

SUSAN GLASPELL

Sometime around midnight on December 1, 1900, John Hossack, a well-to-do, 59-year-old Iowa farmer, was attacked in bed by an axe-wielding assailant who literally beat out his brains as he slept. His wife became the prime suspect after neighbors testified to her long-simmering hatred of her abusive spouse. Covering the sensational case was 24-year-old Susan Glaspell (1876–1948), at that time the legislative reporter for the *Des Moines Daily News*, the largest daily in the state.

Shortly after Mrs. Hossack was convicted and shipped off to Anamosa State Penitentiary, Glaspell—who had been publishing short stories in *Harper's Monthly* and *American Magazine*—quit journalism to devote herself full-time to fiction. She and her new husband, the writer George Cram Cook, moved east in 1913, joining the Bohemian community of artists and intellectuals who wintered in Greenwich Village and summered in Provincetown on Cape Cod. In 1915 they founded the Provincetown Players, a company that would nurture dozens of playwrights—most notably Eugene O'Neill—and for which Glaspell created her one-act play *Trifles*, a thinly veiled take on the Hossack case with a decidedly feminist slant. The following year, she reworked the material into a short story, “A Jury of Her Peers.”

In August 1916, less than three weeks after the premiere of *Trifles*, Margaret Hossack died at home in Indianola, Iowa, a free woman. One year after her incarceration in Anamosa, her conviction was overturned on appeal, and a second trial in 1903 ended with a hung jury. The state declined to retry her, and the murder of her husband remains officially unsolved.

The Hossack Murder

INDIANOLA, Dec. 3.—(Special.)—A foul murder was committed Saturday night near Medford, fifteen miles southwest of Indianola. A farmer named Hossack was struck over the head and killed by unknown parties, at his home a few miles out from Medford.

The assault was probably committed by burglars, though of this the officers are not yet sure. Sheriff Lew Hodson and Dr. Harry Dale, coroner, went to the place Sunday, and subpoenaed a jury which was called to meet this morning for an inquest. Mr. Hossack was an early settler, a prominent farmer, highly respected. He was about 60 years of age and leaves a wife and large family.

INDIANOLA, Dec. 4.—(Special.)—Persons who went to the home of John Hossack Monday and saw the murdered man in his bed, and heard portions of the testimony before the coroner's jury, are all at sea as to who killed Hossack or for what reason. There is no evidence of burglary. The murderer came through a porch and front room to the bed room where Mr. and Mrs. Hossack slept. He evidently reached across the bed with an ax and struck two blows. One crushed in the skull and the other made a deep cut, yet Hossack lived from Saturday night until 10 a.m. Sunday, though he did not regain consciousness, and no one has yet been found who can give a clue to the murder. The ax was found under a shed about fifty feet from the house. Mrs. Hossack swore before the jury that she was awakened about midnight by the slamming of a door, saw a flash of light and then all was dark. She called to her husband but as he did not respond, she got up and lighted a lamp. Then she discovered him on the bed, with blood all over the clothing. She said she did not hear the blows nor see any one. The officers are investigating.

It is rumored that trouble had arisen in the Hossack household and that possibly some relative committed the murder.

The funeral of Mr. Hossack was set for Wednesday at 1 p.m. from the First M.E. church at New Virginia. The family consisted of wife, and four children, who were at home.

Bert Osborn and Harry Hartman of Indianola went to the Hossack home Sunday afternoon and took flash light photographs of the remains of Hossack as they lay on the bed. The left temple is crushed in, probably by the butt end of the ax, while the upper part of the head is deeply gashed.

The ax, which was found under a shed and covered with blood, has been sent to a chemist, who is to report whether or not the blood is human or from chickens, as stated by some members of the family.

The report that Hossack did not regain consciousness is contradicted. One of his sons testified before the coroner's jury that he said to his father, "Well, pa, you are badly hurt," and that he replied:

"No, I'm not hurt, but I'm not feeling well."

It is said that Hossack did not make any statement as to whom he suspected of the crime.

INDIANOLA, Dec. 5.—(Special.)—The Hossack murder case took a sensational turn today when the sheriff went to Medora for the avowed purpose of arresting Mrs. Hossack, wife of the murdered man. The departure of the sheriff was kept a profound secret for a time, but eventually some of the county officials were induced to reveal to your correspondent that the object of the trip was the arrest of Mrs. Hossack.

