

THE WEEKLY REVIEW.



CRAWFORDSVILLE, IND.
Saturday, July 23, 1859.

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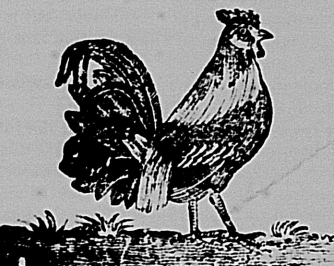
The Crawfordsville Review, furnished to subscribers at \$1.50 in advance, or \$2.00 if not paid within the year.

CIRCULATION: PUBLISHED IN CRAWFORDSVILLE.
Advertises call up and examine our list of SUBSCRIBERS.

For President in 1860, STEPHEN A. DOUGLAS,
Subject to the decision of the Democratic National Convention, to be held at Charleston, South Carolina.

ANNOUNCEMENTS!

Announcement Per, \$2.00.



Mr. Bowen—Please announce the name of Mr. Owen, as a candidate for the office of County Auditor, subject to the decision of the Old Line Democratic Convention.
WM. B. McCOMAS.
Mr. Bowen—Please announce my name as a candidate for the office of County Auditor, subject to the decision of the Democratic Convention.
JOHN WATSON.
Mr. Bowen—Please announce my name as a candidate for the office of County Auditor, subject to the decision of the Democratic Convention.
HENRY NICHOLSON.

Attention Democrats.



The Old Line Democracy of Montgomery county are requested to hold at their earliest convenience, their township meetings, and select a day for the holding of a

County Convention,

for the nomination of County officers. Let no time be lost as the enemy are already in the field. Remember we are on the eve of the great Presidential election of 1860. By order of the

CENTRAL COMMITTEE.

OWEN MURDER TRIAL.

Owing to the great length of this important trial we are obliged to surrender our entire columns for its publication. The report which is being prepared by Mr. B. W. Hanna, is highly interesting and will undoubtedly be read with deep interest.

By the latest foreign news the allied powers and Austria have entered into an armistice. Hostilities to cease until August.

The Democracy of the several township are requested to send delegates to meet in Crawfordsville on Saturday the 6th of August, to select the time for holding a county convention. By order of the

CENTRAL COMMITTEE.

THE PILGRIMAGE TO MINNEHAHA—LETTER FROM DAN SICKLES.—The following is a copy of the letter from the Hon. Dan Sickles, in reply to an invitation from the "Sons of Malt" to accompany the expedition to Minnehaha, on the 20th inst.

NEW YORK, July 8, 1859.
DEAR SIR AND BROTHER—Your letter inviting me to join the expedition of our beloved order, on the 25th inst., is before me. I should take great pleasure in making one of the immense party of our sort who will leave your city on that occasion, but if I can go damme. You probably may not be aware that I have made up that little affair at Washington, and Mrs. Sickles and I are again on the square (Madison square). We propose spending the dog-days among the fashionable at Saratoga or Newport; consequently, you perceive, we can not avail ourselves of your polite invitation. You will please let it be recorded. Yours, in bonds of brotherhood.

DAN SICKLES.
To PHIL. HOYNE, G. W. S. O. M. E. P. U. N. K. I. N., and others, committee, Chicago, Illinois.
P. S.—Let the wolf howl. D. S.

WHAT IS LEGAL TENDER?—The following are provisions of the United States law prescribing a "legal tender":
Gold coins and silver dollars for all sums; half-dollars and small silver coins for sums not over five dollars, and three-cent pieces for sums not over thirty cents. No provision is made for cents, which may, therefore, be refused.

THE OWEN MURDER TRIAL.

IN THE MONTGOMERY CIRCUIT COURT.

[REPORTED EXPRESSLY FOR THE REVIEW.]

TUESDAY, JULY 19, 1859.

Trial of Jonathan S. Owen, charged with poisoning his wife Kizziah Owen.
Hon. John M. Cowan presiding—Robert C. Gregory, Lew Wallace, M. D. White and the Prosecuting Attorney Robert H. Harrison for the State—Joseph E. McDonald, S. C. Willard, D. W. Voorhees, B. W. Hanna and James Wilson for the prisoner.

FIRST DAY.

