle and twentieth of last July.

Cross-examined by Mr. Hicks-She was lying on the lounge in the dining room when I went in; she got up in a sitting position; she only stepped from there to the stand while I was in the house; on the stand there was a tumbler and some water, a vial and a teaspoon; I think it was a white powder in the vial; she tipped this vial up and poured some of the powder into the spoon and put it in the tumbier; she stirred it up in the water and it looked milky white; I think the first I told this was to Mr. Morris; I did not go to him voluntarily and tell it; I don't know how he happened to know I knew it; Mr. Morris was the first man I told it to, and I told it to him to-day; I was subpœnaed last Friday; nobody knew until to-day what I know about this; I kept it close to myself as a secret; it was drawn out of me against my will.

Court adjourned until Saturday morning at 9 o'clock.

ALMON C. MALLORY

sworn for the prisoner—have been the pastor of the Baptist church at Benton Center for twenty-four years; knew defendant and his wife; they attended church there. Witness was then asked to state the text from which he had preached each Sunday from April 18th, 1875 till July 1875, (for the purpose of identifying the diary of Mrs. Crozier; the diary was then offered in evidence and was excluded, with the exception of page one). too add to amin out in terrord of transfer ed foot but que too eds tentit

sworn in his own behalf and examined in his own behalf-examined by Mr. Morris: I am the prisoner; am 42 years old; I remember the last sickness of my wife; I administered to her the precise medicine the Doctor prescribed; did not add anything to it; I left the Sabbath School gathering spoken of before the services closed; no one was with me; I went directly to the graveyard where my wife was buried; after that I saw Minerva Dutcher coming up the road from Sherwood's towards the Center; after I went in and got a drink at James McAlpine's well she was coming up near the corner of the graveyard, just at the entrance; there was but one; our direction home was the same; we walked together probably one-half or three-quarters of a mile; we separated about a quarter of a mile east of where her father lived; all I know is that I met her at the time I speak of; had made no agreement to meet her; had not expected to meet her; I was at the Baptist church the Sabbath after my wife's funeral; I positively did not write a note to Minerva that day; I did not give her any paper or writing; I did not administer to my wife any medicine or any substance of any kind except what the physician prescribed; I handed her water when she called for it; I did not give any poison of any character, not to my knowledge; I do not remember putting my hand on her chin; have no recollection of that particular circumstance; I remember rubbing her forehead and face at her request; at any time when I was preparing medicine in the pantry, did not know of Mrs. Squires' coming in; have been affected with this nervous difficulty ever since I was 8 years old.

Cross-examined by Mr. Hicks: When I met Minerva Dutcher I had gone, oh, perhaps fifty or sixty rods from the graveyard: I did not see her until I came out of the gate at Mr. McAlpine's yard: saw her at the Sunday School Convention; I left the Convention towards night, alone; I went there with my girl that was living with me; there were six or seven of us in the wagon; I walked back part of the way with Minerva Dutcher; I left the grave yard where my wife was buried and met Minerva Dutcher; I did not purchase any poison in April; I got some in the spring at Mr. Wheeler's drug store; I gave it to my son at Mr. Perkins' store; I don't know what arsenic is; I never saw any, to know it, until yesterday; I bought some at Mr. Wheeler's but did not see it; I went in and asked him for it; I knew it was a powder; I bought five cents worth; there was not a very large quantity; I asked for five cents worth of arsenic; didn't know how much five cents would buy; told him what I wanted it for; I got it of Mr. Wheeler himself; I got it the first day of May; I did not carry it home myself, because I gave it to my boy; I had other things to carry; was not so loaded that I could not carry five cents worth of arsenic; I expected to go home: there was no reason why I could not carry it; had it in my hand when I went into Perkins'; I once gave Minerva Dutcher a ring; I took her to my house after my wife died; she staid there with me from Saturday till Monday night; my son and daughter-in-law left: I was at the Baptist church the Sunday after my wife died; but don't think I spoke to Minerva.

Re-direct—by Mr. Morris: At the occurrence near Bellona, when York's dog came out, I had a vial in my hand; it was sugar of lead; I got it of Miles Lewis; Mr. Davis, a barber, suggested my getting it, to make a lotion to clean off the dandruff from my scalp; I obtained it that same day; I got the ring that I gave Minerva Dutcher in a package of prize candy; I think I paid two shillings for the package on the railroad from Canandaigua to Phelps; I found this riug in it and gave it to Minerva; she returned it to me; I did not have Minerva Dutcher's picture at the jail at any time; did not present a picture to anybody at the jail and say it was Minerva; at the jail I had my wife's picture, and Miss McCarthy's; Frank fetched my diary to me and Miss McCarthy's picture was in it; the pictures of my wife and Nelly Mc-Carthy were the ones shown by me at the jail.

SAVE SICH LADY LABOR SALE SAMUEL A. LATTIMORE A TODAY SHIP IN COMPANY OF THE PROPERTY OF THE P

deal of west will not go to him voluntarily and tell its I don't know him I series. The have sworn for the prisoner and examined by Mr. Morris-Have been Professor of Chemistry in the University at Rochester since 1867; am acquainted with the substance decreign our to Juo, hwards asw it courses a say therean of washrat agest t rabit tribule

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called sub-nitrate of bismuth; am acquainted to some extent with the medical authorities treating of that substance; am acquainted with the "United States Dispensatory" and "Taylor's Treatise on Poisons"; they are both regarded as standard works. Mr. Morris divided to me five packages of sub-nitrate of bismuth; I analyzed each of those packages, and found arsenic in them; I procured Rochester specimens of sub-nitrate of bismuth of druggists of respectable standing there; I found arsenic in them.

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took the stand and testified: There was no change of the packages that were in my possession from the moment I obtained them at the drug stores until I gave them to the Professor; not a particle was added to them.

PROFESSOR LATIMORE

again appeared upon the stand: The analysis made was what is called a qualitative analysis—not a quantitative examination; there was a difference in the specimens. Cross-examined by Mr. Hicks: I received these packages from Mr. Morris three weeks ago; there were five of them; I analyzed each separately; sub-nitrate of bismuth is a manufacture; it is not the bismuth in its natural state; it depends entirely upon the manufacture of the article as to the quantity of mineral arsenic it contains; I have a knowledge of the process of manufacture; it is a very complicated one, owing to the general presence of arsenic in the ore and other minerals. The process described in the U.S. Dispensatory is directed to the elimination of arsenic and other impurities: the outline of the process is that the metal is dissolved in nitric acid, converting, at the same time, any arsenic that may be present into arsenic acid; it is possible that this combines with the bismuth, forming an arseniate of bismuch; by treating with water the nitrate of bismuth and the arseniate of bismuth are decomposed; these should be carefully manufactured so as to leave the sub-nitrate in a state of freedom from arseniate of bismuth or arsenic acid; the ore is first roasted for the purpose of eliminating the arsenic; I have never made an examination of sub-nitrate of bismuth to find arsenious acid; I don't know the quantity of bismuth analyzed, nor the quantity of arsenic

DR. CHARLES WOODWARD

such quantity in any of the packages as would endanger life.

produced; I obtained from each package of bismuth produced a large number of spots;

I was astonished at the result; I did not produce it in crystaline form; I found no

sworn for the prisoner and examined by Mr. Morris: Have been a physician and surgeon since 1850; am acquainted with sub-nitrate of bismuth; the books caution us particularly as to its purity or impurity, as it contains arsenic; the time ranges from a few minutes to several days, for a large dose of arsenic taken into the stomach to become sufficiently absorbed to destroy life; in each case it depends upon the absorption; I heard Professor Towler speak of finding a ball in the stomach; could not learn the nature of that ball from his description. The doctor was examined at length as to the effect of poisons upon the human system.

DR. HENRY W. NICHOLS THE SOUTH OF THE STATE OF THE STATE

sworn for the prisoner and examined by Mr. Morris-Have practiced medicine thirty years: the largest share of my practice has been in New York City; practiced a year in South Carolina; four years in the army and the last ten years in Rushville; graduated at Geneva; have never had a case of arsenical poisoning; am familiar with same authorities in reference to some cases; the limits for death from arsenical poisoning is from two hours to sixteen days; the average time set down is twentyfour hours. issuint to materian a common and at aponto a univer

Cross-examined by Mr. Hicks-My reading upon this subject is very recent; we post up cases like lawyers do; have never practiced law; don't know how lawyers post up, only as I suppose; it is a fact that arsenic taken into the human stomach produces death very soon; within a few hours; arsenic is an irritant poison; it acts pretty directly on the nervous system and produces more or less numbress and sometimes narcotism; five grains of arsenic is a poisonous dose; fifty grains would kill ten persons. Dr. Nichols also gave a detailed account of effects of poisoning by arsenic. or boldist last ourself the woo NELLY bMC'CARTHY THE YELLOW BETTER

affirmed for the prisoner and examined by Mr. Morris-I reside at Phelps; know of dark wines and a steepole which the chief of the cancer in help along a house after the till wine was

ethy introducted the subject; Echnic wingtown assert whethy and the thought on the state of

Selfo beting the efficient Delinion of the Recommendate limit to spide to ending George Crozier; I went to Crozier's about one hour before his wife died and remained about six weeks; soon after her death I saw some powders done up in the pantry in a saucer on a shelf; don't know how many there were or what became of them.

Cross-examined-No one requested me to go into the pantry and see if there were any powders; can't tell whether there were three or four, or a dozen; I did not speak of it to any one: the first that I thought of it I received a letter from George, asking if I had seen any powders there.

Court took a recess till 2 P. M.

FRANK CROZIER

the Professor: and a particle was added to them.

is most around linear seriots again as the drug as the drug stores and anoth here them is

re-called and further examined by Mr. Morris-I was at the Baptist church the Sabbath after my mother was buried: I sat two or three feet from my father in a seat right in front of him; did not see my father write anything on that occasion; did not notice his getting up and going out of church during service; father came into church after the opening prayer and after the second hymn, and before the sormon had commenced.

Cross-examined-I set directly in front of my father; I turned around as I heard

some one come in; most always do.

HORACE UNDERWOOD, In hedite to be seen to

Joseph Long, Rev. A. C. Mallory, O. P. Guthrie, John Truesdell, Dr. Barber, and S. B. Gage, were called and sworn on behalf of the prisoner and testified as to his general good character in the community in which he lived. evisit of as on beauthalumum dibits GEORGE E. CROZIER as a mi startin dua edt

re-called and further examined by Mr. Morris-On Tuesday morning I went to Dr. Barber's and got six or eight powders for my wife; the powders the Doctor left afterwards, were left on the table; he gave the directions to me; I put them in the pantry with the other powders; the note I gave Minerva Dutcher at the school house was not written by me; if my memory serves me right, Dr. Barber ordered me to give the powders in water; she said she would rather I would give them in something else, as she could taste them, and then I gave them to her in sugar, and she asked me to give them to her in scraped apple, and I did so; I always fixed the powders in the pantry where they were kept; they were all white, excepting one, and that the doctor called Dovers powder; after Frank requested me to get a hired girl, I inquired in Penn Yan if they knew where I could get one; I rode home with Mr. Manby's people, and at Benton Center I went on home on foot and overtook Minerva's mother, and asked her where I could get a hired girl; I wanted to know if Minerva was at home; I did not go to Minerva to hire her, I went and saw her father and told him I wanted to hire Minerva if I could get her-and I wanted to know the price, and he said he could not tell, he would see what the work was; he wanted to get some wood, and I drew the wood to him, and she was to work and pay for the wood; she came and stayed until Monday night and I took her home. I went to Dutcher's after my wife's death; they were making me some shirts and handkerchiefs, and had agreed to make me some pants; I went there to see Minerva's mother. I remember my son's wife being at the jail and talking with me; I did not say to her in substance, or in precise language, that if she would swear for me she would not want; if I said anything to her or anybody on the subject I told them to swear to the truth, let it be what it would; I don't remember having asked her if she heard Fanny say she had a cancer in her stomach; my wife had spoken to me about having a cancer in her stomacn a number of times; I have heard her say she was afraid she had a cancer; she said she had a gnawing pain; she had had it a long time; she said she was afraid she had a cancer; it seemed as if there was something gnawing; she complained of this four or five years; she spoke of a post mortem examination being held over another lady in the community; she said if she was a friend of hers they never should open her; that she never wanted to be cut to pieces in that form: I never purchased any arsenic, except at the time spoken of when I handed it to Frank; I never put any in the cupboard in the woodhouse that I know of; I never administered any in any form for any purpose; I dare not do it.

