State
vs.
Emily Ratliff. } Instructions for State.

1st If prisoner deliberately administered poison to the deceased and he died from the effects of it, the prisoner is guilty of murder, a deliberate act necessarily implying malice: Arch. Cr. Pl. 388.

2d If the jury should believe from the evidence that he entertained a criminal disregard for human life, he is guilty of manslaughter at least, if not murder: Arch. Cr. Pl. 388.

3d That prisoner, not being a regular physician, if the evidence is to be believed, is guilty of criminal misconduct, arising from gross ignorance, or criminal inattention, and the jury should find him guilty of manslaughter at least: Arch. Cr. Pl. 389.

4th If the jury should believe that proper medical assistance could have been had, and the prisoner being ignorant of the art and science of medicine took upon himself to administer a violent and dangerous remedy, and that death ensued in consequence of that dangerous remedy having been so administered, then he is guilty of manslaughter at least: Whar. Cr. Law & Bishop, & nate: Arch. Cr. Pl. 389-91.

CHAUTAUQUA COUNTY HISTORICAL SOCIETY 2014

5th That if one gives medicine, or something intended as such, which kills, and the party prescribing had so much knowledge or information of the probable fatal tendency of the prescription, that it may be reasonably presumed by the Jury, that he administered the medicine, or pretended medicine, from wilful rashness or foolhardy presumption, he will be guilty of manslaughter at least, although he intended no bodily harm: Com. v. Thompson, 6th Mass. Rpts.

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

If, however, you believe that no such hypothesis can reasonably be entertained compatible with the evidence received by you, but on the other hand believe that the death of the deceased was caused or accelerated by the nostrums of the deceased, with the purpose and intent to destroy his life he is guilty of murder.

If the death of the deceased resulted from, or was accelerated by nostrums given by the prisoner, with a knowledge of their noxious character and with a careless indifference as to its results, he is guilty of manslaughter at the least —

If he gave these nostrums without knowledge of their character, resulting from gross ignorance, and with a criminal disregard of human life, he is guilty of manslaughter —

Rule of excluded hypothesis in circumstantial evidence —

Certainty required in evidence

The duty of the jury in case of witnesses partially or wholly impeached —

CHAUTAUQUA COUNTY HISTORICAL SOCIETY 2013

There is no question as to the death of Peter Runkin – That allegation is not traversed by any evidence of the Prisoner, and a large number of the witnesses speak to it with positiveness –

The ~~next~~ first question for you to consider is – "Did the deceased come to his death by means of drugs, medicines and potions, or nostrums, administered by the prisoner at the bar?" The allegation of the State is that he did, the allegation of the defence is that he died of other and natural causes. Your inquiry as to this question naturally divides itself into two branches.

1 – Did Peter Runkin use and partake of drugs, and medicines ~~whether in the form of pills or liquids~~ in whatever form, or solids or fluids purporting to be medicinal or not, procured from, and prescribed by, the prisoner at the bar?

Upon this branch of the inquiry the State adduces the direct testimony of the witnesses – Milly Runkin and John Runkin, as to the Prisoner having brought both fluids and solids, in the form of pills, to the house of the deceased's father, recommended and prescribed the manner of their use by the deceased, and ~~that asserted~~ and that the deceased did actually take and use the same – Also the testimony of Susan Runkin as to the taking of medicine by the deceased

~~the~~ the testimony of Dr Ross as to the statement of the Prisoner as to ~~the~~ his having prescribed ~~for~~ the the deceased during the illness ~~for~~ of which he died — *

The testimony of the defence bearing upon this inquiry — is that of Debby Ann McAdam ~~of Sally Hoskins~~. The one stating that she was present at the house of Rankin for several days after the mystic discovery and resurrection of the "so-called "Stamps" and much of the time in the house, yet did not know of the prisoner bringing or sending any drugs or simples for the use of the deceased —

There are also several other incidents stated by several of the witnesses which you will ~~recognize~~ recollect as bearing more or less remotely upon this ~~inquiry~~ — branch of the inquiry —

If, gentlemen, upon careful consideration, of all the testimony upon this branch of the inquiry, you are satisfied beyond a reasonable doubt, that the deceased did take and imbibe drugs and simples or pretended medicines, concocted, prepared and prescribed by the Prisoner, then you will proceed to the second branch of this inquiry — If however you have a reasonable doubt as the deceased having taken or imbibed any

* And also, the witness Robert Merritt as to the confession of the Prisoner to which your attention will be hereafter especially directed

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2012

such drugs or simples prepared and prescribed by the Prisoner, your duty ends here by a verdict of "Not Guilty".