Court opened at 9 o'clock, but as many of the witnesses had not yet arrived an adjournment was taken until 2 o'clock, at which hour the prisoner was brought out of his cell. He is a large square built, frumy knit looking personage of dark complexion, his hair once very black but now a little grayish. He is apparently something rising forty years of age, has a black eye full of fire and expression. His whole demeanor shows him to be a man of great resolution and high courage; he took his seat with his counsel with a firm bearing. Owing to the large numbers in attendance the trial was adjourned from the Court House to McClelland's Hall which was soon densely crowded. The entire afternoon was taken up in the examination of Jurors as to their competency and by discussions of counsel in questions arising in such examinations. Out of the first twelve jurors but one remained who had not formed or expressed an opinion of the case. The Sheriff was ordered to summon sixty persons from the north part of the county to appear to-morrow morning for the purpose of making up a jury. Court arose until such return be made.

SECOND DAY.

WEDNESDAY, July 20.

Court opened at 8 o'clock. A. M. The most of the forenoon was occupied in the selection of Jurors. At 11 o'clock the following panel was sworn: John Blankenship, Joseph Allen, Samuel Davidson, Daniel Vaughn, Wm. D. Royalty, Emanuel Burk, Jesse Vancleave, James Amee, Jacob Bennett, Jos. Clifton, Silas A. Fendly and Johnson Todd.

INDICTMENT.

THE STATE OF INDIANA,)
MONTGOMERY COUNTY,)
In the Montgomery Circuit Court March Term A. D. 1859.

The State of Indiana,)
vs.)
Jonathan S. Owen.)

The Grand Jurors of Montgomery county, in the State of Indiana, good and lawful men, duly and legally empaneled, charged and sworn to inquire into felonies in and for the body of the said county of Montgomery and State aforesaid, on their oath present, that Jonathan S. Owen, with premeditated malice, to kill and murder, on the twenty-sixth day of November in the year of our Lord eighteen hundred and fifty-eight, at said county of Montgomery, unlawfully, purposely, feloniously, and with premeditated malice, a large quantity of a certain deadly poison, commonly called strychnine, to wit: one half a drachm, did administer to and cause to be taken, drank, and swallowed down by her the said Kizziah Owen; he, the said Jonathan S. Owen, then and there well knowing the said strychnine, so administered to and caused to be taken, drank, and swallowed down by her, the said Kizziah Owen then and there not knowing that the same was strychnine or any other poisonous or hurtful ingredient; by means whereof the said Kizziah Owen then and there became sick and grievously ill, and in body; and the said Kizziah Owen of the poison aforesaid so administered to and taken, drank and swallowed down by her as aforesaid, and of the sickness occasioned thereby, from the said twenty-sixth day of November in the year last aforesaid, until the twenty-seventh day of the same month in the year last aforesaid, at the county aforesaid, did languish, and languishing did live; on which twenty-seventh day of November in the year last aforesaid, the said Kizziah Owen, at the county aforesaid, of the poison aforesaid, so administered to and taken, drank, and swallowed down by her, the said Kizziah Owen, as aforesaid, of the sickness occasioned thereby, died, and so the jurors aforesaid, upon their oath aforesaid, do say and find that the said Jonathan S. Owen the said Kizziah Owen, in manner and form aforesaid, unlawfully, purposely, feloniously, and with premeditated malice, did kill and murder; contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Indiana.

The indictment contained two counts, the second reads as the first except it charges that the prisoner "caused to be administered" the poison as laid in the first count.

Case on behalf of the State was stated by Mr. Wallace, which was done succinctly, but with great clearness and force.

James M. Owen sworn. Live in south-east corner of this county; live 14 miles from defendant's house; lived there 18 or 19 years; am the brother of deceased—cousin of the defendant. Kizziah Owen was my sister's name, the deceased. Defendant lives in Montgomery county. I suppose my sister and prisoner lived together about 18 years. Owen has three children living by his first wife. I think five children by his second wife. The first time I saw my sister after her death was about 5 o'clock, A. M. I found her lying in bed. Wm. Owen, defendant's son, came for me; said I wanted to see his mother alive to get up and go down there quickly. I found John Owen and wife, Mrs. Morris, and Mrs. Huffman and her daughter, at defendant's house when I got there. When I got there I was surprised to hear that my sister was dead. I had not supposed she would be dead. I took a candle and examined her face—it was cold and rigid. I set the candle down and sat down by John Owen; Sidney Owen was present. I asked John Owen at what time prisoner's wife died; he