Cross-examination by Mr. Hicks-I don't know what arsenic is; I stated to you it was a powder; I have not told any one since I have been in jail that I did not know whether it was a powder or a liquid; I can't fix the date when my wife first spoke about the cancer in her stomach; a pain in the stomach introduced the subject; I can't say what was first said; I can't state the EVIDENCE, EN

od dia noccessor visurore; an ordinary tessoon will be conversation as it occurred; I think the first of it was 3 years ago; no one was present; I can't say how many conversations I have had with her on the subject; I suppose it was the first conversation that I have stated; the second conversation was about the same thing; I can't give the words, only she was afraid she had a cancer: I told her perhaps she had nothing only a pain in her stomach; she said she was afraid it was; I think I spoke to my brother about it; can't tell when; my son and I had a talk about it; I did not mention the subject of cancer to the physician; I had no fear that she had a cancer; I did not tell my counsel about this cancer in her stomach until after I was arrested; I am very positive he did not ask me about it; don't know as I have said anything about it only once; I told him my wife was afraid she had a cancer; in regard to what I said to my mother-in-law, if I said anything, I told her to tell the doctor; I can't tell as David and I talked on the cancer question more than once; it made an impression on my mind; I never said anything about it to any doctor; she did not want me to say anything; I saw her die and said no word about it to her physician; I did not think of her telling me not to say anything about it when I told my counsel; I first gave the powder Tuesday morning; I brought it in a spoon from the pantry to the bedroom; I gave it to my wife in the water; the powder was white that I gave her; the liquid medicine stood in her room; I gave her the Dovers powder as near as I can tell; about half-past nine Wednesday night; the Doctor left some powder Wednesday on the table; I carried them into the pantry. WALTER W. BECKER

sworn for the prisioner and examined by Mr. Morris-(Witness is shown a book:) I have seen this diary before, in the hands of Mr. Morris; I have been acquainted with the hand writing of Fanny Crozier during some portion of her life; I could not swear whether the page shown me is or is not in her hand-writing; I was not acquainted with her pencil writing enough to swear either way; some portions of it have the form of her writing: if it had been writen with a pen I might have given an opinion; I can't form an opinion of the pencil writing.

Cross-examination-The "r" in the word Frank and "r" in the word around are not alike. In the large of the large was carboned as a strong suit shirt of more elements and bottle were lee sulphur.

ELIZABETH A. TRUESDELL

recalled and examined by Mr. Morris-Have heard Fanny speak about a trouble in her stomach; think about 3 years ago; I don't think she ever told me any particulars; she spoke of having pain in her stomach; George Crozier was nearly always writing while in the choir at the church.

Cross-examination—Quite a good many of the choir had something to do besides singing and flirtation; don't know who commenced that additional service in the church; have not talked with Mr. Morris since I was on the stand before; the flirtation with the girls in the choir began more than a year ago. nest I Hearburst action of spinantin agreement outs in the

EMILY H. MALLORY mid of h borgvilgh bare to

affirmed for the prisoner and examined by Mr. Morris-Am the wife of Elder Mallory: (witness is shown diary) I saw a diary at the residence of Mrs. Crozier that resembles that; it was after George was in jail; think it was in one of the small, drawers of the bureau; there was Mrs. Crozier's jewelry and some personal things of Mrs. Crozier's in the drawer. by their process I failed forget any circulate of ninemic addle using the same pro-

Cross-examination-It was during the Coroner's inquest that I found the diary; we looked through the kitchen and through pantry and through the drawers of the bureau; David, Dolly and Frank were with me in the pantry; we found soda and salts and a small bottle containing white powder in the bureau; I made an examination of the diary to find out what was in it; didn't know but it might be useful; I suggested this examination; I delivered the bottle to Dr. Tompkins; he took a sample from each and gave it to Mr. Wilkinson a druggist.

The defence again rested.

THEODORE F. WHEELER sworn for the people-I reside in this village; keep a drug store; the prisoner has traded at my store occasionally in the past 2 years; I have no reccollection of selling him any arsenic within the past 18 months; we keep a register for the purpose of making entries of sales of poisons; I have examined that book for a year back; there are 480 grains in an ounce; an ordinary teaspoon will hold from 130 to 150 grains of arsenic. ent: I cent't env how meany conventions I have hed with her on the subject;

HENRY C. COLLIN

sworn for the people-I was the foreman of the grand jury by whom the defendant was indicted; Frank Crozier was sworn before that jury on the complaint against his father; he then swore that he saw his mother take a teaspoonful of white powder in the pantry before going to Mr. Remer's he swore that she was sick and did not know but she would vomit before she got home, (on the way home.)

don's know as I have said anything about it only ones I told kim my wife Tue biss I it, wal-ni-radiom vin of bile WARREN, BROWN, ni ravasso a bad adabisits

sworn for the people and examined by Mr. Hicks-I was the clerk of the grand jury that found the indictment against Mr. Crozier; I took part of the minutes, and intended to take them correctly; Frank swore that part of the arsenic was used on bread and butter and the rest put in a vial or bottle.

WILLIAM T. REMER

sworn for the people and examined by Mr. Hicks-I reside in the southeast part of Benton, five or six miles from the defendant's; recolect Frank and Mrs. Crozier coming to my house the Monday before she died; I saw and talked with her; saw nothing unusual in respect to her appearance and health.

Chicon a monte at assent W.) - sixtoh TRANK TOMPKINS recalled and further testified on behalf of the people-Mrs. Mallory gave me two bottles containing white substance; I delivered a portion of their contents to Mr. John Wilkinson, a chemist. quainted with her pencil writing enough to swear cither way; some portions of it

maying ayad deplin I dad a driw mathy JOHN WILKINSON anithw and to man add avaid

sworn for the people and examined by Mr. Hicks-Reside in Penn Yan and am a druggist and chemist; Doctor Tompkins delivered to me two powders for analysis; the sample from the large bottle was carbonate of magnesia; contents of the other bottle were lac sulphur.

ERNEST BORDWELL

sworn for the people and examined by Mr. Stewart-Have been a clerk in my father's drug store for about three years; the night of the 16th or 17th of February, Mr. Morris came into the store and asked for five grains of sub-nitrate of bismuth; I put some up on the 24th of February from the same package and sealed it up and the next day took it to Prof. Towler at Geneva; I got some from Mr. Wilkinson's store, which I also took.

EDWARD C. WILKINSON

the estimates in the state of t sworn-Am a druggist; Mr. Morris obtained a package of sub-nitrate of bismuth; I delivered a sample from the same package aftewards to young Bordwell; I sealed it and delivered it to him.

all need do sing with mit and -simple PROF. JOHN TOWLER III THE THE THE TOTAL TOTAL TOTAL

recalled and further testified-I obtained from Ernest Bordwell two packages of sub-nitrate of bismuth; I subjected each of them separately to the same analysis as used in making the analysis of the stomach for the investigation of arsenic acid; by this process I failed to get any crystals of arsenic acid, using the same process by which I obtained innumerable crystals from the stomach; I failed to obtain any trace of arsenic; I determined thereupon that there was no arsenic in quantities that could be discriminated. and salts and a small bottle containing while powder in the bureaut I made an ex

delpting hi mak mood I make the SARAH J. TOWNER: of visib mit do not millione

recalled and further examined by Mr. Stewart-Went to Crozier's last spring and took dinner; aftar dinner I had a burning sensation in my stomach; Mrs. Crozier said she would give me some magnesia and produced a vial; am acquainted with the hand writing of Fanny Crozier; have corresponded with her ever since we were children. (The attention of the witness is called to the entry in the diary of Mrs. Crozier "two ounces of arsenic, 20 cents.") It doesn't look like her hand writing to me; it is not her style of writing.

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willy sin give precised that she suspected this defendant was given his wife

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olson; and yet sine gave no alarm to any more even whispered such again of a spleton.

MY HOMSQUYE

Summing up for the Defense.

At about 9 o'clock on Tuesday morning, the 14th, Hon. D. Morris commenced summing up for the defense. Addressing the jury, he reminded them of the previous suggestion of the Court, that they should hold all opinions in abeyance until the evidence on both sides is fully heard. A human life is at stake here, and you have a most solemn and important duty to perform. You are lawfully bound to presume, at the outset, that the accused is completely innocent, until that presumption is fully overthrown by ample evidence. Counsel here cited legal authority to the effect that each circumstance alleged in such a case must be distinctly proved, and "a thousand suspicions do not constitute proof." We care not, therefore, what may be the suspicions of this audience, or of the busy gossips of Benton Center,—the law gives the accused at the outset the full presumption of innocence; and more conclusive evidence is needed than has been produced here to enable the distinguished counsel from abroad [Mr. Hicks] to come here from another county and hound a respectable citizen of Yates county to his death.

The prosecution allege that the accused criminally caused the death of his wife by poison, and upon them falls the burden of proof to demonstrate this. It has been shown here, and we admit, that white arsenic was found in the stomach of the deceased woman; and the important question for the jury to determine is, how came that arsenic there? Now, is there any possibility that she either designedly or by mistake took that poison? We assume that there is, and also that evidences are numerous to show frequent fatal mistakes of physicians and druggists in prescrib-

ing and preparing remedies.

The wife of the defendant was sick, and like a frank, honest man, with no concealment and no evasion or neglect, he went to his family physician, detailed her symptoms, procured the medicine, took it home, and as the testimony shows, gave it according to directions. We have here the evidence of the son, substantiating his father. Has that son and only child, earnestly loving his mother and beloved by her, turned against her, in the face of facts and in defiance of her sacred memory? It is impossible, and there is in all history no such instance. A daughter possibly might be thus recreant, on behalf of a father, but a son who truly loved his mother as this one did, never could.

After the father went for medicine, the son went and procured some. Previously the husband had twice gone with his wife to consult Dr. Barber regarding her case. Was this a symptom of his guilt? Rather, it is a strong inference of his innocence. Again she was taken ill, on the night of Monday, July 26th, and the next morning the husband goes to the same physician and procures medicine for her and admin-

isters it.

The suspicion of Mrs. Towner during that final illness of Fanny Crozier shows a wrong if not a wicked and malevolent mind. Which of you, gentlemen of the jury, if really guilty as charged here against the accused, would send for your family physician to come and treat that wife? Would a man actuated by guilty intent, and desiring secresy, do that? Would or could he do the deadly act charged here, especially if he had been uniformly kind and indulgent to that wife, as it has been shown here the defendant was? In this case the physician was called and came, and he examined the matter ejected from Mrs. Crozier's stomach. No guilty man would have run the close hazard of detection, then and there, by calling in a medical expert.

Again, there has not been a single moral evidence of guilt in this case. If the defendant be really guilty, then he is the most artful, cunning and self-controlled criminal, as well as medical expert, that I have ever seen. If guilty, he must have positively known that upon the exhumation of that wife's body, infallible evidence of his crime would be found—yet thereupon he shows no trepidation and no

desire to escape, and not a symptom of guilt.

On Wednesday morning, July 28th, Dr. Barber goes again to visit his patient. He gave some more medicine, and he thinks he saw some symptoms of arsenical poisoning, but he mentioned the fact to nobody. The doctor is not on trial here; but if he were, and had himself committed a terrible mistake, you would not say he was consciously or wilfully guilty.

he was consciously or wilfully guilty.

The fair, legal presumption is, that the accused gave those remedies to his wife precisely as they were prescribed; and direct, unquestionable proof must be adduced to set aside this presumption. We have not had here a scintilla of real proof that he did not.

A suspicious woman—Mrs. Towner—was there on the day preceding Mrs. Crozier's death. She pretends that she suspected this defendant was giving his wife poison; and yet she gave no alarm to any one, nor even whispered such suspicion. What can we infer from that unfounded suspicion, save that it is "evil to him who evil thinks?" Mrs. Squires was attending Fanny on Wednesday night, and she says she had a similar suspicion. She nursed the sick woman the entire night; the son came home during the night, but she uttered no alarm to him. If her suspicion had any foundation in fact or reason, would she not have told him, and earnestly and excitedly cried out to him, "Frank! I believe your father is poisoning your mother?" Instead of this, she quietly tells Frank his mother is "about the same,"when he returned and asked about her condition. This suspicious woman says that she followed Crozier into the pantry; the door stood wide open, and she saw him with a teaspoon of medicine in one hand, and with the other he wiped the knife with which he had scraped the apple—and this was all she saw. Would he not have shut the door when going in there, if on a guilty errand? or would be have dared to undertake such a crime with friends of the family and the physician almost at his elbow? Remember, also, that the accused himself, on the day of his wife's death, sent for Dr. Allen, a very able physician, to confer with Dr. Barber about the wife's physical condition—something which no one who had guiltily administered poison would do, or was ever known to do. This fact is a powerful moral evidence of George E. Crozier's innocence.

Beyond question, one of the most trivial and contemptible efforts put forth in this case by the prosecution is their attempt to drag in the fact that the accused placed his hand upon his wife's forehead when she was in the last throes of dissolution. It does not require serious notice, except as showing the eagerness of the people's counsel to catch at nothing.

On the day the leceased died, her husband said she had stated to him previously that she was averse to being dug up and cut up after burial. Gentlemen, this is not to be construed as any proof of this defendant's criminality, however much it may be tortured or misconstrued; it is, instead, a perfectly natural feeling and expression.

We assume, gentlemen of the jury, that the defendant is not utterly idiotic, and that if he were really guilty he would not have sat quietly down after that death, disinterment and examination, and with no exhibition of guilty emotion, made no effort to leave this section and escape from justice. This is a moral evidence of his innocence.

The counsel then cited from medical authority, showing that a large quantity of arsenic found in the human stomach does not necessarily indicate that it killed the person, as it may have been unabsorbed or unassimilated. Further, the fact was stated that the analysis of a chemist—Prof. Towler included—is often unreliable; and counsel contrasted the manner of Prof's Towler and Lattimore in giving evidence here. The ten different analyses of sub-nitrate of bismuth by Prof. Lattimore were referred to, showing that he found arsenic in each specimen, and that in Prof. Towler's analysis, by a different process, of some of the same bismuth, the latter found none. Gentlemen, it is utterly unsafe to rely upon the evidence of one chemist alone. Further, the testimony of the coroner here has not shown that he took due care and precaution in regard to the jar in which were placed the stomach and liver; nor has it been shown that the zinc and other metals in the apparatus of Prof. Towler were free from impurity. May not Prof. Towler have been mistaken? "Who shall decide when doctors disagree?" Further, Prof. Lattimore is fully substantiated by Taylor's work on poisons. [Extracts from which were here read, showing cases of poisoning by impure sub-nitrate of bismuth, and that such poisonous impurity may be detected by "Marsh's Process." Doses of this medicine will therefore produce arsenical symptoms.] Prof. Towler stated at the coroner's inquest that he had then made a complete analysis; afterwards he informed counsel for the defense that he had made a complete analysis; and here he has testified that at that time he had not fully completed such analysis. to motomers a jon bus, sus no of

The exhumation of Mrs. Crozier's body was made by Drs. Waddell and Barber, They procured by mistake the first time the lungs and heart of deceased, instead of the stomach and liver; they are reputable physicians, of years' practice, and if they may thus err, how can we say or believe that one chemist operating alone may be infallible?