Your next inquiry is:— or was his death accelerated.
Did the deceased come to his death, by the use of the drugs &c, prescribed by the Prisoner, in accordance with his Directions?

This is probably the most difficult part of your investigation — I shall divide the testimony upon this point into several classes to the nature and character of which your attention is directed —

1 — The testimony as to the ~~former~~ physical condition of the deceased previous to taking the pretended medical compound of the Prisoner —

In regard to this there is but little discrepancy between the witnesses for the State and those for the defence, except as to the duration of certain symptoms, a cough and headache, with which the deceased is said to have been afflicted — In regard to ~~those~~ the duration of these symptoms, however, there is no little variance — This it is your duty to weigh and harmonize by your own judgment and experience of men and affairs, remembering that most of the witnesses upon this point are persons

CHAUTAUQUA COUNTY HISTORICAL SOCIETY 2013

of great ignorance as must be apparent to you, and that amended recollection as to dates unless fixed by some marked and peculiar circumstances, brought to the attention of the jury. It is your ~~to~~ duty, to decide from this mass of conflicting what was the duration and character of these symptoms — the subsequent symptoms of the deceased after taking the drugs of the Prisoner. — These can be described with some minuteness by the witnesses Milly Rankin, John Rankin and Dr. Ross, and Mrs. Reynolds. ~~As to~~ In this connection you will consider also the symptoms testified as having been exhibited by the sister of the deceased after the first visit of the Prisoner, if you believe those symptoms to have been caused by the use of the same compounds used and imbibed by the deceased — So far as the guilt of the prisoner is concerned the death of Mary is entirely immaterial — You may be convinced to an absolute certainty that Mary died from the effects of the Prisoners compounds, and also that the deceased partook of the same compounds, yet if you are not satisfied, that these compounds caused or accelerated the death of the deceased — you must render a verdict of not guilty — If, however, you believe beyond a reasonable doubt that Mary's symptoms

were caused by said compounds, you have the right to consider it as bearing upon the cause of Peter's death also. Precisely as in the illustration which the court employed when the question as to the admissibility of this evidence was under discussion — that if a portion of a compound partaken of by a deceased party were given to a dog or other animal and caused the death of such animal you would have the right to consider that fact as bearing upon the cause of the death of the deceased — Thus far and no further it is permitted you to consider the evidence as to Emery's symptoms — and death — You are not to consider the death of Emery as affecting the guilt of the Prisoner, but only as bearing upon the cause of Peter's death.

9 The testimony of the medical experts — In considering them you will remember that these witnesses (except so far as Dr Ross is concerned) are simply opinions given upon the different facts and hypotheses appearing in the testimony adduced both by the State and the defence. It is your duty first to decide what are the facts established to your satisfaction by the witness describing the condi-

tion and symptoms, and then to apply to this state of facts the testimony of the experts — and deduce your own conclusions as to the physical cause of Peter's death —

So far as the immediate cause there is a unanimity of in the testimony of the experts. They agree that it was inflammation of the stomach. As to the cause of this immediate cause, (the proximate or primary cause of death) there is this difference — two of them distinctly state that considering all the symptoms as true, they are convinced that the compounds of the prisoner were that primary cause, a third states that it was pre-existing disease probably aggravated by the compounds used — The fourth that he does not think that medical science will enable him or another to decide definitely upon this proximate cause. The two latter also state that they know of no medicinal or poisonous material which would have produced equally violent symptoms which would not have caused death in a much shorter time. The other expert declines to give an opinion stating his inability to do so — All of the experts agree that the same immediate symptoms, might be obtained by other causes, but that no

no such cause is actually disclosed by the ~~evidence~~ testimony.

You have noticed that all the ~~evidence~~ testimony hitherto referred to, are circumstantial in their character. The witness Robert Merrill has given testimony of a different nature. He states that the prisoner, voluntarily and freely informed him, that he (the prisoner) had given the deceased poison for the purpose of killing him and had killed him in connection with threats against the prisoner's father— If you believe the statement of this witness and that he correctly reports the conversation with the Prisoner— and also, that the statement made by the Prisoner was true you will render, if guilty, a verdict of guilty of murder—

If you refuse credence to this statement and believe that the evidence comports with any reasonable hypothesis of the death of the deceased, of the primary cause of the inflammation of the stomach— other than the compounds prescribed by the deceased— you will render a general verdict of "Not Guilty."

CHAUTAUQUA COUNTY HISTORICAL SOCIETY 2012

Charge to Jury

in

Clark

v

Randy Rudloff