said he didn't know anything about it, and didn't know anything until Jonathan came and said she was dead. Defendant said she died about 5 o'clock. It was Saturday morning when I went there. I think it was the 27th day of November, 1858. I asked him if he knew what was the matter with his wife? Said he could not tell that she had been complaining of bowel complaint for two weeks; said she had been unwell in a way that women usually are; said she had been weeping the day before; that she got supper the day before; that she was also engaged in knitting a good while after supper. He said he told her to go to bed, and as soon as he was done reading he would go to bed; after he laid down she got up and went out; when she came in he asked her what was the matter? She said her bowels hurt very bad. He said he was very sleepy—never was so much so before; said he could not keep awake; said she got up and went out a second time, and came in and laid down with her face next to him; said this was all he knew about her, as he was so sleepy he could not stay awake; thought he never had been so sleepy before; said he knew nothing until awakened by her screams, that she was sitting up in the bed hallooing "Oh, Father!"—Said he jumped out of bed and asked her what was the matter, that she made no reply, but said something about the children that he could not understand and died. I told him I did not expect to find her dead when I got there. He wanted to know why I did not expect to find her dead. I told him because William said at my house she was not dead; he said that she was not dead when William started to your house. He made a great deal of noise about his wife's death; walked the floor a great deal; he incessantly said "Oh, my! Oh, my!" I saw nothing more than that only he looked at the corpse very often, more often than I ever saw any one do before; don't know who laid out the corpse; Hannah Clark was one; I had further conversation the same day. I asked him at what time his wife was taken dead, he said between two and three o'clock and that she lived but a few minutes after that; I talked to him about having his wife's funeral preached before burial; I was in favor of it; he said he was afraid he could not get the preacher; he said either Brown or Swank; the distance to Brown's was seven miles, and ten to Swank's; he said he didn't think they could be got; I told him I wanted Miller, he was a good preacher; he said it was so muddy and the waters so high he didn't think many could get out to the funeral; he finally concluded to get John Miller to preach the funeral and got me to go and see Mr. Miller; he was unwell when I went but said he would come the next day; he came according to promise, but did not preach; he read a hymn and prayed; that was all; my sister was buried late in the afternoon of Sunday. I suppose about three o'clock, and the coffin was not opened at the grave; few persons out at the funeral; I first heard there was a suspicion that my sister was poisoned on Monday morning. I had an interview with Esq. McDonald on Wednesday following in regard to my sister's death; I went from McDonald's to the defendant's house; when I got there defendant was sitting in the house by the fire; I went as a friend to talk with him on this subject; I asked him to come out of the house; as I wished to talk with him alone when he came out I told him I supposed he was acquainted with the manner of the manner in which his wife had died; he said he knew nothing about it and wanted to know what it was; I told him the people believed she had been poisoned; and the talk was she would be taken up and examined; I told him it would be best for him to do it himself or get some body to do it for him; he said he could not do it; he then went in and told me a good deal of what he had first told me; that his wife was unwell and had been complaining a couple of weeks, with bowel complaint; spoke of her weeping through the day previous to her death and of her cooking; he spoke of her going to bed first of her getting up and going out, going out the second time and of her coming back and lying down with her face next to him as before described; he said he was so sleepy he could not keep his eyes open, and was awakened by her screams; that he got up and asked what was the matter; that she made no reply, but that she threw her arms about his neck, and that in this way she died. He said it lacked a few minutes of four o'clock. He wanted to know who would take her up; I told him I didn't know, but that it would be done. His reply was that if she was taken up, and poison was found in her he was a ruined man; said he told his wife she had a loose bone in her head; said she observed to him that maybe he could get it out; said he took his knife, a small pocket knife, and worked with the wound a good while—that he had cut to the wound open; that it had healed over; he laid his knife on the middle of his finger, and said the bone he took out was about that long, and the width of a common case knife. I told him then that he was suspected by the neighbors of having given her that blow designedly. I told him it looked suspicious, as he had not called in a doctor. His reply was that Dr. English had seen it. I think it was in the early part of December when I first knew that she had received such an injury. I live 14 miles from prisoner's house. He said Dr. English came to see it. I told him he never went after him, that his visit was accidental. I then started off to my horse. He walked by me; said he couldn't stand it to have his wife taken up. I told him that she was my sister as well as his wife, and that if she had to be cut up into pieces an inch square it wouldn't hurt her. He then came up to me, laid his hand on my arm and said, "See here, somebody else might have poisoned her." He was very much excited; took hold of my arm as though to turn me around, and said she might have poisoned herself. I told him that it was not likely. I then asked him if there was any poison about the house that his wife could have taken. Said he didn't know; said he had bought some arsenic in the spring to kill rats with—was not certain whether it had been used or not, but thought it had. By this time I had got on my horse. He was on the fence. He told me to look to him, and said, "I tell you now, if that woman is taken up and a pint of poison is found in her house I am a ruined man. How am I to get clear of it? There was no person here." I told him at Ladoga that I had learned he had sent his children away. To this he made no reply. He turned to go to the house, and said he expected he would be broken up. This was the last I saw of him. The way I came to know that my