Dr. Waddell found, upon a second examination, an unnatural derangement of the organs, the heart being misplaced—and it was this fact that had caused his error. Now, the deceased had long supposed herself to be afflicted with cancer in the

stomach; whether she really was or not, such was her belief; it is in evidence here by two witnesses. that she had declared she would put herself out of the way if she thought she had a cancer; and it is credible evidence.

We come now to the motive alleged by the prosecution for committing the crime charged here. There has not been shown one particle of good evidence here on this point against the accused. Not one fact is shown of any lack of harmony between himself and his wife; not one point that she was neglected by him or in any manner displeased with him. Was it an impropriety or an evidence of criminal intent that he passed notes to Minerva Dutcher in the choir or stood close to her on the church platform in broad daylight?

Mendo not carry on liasons in that public manner. Was the fact that he chanced to set by her at the supper table during the donation party improper? Anyone who can so regard it, feeds himself or herself "out of a very small spoon." During twenty years of married life the relations between the accused and his wife were invariably pleasant and harmonious; and we challenge the production of one other instance of married life of that duration in which so much harmony and happy agreement can be shown.

It is attempted to convict the accused not only of murder, but of improprieties; and it is urged that he was seen walking homeward with Minerva Dutcher on Sunday, and from the Convention in Crosby's woods. Can this be used as evidence of crime, when seven witnesses have here vindicated the character of the accused for respectability and integrity, and there has also been no evidence whatever against the character of Miss Dutcher? Further, the talk was "mere idle gossip." (as it has been called here by a respectable Benton clergyman); and when, it was agitated in the community, and Mrs. Truesdell requested accused not to call there in her absence to see Miss Dutcher, he frankly said he would not, ar! that he "thought no more of her than of any other respectable girl."

The incident of Crozier engaging Miss Dutcher and taking her to his house about two months after his wife died, was, we admit, an indiscretion, in view of the gossip and feeling in the community, but it was nothing more, and can afford no evidence whatever of committing the crime of poisoning his wife.

We come now the question, where did the deceased procure the fatal poison? The Court will probably charge you that you must exclude any hypothesis that the accused administered it wilfully or criminally, unless a fully adequate motive is shown. He procured medicine from the doctor, and gave it honestly and in good faith. Previous to this, on Monday night, the son saw his mother take a white powder for disordered stomach, and then he took her to Remer's, came back and she took some more, and went out and vomited. The next morning he saw her take another dose, and it also caused her to vomit; and he saw the bottle no more. On the way to Remer's she told Frank she would "take something to put herself out of the way." The idea of her taking arsenic was not suspected by him until after she died. She had previously declared she would put herself out of the way by taking something," and the husband clearly had nothing to do with "the stuff" she then took, any further than to buy it at her request in Penn Yan the previous spring.

Mr. Morris then referred to Mr. West's testimony about the accused having been seen by him to pass a note to Miss Dutcher in the church on the Sunday after his wifes's death. Mr. Bushnell saw no such note passed, and the accused says he did not give her such a note. The prisoner is a credible witness, unless impeached. Gentlemen, I am a practical physiagnomist; now, please gaze upon the respective faces of Mr. West and of George E. Crozier! You saw both West and the accused upon the witness stand; and we claim that the latter has by his demeanor here manifested honesty and straightforward innocence. Compare his lineaments with those of West, and sey if you cannot believe the accused.

Now, the point concerning the Baptist convention in the woods: A Mrs. Barber says she saw accused and Miss Dutcher leave the assemblage, and he swears that he went to visit his wife's grave, and that he and Miss Dutcher afterwards accidentally met; and you are bound to believe this was not a preconcerted, clandestine meeting. If for forty-two years, as has been shown here, George E. Crozier maintained a good and unimpeachable reputation, you are bound to believe him now, and not permit some mere male or female gossip to blot that reputation out on mere suspicion.

The young son of that deceased mother now comes here and tells what he saw his mother do; and if you cannot believe him, you cannot believe in human nature. If he has not told the truth, then you cannot believe there is truth in the world.

In the handwriting of that mother you have seen the entry in her diary of the "2 oz. of arsenic," and the husband and the son says the writing is hers; while other witnesses say they will not swear whether it is hers or not. The supposition has been urged here that she took magnesia; but gentlemen, you do not know but she may have made a mistake, and taken arsenic.

Martin Barden has testified that he was there on the 11th of July, and saw Mrs. Crozier take a white powder, and that she then said to him that she had a difficulty

in the stomach, and she was taking something to "either kill or cure.".

The ball or cyst found in the stomach of the deceased, it has been testified here, undoubtedly delayed the fatal absorption of the poison. [Counsel here defined the three classes of circumstantial evidence of murder, as previously detailed in his

opening for the defense.

In closing, counsel insisted upon the quoted medical facts that poisoning by aconite will produce blindness, while arsenic alone will never produce it; and that sub-nitrate of bismuth is a great irritant upon an inflamed stomach, as well as aconite; and both of these were administered to Mrs. Crozier. Also, that at the beginning of her final illness, she was seized with vomiting before her husband had given her any medicine received from the doctor. With these facts before you, gentlemen of the jury, you have not only "a reasonable doubt" as to the guilt of the accused, but you are in solemn duty bound to acquit him. The alleged "chain of circumstantial evidence" which the prosecution have offered here is deficient in some of its most essential links; it utterly lacks a clear motive; and you cannot under your oath accept it. In behalf of my client, concerning some of the witnesss who have here testified against him, I would here say of them, "Father, forgive them, for they know not what they do."

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fairly discuss the principal and all-absorbing question in this case: Has fine prisoner

Summing Up for the People.

At 3½ o'clock on Wednesday afternoon, Edwin Hicks, Esq., associate counsel for the People, began to sum up the case for the prosecution, his argument being in full as follows:

May it please the Court and you, Gentlemen of the Jury—It is a cause of congratulation that we are approaching so nearly the close of this somewhat protracted and most important trial. The earnest, deep-felt interest that it has created is indicated by the eager, listening multitude that has thronged this court room from its commencement to this hour. From the neighborhood where this fearful crime was committed, from all parts of your county, the people have gathered around and within this "Temple of Justice," to witness the progress of our investigations and the development of the guilt, or the triumphant vindication of the innocence, of this unfortunate defendant. Such has been the evidence of the public interest and the popular appreciation of the importance of this trial. When a crime of such fearful magnitude has been committed, it is calculated to arrest public attention.

In its investigation the people should take it upon themselves to see that justice—no more, no less—simple and exact justice—shall be rendered between the people on the one hand and the accused on the other, that no person accused of crime shall enter the doors of this court room without feeling that the law is to him "a shield as well as a sword."

Gentlemen, it is impossible that you and each of you were not deeply impressed with the due solemnity of the formal proceedings by which you were selected from the body of the county of Yates to sit in judgment upon the guilt or innocence of this defendant. You have a solemn, a fearful responsibility to share with each member of this Court, and with the counsel who have had the responsible, the important duty of conducting this trial. In the performance of that duty you will let no considerations of sympathy swerve you to the right hand or to the left, but with a strict fidelity to the truth of this case, as you shall see it developed by the testimony, pronounce your verdict. The defendant is a citizen and long a resident of your county—to some of you a neighbor. But when you took your seats in that jury-box these considerations were obliterated from mind and heart, and you were absolved from the ties of triendship and became the inflexible ministers of Justice. And in your dehiberations you should remember that "Mercy to the guilty is injustice to the innocent"—that clemency is an element that does not enter into the jury-box—that it belongs to another tribunal, and there let it be exercised.

Gentlemen, I am assailed by my learned friend with the unjust imputation that I have come from another county "to hound a citizen of Yates to his death." We have met here, gentlemen, upon this trial for the first time—as strangers. Never before have I looked in the face of one of you. This defendant to me was alike unknown. I feel no animosity toward him. I do not believe that any one of you will be impelled to out-weigh the testimony against him by any effort of mine, even were I impelled to urge you to do so. At the request of your learned District Attorney, and by the assignment of the first Judge of your county, I have come to render what assistance I can—not in sending a citizen of Yates county unjustly to the scaffold, but in detecting a crime, a terrible, a most unnatural crime, and if

possible to bring the guilty perpetrator to punishment.

If you have any doubt of the guilt of this defendant, based upon a reasonable foundation, no man will more heartily approve of your verdict of not guilty than I who have been thus unjustly accused.

The counsel for the defendant in this case has interposed two affirmative defenses—First, that Fanny Crozier came to her death through the ignorance or mal-

practice of her physician, Dr. Barber; and second, that she committed suicide. Gentlemen, if you shall find that either of these defenses is true, make haste to

render a verdict of not guilty in favor of this defendant.

The burden of proof to establish either the one or the other of these affirmative defenses rests with the prisoner, and he must at least produce a preponderance of evidence that her death was the result of the one or the other, or his conviction is inevitable.

In discussing the testimony, therefore, gentlemen, I propose to review in the first place that portion which has been directed to those two points-asking you in the meanwhile to hold all your judgment in reserve, as you ought, until I shall fairly discuss the principal and all-absorbing question in this case: Has the prisoner at the bar committed a wilful murder?

There can can be no controversy about the fact that Fanny E. Crozier died an unnatural death. If she died through the ignorance or malpractice of Dr. Barber, then the people have no case against this prisoner, and he should be ac-

quitted.

Up to the 15th of July, 1875, Mrs. Crozier had been in the enjoyment of her usual health. She had conducted her own domestic affairs unaided by any servants, and for two or three years prior to that time she had very little or no occasion to consult with her family physician. That was the date of her first sickness, so peculiar in all its symptoms, and which made slow but steady progress until she died. In company with her husband, on the 15th of July she called on Dr. Barber, and told her symptoms to him. She then described her disease as a difficulty of the stomach, and attributed it to eating cucumbers. Dr. Barber made a prescription for the difficulty she had described, of the tincture of aconite and powders of subnitrate of bismuth. Although evidence has been given of the poisonous effects of aconite upon the human system, the pretense would be worse than absurd that Mrs. Crozier's death was caused by that prescription of Dr. Barber. It is true that aconite is a deadly poison, if taken in sufficent quantities. But that the tincture prepared by Dr. Barber on the 15th had any deleterious effect upon the system of Mrs. Cr ozier you will not believe for a single moment. The medical testimony in regard to the poisonons properties of the tincture of aconite is all of the same character, and establishes the fact beyond a question that it could not have produced death. The Doctor testifies that a poisonous dose sufficient to produce death would be five or six hundred drops. It would take of this compound half an ounce to prove fatal. Such is the evidence; and yet in the prescription of Dr. Barber Mrs. Crozier was given ½ drop, to be taken every half hour. Could this have produced a fatal result? Was aconite the cause of Mrs. Crozier's death? Gentlemen, it needs only the bare statement of the evidence for you to see at once its utter absurdity; and I believe you will dismiss this part of the testimony without serious difficulty.

But this does not yet acquit Dr. Barber, and leaves us to further consider his

medical prescription. The of to base taker out of nov syriews in Luquive to sucitar bien

The defendant's counsel has directed a large proportion of his evidence to prove, and has urged with great vehemence before you that in the sub-nitrate of bismuth administered by Dr. Barber, combined with the tincture of aconite, the secret of this remarkable case is found. Satisfied as I am-satisfied as I fully believe you will be before this case is closed—of the real cause of Mrs. Crozier's death, still I do not propose to pass this portion of the evidence by without review, not only because of the earnest, I may say vehement, argument of the learned counsel in presenting his views of it to you, but I do not intend to leave any opportunity now or heleafter to assail Dr. Barber as a physician who, either through ignorance or inadvertently by malpractice, has caused the death of Mrs. Crozier. While Justice shall acquit him of any wrong which has been so grievously laid to his charge in this case, with unsparing denunciation, it shall lay the guilt heavily upon the shoulders of the real criminal, to his utter condemnation.

Then, did the sub-nitrate of bismuth prescribed by Dr. Barber cause the death of Fanny Crozier? It is not disputed that bismuth as a native ore contains a large proportion of arsenic. But this was not the form of bismuth that was compounded and administered to Mrs. Crozier by Dr. Barber. The sub-nitrate of bismuth of commerce, and which is used by physicians in their practice, is an entirely different preparation.