The evidence is by no means conclusive of Mrs. Hossack's guilt, but the testimony before the coroner's jury was such as to raise a suspicion of guilt and her arrest was decided upon as a matter of precaution.

Members of the Hossack family are understood to have testified before the coroner's jury that the blood on the ax found under the corn crib was caused by chopping off the head of a turkey the day before the murder. It is now reported that a child admitted on cross-examination that he himself placed the ax in the corn crib the evening before the murder and that at that time there was no blood on it.

Friends of Mrs. Hossack are beginning to suggest that she is insane and that she has been in this condition for a year and a half under the constant surveillance of members of the family.

The robbery theory has been wholly abandoned, as absolutely nothing was taken and no suspicious characters were seen in the neighborhood prior or subsequent to the murder.

The most suspicious circumstance in connection with the crime is the testimony of Mrs. Hossack that she lay in bed by the side of her

husband while his skull was crushed in two places, and was not awakened in time to see anyone leave the house.

The developments since the murder that the members of the Hossack family were not on pleasant relations with each other is a complete surprise, as Hossack was not supposed to have an enemy in the world.

The verdict of the coroner's jury found this morning was as follows:

"We do find said deceased came to his death by two blows upon the head; one with a sharp instrument and one with a blunt instrument. (Signed) C. D. Johnson, Fred Johnston, T. W. Passwater."

The wife of John Hossack, arrested on the charge of having beaten out his brains with an ax, has employed Henderson and Berry as her attorneys and is preparing to fight the case to the end.

She was locked up in the county jail here last night at 8:30. She manifested no emotion, took her arrest calmly and absolutely declined to make any statement concerning her guilt or innocence.

Members of the Hossack family are standing by her solidly, but public sentiment is overwhelmingly against her.

Though past 50 years of age, she is tall and powerful and looks like she would be dangerous if aroused to a point of hatred. It is claimed by the prosecution that she and her husband quarreled violently over their second son, John Hossack, Jr., because the father was unwilling to overlook his son's shortcomings.

An effort was made at the coroner's inquest to bring out that Mrs. Hossack had threatened her husband's life and had intimated to William Haines that she would like to get her husband out of the way. Haines only partially corroborated this story.

Hossack owned 300 acres of fine land and was considered well-off. It is claimed now, however, that the farm was in his wife's name and that possession of it could have furnished no incentive to the crime. Deceased, however, carried \$2,000 in life insurance, made payable to his wife.

INDIANOLA, April 2. —(Special.)— Selection of jurors in the Hossack murder trial is completed. The panel is as follows: D. Agard, J. P. Anderson, J. B. Bitting, J. W. Bruce, J. W. Hadley, Geo. W. Lewis, F. E. Miller, John Niles, W. C. Pitman, J. W. Poland, Wm. Powers and S. R. Richards. At 11 o'clock Judge Gamble swore in the jury. Reading of the indictment by County Attorney Clammer followed.

During the recital of counts contained in the indictment, the defendant, Mrs. Hossack, was visibly affected, her eyes frequently filled with tears and her frame shook with emotion.

It is expected the balance of the day will be taken up by the prosecution in submitting facts they expect to prove.

A large diagram of the arrangement of the Hossack homestead mounted upon a frame and easel has been introduced by the prosecution. The purpose of the prosecution is to show by use of the diagram that Mrs. Hossack alone could have committed the crime.

The defense made objection to the introduction of this exhibit, claiming that the scale upon which the house was drawn was not the same as used in locating out buildings. The court ordered its admission on the statement of the prosecuting attorney that a uniform scale was used in preparing the diagram.

INDIANOLA, April 3.—(Special.)—Fully 1,200 people flocked out of the court house when court adjourned yesterday at the close of the second day of the Hossack murder trial. During the afternoon session, which began sharply at 1:30 o'clock, the seating capacity of the court room proved inadequate to the demand and scores of people crowded into the aisles and stood packed in about the railing separating the attorneys, witnesses and defendant from the promiscuous multitude.

Tomorrow morning's session will commence at 9 o'clock with cross examination of Dr. Dean, the third witness for the prosecution.