sister had received a blow on the head was, one day when I was going to Ladoga, I met him on the road, and he told me the circumstances. My sister's health before this injury was bad for three months; she was taken ill about the last of May; this injury was received about the first of September or the last of August. He told me first about taking the bone out of her head after I had told him that there was a rumor that his wife had been poisoned. I never knew of any improper intimacy between Owen and Mrs. Huffman; never heard defendant speak roughly to his wife. "Sometimes in December he and I went to North Salem to see Dr. Adams; before that he said he would bring his wife to my house on Sunday. He wanted me to go to his house and take dinner. I went down; his wife was not very well; he said he would go home with me; I supposed his wife was going too, but I noticed that he got out but one horse. I asked him if his wife was not going. He said no, she was not going. When we got half way to my house I told him that my wife would be disappointed that Mrs. Owen did not come. He replied that she had had the devil in her about three months and that she could keep it in her. Defendant didn't stay very long, this was in September; was present at post mortem examination, it occurred on Thursday the day after I had the interview with Owen; examination took place at the graveyard.

Cross-Examined.—Was late in the evening when I left defendant's house; post-mortem examination took place next day about 4 o'clock. The examination was performed at my own instance and that of my brother; Monday evening after her death was when I had my first suspicions. The death was so sudden that it was calculated to give Owen a strange appearance; the weather was bad and unpleasant; I did not at the time I suggested having the funeral preached consider his conduct unnatural, his moaning and strange impression on me. I believed she had died of the wound on her head and was not in a good humor about it; I don't think the accounts he gave of his wife's death were consistent; the accounts I have given are all. Mrs. Owen was two years older than myself; I was often around Owen's house; his treatment of his wife was uniformly correct; Owen was an industrious farmer; I don't know how Mrs. Owen treated prisoner's first wife's children; I knew of their leaving home; his oldest son must be twenty-six years old; Jonathan twenty-three; don't know Sarah's age; Jonathan is subject to fits; they have impaired his mind; sometimes he had these fits very often; he has had them at my house; I know he was away from home a good deal, don't know the cause; defendant told me about the accident when his wife's head was hurt; he said he went down to the orchard to split wood; said he told her where to sit; her son Taylor was with her; said he turned to look at Taylor and he thought in the act his axe turned in his hand; I thought it was accidental; five or six days afterwards he told me to come by and see her; he frequently went out with him as he went to work; I visited defendant's house very often, almost every week; I thought he treated my sister very kindly; my sister's oldest daughter is about fourteen or sixteen years of age; she was at home the day Mrs. Owen died; the day of the funeral the streams were all up considerably; on one occasion I was at Owen's house after Mrs. Owen had been hurt; defendant was engaged dressing her head; I thought it looked badly; Owen said that it was getting well; deceased observed—"You and Winnie have been having me well ever since I was hurt." I thought she said this with a good deal of anger; Owen's manner was kind and pleasant as far as I recollect; I never saw anything about strychnine before; this happened I don't know but that strychnine may sometimes be called arsenic; I never saw any improper conduct between Owen and Mrs. Winnie Huffman; Mrs. Huffman was at his house a good deal.

Being five o'clock Court adjourned until 8 o'clock to-morrow morning.

THIRD DAY.

THURSDAY, July 21.

Court opened at 8 o'clock. The cross-examination of Jas. M. Owen was resumed.