Prof. Lattimore, the learned professor from the Rochester University, has been produced as a witness for this defendant, and has told you of the nature of this mineral, somewhat exaggerating the presence of arsenical properties in its composition -and thus eounsel attempts to raise a doubt in your minds as to the cause of Mrs. zier's death. Gentlemen, it is a little remarkable that upon the cross-examination EVIDENCE IN THE

of Prof. Lattimore, when requested to give you the process by which chemists reduced bismuth to the sub-nitrate and prepared it for use in medical practice, he overlooked one of the most important features of the process, and one which has a very important bearing upon the very point to which his testimony was directed. He gave every other detail of the chemical change except the "roasting," by which arsenic—the drug which they seek to find—is eliminated. It was not quite ingenuous in the Professor thus to overlook this important fact. Every medical witness that has been introduced proves to you that sub-nitrate of bismuth is used in his practice—that it is prescribed as a sedative—that it is not an irritant—that it produces a soothing effect upon the system—that it is an antiseptic, correcting acidity of the stomach, the very difficulty of which Mrs. Crozier complained on the 15th, and as a cannot rebuke him.—and he can safely remedy for which it was prescribed.

They tell you also that all the arsenical properties which the ore contains in its original state are eliminated in its preparation for commerce, and that this mineral thus prepared is in daily use by them as medical practitionere, without the least deleterious effects; and Dr. Barber swears that from the same packages from which he compounded the powders for Mrs. Crozier he prescribed for other patients, with the most beneficial effects. Do you believe that Dr. Barber has caused the death of Fanny Crozier by the use of sub-nitrate ol bismuth? Is there sufficient evidence of

this to excuse the defendant on that ground?

But the defendant has given other evidence upon this point, as singular in conception as it is unreliable in its conclusions. The learned counsel has procured from the druggists of Penn Yan three samples of sub-nitrate of bismuth, and from the druggists of Rochester five others—eight in all—and submitted them to the analysis of Prof. Lattimore, and he tells you that in each sample he detected traces of arsenic,—what quantity he fails to tell you. He did not prosecute his laboratory researches far enough to enlighten you upon that most vital question. It was quality and not quantity for which he was in search. Not finding enough to weigh, he can and does only say that there was not enough in either package to endanger human life. And so expire together the theory that Dr. Barber poisoned Mrs. Crozier, and this hope of the defendant. It presented a singular defense when it was shown that neither af the packages analyzed by the Professor was taken from that used by Dr. Barber in his prescription for Mrs. Crozier, and when, more than all, Prof. Towler of the Geneva Medical College, analyzed bismuth from the same packages that were presented to Prof. Lattimore, and found conclusively that they did not contain arsenic at all.

Dr. Barber prescribed in all eight powders of sub-nitrate of bismuth for his patient, all of which were not taken, containing five grains each. In five grains of sub-nitrate of bismuth Prof. Lattimore finds only a trace of arsenic-not enough to endanger human life. Prof. Towler with the closest scrutiny finds none at all, while in the stomach of this woman are found sixty grains of arsenious acid, much of it unabsorbed—enough to kill twelve person!—presenting through the microscope the invariable octahedral, crystaline form of arsenious acid, which cannot be mistaken.

Why, gentlemen, you see that there was more pure arsenic found in the stomach of this deceased woman than there was of the eight powders prescribed by Dr. Barber—arsenic, bismuth and all! Was Dr. Barber the cause of Fanny Crozier's death? Has it been ignorance and malpractice? Can this defendant escape the fearful responsibility of this murder though such a flimsy pretence as this? Gentlemen, it is for you by your verdict to answer. mort ban and of the

But the defendant has interposed another defense, which has more significance, and to which I now wish to direct your attention. The counsel for the defendant seeing, as you indeed must, the futility of explaining the existence of the large quantity of arsenic found in the stomach of Mrs. Crozier, as the result of the medicine she had taken, now insists that she committed suicide. This defendant—this kind and indulgent husband, as represented by his counsel-comes into court, and to escape the fearful circumstances with which his own act has surrounded him, casts upon the memory of Fanny H. Crozier the bitter imputation of taking her own life struck with this singular circumstance as some of blue a no ?

What motive do they present, based on any substantial evidence, for such an act on the part of Mrs. Crozier? She had a pleasant home; she was surrounded by influential, opulent and affectionate friends; her domestic relations were apparently all she could wish; she was indulgent to her only son, who returned to her in full measure his love; she trusted implicitly in her husband, whose hand was so soon and so secretly to be lifted against her life. Who ever knew a person in sane mind to take her own life without some motive, either fancied or real? Mental trouble,

care, domestic infelicity, bodily ailment or insanity, often incite to self-destruction. Of all the causes that lead to suicide only one is pretended in this case to exist; and the defendant comes here to urge that this woman, to whom all the testimony in this case gives a Christian character, was a self-murderess! She is not here to resent or to answer this fearful imputation. On that peaceful Saturday afternoon, amid weeping friends, in that rural cemetery, she was laid down to her dreamless sleep in the grave opened for her by her husband. "Oh, the grave, the grave! how it buries every error, covers every defect, extinguishes every resentment." George E. Crozier invoked its silent precincts to hide the evidence of his guilt, and vainly thought he was safe. The eye now sightless cannot reprove him—the tongue now pals ied cannot rebuke him,—and he can safely tell the story that shall fasten upon the memory of this saintly woman a fearful crime, and he will escape. George E. Crozier, lay not this flattering unction to your soul! The truth of this case wil_ vindicate the memory of that Christian woman, and the Sword of Justice shall fall where the guilt of murder rests. It shall pierce the flimsy veil of this assumed innocence, and lay bare the guilty heart where the demon of murder had its birth! The Barber has caused

To establish the theory of suicide, the defense claim that Mrs. Crozier was living under the continual apprehension that she was afflicted with a fearful malady that was destroying the vitality of her system, and that she would eventually die from the slow and painful ravages of a cancer of the stomach. The first witness that they call for this purpose is Frank Crozier, the son of this defendant.

I wish it were possible in the just discussion of this case, to spare this witness, now just verging upon manhood. That the consequences of the remarkable story he has given under the solemnity of his affirmation—he would not take the usual oath,—might not follow him to the latest day of his life. His evidence cannot receive the least credit; in the very nature of things it must be false; and you will so construe it. If to any one, to Frank and the defendant alone did Mrs. Crozier disclose the fact that she believed she had a cancer in the stomach; and Frank is the

witness of her attempt at self-destruction.

These witnesses are permitted to give, to sustain the theory of suicide, the declarations of deceased indicating her determinaton to take her own life. No other witness has given anything but hypothetical statements made by the deceased, that if she thought she had a cancer in the stomach, before she would suffer as another person had, she would take something to put herself out of the way. Such was the testimony of Mrs. Truesdell, of John Truesdell, and of David Crozier; and it all related to a single conversation when they were discussing the suffering of Mrs. Bush, who had died some four years ago from the effects of a cancer. I have, indeed, overlooked Mart. Barden, but of him by and by.

The Court decided that such a hypothetical statement would prove nothing, and it became necessary to make more positive evidence, and Frank Crozier, the son of the poor woman silent in death, comes to the witness box to fix this fearful disgrace

upon his mother. Jacob sand onone was more pure areaning, demelling

He testified that he knew of his father purchasing arsenic in the spring of 1875; that it was given to the witness to carry home; that he gave it to his mother, who used a part of it the next day for killing rats, and the remainder she put in a bottle and placed in the pantry. On Monday before his mother's death he saw her go into the pantry, and from a bottle similar to the one into which he had seen her put the arsenic, she poured out a white powder, put it into water and stirred it up and drank it. Before the grand jury—as we have shown you by the foreman of that body—he testified that she took a teaspoonful of this white powder. Gentlemen, this story is related to lead you to believe that Mrs. Crozier deliberately, in the presence of her son, took a spoonful of arsenic at a single dose, with intent to commit suicide. I say deliberately, for there has been no pretense in the case that it was done accidentally, or under a misapprehension that what she was taking was any other substance.

You would be struck with this singular circumstance as something very remarkable and unnatural had nothing been added to this act. But it is entirely incredible when we pursue the testimony and find that she took this powder, now supposed to be arsenic, just as she was about to start with her son to ride to Mr. Remer's, a distance of six miles, and back, and that on her return she repeated the dose,—that on the way to Remer's she made the statement to her only child that she thought she had a cancer in the stomach, and before she would be eaten up with a cancer she would take stuff to put herself out of the way,—that when she told him of this he told her she must not, for it would be laid to him or his father, and she told

him that no one should know it,—and that on the way home from Mr. Remer's his mother was taken sick and vomited.

Gentlemen, it is on this most incredible story, with the attempted corroboration of Barden and the defendant—that Mrs. Crozier thought she had a cancer in her stomach—that they base the defense of suicide. To no other person has Mrs. Crozier disclosed the apprehension of this terrible malady. To no friend or relative,—to no neighbor except Mart. Barden—and has never consulted any physician learned in this special disease, nor has she ever disclosed her fears to Dr. Barber, her confidential medical adviser and family physician.

Do you believe that she committed suicide? Do you believe the story of Frank Crozier? Do you believe that she took arsenic in the very presence of her son, to whom she was devoted,—that she did it with intent to kill herself, and at the moment when she was starting to visit a neighbor's six miles away in the country, and in a quantity that would have produced a deathly sickness in half an hour, and would have rendered it inevitable that her own son would have been left alone with her in the agonies of death before she could return?

Gentlemen, this story of Frank Crozier is false. Its only foundation is to be found in the probable fact that his mother, suffering from repeated small doses of arsenic given by this defendant, and feeling the burning pain in her stomach that has been described by the witnesses, attributing it to something she had eaten, sought relief in the use of magnesia, which she was accustomed to take to relieve the difficulty she sometimes experienced in her stomach. It is too incredible for any other explanation. That a mother preparing for the nuptials of a beloved son, about to wed the beautiful daughter of a respectable and wealthy neighbor,—an event, if there is any in a mother's life which would cause her heart, yearning for her son, to bound and throb with joy—starting with that son to go to a neighbor's to procure means to purchase the wedding outfit—the day set when she should make the necessary preparation for such an event—should take a dose of arsenic in the very presence of her child, with the declaration upon her lips that she would take her own life, is more than the credulity of man can receive as true.

Frank is told what she intends to do; he sees the very act itself; he makes no resistance; he enters no remonstrance, except the gentle admonition, "You must not do it, for fear it will be laid to father or me." He sees his mother in the pangs of mortal agony, wasting away and dying, and makes no disclosure of what she has said, of what he has seen her do, to his father, to his uncle living in the same yard, nor to the doctors who stood by powerless to help, and uncertain of the fearful nature of her disease. Gentlemen, this story is untrue from beginning to end.

But says the learned counsel triumphantly, this testimony is corroborated by the evidence of Martin Barden. Martin Barden-you saw and heard him; he is a stranger to me, but in my judgment Truth shrank from contact with his tongue years ago, and left him nothing but a fossilized lie. He tells you that in July last he was at the house of George E. Crozier in Benton; that Mrs. Crozier was ill, and complained to him of having a disordered stomach. He went there to get pay for some work he had done for Crozier. Mrs. Crozier was lying on a couch in the kitchen there was a bottle of white powder on a stand, a spoon and some water. Mrs. Crozier got up, poured some of the white powder in a spoon, put it in water and drank it, saying if she thought she had a cancer in the stomach, before she would suffer as some folks did she would take something that would kill or cure. Barden treasured this story. He had never disclosed it until the moment of his utterance upon the stand, and it was then, as he tells you, fairly wrung from between his lips by the persistence of the defendant's counsel. Exit Martin Barden, -you can "step down and out," with the fullest assurance that your memory will hereafter be cherished as the champion fabricator of the town of Benton.

Such is the testimony on which they base their defence of suicide. But, gentlemen, this idea of suicide is utterly inconsistent with the conduct of Mrs. Crozier herself. She freely consulted with her physician, described to him her supposed difficulties, attributed her illness to natural causes, and never even hinted or suggested to him that she was fearful of cancer in the stomach. Is it credible that a sane woman would thus and under such circumstances destroy her own life without confirming her fears by consultation with her doctor? that upon the merest fancy she would become a self-murderess when she was in the prime of life and apparently in the vigor of health? But, gentlemen, stand by that dying bed-side, see how that poor suffering woman clings to life, not because she fears death but because as she says she has so many things yet to do. The vision of happiness from

which she was about to awaken into fruition in the happy marriage of her son, was still thrilling the heart so soon to cease its pulsations. The expressions of Christian faith, the exhortations to her son to remember the burden of the many prayers she offered for him; to care for his father now growing old; the tender solicitude and love she so earnestly expressed for that husband from whose hand she had so confidingly taken the fatal drug that was carrying her all too soon to her grave, is each in itself evidence "trumpet-tongued" that Fanny H. Crozier was not a suicide. She is dead; her spirit has taken its flight; she has sunk into the cold, dark grave. Could we open its marble walls and bid her stand forth to witness; could we call back that sainted spirit so rudely disembodied by the act of this defendant, from its companionship with archangels in the realms of glory and ask her, she would tell you with lips sanctified by the solemn verities of the eternal world that she did not fly in the face of high heaven and raise her hand against her own life—that this is not a suicide, but murder—cold-blooded, cruel, deliberate, diabolical murder!

Gentlemen, I have no doubt of your conclusion in this case, that Dr. Barber was not the innocent cause of Mrs. Crozier's death, and that she did not commit suicide. Although there can be but one alternative, I propose to establish all that can be required of the people in this case, and that the conviction of this defendant is required by the evidence. The defendant's counsel claims that his client cannot be guilty of this crime because the prosecution has shown no motive for its commis-

sion, and for lack of that proof the people are "out of court."