When Attorney Berry yesterday afternoon addressed the jury for the defense and took up the events of the day preceding the night of the murder and detailed them in their proper sequence, the stillness in

the court room became oppressive. Carefully he went over the actions of each member of the family. He told how on the night of the killing five of the children were asleep in the house; how that at the side of the death bed eight of the nine children gathered while the mother, stunned by what had happened, attended to the wants of the sufferer, frequently administering water to the parched lips and bathing the wounded head.

During the description of this scene Mrs. Hossack, who occupied a seat by the sheriff's wife, surrounded by three of her daughters and all but one of her sons, broke completely down and wept bitterly. Grief was not confined to her alone, it spread until the weeping group embraced the family and the sympathetic wife of Sheriff Hodson, who frequently applied her handkerchief to her eyes.

The first witness to be called by the prosecution was William Hossack.

After describing preliminary incidents and being called by his mother, he said he was the first to enter the room in which his father lay.

"What did you see?" he was asked.

"I saw my father in bed."

"How was he lying?"

"With his head turned slightly to the left."

"Who spoke first?"

"I did."

"What did you say?"

"I asked him who hit him."

"What did he say?"

"He said he wasn't hit."

"Did you hear your mother say anything?"

"Do not think she did."

"You may state what she said to you."

"She said she heard a noise like two boards being slapped together. That she got up and ran out of the room. That as she went out she saw

a light on the wall. That the blinds were shut but she saw a light shining through a crack.”

“Did you look for any money in the house?”

“I did. I found some in the secretary.”

“Do you remember of any fowls being killed on the place about Thanksgiving time?”

“Yes. I killed a turkey.”

“What did you kill it with?”

“With an ax.”

“Did your mother and father quarrel any?”

“Not within a year.”

An objection was taken to this question by the defense but the court held it to be pertinent. Efforts to have the witness determine and say when he last heard them quarreling, resulted in his maintaining the former statement. He was certain that, while during former years there had been frequent differences between them, nothing like a serious misunderstanding had transpired since a year from last Thanksgiving. When questioned about the proposed division of the property at the time a separation was talked of, he stated that it was intended his father should take the east eighty acres and his mother the rest.

He described finding the axe under the granary and said there were blood stains on the handle but none on the blade; that when he examined it he found several hairs sticking to one side of the cutting edge which he picked off and turned over to the sheriff.

Mrs. Haines was next called to the stand. She is a small woman, who looks to be suffering from some nervous ailment. In answer to the county attorney’s questions she described a scene which occurred in her house when the defendant called one afternoon.

“What did the defendant say to you on the occasion you refer to?” asked Clammer.

“She said ‘it would be a Godsend if Mr. Hossack was gone.’”

She also stated that she and her husband had often called at the Hossack house and that they had sometimes been called upon to talk

to Mr. Hossack. That she knew the Hossacks frequently quarreled. That on one occasion Mrs. Hossack had asked her and her husband to come down to her home and bring with them several of the neighbors as she was afraid that her husband would kill the family before morning.

The last witness of the day was Dr. W. F. Dean. He testified to being the family physician and to being called to the Hossack homestead on the night of December 1. That he reached the house about 4:30 o'clock in the morning and he found Mr. Hossack in bed and unconscious. He described the wounds on the head, going into minute detail. He testified to having remained at the house until after the death of Mr. Hossack, which occurred a little after 9 o'clock and that the latter did not regain consciousness while he was there.

He repeated in substance the talk he had with Mrs. Hossack which did not differ from her statement to her son William.

He then described having assisted at the examination of Mrs. Hossack's wearing apparel the following day. He described the undervest as being covered with blood at a point between the shoulders in the back and showing a few bloody spots on the right shoulder and about the upper portion of the neck in front.

"In your opinion was Mr. Hossack ever conscious after being struck?"

"I don't know whether he could return to consciousness or not after those blows."

The purpose of the prosecution in these questions was to show that the reported conversations between the dead man and members of his family could not have taken place.

INDIANOLA, April 5.—(Special.)—Slowly but surely the prosecution in the Hossack murder case is weaving a web of circumstantial evidence about the defendant that will be hard to counteract. The examination of each additional witness leaves a perceptible effect on the jury and their faces become more and more set and stern. Mrs. Hossack is bearing up well under her trying ordeal, but day by day her countenance

becomes more haggard and drawn. She may come out of the trial a victor, but the terrible strain cannot but have the effect of permanently undermining her health and bringing her to an early grave. To many it seems her hair is turning perceptibly lighter, and the gray is gradually giving away to silver.

