

THE WEEKLY REVIEW.

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. Concan presiding—Robert C. Gregory, Lew Wallace, M. D. White and the Prosecuting Attorney—Robert H. Harrison for the State—Joseph E. McDonald, S. C. Willson, D. W. Voorhees, B. W. Hanna and James Wilson for the prisoner.

CRAWFORDSVILLE, IND.

Saturday, July 23, 1859.

PRINTED AND PUBLISHED EVERY SATURDAY
DAY MORNING BY

CHARLES H. BOWEN.

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ed to Subscribers at \$1.00 in advance, or \$2,
if not paid within the year.*

CIRCULATION
LARGER THAN ANY PAPER PUBLISHED IN
Crawfordsville!

Advertisers 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 Fee, \$2.00.



Mr. Bowen—Please announce my name as a candidate for the office of County Auditor, subject to the decision of the Old Line Democratic Convention.

WILLIAM B. MCCOMAS.

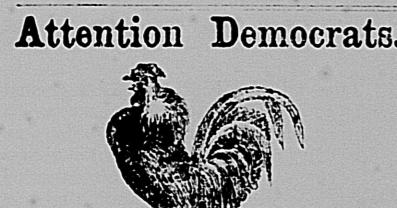
Mr. Bowen—Please announce my name as a candidate for the office of County Auditor, subject to the decision of the Old Line Democratic Convention.

JOHN WASSON.

Mr. Bowen—Please announce my name as a candidate for the office of County Auditor, subject to the decision of the Old Line 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 armistic. Hostilities to cease until August.

The Democracy of several towns 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.

From the Chicago Times.

THE PILGRIM TO MISHNAH—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—ah" to accompany the expedition to Mishnah, 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 20th 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 fashions 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 Paul 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.

had 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, and she had been unwell in a way that women usually are; and 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 her 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 couldn't 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 maybe 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! me! Oh! me!" 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 bad, he said between two and three o'clock and that she lived but a few minutes after; F 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 she liked; I asked him who he wanted; 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 in well 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 rumor 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; then went out 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 to cut 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 1½ 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 house. 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 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 23d 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 strichine than of almost any other poison. He then stated he would take the strichine in preference to any other. I asked what quantity he wanted to purchase. He said he wanted a pint of poison in a vial which was supposed to contain one drachm; he was

then asked if he would take that quantity. He said he would take that quantity. I told him he had to have a man to hold the jar; he said he would hold it in his own hands; it would be a good quantity 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 1½ inches in length; defendant said he wanted the best medicine to destroy rats; I told him strichine was the best; people often asked for rats medicine; arsenic was good for rats; he said he would bring his wife to my house on Sunday. He wanted me to go to his house and take care of his wife; his wife was not very well; he said he would go home with me; I supposed his wife was going to go, but I noticed that his wife 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 did not 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 suspicion. 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 manner made a 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 old. 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; said he went down into the orchard to split wood; said he went to 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 rumor 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; then went out 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 to cut 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 1½ 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 house. 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 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. 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; I 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 had been inflicted or perhaps it was the first day after the injury was received; I removed the cloths; I thought the wound was superficial; I discovered no fracture; I regarded it as a flesh wound; there was no constitutional symptom present; Dr. 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 as Mr. Vanarsdall the Coroner called me as he sat at the request of Dr. Fry; examination was made at the grave yard 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; the body was 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 the 2d 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 accord with medical authorities.

Cross-Examined.—It accords with the practice of the surgeon 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 authority on the subject before ore. 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 understand 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; it was the 2d 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; it presented an abnormal feature. 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 discolored; 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 was when I went to the grave; it was a man's head; the jar had a large mouth, 2½ inches in diameter; the stomach 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 William Clark's; we went to his house; I don't know what time; we went to his house; he was dead; he 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; she should think she was there about 6 months.

Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-Examined.—Was not at Owen's house when I went to his house; he was dead; he 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; she should think she was there about 6 months. Cross-