It is impossible for us fo fathom the motives of men. No motive, however strong, however overwhelming, would induce some men whose conduct is governed by a sincere and conscientious regard for right and justice to commit a crime of the least magnitude, much less one that would overshadow their whole lives and involve themselves and their kindred in unutterable disgrace. Other men, upou the most trivial and seemingly inadequate motive, will plunge recklessly into the greatest excesses, and unflinchingly and ruthlessly commit the most aggravated, the most diabolical crimes. How often is jealousy on the one hand, or alienated affection or illicit love on the other, the motive, the primal cause of some of the most cold-blooded and deliberate murders in the annals of crime. George E. Crozier had ceased to love his wife. Through some unaccountable cause he had formed an illicit attachment for another woman. She was low-bred, of vulgar associations, and between whom and the wife he had in his heart abandoned there was no ground for comparison. For the full gratification of his lust, to give free rein to his licentious disposition, all obstacles must be removed between him and the object of his new affection.

The defendant's counsel protests that nothing has been shown in the evidence to prove any intrigues between the prisoner and the girl Minerva Dutcher. This intimacy, as we are shown by the testimony of Elizabeth Cole, commenced some four years ago, when his interest in her would be manifested by stopping day after day in passing the school where Minerva attended and from which she would be excused to chat with him in the road. The intimacy commenced at that time continued growing more and more decided down to the very time of his arrest for this murder. Never was a more scandalous intrigue carried on between man and woman, in open

or secret violation of the obligations of a husband to his wife.

Minerva worked for Elizabeth Truesdell during the summer of 1874. During this whole summer the prisoner was a constant visitor at Mrs. Truesdell's; living as they did only across the highway from the defendant his opportunity was ample and he made the most of it. His attentions did not escape the notice of Mrs. Truesdell; she observed them in their attempts to meet each other without detection in the woodhouse and at the kitchen where Minerva was doing her work. His visits were so frequent, his attention to Minerva of so marked a character, that it was the gossip of the neighborhood; and Mrs. Truesdell says, "As soon as I heard the talk about it, I told the defendant that he must not come to my house in the absence of myself and husband." She told the defendant at another time that he ought not to pay so much attention to this girl, and he promised that he would stop. The defendant's counsel has attempted to cast ridicule upon the act of Crozier in giving Minerva a ring, on account of its trifling value. Gentlemen, the significance of the gift was not so much in the value as in the giving. It may have been only the trifling outward manifestation of the burning passion within. It bore to this foolish girl all the intensity of his illicit love, and symbolized to her the fulness of her hopes as much as though it were a diamond cluster of untold value. Mrs. Truesdell called the attention of them both to the atter impropriety of their conduct, and compelled Minarva to glve back this token of Crozier's regard. He meets Minerva at the back of the house, and the conference, although lost to the sharp-eyed Mrs. Truesdell, who

was obstructed by the mosquito bars in her progress to interrupt them, was observed by Charles, who thus describes this stolen interview: "I remember when the prisoner and Minerva were together at the back end of the house; he handed her something; I could not see what it was; I saw him put his hand into hers and then

she put her hand into her pocket."

It was in those stolen interviews, when conversation would be interrupted, that Crozier would carry to her his letters, which she could read and gloat over in solitude and at her leisure. Nor was the period of these intimacies limited to the time Minerva was at Mrs. Truesdell's, nor the place to her house. George was a member of the church and also a member of the choir. He had his seat in the gallery. Thither Minerva Dutcher would gravitate as unerringly as the magnet does to the pole, and here in the sanctuary of God, where Christian people were wont to congregate to worship on the Christian Sabbath, where Fanny Crozier, with the true spirit of a Christian woman, in her seat would listen to the religious teachings of the good Elder Mallory, her husband in the gallery would write his billets and slip them slyly into the hands of his paramour, and whisper stolen words of love into the ear of his wife's detestable rival. This was observed again and again, Sabbath after Sabbath, until it challenged the attention and provoked the resentment of the whole neighborhood. It was not mere friendly companionship and neighborly chat: it was the exhibition of a licentious and depraved heart: it was was the manifestation of an illicit love, to the full gratification of which his wife was an obstacle to removed.
But, says the counsel for the prisoner, these acts of intimacy were so public that be removed.

they must have been entirely innocent in their nature. Truly such as were seen were public; but when we see such acts as these witnesses describe with this woman on the part of a man who has a confiding wife and a child verging on manhood, in his unblushing intrigues, we are at liberty to give a somewhat loose rein to our imaginations as to what may have been their relations when they were not under the sharp eyes of Mrs. Truesdell or the watchful care of the members of Elder

Mallory's church.

It was the custom of Crozier to walk to and from church, two miles and a half. Leaving his wife to ride with the neighbors, this indulgent husband would walk. How often has he been observed by the neighbors to start for church, go past the house where Minerva was, and loiter until she should come out and overtake him and then they would go on together. Leaving the church after service, he would be in the company of Minerva Dutcher. He would walk to church and from church. Nine times out of every ten he would go to church with Minerva, and the tenth he would return with her. Gentlemen, imagine the feelings of Mrs. Crozier, on the occasion described by Mr. David Armstrong, when she was riding home from church with her brother-in-law. On the way they overtook her husband in company with Miuerva Dutcher. Mrs. Crozier asked her husband to ride, and he rudely repulsed her, preferring the company of this low-bred, dissolute girl.

Let me call your attention to one or two other incidents connected with these two persons. The counsel for the prisoner says that his client was an indulgent and loving husband; that he never did wrong to his wife nor to her memory. Mrs. Crozier died on Thursday, the 29th day of July. On Saturday her friends and neighbors conveyed her remains to their last resting place. George Crozier, a bereaved husband, stood beside the open grave and heard the minister pronounce the solemn words, "Earth to earth, dust to dust, ashes to ashes," and the last offices of love and affection were paid to one of whom it may be said, "None knew her but to love, none named her but to praise."

The morrow came, the hushed and holy Sabbath—a day when all nature would seem to sympathize with the bereaved and broken-hearted husband, and when it would seem that he in his distress would seek her very heart for consolation. The people, impressed with their bereavement and the solemn rites of the day before, assemble at the church. David West, the usher, is at his place and seats the congregation. He observes that George Crozier comes in and takes his seat by the door. Minerva Dutcher is there; she goes into the vestibule of the church. Crozier, unmindful of the solemn services, unmindful of the occasion, the place and the day, forgetful of his recent bereavement, writes his accustomed note, leaves the church during the services, gives the letter to his paramour, chats a few words, and returns to his seat. Such is the testimony of David West, and he is corroborated by William Ball. Such was Crozier's conduct the very day after the burial of his wife. He went to church, not to receive the consolations of religion, not to join in the worship of God or to gather strength from the sympathy of friends, but to prosecute with greater freedom his intrigues with Minerva Dutcher. Not even the holy sanctuary of Christian worship, nor the solemn services of prayer and praise—no, not even the wrath of heaven, thundered from that Baptist pulpit, could restrain George Crozier from the manifestation of his unbridled lust. Did he love his wife? Did he administer poison to her to remove an obstacle to an illicit love? Was this deed a suicide or was it a murder?

In September, 1875, after Fanny's death, a Sunday-school conventiou was held in what is called Crosby's woods. Crozier went there in a wagon with his neighbors; Minerva Dutcher was also there. About 5 o'clock in the afternoon, as we are told by Mrs. Cornelia Barber, Minerva was seen by her to leave the grounds where the convention was being held and stroll away into the woods, not exactly in the direction of her home. A few minutes afterwards Crozier was seen to leave in the same direction, and both went out of sight. Later in the afternoon they were seen together by George Moon and his wife, to emerge from the woods in an unfrequented place, pass up into a lane, and from thence separating, he went into the nursery grounds and Minerva towards her home; and Mrs. Moon tells you that she has often seen Crozier and Minerva Dutcher riding and walking together both before and after Fanny's death. There may be nothing significant in all this, and it may be entirely consistent with honest intention and virtuous life. In his testimony you will remember the defendant seeks to explain his disappearance from the grounds of the convention, and tells you that he left for the purpose of going to the cemetery where his wife was buried. This may be true. It may have been his intention. If so it was the first act of respectful regard that he had paid to her for four years at least. But he had found Minerva Dutcher, or she had found him. Their like animal instincts had brought them together. If he did visit the grave of his wife, she at least remained outside the portals of that sacred resting place. They dared not stand together above the solitary grave of that sainted woman. They had scandalized her name while living, but they dared not by their joint presence pollute the ground above her sleeping dust.

A large number of other witnesses have told you of the improper and scandalous intimacies between these two persons both before and after Fanny's dea h. Mrs. Towner saw them carrying on their intrigues in church. Miss Della Squires saw his attention to Minerva and his public neglect of his wife at the donation party, and her receiving at his hand the suspicious letters during church service. Mrs. Edmonds and David Armstrong saw with what frequency he visited the house of Mrs. Dutcher after the death of his wife. Mrs. Edmonds observed his visit on one occasion when the Dutcher family were all away except Minerva, when he prolonged his stay until the shadows of night cast a mantle of darkness if not of charity

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But there is another most scandalous and significant fact developed by the testimony of these witnesses. After Fanny's death, Frank and his wife went to his father's to live. They had been there but a short time before Crozier informed Emma that he had hired Minerva Dutcher to come there to work. The defendant claims in his testimony that this act was one of utter necessity—that he had sought far and near for a "hired girl," but none was to be found, and that Emma, his son's wife, could not do the work. But Emma tells you that when it was told to her that Minerva was to come, she and her husband consulted together, and she proposed to do the work with his assistance, to which he assented rather than have her come. She told the defendant of this, and that she would rather Minerva would not come. He rudely repulsed her, and replied that he had her trunk there already, and she was going to come, and there was no use of talking any more about it. Emma and her husband declined to stay in the house under such circumstances, and left. On Saturday night, a few weeks after the death of his wife, against the protestations of his son and his daughter-in-law, and in defiance of the indignation of the neighborhood, he brought this vile, unprincipled woman to his house, and kept her there Saturday night, Sunday, Sunday night and Monday, with himself alone. There was no walking to church this Sunday morning, no flirtations in the gallery, no passing of private notes from one to the other. He had her all to himself, and no one to molest or make him afraid. Such was the conduct of this loving and indulgent husband within a few short weeks of the burial of his wife. Scarcely had the wings of the death-angel that bore her pure spirit to heaven ceased their fluttering before George E. Crozier brought to his licentious bed this shameless prostitute to pollute the home that had been honored by the noble and virtuous life and sanctified by the suffering and death of Fanny H. Crozier. No wonder that Frank and his wife fled from the house. No wonder that the indignation of the whole neighborhood was aroused.

Gentlemen, after the coroner's inquest the defendant was arrested and confined in jail. Minerva Dutcher had been produced before the coroner as a witness. She

and acquitted herself to the entire satisfaction of the defendant, and in the exuberance of his admiration for her, he had exhibited to two witnesses, who have sworn to the fact, a photograph which he declared was the picture of Minerva Dutcher, and that if he got out of this he would marry the girl, for she had stood up so well for him at the coroner's inquest. Frank Crozier was called to disprove the fact that his father exhibited the photograph of Minerva, and it is true that he swears positively that he did not have it, for it was at home in the bureau drawer. It was not in jail, but cherished and preserved at home. The defendant himself denies that he had Minerva's picture, but did not deny one word of the declaration that Cole and White say they heard him make.

Gentlemen, was there any motive for this defendant to murder his wife? Had his affection for her become alienated? had he found a new love, the only obstacle

to the fullest enjoyment of which poison would remove?

But where is Minerva Dutcher? We have not seen her upon this trial. Where is this girl, so slandered and belied, if the testimony of these witnesses is false? Why has she not been produced before you? She would have been a swift witness for the deliverance of the defendant if the testimony of the prosecution is false. If these witnesses have told the truth, her testimony would have been deplorable, and that explains the reason why it has been suppressed by the prisoner's counsel.

Gentlemen, I suggested to you in the outset of my remarks, that I proposed to leave the important issue in this case until after we had considered the affirmative

defences that have been interposed and the question of motive.

In the discussion of these points I have to some extent foreshadowed what I

contend must be the inevitable conclusion upon the whole evidence.

There is little need, it seems to me, to review the testimony farther. If Dr. Barber is guiltless, if this was not a suicide, with the overwhelming evidence that has been given of a motive, the only alternative that remains is that George E. Crozier murdered his wife by the administration of poison, as charged in the indictment. A cetebrated English writer upon criminal law has said, "Of all the different modes by which death is effected, that by poison wilfully administered may be considered as the most detestable, because it can of all others be least prevented by courage or forethought. The act itself necessarily implies the most cool and deliberate malice in the perpetration, and no provocation is allowed to justify it."

That Fanny H. Crozier came to her death through the effects of arsenical poison there is no doubt. The remarkable exhibition of the result of Professor Towler's analysis shows conclusively that she came to her death from that cause. What unerring assistance in the detection of crime is derived from science. By the aid of that wonderful instrument, which was invoked in this trial, the microscope, experts are enabled to decide whether the blood stains upon a garment are of the blood of animal or man, by the measurement of minute globules that compose it, magnified a thousand times. By its aid you each had the opportunity of beholding how perfect were the beautiful crystaline forms of arsenious acid that demonstrate its identity as distinguished from all other metallic substances, when a grain of that taken from the stomach of Mrs. Crozier was placed upon the object-glass of Professor Towler's microscope. It gave us the most satisfactory evidence, and in a form that could not lie.