In connection with my brother I have gone to a great deal of expense to carry on this prosecution. We have employed two law firms to aid the Prosecutor. I took notes of the occurrence shortly after the difficulty. I don't know where they are, unless they are in the hands of Col. Gregory. I told them something of the matter verbally before I gave them my written statement.

To Mr. Gregory—I am brother of deceased. I and my brother united to carry on the trial, we were induced to do so by the neighbors; we were at the Coroner's inquest; we instituted the inquest, but we did not employ counsel until afterwards.

Thompson B. Stevens called. I reside in the south-east corner of this county; have known the defendant a little over two years. About a year ago last May I was going to Ladoga; the road was bad; Mrs. Owen's farm; he was in his sugar camp; he called and asked me to get him a dime's worth of arsenic to kill rats with, at Miller's Drug Store. I did so. I came back another day; I gave it to Jonathan, his son, and saw him start towards the house with it. Defendant was at the house at the time. I am not certain whether it was the 1st of April or May—I think it was the 1st of April. I think I got the arsenic of Dr. Miller himself.

Cross-Examined.—Sugar weather was about over; I don't know what Owen was doing in the sugar camp; the camp lays partly on the south and partly on the north side of the road. The arsenic was given to defendant's son; I guess he gave it to his father—don't know certainly. I called to defendant and told him I had it, and heard prisoner tell his son to come out to me and get it.

Dr. Miller called. I live in Ladoga, and am a druggist and physician; have been a physician 18 years. I have known defendant eight years. About the 23rd day of June, 1858, he came into my Drug Store and said that he wanted to get some medicine for the purpose of destroying rats; he wanted to know what would be the best article to use for that purpose. I told him it would take a less quantity of strychnine than of almost any other poison. He then stated he would take the strychnine in preference to anything else. I asked what quantity he wanted to purchase. He said he didn't know. I showed him a vial which was supposed to contain one drachm; he

then stated that he would take that quantity; he was about 75 lbs.; it was a small vial; it would hold 1/2 pint; it was about 1/2 pint; the kind usually used for such purposes; it was rather a large quantity for the purpose, but I have sold the same quantities to other persons for the same purpose. I did not see deceased during the summer of 1858.

Cross-Examined.—The vial was about 14 inches in length; defendant said he wanted the best medicine to destroy rats; I told him strychnine was the best; people often asked for rat-bane; there has been a good deal of that kind of medicine sold by me; I have heard a good deal about rats being bad in my neighborhood. I charged it to him, so I know the date of the purchase, otherwise perhaps I would have forgotten the date; Mr. Owen's inquiry was for something that would destroy rats and I suggested strychnine; I did not name the amount; I simply showed him a vial which he took; no other person present; I don't know how many sales of arsenic I have made within the last year; it is common with me to sell it for that purpose; I have sold it to a good many; I recollect of selling some to Mr. Ashby; have made sales of arsenic almost every week; most generally the enquiry has been for rat-bane; I told Mr. Sharp that strychnine was the best and sold him some. When I get this medicine it is sealed up.

Dr. R. G. English called. I am a physician; I have practiced ten or twelve years; I live in Ladoga; I have lived there since the month of October 1855; I have known the defendant about three years; in the month of August 1855, on the 24th day as my memorandum shows, I was at the house of John Owen, defendant's brother, and in defendant's neighborhood, about one-fourth or one-half a mile distant from defendant's house, while there defendant came and told me of an accident by which his wife had sustained an injury; he requested me to call and see his wife; I went with him to his house from John Owen's; found his wife had received an injury on the left hand side of the head; I found an adhesive plaster on it; he said he had placed it there himself; it was two days after the injury been inflicted or perhaps it was the first day after the injury was received; I removed the cloth; I thought the wound was superficial; I discovered no fracture; I regarded it as a flesh wound; there was no constitutional symptoms present; Mr. Owen told me how the difficulty occurred; don't know whether it was in the presence of his wife or not; I don't think she ever told me anything about it; I know nothing about her general health; my call was accidental; I was at the post mortem examination; Mr. Vanarsdall the Coroner called me as he said at the request of Dr. Fry; examination was made at the graveyard about a half mile from the defendant's house; there was a large crowd present at the post mortem examination; Dr. Wilson was also present; we assisted Dr. Fry in making the examination; we made a thorough examination; the several organs of the body were examined particularly; the brain, spinal marrow, heart and lungs, liver, spleen, kidneys and uterus all of which appeared to be in a healthy condition; the stomach together with a portion of the smaller bowels were removed from the body placed in a glass jar and delivered to Dr. Fry of which I have no personal knowledge since the night of the post mortem. We examined the injury on the head; I found there had been sloughing out of the soft parts, but the bone was sound; aside from the stomach, I did not find any appreciable cause for the death; The body was in water when it was first taken from the grave, that is the grave had filled with water; I saw nothing peculiar in the position of the body at the time it was taken from the coffin; post mortem occurred on either Thursday or Friday; I think it was on the 21st day of December 1858. Dr. Fry conducted the examination; I assisted; my opinion as a professional man as to this post mortem examination and its accordance with medical authorities is, that it was conducted on the part of Dr. Fry with as much care as is usual on such occasions and very near accordance with medical authorities.

