MURDER THE CHARGE DR. PRESTON FACES.

Preliminary Examination Begun Friday.

Howard D. Camp Will Be Tried Separately, Probably as an Accessory ----- Several Witnesses Examined.

Dr. Edward A. Preston was arraigned in the police court Friday on the charge of murder.

His preliminary examination was then begun and continued till noon when it was adjourned till two o'clock in the afternoon. Dr. W. F. Roberts was on the stand all the morning. His evidence, though full, contained nothing of importance not elicited at the inquest.

The arraignment of Dr. Preston on the capital charge caused a sensation in the densely crowded court room. It is said that this charge rather than a less serious one was brought by the crown because under it the ante-mortem statement of Miss Clarke may be admissable while it might be excluded if the charge were manslaughter or abortion.

The charge as read to the prisoner was, in full, as follows:

The information and complaint of William Walter Clark made under oath to Robert J. Ritchie, Esq., on the eighth day of December, 1905, who saith that he suspects and believes that Edward A. Preston at the city of St. John aforesaid between the tenth day of November last past and the twenty-third day of November last past did murder Edith Floyd Clark contrary to the statute made and provided, and deponent's reasons for such suspicion and belief are these: that the said Edith Floyd Clark died on the twenty-second day of November last and an inquiry was afterwards had before Daniel E. Berryman, Esq., a coroner for the city and county of Saint John, as to the cause of her death. Deponent heard the different witnesses give evidence before the coroner and the jury empanelled to inquire into the cause of death found that the said Edith Floyd Clark died at the city of St. John aforesaid from blood poisoning caused by an unlawful act, to wit abortion the result of an operation performed by the said Edward A. Preston.

Signed W. WALTER CLARK.

Howard D. Camp, the other prisoner, was not brought into court yesterday. His case will be considered separately, when he will probably be charged as an accessory to the crime of which Dr. Preston is accused.

Dr. Preston occupied a seat on the prisoners' bench and listened to the proceedings with apparent composure. He was defended by his counsel, Scott E. Morrill and Burton L. Gerow. The evidence was taken by Stenographer Seth Berrie.

The examination was conducted by Solicitor General Jones.

Dr. Roberts, the first witness, said he had been acquainted with Dr. Preston for about ten years. He was a Homeopathic physician.

Mr. Gerow objected and the witness said that Dr. Preston advertised as such and that the sign on his door said the same.

Mr. Gerow objected saying the sign should be in court.

The testimony was allowed. Witness said he had been in Dr. Preston's office about four years ago. Witness knew Edith Clarke. He first became properly acquainted with her on Wednesday afternoon, the 15th of November, when he was called to attend her at her father's home. He had been called there by Miss Reynolds whom he had known for about two months.

Mr. Jones then asked the witness to tell what Edith Clarke said at that time concerning her physicial condition.

Messrs. Morrell and Gerow objected and said that hearsay evidence was not admissable.

The magistrate allowed the question and said that in a case in England a dying declaration can be got from questions given.

Resuming the witness told that the young woman said she had not been feeling well for a couple of weeks and that on the Sunday night previous she had a violent chill and that she complained of a pain in her left lung, between the second and third rib. She had a cough and that part of the chest hurt her when she coughed, and she was burning up. She expectorated considerable, had headache and pains across the back. He did not make a positive diagnosis at that time. He visted the patient the next day about noon, there were there at that time Mrs. Clarke and a Mrs. Harry Williams, a neighbor. The patient said she felt much better. The headache and backache were gone but there was still the pain in the chest. The temperature this day was something over 102. He had suspicion of pneumonia but could find no signs from examination. He remained with her about half an hour at that time and returned again in the evening. On this occasion Mrs. Clarke was present. The temperature by this time had gone up a half degree and she was not quite so well. The next visit was on Friday at noon, Nov. 17th, she still complained of a pain in the chest. There was no physical signs and he suggested at the time it might be due to neuralgia condition. She showed signs of being weaker and her temperature had fallen suddenly to 97.8.