The damaging admissions of Mrs. Hossack's favorite son, John Hossack, Jr., yesterday, while fairly wrung from him by the county attorney and being in many cases directly contradictory to his evidence given before the grand jury, were so palpably an effort to shield his mother as much as possible as to have just that much greater effect on the jury.

To the expert testimony of physicians yesterday tending to show that the murder was committed with the axe and that the statements of Mrs. Hossack and her children to the effect that the murdered man had addressed them after the crime was committed were physically impossible, was added that of Drs. Porterfield and Surber today, both men of learning and great influence. The testimony of Mrs. Lou Hinstreet was likewise damaging to the defendant.

When court convened at 9 o'clock this morning, Dr. E. Porterfield took the stand. He stated that he was a graduate of the Bellevue hospital in New York; that he was present and assisted in the autopsy upon the remains of the dead man on Monday following the murder. He minutely described the nature of the wound and stated that the incisive wound was made first; that in his opinion, from the nature of the wound it would have been impossible for the man to have regained consciousness at any time within thirty minutes after the assault; and that he thought it probable that he did not recover consciousness for an hour. He described the location of the sense of speech as being on both sides of the brain, although more largely developed on the left side; and that from the nature of the wound he believed the power of speech to have been seriously injured. On cross examination the defense was unable to elicit contradictory statement. When asked about the celebrated "crowbar" case he said that there was considerable difference between that case and the Hossack case.

The next witness sworn was Dr. L. H. Surber. On direct examination, he said that the time required to produce the discoloration about the eyes would be about twenty minutes. He also stated on cross examination that the dead man suffered from a chronic abdominal trouble, the inference being that his vitality would have been greatly lessened, although he stated the dead man to be in normal condition and equal to the average man in the power of physical endurance. In reply to inquiry as to how long, in his opinion, it was before the dead man spoke after being assaulted, he said he did not believe it would have been possible to have articulated within thirty minutes.

The next witness was Mrs. Sue Hinstreet. She described the scene in the second story of the back room when Mrs. Hossack was examined by County Attorney Clammer on Monday. She stated that Mrs. Hossack had told her she was awakened during the night by hearing a sound like the clapping together of two boards; that she got up and went to the stairs and called her daughters; that Cassie answered and inquired what was the matter; that she told Cassie she thought someone was in the house, and that Cassie told her to go back to bed, as she must be mistaken; that she heard her husband groaning and went back and called the girls again; that in a few minutes Will came down and that he was followed by the girls; that together they lit a lamp and went into the bedroom.

When asked if Mrs. Hossack had said anything about the axe the witness replied that Mrs. Hossack said that one of the older boys had told the young boy to put it in the granary but that she did not think he had done so, as he was gone so short a time and that he must have put it under the granary.

The witness also described the appearance of the undervest as she saw Mrs. Hossack at the examination Monday. She stated that she did not see any blood on the front, but that she saw blood on the right shoulder and on the sleeve, and a spot on the back between the shoulders.

When court adjourned at noon she was on the stand on cross examination.

Yesterday afternoon, James Hossack, the 16-year-old son of the defendant, testified that he had not told the truth before the grand jury, that he had been intimidated by the county attorney. He denied everything that he said to the grand jury relative to the quarreling on the night of the murder, prior to the aged couple's retiring. He declared yesterday that he had heard no quarrel or angry words. The introduction of the evidence as given before the grand jury by this witness is thought to be a great point in favor of the prosecution as it is generally thought the boy on more mature deliberation is making an endeavor to shield his mother.

Several witnesses were examined who testified to having heard Mrs. Hossack say repeatedly that it would be a God's blessing if Mr. Hossack was dead.

During the day the bed in which the murdered man had been killed was introduced for the purpose of showing it impossible for two people to have slept in it without one being awakened if the other was hit. The bed was of three-quarter size, constructed of wood and contained all the bedding upon it at the time of the murder. This was badly stained with blood and presents a most repulsive sight.