Cross-Examined. It accords with the practice of the surgeons as reported in the journals. I have been reading the American Journal of Medical Science, published in Philadelphia; it accords with works I have read upon surgery. Taylor's work on poisons in his medical jurisprudence, I read occasionally; I have read it since this death occurred. This is my first case in post mortem. I have examined no authorities on the subject before. Taylor says the method of conducting an examination depends on the character of the case; he recommends that the vital organs should all be examined. I understood the death occurred between Saturday night and Sunday; the post mortem occurred on the next Thursday, near noon of that day; the examination took place near the grave; the day was rather pleasant for the season; it was the 21st of December; we were engaged about five hours in the matter; I was there all the time; we left a little before sunset; don't recollect when the sun sets at that season. The scalp was first taken off and examined carefully. I think by Dr. Fry. I have seen examinations of the brain in Louisville; there are three coverings for the brain; there was no appearance of congestion of the brain; it was in its normal state; we didn't trace the spinal cord; we examined the spine between the shoulders; that section of the spine was taken out by Dr. Fry; I presented no abnormal features. We examined the stomach; I saw no signs of congestion; in one portion, the lower end of the stomach, the blood vessels seemed to be a little fuller than the others. The heart was not diseased; it appeared perfectly natural. We did not examine the intestines; they were full; don't know whether they were filled with gas or natural contents. We did not put all of the bowels in the jar; it would hold about a quart; the first I saw of the jar Wilson had it; the jar had a large mouth, 24 inches in diameter; the contents was put in entire with all its contents, with the small intestines. The last I saw of the jar was on the conclusion of the examination, about the middle of the night at Willis Clark's; we went to his house a little before sundown. I don't recollect how long after we commenced the examination it was when we put the stomach in the jar; none of us made any examination of any other portions of the body besides what I have before detailed; by consent of the jury Dr. Fry took possession of the jar; I don't know where the

jar was at the time; the jar may have been placed under the board we used, or on it; can't say; I saw no body have any special charge of the jar; when my eyes were not on it I can't say where it was; after we got to Mr. Willis Clark's I noticed the contents of the jar were fermenting, so that the cork of it was partially raised; I didn't notice that it fermented before we left the graveyard; there was a large crowd present, perhaps two hundred persons present; there was also a crowd at Clark's house; the house is not very large and it was pretty well filled; the jury were then taking evidence; I was one of the jury; I took dinner and supper both at Clark's house; Dr. Fry was writing at a desk taking down evidence; I don't know that the jar remained on the table all the time; there were two doors to the room; I think the doors stood on the north and south side; first place I think it is in the west side; Dr. Fry was west of the door against the north wall of the house.

Mrs. Hannah Clark called. I live in Montgomery county, am fifty nine years old, was examined at the Coroner's inquest, have known Owen for eight or nine years, he lives about one half mile from my house; was sent for about 6 o'clock to go to Mr. Owen's; I didn't go, but they sent for me again about 7 o'clock to lay her out; I went; I found her lying in the bed; she was very stiff; her head was turned to one side; my daughter Winnie Morris helped me; she looked more fair and natural than common with her usual looks; have never laid out many corpses; I did not notice any signs of bowel complaint; I was there all day; don't recollect the day of the week; was at the funeral, this was the next day; she was buried near evening; her feet were very much cramped out of shape as was also her hand, so much so we could not get her glove on her hand; don't know where Owen was; don't go back to the house again; my husband's name is Willis Clark and she was buried on our place; the coffin was not opened at the grave; don't know who put her in the coffin; some said she died about 4 o'clock; I had to tear her clothes all off of her; she was so stiff, she was very cold; was not very intimate with the deceased.