The witness did not change his opinion much regarding her condition. He had called there three times on Friday, as she was weak and her condition indicated a serious illness. The entire group of symptoms indicated pneumonia throughout. The second visit was about six o'clock. During these visits Mrs. Clarke was present. Miss Clarke did not ask witness how sick she was, but was told by witness on Thursday that she was a very sick girl. She was told that probably three or four times during her whole illness. Her temperature remained sub-normal on Friday and did not indicate anything unusual in her case as he understood it at the time.. On Friday night about 11 o'clock her pulse was bad and she was given a hypodermic injection in the left arm to tone up the heart. The next visit was about noon on Saturday. The conversation was similar to that on previous occasions, except that she said she was weaker. The temperature was about normal and pulse of a better quality. He saw her again Saturday evening at six o'clock. Mrs. Clarke and Miss Reynolds were there at this visit. result of a conversation he had with another person in the afternoon. He called on her then as a result of a call by Miss Reynolds.

"I visited her again," went on the witness, "that night in consequence of a summons from Mrs. Clarke and got there about 11 o'clock. Miss Clarke and Miss Reynolds were there in the house. I sat down by the girl's bed and said, 'Miss Clarke, I want to know if you are keeping back anything from me. I am led to believe that you have, and I am blindfolded as to your condition by your secrecy, and it is worse for you. She looked at me and started to cry and said, 'Papa will kill me if he knows this, and I will be disgraced for life.' I told her to confide in me that she might be attended to properly.

"She said she had exposed herself two or three months ago. On examination he found that the patient had been pregnant. I had previously told her she was in a serious condition and if she would reveal to me her condition I would keep her secret for the time being. I informed her that an operation would have to be performed and she was willing. I gave her another hypodermic injection that night."

Witness then told her if the operation was not performed that she certainly would not get better and would die. He found that there had been a case of pregnancy and abortion.

It being one o'clock the court adjourned until two o'clock in the afternoon.

AFTERNOON SESSION.

The court room was again crowded at the afternoon session, showing the great interest that is being taken in the case. The crowd remained with few exceptions until the close of the proceedings for the day.

Dr. Preston looked rather careworn as he took his seat, but was composed, and at various stages in the examination of the witnesses conversed with his counsel, Mr. Morrill.

There was an absence of legal quibbling. The solicitor general instructed the witnesses in relating the conversations which took place between the deceased and the witnesses not to repeat the names of any persons that were mentioned in connection with the case. There was nothing of a sensational nature in the evidence of the witnesses examined during the afternoon. Miss Maxwell said that the deceased had said that an instrument had been used on her, and Miss Muir said the deceased had told her she did not expect she would survive the operation. The witnesses examined at this session were Miss Maxwell, Miss Muir, Dr. G. A. B. Addy and Burpee Brown.

MISS EDITH MAXWELL.

Miss Edith Maxwell, Victorian nurse, was the first witness called after the court opened in the afternoon.

"I assisted at an operation on Miss Edith Clarke on Nov. 19th. Dr. Roberts, Dr. Scammell, the deceased and her stepmother and father were present. Miss Clarke was in bed when I arrived. The operation was performed by Dr. Roberts.

"The operation is known as curetment. I saw the patient the following morning. Dr. Scammell and Dr. Roberts were also present. There was no conversation concerning her physical condition on Monday morning. On Tuesday Miss Clarke said she was not feeling very well and I had some further conversation with her."

B. L. Gerow objected to the question as to what was said on that occasion as to her illness. Mr. Morrill wanted the statements confined to her illness. He objected to any conversation that would in any way implicate Dr. Preston if he was not present.

Question was pressed.

"I can scarcely give the conversation without mentioning names.

"On Tuesday morning I thought the patient was in a very serious condition, but I did not tell her so. I saw her on Wednesday and also on Thursday and Friday. Each day she was increasingly weak. I saw her again on Saturday morning and she seemed weaker than the day previously. On that day she did not speak except to ask for a drink. She never spoke to me about dying. I saw her on Sunday, Monday and Tuesday mornings of the week she died. I was not present at her death. The deceased was conscious on those three days. I kept a record of the patient's condition. I thought the patient had rallied the day after the operation, as compared with her condition before the operation took place. Considering the operation, I thought she was in a fairly good condition.