INDIANOLA, April 9.—(Special.)—Seldom, if ever, have the people of Indianola seen such an Easter sabbath as Sunday. It was not so much the beauty of the day, for, although it began and finished with ideal Easter conditions, there has been many another as balmy, as full of the freshening vigor of spring. There were other elements at work than those of external nature; other influences beside those arising from the deep significance of the day. Blended with it was the spirit of tragedy, and it penetrated and permeated all classes and found vent in the intensity with which the questions: "Is she guilty?" "Will they convict her?" were asked.

It was the atmosphere of tragedy surrounding Mrs. Hossack who, shut in from the world in a narrow, padded cell in the gloomy interior of the county jail, listening throughout the day to the inspiring clanging

of church bells or catching the half lost strains of chanting choirs, which even heavy walls and iron-gated windows could not entirely exclude.

Spring had come and with it, as if by magic within a day, many an emerald spot, fresh and vigorous with the new life of summer, shown brilliantly against the sober brown, where winter yet reigns. But they were not for the eye of Mrs. Hossack.

In churches great banks of delicately colored flowers buried pulpits and adjacent aisles and exhaled upon the air a perfume that will linger in the vaulted roofs and shadowy pews until another Easter shall come. But they were not there for Mrs. Hossack to enjoy.

On the streets, especially those most remote from the jail, a throng of gaily dressed people enjoyed the warmth of an ideal Easter. Then they were merry; they laughed and chatted and walked; they talked and jested, but less as they approached the jail, until, when parading beneath its grated windows, a hush would fall upon them.

Was there something fascinating in those walls that they could so suddenly silence the gay interchanges of the day, or was it for the woman within, for Mrs. Hossack, invisible to the multitude, that they felt a sympathy, which no evidence could entirely destroy?

But about and beyond the jail, far enough away that it might not be heard within there was that buzzing of human voices which always accompanies public excitement, and in it could be heard that question which lingers on the lips of everybody here: "Is she guilty?" and the answer is lost in the discord, but the discord has an ugly sound.

Mrs. Hossack spent the day quietly. Other members of the family attended one of the churches during the morning and some of them visited the jail in the afternoon. They are remaining in town during the trial, perhaps they will never go back to the farm again. Wherever they went yesterday they were pointed out; they had become curiosities; they awaken speculation, and following each came those questions: "Is she guilty?" and "Will they convict her?"

Were it possible to obtain a consensus of opinion representing the

entire community it might present Mrs. Hossack as an innocent woman, but that which can be gathered does not do so. That she has the sympathy of many people is certain; why, unless it be because she is a woman? When asked to express an opinion as to her guilt they refuse.

It is possible the general condemnation of the woman is due to the few who talk it so incessantly. Perhaps it is these thirteenth jurors who are responsible for the public verdict.

When the first week of the trial ended Saturday at noon it was difficult to understand how the defense had strengthened its case by the evidence introduced during the day. The impression was general the case of the prosecution had not been materially weakened by the testimony of the witnesses for the defense, although it was not thought the former had made out a case strong enough to relieve the minds of the jurors of reasonable doubt. That it had accomplished more than at first anticipated was generally conceded.

INDIANOLA, April 10.—(Special.)—All day long Margaret Hossack and her children have sat in the court room listening to the terrible arraignment of the defendant by Attorney McNeal, who is closing the argument for the prosecution.

His repeated declaration that the gray haired mother, sitting there with bowed head in the midst of her children, is a murderess, must constitute a fearful ordeal but through it all, neither the defendant nor her children have betrayed the least sign of emotion.

Attorney McNeal stated at 3 o'clock this afternoon that he would probably not complete his argument until tomorrow morning. Judge Gamble will then instruct the jury and Mrs. Hossack's fate will be determined by twelve good men. A verdict is scarcely expected short of twenty-four hours, and if none is reached by that time, a disagreement is probable. The chances of conviction appear stronger, since the argument of Attorney McNeal than at any time before.

He then spoke of the attempt of the defense to throw suspicion

upon William Haines and wondered why it was the man had not been in court. He thought their failure to produce him significant. He failed to understand how the dog could have been drugged unless it was done by a member of the household.

He next took up the evidence of the doctors and showed conclusively that in all material matters they agreed; that where, as McCrary and Parr had testified, a man would speak at once after being hurt, they also stated that in their opinion he had never spoken. He wanted to know why it was if the murdered man spoke immediately after being hurt he did not answer Mrs. Hossack's question after she returned to the bedroom from calling the girls the first time.