Now, by what agency—by whose hand—was this poison administered? We have no history that is satisfactory as to the sickness of Mrs. Crozier on the 15th of July. She and her husband went to Dr. Barber's, and Mrs. Crozier gave him a statement of her symptoms and explained her feelings. She there stated that her sickness was induced by the eating of cucumbers, and Barber made the prescriptions to which allusion has already been made. She made a further statement to the witness Mrs. Truesdell, that on that Sunday when she was first taken sick she had come home from church and ate a friedcake and drank a lemonade and ate a part of a lemon peel. After this, and within a short time, it appears that she was affected with vomiting and exhibited all the symptoms of arsenical poisoning. It is not disclosed who prepared the lemonade, but it is a fact that that of itself will not produce the symptoms that followed the drinking of that lemonade by Mrs. Crozier. It would be a very suitable and proper medium for the secret administration of poison.

The defendant's counsel asks you to believe that the defendant is innocent because he had been with his wife to Dr. Barber's during this sickness, and asks if he would have done this if he was intent upon her destruction. At this time nothing would have been more consistent with his guilt than this very act. His wife is complaining. He goes with her to the family physician. When his hour of trial shall come this shall be used in his behalf, and at the same time he obtains the

white powder that was thereafter used as the means of giving the poison. To have approached her with a fatal dose of arsenic while she was in the enjoyment of good health and prostrate her in a moment would have provoked at once the most searching investigation.

The difficulty that Mrs. Crozier experienced on the 15th, recurred on the night of the 27th, and continued with more or less of violence until she died. All that human skill or love of friends could do was done to save her life. Her physicians were baffled. Her symptoms presented peculiarities for which they could not account, and her friends laid her in her grave, not quite satisfied that her death was entirely from natural causes. No such death had ever occurred in their midst before. The smothered feeling of suspicion in the neighborhood continued to gather volume until it broke out in an imperative demand for an investigation. The coroner and his jury were summoned, and the body of Fanny was exhumed from the grave in which George E. Crozier had thought to bury forever his awful secret. It is fully established, it is admitted by the defendant, that arsenic was in his house. He had at hand the means by which this murder was committed, and it is found in the stomach in quantities sufficient at least to kill twelve persons, as Prof. Towler testified, for he says he found sixty grains, and from two to four is a fatal dose. Crozier knew where the arsenic was kept, because he says after Fanny's death he looked for it where it was and it was not there. All the circumstances are entirely favorable. The sickness of his wife, the necessity of giving medicine, the arsenic in the house. I propose then to establish the fact, if I can, from the moral evidences in this case, from the conduct of the defendant himself, that he is guilty. One of the most significant facts that was ever given in evidence comes from Dr. Barber. He tells you that on Thursday, before any word of suspicion had been uttered by a single soul, the defendant tells him, as they are walking from the barn to the house, that Fanny was growing worse; that she would not live long, and that he did not want any examination made, for Fanny had said she did not want to be cut up as some other persons had been. Gentlemen, who had suggested a post-mortem examination to George E. Crozier? Why should he anticipate that one would be had? Why did he give utterance to this most singular thought? Why? Because Crozier knew of the fatal malady, the unnatural cause of her disease. His guilty hand trembled with fear. Every eye that fell upon him discovered his guilty secret. Every sound that fell upon his ear was a voice accusing him of murder. Up to that moment he alone had possessed his secret; it then had possession of him and compelled him to give it utterance. It was the first step taken in the investigation which led to the disinterment of Fanny's body and the consequent discovery of his crime. George E. Crozier never called a physician during the sickness of his wife. This "loving and indulgent husband" gave her no care or attention, but carelessly awaited the slow progress of her disease, knowing full well that it would be onward until she would die. He sent for none of the neighbors, though within a stone's throw, until her condition was accidentally discovered.

On Tuesday, the 27th day of July, Mrs. Towner, a neighbor, called at Mrs. Crozier's. She found him sitting upon the front porch of his house, apparently quite indifferent as to the welfare of his wife. "As I went in," says the witness, "I said to him, 'are the folks at home?' He said, 'Yes, she is in there'-pointing to the bedroom door. I heard her vomiting, and went in and found her in great distress and vomiting. She complained of a burning sensation in her stomach, and of pain in her back." It was apparently of little consequence to him what suffering she endured. She was in her bedroom alone, and this husband within hearing of her distress, making no attempt for her relief. It is almost incredible in itself, but it is not all, nor is it the worst. "She complained," says the witness, "all the time of being so sick. I asked George why he did not have a doctor; and he said, 'it will be of no use—he can do her no good." Such was the first intimation to any of the neighbors that Fanny Crozier was at all unwell. It was discovered not by any information that her husband had imparted, but by the accident of a neighbor's friendly call. Such was his heartless indifference to his wife that he answers the inquiry of Mrs. Towner, why he did not have a doctor, with the declaration that "he could do her no good."

Nobody better knew than George E. Crozier, that moment, that what he said was true. He alone knew of the cause of the fatal malady that was preying upon the life of Fanny. "It will be of no use." Yes; George E. Crozier well knew that no antidote of Dr. Barber's could stay the ravages of the fearful drug she had taken from his hand; that the disease was beyond his control; that the end of her life was marked and nothing could save her. Sick and dying he had paid her no attention; he had left her to her suffering without the least evident feeling of remorse. Mrs.

Towner consulted Fanny with regard to having a doctor, and Fanny told her that George would not have one. This poor, suffering woman, in her distress, in her helpless condition, seeking relief, was denied the attendance of her family physician by her husband, who sat indifferently by, watching the progress of the disease, all

too anxious for her demise.

Mrs. Dolly Crozier came while Mrs. Towner was there, and when they were making arrangements for one or the other to stay through the night, they were interrupted by the defendant, and he told them he could take care of her himself. Such care as she would have received at his hands! Such brutality was never exhibited before. Heedless of her suffering, heedless of the tender care woman alone can give to the suffering, refusing to send for a physician, insisting upon being left alone with his victim, that nothing should interfere with his opportunity to complete his awful work, are circumstances of guilt of the most indubitable character.

Mrs. Towner went again on Wednesday, when the same symptoms were exhibited, and she continued to grow worse and more distressed, until she expired on Thursday afternoon. From the moment of Mrs. Towner's first visit to the moment of Fanny's death he did not express one word of sympathy nor exhibit the least emotion. When his wife, still confiding in him, still clinging in love to her husband, and speaking to him with lips pale with the hues of death, she said, "Oh, George, I love you so much;" he repulsed her yearning heart with the cold, indifferent answer, "Never mind that, now; don't worry;" and the only reply she can make is, "I am not worrying." Poor woman—little did she think he was the cause of all her dreadful suffering,—that his hand had administered the fatal poison that was

ebbing her dear life away with such fearful bodily pain.

Gentlemen, I wish to call your attention to the testimony of Mrs. Squires. She went to Mrs. Crozier's on Wednesday morning, and remained until after Fanny's death. All the symptoms described by the medical witnesses as belonging to arsenical poison continued until the last. She had the care of the sick woman during this time. Fanny had but two kinds of medicine to take as prescribed by the physician, the tincture of aconite—a liquid in a cup that stood upon a table in the sick room—and the powders of bismuth, which Crozier told the witness she had nothing to do with—that Dr. Barber had given especial directions to him to give the powders himself. Dr. Barber tells you that this was a mere pretense, and untrue; but the defendant made use of it to have himself the entire and exclusive control of the means by which he could the most successfully administer the poison. The defendant gave Fanny a powder during the forenoon of Wednesday, which was soon after followed by the inevitable symptoms of poison; and this was the only attention he bestowed upon her until evening, when the hour arrived for her to take another powder.

You remember the graphic testimony of Mrs. Squires, in her description of Crozier's conduct. His preparing the medicine in the pantry, the length of time in which he was secretly engaged, the fact that she suspected something wrong and went into the pantry to see what he was doing; his turning from her as she approached, with the spoon in his hand; her search in the pantry for some evidence of the powders, and her failure to fine any, and finally the scene at the bed-side, when he offered her the medicine, and when Fanny said, "Oh, George, I can't take it," and he said "You must take it;" and after she had taken it into her mouth and said, "I can't swallow it; it sticks in my throat,"—the heartless manner in which he told her to "swallow it down; you must never chew your medicine;" and then she says, "he went out on the stoop and sat there most of the evening." During all this time Fanny was complaining of the burning pain in the stomach, and was exhibiting symptoms of the greatest distress; but not a word of encouragement or sympathy did she receive from her husband, and he did not pay her the least attention, or exhibit the least emotion. The witness says, "When she vomited after taking the last powder, he took the basin and went out to the lamp in the sitting room, and looked into it, and went out and threw it way, and when he came back with the basin, he said, "She did not vomit that up this time."

On one other occasion, when the matter vomited by Mrs. Crozier created some remark by its peculiar appearance, Crozier turned to Dr. Barber and said, "that is nothing; I have seen the same before, haven't you?" Such was the interest Crozier manifested in the illness of his wife. Her suffering was of no consequence. He carefully watched her symptoms and the progress of her disease. He coolly prepared the medicine containing the poison and compels her to swallow it; assures himself by examination that she does not vomit it up; sees that his fatal work is well done; that death is inevitable, and then deliberately returns to the front veranda

of his house and coolly sits down to enjoy the luxury of a cigar.

When his wife says to him, "I am not ready to die yet," he says to her without the least emotion, without a tear or a sigh, "If you are not ready to, nobody is; you

are as ready as any one."

Gentlemen, in all the history of criminal conduct can you find a parallel to this brutality? There lay the poor, suffering woman, his wife, giving expression to the tenderness of her love for her husband, and he by his heartlessness repelling every sentiment of regard. Telling him in tenderest accents of affection how much she longed to live for his sake and that of Frankie, her dear son; and he by his manner exhibiting only an ill-concealed impatience, allowing it to overcome his discretion by closing the gasping lips of the dying woman before the lingering spirit had taken its flight.

Gentlemen, it seems incredible, but it is authenticated by the most credible testimony; testimony that impresses you with its truthfulness, and except in a

single respect undisputed by Crozier himself.

On Wednesday night Mrs. Crozier grew rapidly worse. Her hands and limbs became cold, and she was apparently near her death. Mrs. Squires was with her alone. Crozier was in the kitchen asleep on the lounge. The witness says, "I c !led George to help me rub Fanny." He got up and rubbed her limbs for a little while, and then he stopped and said, "Cover them up; they'll get warm," and then he went back and laid down. "I asked him for mustard, and he said 'it would do no good." This is the "loving and indulgent husband" described to you by the counsel for the defense. In the very hour of her sorest trial, with cold-blooded indifference he abandons his wife even in her dying agony. He sheds no tears; he utters no word of consolation or hope; he exhibits no emotion. He coolly abides the supreme hour of dissolution, and impatiently awaits the moment when he can hide in the grave the victim of his awful crime.

Nor, gentlemen, is this all? Knowing the fearful circumstances by which he is surrounded, conscious of his guilt, he appeals to Emma Crozier, his daughter-in-law, to save him. His wife must be proved a suicide. The lasting disgrace of self-destruction must be fastened upon her memory. To do this he would suborn his own child. To do this he frantically appeals to Emma Crozier to testify falsely. In his frenzy he offers to place her beyond pecuniary want if she will falsely swear that Mrs. Crozier had told her that she thought she had a cancer in her stomach, as the foundation for the theory of his defense. Not only would he fasten this disgrace upon the memory of that dead wife, but he would suborn his own children to

escape the implacable Nemesis that forever pursues the guilty.

Gentlemen, my duty in this case is done. I have performed it conscientiously. The responsibilities of the next hour are with this honorable court and with you. Into your hands will be committed the destiny of George E. Crozier. It is an awful responsibility, and I doubt not that it will be faithfully and fearlessly discharged, and if you are satisfied of this defendant's guilt, that you will render a verdict that will reassure the people of Yates county that they are to be protected hereafter against premeditated and deliberate murder.

The court here adjourned until Wednesday morning at 9 o'clock.

At 12:45 on Wednesday Mr. Hicks concluded his argument, having spoken about six hours.

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Charge to the Jury.

The Court then charged the Jury as follows:

Gentlemen of the Jury-You have listened to the details of the evidence in this case with great patience, and you have apparently listened with all fairness to the comments of the counsel. You sit here under the oaths you have taken to make a true deliverance between the prisoner at the bar, who stands charged with the offence of murdering his wife, and the people; and this you are to do in view of the evidence in the case upon a calm, cautious inspection of it in all its parts; and I have no doubt that you will bestow upon it that degree of care which the importance of the case, not only to the defendant, but also to the people demands. You are called upon as jurors, not to pass upon the testimony alone which has been given before you; you are called here because you are men familiar with the ordinary affairs of life. You know the motives, the objects, the intentions, and all the ordinary circumstances that cluster around the affairs of men. You bring into the jury box the observations you have made in life, and they go into the consideration of the case, together with the facts proved by the evidence. In view of this knowledge, and of these facts, you should look carefully, analyze critically, and see what the evidence in the case does prove, and when you have thus determined what conclusions are to be drawn from the facts in the case, regardless of every other consideration except the question of abstract right, you are to render that verdict, doing your duty like men.

The prisoner stands charged with the offence of murder. It is necessary in commencing an examination into the case, that we should understand fully what the offence is. It is defined in the law as murder in the First Degree, and murder in the

Second Degree. I will read to you the definitions as given in the statutes:

"Such killing, unless it be manslaughter or excusable or justifiable homicide, as hereinafter provided, shall be murder in the first degree in the following cases: "First, when perpetrated from a deliberate and premeditated design, to effect the death of the person killed or of any human being; second, when perpetrated by an act imminently dangerous to others, and evincing a depraved mind regardless of human life, although without any design to effect the death of any particular individual; third, when perpetrated without any design to effect death, by a person engaged in the commission of a felony."