"Miss Clarke told me that she had taken medicine, and also that an instrument had been used on her. This was on Monday, and was said in the presence of Drs. Roberts and Scammell. I did not see her sign anything. She did not say what kind of medicine was used."

Mr. Morrill said if the conversation was confined to the word "had," in connection with the using of the instrument, he had no objection.

"I saw a young man at the house, between twenty-five and thirty years of age, on three different occasions. Once he was in the patient's room, and on the other occasions was in the kitchen. He was quite tall, very stout and dark, and clean shaven. He was there on the Tuesday after the operation. I do not know his name, and have never seen him since to my knowledge.

"I thought the patient was dangerously ill when she made the statement that an instrument had been passed on her. At no time did the deceased say anything that would indicate her belief that she was going to die."

"Did you ever hear the doctors tell the patient she was in a very serious condition?"

The witness—"No, I did not."

"I gave the deceased a hypodermic of strychnine on three different occasions. I saw other medicine in her room."

On being shown a bottle the witness failed to identify it as the one she saw in Miss Clarke's room.

MISS MARY MUIR.

Miss Mary Muir was then sworn:

I have practiced my profession in Scotland, Montreal, Toronto and St. John. I attended Edith Clarke on the occasion of the performance of an operation on her, on Sunday, the 19th.

"I knew there was a conversation Dr. Roberts and Miss Clarke, but could not distinctly hear what was being said, except when I was in the sitting room. This was before the operation was performed. They seemed to be talking a long time. I did not see her sign any paper, but saw Dr. Scammell with a paper in his hand. I did not see him have it in her room. I knew there was writing on the paper."

On being shown the paper containing the statement signed by Dr. Scammell, the witness said the paper she saw in Dr. Scammell's hands was of a similar size.

"The operation performed on Miss Clarke was a curetment. In this case it was a serious operation, and occupied about half an hour

"There was some badly decomposed placenta taken from the patient. The operation was a successful one.

"The patient said she felt very weak and did not expect to get through the operation. She also said she had been in that condition for several weeks. This conversation took place while I was preparing her for the operation, and after she had had the conversation with the doctors."

"What did you think of the patient's chances of coming through the operation?".

Mr. Morrill objected to this question and the solicitor general did not press it.

DR. G. A. B. ADDY.

Dr. G. A. B. Addy was then called:

"I made a post-mortem examination of the remains of the late Edith Clarke on the Friday following her death. I was assisted by Dr. Scammell. The object of the examination was to ascertain the cause of death.

"Blood poisoning was the cause of death, in my opinion.

"The patient was poorly nourished. The abdomen was flat. The heart and the covering were normal. Both lungs were pale and collapsed, and there were adhesions in some places, due to localized inflammatory conditions. The upper lobe was much affected by tubercular nodules.

"Ths right lung was also considerably involved. There was a small abscess in the right apex.

"There was no evidence of inflammation in the pelvic cavity. The uterus was enlarged, soft, and patchulous. The uterine cavity contained tissue in a state of decomposition.

"The blood poisoning was caused by decomposed tissue.

"It would be possible to use the instruments without leaving any marks of violence that would be noticeable after death.

"A woman might produce an abortion herself. It has been done.

"An ordinary layman might possibly accomplish this purpose without leaving traces of violence.

"There was not enough disease in the lungs to produce death.

"An unhealthy woman would not be so likely to survive such an operation as a healthy one.

"Large doses of quinine are sometimes used to produce the contraction desired in these cases. Ergot and ergotine are also used to produce the same result.

"I could not tell from the post-mortem examination when the miscarriage took place.

"The condition found in the lungs was not the result of blood poisoning.

"Death was due, in my opinion, to blood poisoning or a form of septicaemia."

BURPEE BROWN.

Burpee Brown, druggist, was then sworn.

"I am a registered druggist, and have known Dr. Preston for about ten years. I have filled a good many prescriptions for him."

The witness was showed a prescription and said he had filled it, and identified the signature as that of Dr. Preston.

The prescription called for half an ounce of fluid extract of ergot, to be taken in doses of 30 drops in water.

The prescription was dated the 13th of November and was filled the same day. The witness did not remember who brought the prescription to him.