Cross-Examined.—I am the wife of Willis Clark; the corpse was very cold and stiff; did not seem to have been disturbed; she was lying on her back with her head turned to the left; I have never laid out any one who died very sudden; it was very stormy weather, rather cold; she was buried next day, in the evening. Huffman's boy called me first—McDaniel's boy called me the second time I think; I think Owen sent for me, or did think so at the time. She was taken up on Thursday or Friday afternoon; the house was full; the jury came to my house and eat their supper, or the most of them; the Doctors came there; there were three or four Doctors there; Dr. Fry, Dr. English and Dr. Wilson were there and eat supper; Dr. Fry left near midnight. I was in the room when the testimony was taken; I think it was Dr. Fry; he sat near the door, was writing on his knee or the sugar chest; there are two doors in the room, opening north and south; the first place is on the west side of the room; Dr. Fry was near the sugar chest. The stomach smelt bad, and I told him I wished he would take it out; he said he should take care of it; the cover raised up by fermentation, and some of the contents run over; it was not more than half full when it was brought to the house; Dr. Fry took the cover off; took supper after they came from the graveyard; don't know what he did with the stomach while he was eating; it was in a glass jar; did not get any supper after this. The day she was taken up was very clear cool weather, a very pleasant day; saw nothing to excite suspicion when I was laying her out.

Dr. Miller recalled. Have been selling drugs for three years last March, 1859; keep what is usually kept in a drug store.

Mrs. Winford Morris called. I live in this county; my husband's name is George E. Morris; I first heard of the death of Mrs. Owen about the twenty-seventh of November; I have known Owen about 9 years; I live in talking distance of Owen's; I heard Mrs. Owen was dead about 4 o'clock; Jonathan Owen told me, he said his mother was dead; it was 5 o'clock when I and my husband got there; no one was there but Eliza Huffman; it was some little time before any one else came; William had gone to James Owen's; Susan was at the house; Jonathan came back with me; I did not touch the body till others came; I looked at her, she was lying on her back with a handkerchief around her chin; Owen was in the house; I don't know who tied the handkerchief; my mother and I laid out the body; it was very stiff; we tried to straighten her and open her hands so as to get on some gloves, but could not; Mr. Owen came to us and tried to open her hands but could not; did not notice her feet; her head was inclined to one side; Owen went to the body very often, and made a great deal of fuss, groaning; did not see him shed any tears; the next morning before they buried her she shed a few tears. I was at the house some time, then went home and got breakfast; I then went to Owen's house and staid all day; I don't know exactly who put her in the coffin; I was one and there were three or four more; this was about 10 o'clock. When we put her in the coffin her head was still on one side; her hands were still cramped; we got one glove on; did not notice her feet; saw no signs of bowel complaint. I had known the deceased nine or ten years; was not very intimate with the family—not enough to judge of their relations to each other. I saw Mr. Owen one day following Jonathan in the house; Owen had a cap on his hand, Jonathan was crying. "Oh, Lord! Oh, Lord!" all the while. I know Winnie Huffman—think she had been lying there all the spring; she was about the house most of the time; this was in the spring of 1858; she lived in a little house of Owen's, about one-half a mile from Owen's house; she had been living previous to this at Owen's; don't know what time Mrs. Huffman came to Owen's house; but think it was before corn-planting time; should think she was there about 6 months.

Cross-Examined.—Was not at Owen's very often this spring before the death of Mrs. Owen; not more than two or three times; saw Mrs. Huffman at Owen's a great deal, how often I do not know; she lived at Owen's house even after the new house was finished for her; do not know her business; don't know much about her; have seen her often; has been at my house once and spent the evening, am sure Mrs. Owen did not have on only one glove; tried to put the glove on after we got her on the

coiling board; it was not on when we put her in the coffin; was about 5 o'clock when I and my husband came to Owen's house; don't know who tied the handkerchief around her chin; think she looked very natural and fair; Mr. Owen looked and acted like a man in great distress; saw nothing out of the way; saw Mrs. Huffman there the morning of Mrs. Owen's death; Jonathan came for me; I have assisted in laying out bodies before, but none so stiff and cold as that of Mrs. Owen.