If the prisoner is found guilty of this offence, it must be in this degree.

"Such killing, unless it be murder in the first degree, or manslaughter, or excustable or justifiable homicide, as hereinafter provided, shall be murder in the second
degree when perpetrated intentionally, but without deliberation and premeditation."

In one case, it is done with a deliberate and premeditated design; in the other case it is done intentionally but without any deliberate design;—as if two persons were quarrelling and one kills his antagonist on the instant, intending to do so, but without deliberation. If this man has deliberately administered this poison to his wife, and from its effects she died, he is guilty of murder in the first degree. The fact of administering poison to an individual with the intention of killing, necessarily involves premeditation and deliberation. You will, therefore, confine your attention to this definition of murder in the first degree and whether this case comes within that definition.

The death of Fannie H. Crozier stands undisputed. The question arises, in the first instance, what was the cause of her death? A large amount of evidence has been spread before you in regard to the medicine administered to her, and the circumstances under which she died. You have been told by the witnesses what these were, and you have heard their description of the effect of these drugs upon the human system. It has been told to you that on the occasion of the sickness of this woman, she had administered to her sub-nitrate of bismuth, in the liquid and powdered state. Aconite was also administered to her, known among the medical profession as a virulent poison. These are medicines in common use by the profession.

If it were not for one other fact that stands out here in bold relief, it might be of some importance for you to consider what would have been the probable effect of sub-nitrate of bismuth or aconite in the case. It is said that the crude ore of bismuth contains arsenic to a greater or less extent than when it is prepared for medical use. So far as it may be done, the arsenic is eliminated from, the ore, that the bismuth is then comparatively harmless. Evidence has been given, showing that bismuth taken from the stores here and in Rochester, has been analyzed, and one of the persons who analyzed it found arsenic, while the other says he could not find it in sufficient quantities to re-strain it and put it upon the porcelain used for that purpose. Both these men tell you that they did not find in it any amount of arsenic sufficient to endanger human life. When they tell you that, they probably tell you what will relieve you from one examination, and that is, whether the death of this woman resulted from the use of this sub-nitrate of bismuth. But when another fact, which appears in the case, is placed before you, it relieves the case very much from any discussion of any of the symptoms of sub-nitrate of bismuth of aconite.

Some two months after the deceased was buried, her body was taken up, and her stomach and a portion of her liver were delivered to Professor Towler for analysis. The evidence on the subject comes from the persons who made the postmortem examination, and you are to decide whether any arsenic was placed in the parts thus delivered to Mr. Towler. Dr. Tompkins tells you he added nothing. He says he placed the parts in a glass jar, and delivered them to Prof. Towler. Mr. Towler analyzed the contents of the stomach and liver, and he tells you that by the tests of the chemist, he is enabled to pick out the different parts of the matter examined; and it may be well for you to remember that all the medical men in the case tell you whatever is taken into the human stomach is absorbed during life, and passes into other portions of the system by absorption; that when life ceases, and that whatever remains in the stomach at that time, remains unchanged; and that if any portion of the substance is absorbed, it is scattered through the system. It will readily occur to you that portions of a poison or anything else thus scattered through the system could not be placed there after death, because all absorption ceases when death occurs; so that, if Prof. Towler found within the walls of the stemach, with in the substance of the mucous membrance lining the stomach, or in the liver, any portions of the poison, they were there before death. Portions of it, however, he tells you, he found in the stomach unabsorbed. This fact is important only for the purpose of leading you to reflect whether any portion of that arsenic was placed in her remains after she was exhumed from the grave. If any were so placed in the remains it could not have been that which was taken from the substance of the mucous membrane, or from the portion of the liver which he analyzed. When Professor Towler brings before you the evidence of the fact that he found within the body of that woman a drachm or over of arsenic—enough, according to the testimony of every medical witness in the case, to have caused the death of twelve personsyou will have no doubt that the death was occasioned by arsenic. It would seem that there could be scarcely room for doubt that this death was caused by arsenic administered to her by herself or some one else. Indeed the counsel agree that her death was occasioned by arsenic.

Then arises the question, by whom was that arsenic administered? The people, in this prosecution, claim that it was administered to her by the prisoner. The question for your determination is whether or not it was so administered to her by him. If it was not, that is an end of the case. She is dead, and dead from the effects of arsenical poison; but the prisoner is affected by that only, as you shall find that the evidence brings home to him the fact of the administration of the arsenic. If she took it either intentionaly or by accident, the prisoner is not guilty.

Right here comes a question, raised by the counsel for the defense, which you should consider and determine, whether this woman did cause her own death, either by suicide or mistake. The theory of the defense is that she committed suicide. That theory they seek to sustain by evidence that she thought she had a disease of the stomach which would eventually terminate her life, and that, fearing the effect of that disease, she voluntarily took this arsenic for the purpose of inducing her own death. If she did that, George E. Crozier did not administer it to her. You will look through the evidence in the case, and see whether there is any evidence to lead you fairly to the conclusion that she voluntarily took her own life. The evidence on that subject, whether she would or not take her own life is derived from two sources. Her son tells you that the night before she was taken sick, he had a conversation with her, while she was going from her home to Remer's, and that she said she though she had a cancer in the stomach, and said

she would take something to make way with herself if she thought she had. husband says she several times expressed to him, on different occasions, the belief that she had this disease: It is upon the testimony of these two witnesses, that the counsel builds up the theory that she took the arsenic intentionally, for the purpose of escaping the pain and suffering of such a disease. In addition to that, you have the testimony of John Truesdell, Elizabeth Truesdell and David Crozier, who tell you that from two to four years ago, they had been to see a relative of Truesdell's-Mrs. Bush-and they were detailing in the presence of Mrs. Crozier the agony endured by that woman by reason of her cancer, and that Mrs. Crozier, on that occasion, said if she knew that she had a cancer, and that it was to kill her, she would take something to make way with herself rather than be eaten up by disease as that woman had been. You will see that this statement of hers is hypothetical. One of the witnesses says he understood that to be an expression of the horror she had of the disease, simply. If that is so, the expression has no point, and the only manner in which it can have a point is upon the supposition that she actually thought she had a cancer. In connection with this, you are to consider the evidence of Frank Crozier and George Crozier that she thought she had a cancer. George Crozier, the prisoner, is a witness. The law allows him to testify, that he may explain the circumstances surrounding him and the case. An innocent person may detail the circumstances of a transaction in such a manner that a jury may be enabled to believe he tells the truth. You are to look at his testimony fairly and honestly, and give such degree of weight to it as it is entitled to. But you cannot avoid the fact that this man stands here testifying with such a degree of interest as no human being can have, except when his life is at stake. If the story he tells its such an one as commends itself to you as bearing the impress of truth, you should believe it, although he has this great interest in the case. In addition to this you have the testimony of Frank, who tells you that on the occasion I have referred to, the night before she was taken sick, his mother told him she thought she had a cancer in her stomach. You will bear in mind the manner in which that young man testified. I only advert to it that you may recollect his manner, and then consider whether upon the strength of the story of these two persons, you can believe the tale they tell that that woman did think she had a cancer in the stomach, and that therefore the contingency had arrived in which she had said, she would make way with herself.

You will bear in mind that Emma Crozier has been called as a witness, and has testified in regard to several transactions between herself and the prisoner. She tells you that after the death of his wife, the prisoner and she had a conversation, in which be told her he had arsenic in the house, that he got that spring to kill rats with; that he said he was afraid his wife had taken it, for she was afraid she had a cancer in the stomach, and if so she was going to put herself out of the way. He says there was arsenic in the house, and he went to look for it after she died, and found it was all gone. On the cross-examination she says he said they had used part of the arsenic—that it was kept on a shelf in the pantry, and that he found the bottle, but that the arsenic was all gone. This, she says, was before the body of the deceased was exhumed. After the prisoner was put in jail, she says he asked her if Fanny had not told her that she had a cancer in the stomach, and she said she had not. "He asked me if I wouldn't say she had told me so, and he said if I would swear for him, I should never want for anything."

This testimony is brought here for the purpose of showing a consciousness of guilt on the part of the prisoner. It is important for the purpose of ascertaining whether the deceased did in fact entertain the idea that she had in her stomach a cancer. The law with regard to that, is this: If the defendant has been engaged in the act of fabricating testimony—if he has been undertaking to pervert those sources of truth which jurors are required to resort to, it is a suspicious circumstance against him. Such an effort naturally excites suspicion, and ought to be carefully considered in estimating the credit to be given, not only in regard to the fabrication of the evidence, but to other evidence which may come here from a doubtful or suspicious source. If a man has endeavored to extract false evidence from one source, you have the right to believe he would do it from another source. It is true that it does not necessarily contaminate the other testimony; it does not necessarily show that the testimony of Frank or of the prisoner himself, in regard to her having a cancer, is untrue, but it leaves you to look with suspicion upon it. You will remember, also, that innocent men will sometimes resort to strange expedients. Men of weak nerves or of a timid nature are very apt to resort to such things, but it leaves, nevertheless, the suspicion surrounding the prisoner who thus attempts to fabricate testimony. You will take the testimony of these witnesses.

and determine from it whether the testimony thus given by Crozier and his son, that this woman supposed she had a cancer in her stomach is reliable, and if you find it is reliable, then the contingency in which she would resort to self-destruction has been shown to exist, for she believed she had a cancer. But it does not necessarily follow from the fact that she said she would kill herself, that she did so. If the facts sustain that theory, however, you may infer that she has done this act herself.

But, gentlemen of the jury, there is another consideration, which you will not forget, in viewing this evidence. This woman lived in that neighborhood, and was under the care of Dr. Barber, who was her family physician for seven years.— You will bear in mind that in all that has occurred to this woman during the sickness with which she has been afflicted, and all the complaints she ever made, no one of these persons who have been produced upon the stand, testifies that she ever complained to him or her that she thought she had a cancer; and Dr. Barber says he never heard that complaint from her. He tells you that he had advised her that the disease was one of the stomach, arising from dyspepsia, and it is for you to say whether it is brobable, under the circumstances, that this woman, if she had an apprehension that she had such a disease as cancer, would not have advised her

medical attendant and her other friends of the fact.

Did she commit suicide? For the purpose of determining that question, if you find that she believed she had a cancer in the stomach, and that she intended to take her own life, you have that as a reason why she should commit suicide. If she did not, the motive for the commission of the act by her does not exist in the case. You should also look at the circumstances of the case and see whether there is a reasonable probability that she did commit suicide. The evidence discloses the fact that when she was sick on the 15th day of July, she called at the doctor's and gave an account of it, and said it arose from eating cucumbers. Some two week's later, she said, in regard to that sickness, that she ate a fried-cake and drank a glass of lemonade and ate the peel. On the 26th day of July, she says she had worked all day, had eaten berries and onions for supper, and had gone to Mr. Remer's, and that was not all she had done that day. She does not attribute her sickness to cancer of the stomach, but to these things to which I have called your attention.

In addition to this evidence, it is right that you should look to her relations in life, and see whether from those you can find anything to induce you to believle she did or did not take her own life. The evidence discloses a woman evidenty respected by the whole community, a member of the church, who placed her hopes for future happiness upon the truth she professed, which she must have known forbade self-murder. There is no evidence but that she enjoyed life, and there stands the further fact in the case that Frank, her only child, was at that time making preparations for his marriage; that she was entering into those preparations with alacrity; that the last work she did was to go to Remer's to get money with which to go to Geneva and obtain clothing for Frank for his marriage. The question comes up, whether it is probable that such a woman, with such surroundings, would have taken her own life. You will also bear in mind that several witnesses speak of the occurrence at her death-bed, and that during all those times she gave no intimation that she had committed any act to produce her death. She talks upon the subject of dying, and expresses no apprehension of anything hereafter, but says, "I didn't know I was so near dying; I am not ready to go; there are many things I wished to do;" and she goes on with expressions of love for her family. Mrs. Bushnell also speaks of her saying she was not ready to die. Is it probable that this woman, with this unreadiness to die, had voluntarily taken this poison to produce death? I submit these questions to you, as bearing upon the evidence before you. If you believe the woman took her own life, that is an end of the case, and the prisoner should be acquitted. If she did not do it, whether he is guilty depends upon other considerations.

If this woman did not voluntarily take the poison, did she take it by mistake? If she took the poison by mistake or voluntarily, the effect upon your verdict is precisely the same—the prisoner is not to be convicted. Upon this sucject you have the testimony in regard to the medicines which the deceased was in the habit of taking. It is undoubtedly true that she was in the habit of taking medicine from a bottle, and Frank says she turned out some medicine from a bottle into a teaspoon and put it into some water, which she drank previous to starting for Remer's. He says the water in which she put the medicine became milky when it was stirred up. You have seen the color of magnesia and arsenic in water, as exhibited by the witnesses. Is it probable that as this woman was about to start upon a ride of six miles to

Remer's, she would deliberately turn out a poison that must inevitably produce death, and that when she came back she took a similar quantity, and that in the

presence of her son?

But, did she do this by accident? You have seen the bottles—the one the magnesia was in, and the one which contained the arsenic, which are produced here before you. Is it probable that the deceased took it by mistake, having reference to the size of these two bottles—the magnesia bottle, six or seven inches high, found in the bureau drawer, and the other, which is a smaller bottle? You will consider whether the woman could by mistake have taken the wrong bottle, under the circumstances.