The witness was shown a small bottle, and said he had seen it before. The number on the bottle corresponds to that on the prescription.

On being given the bottle, which was partly filled, the witness said the contents smelled like ergot and also resembled that drug.

"I have dispensed ergot for nearly all the physicians in the city.

"I think I have dispensed it for Dr. Preston before filling the prescription now in evidence.

The solicitor general reserved the right to recall the nurses and Dr. Addy if he wished.

Counsel for the defense did not cross-examine any of the witnesses. After Mr. Brown's examination was concluded an adjournment was made until ten o'clock this morning.

The interest Saturday morning in the preliminary examination of Dr. Preston centered in the legal contest as to the admissability of Miss Clarke's ante-mortem statement, upon the settlement of which apparently depends to a large extent the fate of the prisoner.

Arguments for and against the admission of this evidence were made Saturday morning by the respective counsel and the magistrate reserved his decision till the afternoon.

The point upon which the matter hinged is the law that an ante-mortem statement is only admissable when made by a person in actual expectation of death. In this connection the evidence of Mrs. Clarke, the step-mother of the deceased, as given Saturday was very important. She gave evidence to the effect that Miss Clarke did not expect to recover, and seemed so certain of death that she arranged for the disposal of her personal effects and even made requests concerning her funeral and burial place.

The other witnesses were Dr. Scammell, Coroner Berryman and Miss Reynolds, who added little of importance to their testimony as given at the inquest.

Dr. J. H. Scammell was the first witness. He said he was a graduate of McGill college, Montreal. He knew Dr. Preston, also knew deceased, Edith Clark, and had been called in to see her at her home on Sunday morning, Nov. 19th, by Dr. Roberts.

Messrs. Gerow and Morrell objected to Mr. Jones' question whether the girl said anything to the witness about what she believed was the matter with her. The objection was sustained, but the witness was allowed to answer a question as to what she said about her condition; how ill she believed she was.

Continuing, witness said he asked how she was feeling and she said she felt pretty sick. He asked her how long she had been sick, and she said some little time. She said she had pain in chest and abdomen. He made an examination and she said that there were parts that were sore. Witness did not tell her at that time of her condition. He was alone during that conversation. That morning deceased signed a piece of paper which witness identified on exhibit.

Mr. Morrell objected to any conversation except as to her general health.

The magistrate said he imagined that there would be a law argument as to whether the solicitor general can offer a dying declaration, but the evidence had not come to that stage yet, and when it did he would allow them both some length of time for argument.

Resuming the evidence, witness said the deceased had said she got in trouble about three months before, and in reply to his question as to who was responsible for her condition she told him, and said that she herself tried to procure an abortion, but was not successful. The statement which had been previously exhibited was the one on which this, the above statement, was made by her and signed by her.

In reference to the statement witness said that in case she should die he wished it to clear him and the other doctor. He did not tell her the nature of the operation, which was successful. Witness visited the patient on Monday morning again. She said she felt pretty sick. He made an examination and then had a consultation in another room. After the consultation in conversation with her she said she had seen another doctor about her illness previously. Witness thought she was critically ill. She was aware of her condition as she had been told by Dr. Roberts. He told her she was in a serious condition, and probably would die. She said she did not wish to mention any names, as she would be getting other people in trouble. She said than an instrument was used on her and she said $25 had been charged. She said a friend brought her medicine.

Dr. Scammell said Miss Clarke was going down hill all the time from his first visit. She was in a more dangerous condition than before the operation. In view of what witness discovered in the post-mortem examination he knew her condition was due to septic poisoning. She had been in that condition before the operation to save her life was performed.

Mr. Jones asked that the names used by the dying girl on that occasion be given.

Mr. Gerow objected and said that the patient must be absolutely sure of death and in a hopeless state before that evidence could be given.

Mr. Jones said that the question was at the descretion of the court. While the present law is that only a dying declaration can be used, it can be found that old law is not nearly so strict. It is a matter which is very important to the prisoner and the public. Nurse Muir testified that the patent said she felt very sick and did not expect to get better or get through the operation. The nurse told her she hoped she would get better and that the patient said she hoped so but she was afraid she would not and had no hopes of getting better in the end. This, he held, showed that the statement was made under expectation of death.