Mrs. Amanda E. Hillis called. I live in Montgomery county; my husband's name is Joseph E. Hillis; I live between a 1/4 and a 1/2 of a mile from Owen's; have lived there about a year and 4 months; I first heard of the death of Mrs. Owen on the 27th of November, between 5 and 6 o'clock in the morning; went after breakfast to Owen's house; it was about 8 o'clock when I got there; the body was laid out under the window; they moved out the bed, then I helped move the body to where the bed had been standing; when we put on her grave clothes we tried to put on her glove but could not get it on the left hand; Owen tried to straighten the hand so we could get on the glove, but we could not do it; her head was thrown back and turned to the left; Owen walked across the floor and looked at the corpse frequently; tho't he went to see the corpse often than I had ever seen any body before; he laid his hand up against the partition as if he was moaning for her; saw no other signs of grief that day; the next day I saw him shed tears as the coffin was carried out of the house; he paid some attention when he would see any persons talking and seemed as if he wanted to hear what they were talking about; I saw a tea cup on the mantel piece; do not know what was in it; Mrs. Huffman took the tea-cup down and threw something out of it and washed it to be used for the dinner table; I was not at the burial; was at the house during the service; did not see anything out of the way between Mrs. Huffman and Owen; staid at the house until after the corpse was taken away; Mrs. Huffman went to the burial; did not see her after that; do not know anything about the blow on the head of Mrs. Owen; it was about two weeks after the blow that I heard of it.

Cross-Examined.—Never was at the house of Owen but three times before her death; Mr. Owen was there every time; never saw any mistreatment that I know of; once saw Mrs. Owen and the two girls, dropping corn; Owen was laying out the ground, when he passed them he said nothing to them; but when he passed Mrs. Huffman he asked her if she was not pretty near tired out; the body was very stiff and very cold; never had anything more to do with corpses than I could help, am a little timid; she looked a great deal fairer than any corpse I ever saw and very natural; her head was turned to one side & we could not turn her head at all.

Thomas McDaniel called. I live in the south-east corner of this county; I live three-quarters of a mile from the defendant's; known him four years this fall; I talked with Owen Tuesday morning after the burial of his wife; this conversation was had before I talked with James M. Owen. Mr. Owen came to my house Tuesday morning a little after sunrise; I was sick lying on the floor; he came to see me; after he had been there some time I told him I had something to tell him; he related to his wife; he was standing up; I thought he had started home; he dropped down in his chair and said "Lord of mercy what is it?" He looked as though he was very much excited over it; his countenance changed, dropping his face so as to be supported by his hands; I told him it was generally believed by his neighbors that he had poisoned his wife. "Lord of mercy," said he "what could have given rise to that?" he said he could prove by her three brothers that he had never given her a short word in his life and he didn't know how people could get such ideas about him; I told him, in the first place, the lick on her head gave rise to the suspicion; he asked me why that should give rise to any suspicion; I told him they believed he did it from the fact that he made no effort to get a physician; then he told me Dr. English had been there to see his wife's head after she got the blow; I told him in the next place he made no effort the night he was sick; he said he would take it out; then the reason he didn't get a physician was, she had died too quick after he knew anything serious was the matter; he then went on to tell me how she had been complaining a week or two with bowel complaint and said she had been weeping that day and cooked dinner and supper but did not eat as hearty a supper as usual; he said William and Eliza Huffman and his daughter Susan had gone over to Huffman's to sit until bed time; after the others at their supper he told Jonathan and John Huffman they had better go over with the balance of them and sit till bed time; said he had got a new paper that day and sat down to read it; his wife was cleaning dishes, and she told him he must be very sleepy-headed to get sleepy when he had a new paper—that she never saw him do that way before; said he commenced reading his paper again; his wife was knitting—she told him she guessed they had better go to bed; he said he was so sleepy, he said he would first dress her; his wife said he might if he had a mind to; said he got up and made a solution of soap, mutton and tallow and put on it; said he went to bed and in five minutes fell off to sleep; was never so sleepy in his life before; hardly recollected her getting into bed; said he knew nothing more; must have slept sound; knew nothing more until 5 o'clock in the morning when she came to bed after being up, saying she had been up four or five times; that she threw her arms over him and aroused him; said he dozed off