These are all the facts I deem it necessary to call to your mind upon the question whether this woman took her own life. You will remember and consider all the facts in the case bearing upon the question, and you will decide whether the deceased

did intentionally take this poison and thus produce her death.

If you find that she intentionally or untentionally destroyed her own life, the prisoner must be acquitted. If you find, however, that she did not destroy her life in either of these ways, the question arises whether you have here satisfactory evidence that the arsenic was admisistered to her by the defendant. Crime is always committed in secret. The criminal seeks to cover his tracks. It is necessary, in most cases, where we seek to arrive at evidence of acrime, to resort to circumstantial evidence; and that is what the people have done in this case. There is nothing strange or unusual in circumstantial evidence. It has no technical meaning among lawyers, different from the one impressed upon every layman.— You are as competent to judge of it as any other person. It is a class of evidence upon which men in every day life rely. They resort to it day after day, and a large proportion of the transactions of life are governed and controlled by circumstantial evidence. There is no particular number of links in circumstantial evidence, necessary to bring home to a person a convincing knowledge of a fact. One, or two, or three circumstances, if they have sufficient force to identify the crime and the criminal, are sufficient, and one circumstance may be entirely satisfactory evidence as to who committed a crime. You are farmers; you pass by a field of grain and find the fence down; you go in and find the crop trodden down, and you look around and find no person and no cattle there; you find the tracks of the cattle, and the tracks of a man following those of the cattle out of the gap through which they necessarily entered; the circumstances show you that cattle have broken down the fence, and that they have gone in and eaten and destroyed the crop, and that they have been driven out by a person who entered after them. It satisfies you that cattle have entered and destroyed your crop, and that they have been driven out. You meet, directly afterwards, an individual who tells you, "I saw a man coming out of the gap, driving cattle; I didn't know him or the cattle; I saw the cattle had a brand of S. J. on the hip." You know your neighbor has cattle branded in that way, and you go down to your neighbor's and find the cattle there, and the man recognizes them. You have there circumstantial evidence that your crop has been destroyed by this neighbor's cattle, and it is as satisfactory evidence to you as if you had seen them enter.

All the circumstances adduced for the purpose of proving a particular fact, should tend to the establishment of this particular fact and not to the establishment of a contrary fact. In this case the circumstances lead directly to the fact that Crozier is guilty of the offense, and it should not lead the mind to anybody else as the guilty one, or he cannot be convicted. When you have circumstances sufficient to convince your understanding that he was or was not the person who committed the act, your verdict will be rendered according to that fact. You are to look at the facts in this case, and say whether the prisoner at the bar caused the death of his wife. If he did, he is guilty of murder; if he did

not, he should be acquitted by you.

It is scarcely necessary that I should advert to all the evidence in the case introduced for the purpose of sustaining one or the other of these propositions. You have the testimony of the witnesses before you. This woman is dead from arsenic.

and the question is, who administered it to her?

It is another principle of law that men who perpetrate an offense generally have a motive for the act they commit. If it is a crime, they have a motive for its commission. Men should be slow to believe a crime has been committed, unless some motive can be conceived for its commission. Motive is not indispensably necessary to the commission of a crime, but men sometimes act upon motives others know nothing about. It is a strong item in a case if you can find a motive which, according to your knowledge of mankind, is sufficient in the mind of the person committing the act. In this case, the people, understanding the importance of establish-

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ing a motive; have undertaken to do it by showing what is so often spread before jurors, the influence of woman over the actions of men. It is not for me to telyou of the strange influence sometimes exercised by women over men. The peol ple have attempted to satisfy you that this man was influenced by his illicit affection for the woman who has been named. I leave it for you to decide upon the evidence as it stands, and upon the arguments which have been adduced, whether you find a sufficient motive on the part of the defendant to lead him to commit the offense with which he is charged. If you do, that branch of evidence is here; if you do not, he may still be guilty, although you cannot discover the motive. If you cannot find the motive, you should hesitate before you find him guilty of the offense.

The only remaining questions arise upon the facts drawn out by the prosecution for the purpose of indicating that the defendant was the person who administered the arsenic to the deceased. The arsenic was in the house. The evidence that this man is guilty is derived from his peculiar actions and conduct during the time of her sickness, and it is made up of a large number of minute circumstances to which it is not necessary that I should particularly call your attention. One of the circumstances is that he went to the dostors's and got the powders himself, and that he took the powders into his own charge, and insisted upon having the administration of them. Dr. Barber says he left them upon the stand, and gave general, directions to the persons there how they should be administered. Crozier tells you he understood that he gave directions to him to administer them. He did administer them, and you have heard how he did it, and the result which followed, as testified to by Mrs. Squires, which results were the same as those which follow the use of arsenic. You have also heard the number of times he administered the powders; one he administered on Wednesday forenoon, and another on the evening of the same day. She tells you the manner in which he prepared the powders, and where he went to do it. She also tells you that she was suspicious, and followed him to see what he was doing, and that when she got into the pantry where he was with the bowl of the spoon in his hand partially closed, he turned partially away from her, and afterwards went and gave the powder to his wife.— You are not to decide the case upon the suspicion of that witness—that was the motive which led her to go into the pantry, and observe what he was doing. Is the evidence, taken in connection with the other evidence in the case, sufficient to satisfy you that he was preparing poison at the time?

Another circumstance is introduced in the evidence of Dr. Barber, who says he and the prisoner were at David Crozier's barn, and that David said that Fanny would probably not last long, and the defendant said he did not want her to be examined, and that she had an aversion to being cut up, as others had been. The people claim that the defendant had the desire to cover up the evidence of his crime. The defense insist that the defendant did what was exceedingly natural, and had stated the wish she had, that she should not be cut up, as she expressed the same in life. The weight of the evidence is entirely for your consideration, and it has been so fully adverted to that it must be fresh in your recollection. You are to look at it carefully, and see whether it tends to prove that this man has been guilty of the offense with which he is charged, and if the poison was administered

by him your verdict will be that he is guilty.

Another branch of the evidence is this: They have produced before you every person engaged about that woman's death-bed, and they all tell you that they did not administer this poison to her. It is necessary, in cases of circumstantial evidence, that it should point to the prisoner as the individual guilty of the offense, and it should not point to any other person. If the prisoner and these other persons were there, in the absence of proof you might infer that some other person did it. By calling them as witnesses to the fact the people attempt to exclude any such presumption. It is consonant with common sense that a man will not de scend from a high position obtained by good character, at one step, to crime. The defendant has furnished evidence that down to the time this charge was made against him, his character was good. The effect of this evidence is for you to determine. If the evidence is doubtful, or if it slightly preponderates against the prisoner, it is your duty to presume from his former good character that he is not guilty. But, gentlemen, if the evidence is conclusive that he is guilty, and by the proof of circumstances adduced here you are satisfied of that fact, then good character will not avail the prisoner to shield him from the consequences of his crime. It depends upon the fact, therefore, whether the circumstances are sufficient in your judgment to satisfy you conclusively that this man is guilty. If he is, your verdict will be that he has committed the crime of murder. The evidence of his good character is sufficient to acquit him, however, if the evidence against him but slightly

preponderates, by raising a reasonable doubt of his guilt. A reasonable doubt in The prisoner, in all cases, is entitled to the benefit of every reasonable doubt in regard to his guilt. You should understand what a reasonable doubt is. It is not a mere whim, or a mere guess, or a mere suspicion, but it is such a doubt as remains when you have looked calmly and dispassionately at the circumstances of the case, those tending to show that he has committed the crime, and those tending to show that he did not. If, after such examination, there still remains a

doubt of his guilt, you are to give him the benefit of it.

I can lend you no aid in your deliberations upon these questions of fact. You are to take the evidence in the case and, looking into your own hearts, examining your own judgment, say whether you are satisfied that the prisoner is guilty of the offense of administering this poison to his wife, and thus depriving her of life, and if you are so satisfied, it is your duty to convict him. If you think he is guiltless of the offense you are to acquit him. He has rights which are dear to him and which should be maintained. His wife had rights which were precious to the people, and this investigation is for the purpose of determining whether a member of society has been cut off by the hand of a murderer. The life of the prisoner is precious to him and to the people, under the law, and he should not be convicted unless you are satisfied beyond a reasonable doubt of his guilt. And when you reach your conclusion do your duty as jurors and men.

Mr. Morris excepted to the charge that every person present at the time of Mrs.

such an and it dottly sol - continuity on dilw thouldings out that

Crozier's sickness had sworn that she did not administer the arsenic.

The Court: I do not mean to be so understood. I leave that question to the jury, and they will remember the evidence and be governed by it.

The jury then retired to deliberate.

The Verdict-Guilty!

At 5:30 P. M. the jury came into Court, and after the roll was called, the clerk asked the usual question, "Gentlemen of the jury, have you agreed upon your verdict?" Peter L. Dinturff, the foreman, arose and replied, "We have." Clerk:—"What is your verdict? Do you find the prisoner at the bar guilty of the felony and murder whereof he is indicted, or not guilty?" Foreman: "GUILTY!"

The jury were polled, and each declared that to be his verdict.

Mr. Morris then moved that sentence be deferred until the next morning, to give him time to prepare to move for a new trial upon the minutes. The motion was granted, and the prisoner was remanded to the custody of the Sheriff. The Court then took a recess until the following (Thursday) morning, at 8½ o'clock.

On Thursday morning, by 81% o'clock, the court room was completely filled with

spectators, anxious to witness the final proceedings in "the great trial."

A thousand eager eyes were upon George E. Crozier as he was ushered in to hear from judicial lips the decree condemning him to death; and his keen con-

sciousness of the position was evident in his wan and dejected appearance.

Mr. Morris briefly addressed the Court, stating that for twelve hours he had been denied the privilege of a private interview with his client in the jail. The Court conceded that he might now have such an interview in the grand jury room. When the prisoner and his counsel retired for consultation. District Attorney Stewart explained that the night before Sheriff Bogart had given a general order to allow nobody to have access to the prisoner, but it was not intended to prevent Mr. Morris communicating with him.

When the prisoner returned into court with his counsel, Mr. Morris moved a suspension of sentence until Friday morning, that he might have time to prepare

for a motion for a new trial. The motion was denied.

He then moved for a new trial upon the minutes. The Court also denied that motion, stating that since the conviction they had looked carefully through the case, and could discover no ruling which prejudiced the rights of the prisoner.

Mr. Morris then asked for sufficient time previous to the execution to allow him

to prepare a writ of error.

District Attorney Stewart then moved that sentence be pronounced upon the prisoner, in accordance with the verdict of the jury.

His Honor, Judge Rumsey, then said:

GEORGE CROZIER, STAND UP! You have been convicted of the offense of murder. What have you to say why. upon that conviction, the sentence of the law should now be pronounced upon you?

CROZIER.—Your Honor, I stand before you, and I expect to stand before my Heavenly Father, to answer for what I have done here. I claim my innocence. I

claim that the testimony given by Emma Crozier, my daughter-in-law, against me is utterly false. I stand before God and before these witnesses and protest my innocence.

The Sentence.

Court.—We hope your assertion that you are innocent in this matter is true; but you have been convicted on the verdict of your peers, twelve citizens of your own county, of having, on the 29th day of July last, murdered your wife, Fanny H. Crozier, by administering to her a deadly poison—arsenic. It is manifestly a conclusion forced upon them, contrary to their inclinations, by the convincing evidence

of your guilt, spread before them during this protracted trial.

This crime of which you are convicted has in it some features which render it exceedingly unpleasant to contemplate. The woman against whom it was committed gave you her early love, and trusted to your care her earthly happiness; she was the mother of your child, and you solemnly promised to love, cherish and protect her. So far as we can judge from the evidence in the case, she merited other and kindlier treatment from you than she received; for she was a loving and trusting wife, an affectionate mother, and a Christian woman. This trust on her part you abused, and she took unquestioned from your hand the deadly drug which consigned her too soon to her grave. I trust that in this hour of your calamity it may be a pleasant reflection for you that, relying fully upon the hopes held out to her by the religion she professed, she was not unprepared for her entrance into eternity. Her anxiety was not for her own safety, but for the happiness of her husband and her child. May your own end be as peaceful, and your entrance into that eternity to which you will soon go, be as calm and reliant as was hers.

I refer to your offence, only that you may fully realize the awful situation in which you are placed. The crime of which you have been convicted is one upon which the world looks with no allowance,—for which it has no charity,—for it involves treason against the highest and holiest relations known to human society. You can, therefore, have no reasonable expectation or even hope that executive clemency will be extended to you, or that you can in any way escape the dread penalty which the law enforces upon you for your crime. If you are wise, you will at

once prepare for the event which awaits you.

Commending you to the kindly care of your Creator, and to the means which He has provided for your salvation from your sins and your crimes, it only remains that I pronounce the sentence which the law imposes upon your offence, which is, that you be taken hence to the county jail of the county of Yates, there to remain until Friday, the 5th day of May next, and that on that day, at some convenient place, to be provided by the sheriff of that county, between the hours of ten o'clock in the forenoon and two o'clock in the afternoon, you be hanged by the neck until you are dead.

As the solemn and terrible conclusion of the sentence was uttered, an audible groan was expressed by the doomed man, and his son, sitting near him, was convulsed with emotion. Crozier was then taken back to the jail, there to await the final consummation in the chain of tragic and melancholy events which has led to this conviction. Since the sentence Crozier has uniformly asserted his innocence of the monstrous crime of which the jury have declared him guilty, and contends that he is the victim of circumstances, which, however strong they may appear, have been unjustly interpreted against him. But the popular verdict very generally is in harmony with that of the jury.