Mr. Gerow cited several cases which showed that unless the patient actually believed she or he was going to die that the evidence would not be admissable. The lawyer for the defense said that the doctor put the fear of death into the patient.

Then said Mr. Jones, "no matter who put the fear of death in the patient they must admit that she had the fear of death and that she believed that she was going to die."

Mr. Jones said that if the magistrate had any doubts on the matter he would ask that the evidence be shut out until Dr. Roberts was recalled in the afternoon.

After a lengthy argument between the lawyers the magistrate decided that Dr. Scammell could retire until 3 o'clock in the afternoon when Dr. Roberts would have finished his evidence.

Dr. Daniel E. Berryman, coroner for the city, was then put on the stand and identified a bottle of medicine that had been brought out in the evidence at the coroner's inquest.

Mrs. Robert Clarke, stepmother of deceased, was the next witness. She said that Howard Camp kept company with her stepdaughter Edith and frequently visited the house and went driving. The first day she kept her bed was on the 13th of November. Miss Clarke was out of the house on the Saturday previous to the 13th and got home about 9 o'clock.

Witness saw a small bottle of medicine in her room. It was brought to her on Monday night the 13th by Howard Camp. He gave the bottle of medicine to witness and she gave it to Edith. There was a note in the parcel. Edith took the note and had the bottle placed on the table. Witness was then sent from the room and when she came back to the room she did not see the note. She saw the bottle again on the Wednesday that Dr. Roberts was called.

Witness identified the bottle exhibited in court as the one Camp brought there. She gave the bottle to Dr. Roberts. On Thursday morning Edith said she felt sure she wasn't going to get better. Witness told her she felt that way probably because she was nervous.

She said, "No, I am sure I am not going to get better, and don't you worry."

Edith then told witness to give a set of furs to one person and a hat to another person. Witness told her not to talk that way, as it would make her nervous. She said it was all right, as she was positive she was going to die.

She wanted to give the furs to a little girl named Muriel Goodwin, and to a little girl named Ella Reynolds, a hat and coat. She also said, "There is some money, you have gone to more expense than you care to tell pa, and you take some of it and give the rest of it to Miss Reynolds."

Her uncle got the bank book. Edith asked witness if she was alone, and when she answered they were, she told witness to close the door, and then told her where the bank book could be found. She mentioned about the bank book repeatedly, saying she was not going to get better.

The witness here broke down and cried as she gave the evidence.

Continuing, she said there was not much talk after the operation. It was on the first Wednesday after the operation that Edith repeated about the bank book, furs, etc. She said she did not want any person but the witness with her. It was her persistent saying that she was going to die, that caused witness to send for her uncle in the country.

Before her death, said the witness, Edith requested that her body should not be buried in the country, but in the city, and witness assured her that her wish would be carried out. Witness did not know of the nature of the illness until after her death. From the first Thursday of the conversation until the time of death Edith never changed her talk from that idea, but that she was positive she was going to die.

Miss Nellie Reynolds, sworn, said she did not know Dr. Preston. She had known Miss Clarke for 16 years. Deceased asked witness several times if witness thought she was going to die. This was after the operation, and witness told her that she did not think she would die.

HORSE TORTURERS SENTENCED.

FREDERICTON, N. B., Dec. 8.—William Hoyt and Chas. Nutt, who yesterday at the police court pleaded guilty to torturing a mare owned by John MacPherson, were this morning sentenced to three months' jail by Col. Marsh. The magistrate said it was one of the most brutal cases he had ever heard of.

The guild of the parish church have decided to present to the church a set of handsome altar vases as a memorial to the late Canon Roberts.

MAUGERVILLE.

MAUGERVILLE, N. B., Dec. 7.—The members of Sunbury Division visited the Gibson Lodge last Monday evening, where a very enjoyable time was spent.

The ladies of the Baptist sewing circle had great success with their supper and fancy sale last evening. Over $40 was realized.

Rev. H. E. Dibblee intends holding service in the Upper Hall on Wednesday evenings during the season of Advent.

A school teacher out Newmarket way, in the course of a grammar lesson, said—"Now, if I spoke of a cow as masculine what could you say I was doing?" There was a moment's silence, and then the son of a local trainer, holding his hand aloft, said: "Please, sir, I should say you was making a bull!"—London Globe.



MRS. ROGERS MET DEATH WITH CALM INDIFFERENCE.

WINDSOR, Vt., Dec. 8.—Mrs. Mary Mabel Rogers today marched unconcernedly to her doom. Holding her head high in the air, this woman, one of Vermont's celebrated prisoners, bravely mounted the gallows unaided and without a murmur paid the penalty of murdering her husband, Marcus Rogers, at Bennington, on August 13, 1902. To all appearances Mrs. Rogers was the calmest person in the chamber of death. She faced an ignominious end on the scaffold with the same indifference that has marked her demeanor ever since her arrest, more than three years ago.

There were no sensational incidents in connection with the hanging. She evidently suffered no pain. Her neck was broken by the fall and she lost consciousness instantly. A few feeble convulsive movements of her pinioned hands were the only evidences that vitality had survived the first shock.

The drop fell at 1.15 p. m., and Mrs. Rogers was pronounced dead by the attendant physician at 1.27 1-2. The woman's feet barely touched the floor for an instant, but the deputies on the platform of the scaffold immediately tightened the rope and raised the unconscious form a couple of inches.

Although Mrs. Rogers remained calm until the end, she had no desire for food today and ate nothing. Prison Matron Durkee prepared an appetizing breakfast and carried it to Mrs. Rogers' cell in the morning, but the prisoner had no appetite and the food remained untasted.

At noon another meal was prepared for Mrs. Rogers, and again she refused to eat.

Since the death watch was established some ten days ago Mrs. Rogers had eaten heartily and slept soundly. Last night she retired at 10 o'clock and woke this morning at five. Mr. and Mrs. Loukes of the prison staff comprised the death watch, eating and sleeping in the same room with the condemned woman. Margaret, the little child of the Loukes, was a frequent visitor in the death cell, and her childish talk evidently eased many weary hours during Mrs. Rogers' last days and helped her to keep her mind off her own fate. During her last days on earth Mrs. Rogers spent a great deal of time in crocheting tokens for relatives and friends. She read the Bible a great deal, and received a number of calls from Rev. Mr. Hayes, the prison chaplain, and Rev. Father C. C. Delany, pastor of the local Roman Catholic parish.

Up to within three hours of her death, Mrs. Rogers consoled herself with the hope that she would not be executed.

At 1.06, the death march began. Down three flights of stairs from Mrs. Rogers' cell in the central section of the prison, through the guard room and into the west wing, where the gallows had been erected. Down another flight of steps, across a short space of brick floor and the foot of the scaffold was reached. Holding her head high, Mrs. Rogers never faltered for an instant, as her eyes rested on the scaffold. Unaided, she mounted the steps, stepped on to the trap, and then seated herself in a chair, on the scaffold. A moment later she arose, having declined to make any statement on the gallows.

Even at this tragic hour, Mary Rogers thought of others. Just as the deputies approached to bind her limbs she removed her eyeglasses and passing them to one of the deputies, she said: "These are for my sister. Please see that she gets them." A moment later the straps and noose were arranged, and the trap was sprung. The rope was a trifle too long, and the woman's toes barely touched the floor beneath. She was beyond suffering, however, her neck having been broken, and she had instantly lost consciousness. A little more than 14 minutes later the physicians pronounced all signs of life had vanished, and soon after the body was cut down and placed in the coffin that had been in waiting beneath the gallows.

The body was taken from the prison to the station, placed on board the 2.55 train, and sent to Hoosick Falls, N. Y., where Mrs. Rogers' mother lives. Interment will be at St. Mary's cemetery, that town.

WINDSOR, Vt., Dec. 8.—The crime for which Mrs. Mary Mabel Rogers was sentenced to be executed was the murder of her husband, Marcus Rogers, at Barrington, August 13, 1902. At the time the crime was committed Mrs. Rogers was only 19 years old. She had been separated from her husband for some time, and was desirous of marrying a young man named Maurice Knapp. On the day of the murder Marcus Rogers went to Bemington to visit his wife, and that night she arranged to meet him in the woods near the Wallaamsac river. While caressing him she induced him to allow her to bind his hands, and while he was powerless she chloroformed him. In this she was aided by Leon Perham, a half-witted boy, who was the son of the woman with whom she boarded. Another woman, Estella Bates, was present.

After chloroforming Rogers, Perham and Mrs. Rogers rolled the body into the river, where it was found the next day. In order to divert suspicion the woman wrote a note, to which she signed her husband's name, giving the impression that he had committed suicide.

Immediately after the murder Mrs. Rogers endeavored to collect her husband's life insurance, amounting to $500, and also made arrangements to purchase furniture for the house where she expected to live when she had married Knapp.

A few days after the murder Mrs. Rogers, Perham and the Bates woman were arrested. Perham made a complete confession, and both he and Mrs. Rogers were found guilty of murder in the first degree. Perham was sentenced to imprisonement for life, while the sentence in Mrs. Rogers' case was death on the gallows.

Under the Vermont law the power of pardon and commutation of sentence rests with the legislature, and the law also provides that when a person is sentenced to death a session of the legislature must be held between the time of sentence and the date set for the execution. At the last session of the legislature various attempts were made to pass a law abolishing capital punishment in Vermont, but that also failed. An attempt to secure a pardon for the woman shared the same fate. A bill was then introduced providing for the appointment of a state commission to examine into the woman's sanity. The bill passed the house unanimously, but was defeated in the state senate. Although the vote on the bill in the senate was never made public it is known that the ratio opposed to its passage was 3 to 1.

The date set for the execution was February 3, 1905. On February 2, after Mrs. Rogers had received the last rites of the Roman Catholic church, Governor Charles J. Bell granted her a reprieve until June 2, in order that the claim of her attorneys to newly discovered evidence might be aired before the Vermont supreme court, in an attempt to secure for the woman a new trial. The day previous to the day the reprieve was granted the sheriff of Windsor County, Henry H. Peck, to whom fell the task of executing Mrs. Rogers, went to Montpelier, accompanied by his deputies, and petitioned Governor Bell to grant a reprieve.

On May 17, last, the full bench of the Vermont supreme court heard the evidence on which the petition for a new trial was based, and a little more than a week later denied the petition.

On June 1 a second reprieve by Governor Bell removed the doomed woman from under the shadow of the scaffold. This reprieve was granted in order that the United States supreme court might pass upon the constitutionality and legality of the proceedings governing Mrs. Rogers' sentence.

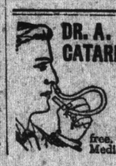
The United States supreme court was then petitioned for a writ of error in order that the case might go before the highest tribunal, but this was denied. On June 19 habeas corpus proceedings were instituted. Further legal activity on the part of the condemned woman's attorneys resulted in the case being carried before the supreme court of the United States on an appeal from the rulings of the Vermont court. On November 27, last, the United States supreme court refused to stay the sentence of the Vermont court.

With the decision of the highest court in the land Mrs. Rogers' last hope for life vanished as Governor Bell had announced that he would not interefere with the sentence of the court.

Mrs. Rogers was the daughter of Mrs. Josie Callahan of Hoosic Falls, N. Y.

Certain disclosures regarding scandals in the Vermont state prison at Windsor, where Mrs. Rogers has been confined, have, it is claimed affected public sentiment. According to testimony before the prison investigation committee of the legislature one of the convicts at Windsor had access to Mrs. Rogers' cell some time after the first reprieve was granted by Governor Bell. It was alleged that this was part of a conspiracy on the part of certain prison officials to bring about such a condition as would further postpone the execution.

Mrs. Rogers is the first person sentenced to death in Vermont within the past 13 years who was refused clemency. The last murderer executed in the state was Sylvester Bell, who was hanged in 1892 for wife murder. The last woman to be executed was Mrs. Emeline Meeker, who paid the death penalty at Windsor on March 30, 1883. In Vermont all executions are held at the state prison and by a peculiarity of the Vermont law the duty of hanging condemned murderers devolves upon the sheriff of Windsor County, regardless of the section of the state in which the crime was committed.


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