He then took up the condition of the axe showing that both of the experts testified it had been washed and one of them testified that it had been washed twice before it came into his possession.

He asked how it was that Mrs. Hossack knew that the axe had been placed under the granary when Ivan told her he was going to put it in the granary late the night before. He took up the question of Hossack having been struck by a left-handed person and showed that by the position of the head on the pillow the contused blow must have been struck by a right-handed person. In support of this he argued that the incision would have filled with blood and that the deepest portion of the contused wound was below the former, accounting in this way for the large quantity of blood on the north wall, which he said had been thrown out by the contused wound and passed over the foot of the bed.

He humorously pointed to the hair which had been found by Johnson in March under the granary. He said he pitied Johnson and wondered why it was he came to mix up in it anyway, the crime having been committed in December. He stated that from the testimony of experts there was reason to believe that the hair was human hair and that it came from the head of John Hossack. He asked whether or not the conduct of Mrs. Hossack on the night of the murder when her husband lay in bed mortally wounded had been that of a woman who loved the man. He recalled that she said she had taken hold of the dead

man's hand and the attorney asked if in the opinion of the jury a woman under those circumstances would not have manifested greater concern.

When court opened this morning at 9 o'clock, Attorney J. W. McNeal, who is assisting County Attorney Clammer in the prosecution, opened the closing address to the jury. He first called the attention of the jury to the barking of the dog. He stated that on the testimony given by the various witnesses, somebody had lied; that the dog, according to one story had been heard to bark after the murder had been committed and that the defendant admitted in her own statement that the dog had barked in the early evening.

INDIANOLA, April 11.— (Special.)— Mrs. Margaret Hossack must pay the penalty for the murder of her husband. The jury has just now returned a verdict of guilty as charged in the indictment. Judge Gamble has sentenced her to the penitentiary for life. The court room was packed when it was reported the jury had reached a conclusion and was ready to make known the fate of Margaret Hossack. The latter sat calmly in her seat, the rigid expression which she had carried all through the trial, changing to that of earnest expectation of either good or evil news. Slowly the twelve men filed to their seats in the jury box. The foreman delivered the verdict to the bailiff, who handed it to the clerk. The latter stood erect. A death-like silence pervaded the room.

“We, the jury, find the defendant, Mrs. Margaret Hossack, guilty as charged in the indictment,” he read.

The silence continued several seconds giving way to a low murmur plainly audible around the court room.

The aged prisoner sat looking helpless and in a sort of dazed condition at the clerk. Then, suddenly seeming to realize the meaning of the verdict, she sank back in her chair and for the first time during the long and trying ordeal, gave completely away to her feelings.

She was surrounded by her friends whose sobbing could be heard through the hall and into the open court yard, continuing until Sheriff

Hodson led the prisoner back to the jail awaiting final judgment. Senator Berry announced that he would move for a new trial.

The case went to the jury unexpectedly last night at 6 o'clock. Attorney McNeil had intended to continue his address until 10 o'clock today but suddenly, shortly before 5 o'clock last evening, he collapsed from the continued exertion and rested the case. The effect of his appeal for a conviction was great.

Judge Gamble's instructions were read at 5:30 and the jury retired to deliberate at 6 o'clock. The instructions were generally regarded as favorable to a conviction. Judge Gamble's instructions to the jury follow:

In no case is it necessary, in order to establish a criminal charge against defendant, that there should be direct proof of her guilt by witnesses who were present and saw her commit the crime. In criminal, as well as in civil cases, the evidence may be, and frequently is, not direct, but circumstantial. In fact in criminal cases the guilt of the defendant if shown at all, is most generally shown by the latter kind of evidence; that is to say, but the proof of such facts and circumstances as establish her guilt, and when evidence in a case consists of a chain of well authenticated circumstances, it is often more convincing and satisfactory and gives a stronger ground of assurance of the defendant's guilt than the direct testimony of witness unconfirmed by circumstances.

To justify the inference of guilt on circumstantial evidence show the facts proven from which it is asked that the guilt of the defendant be inferred, must be consistent with each other, and such circumstances must not only clearly point to her guilt, but they must be incompatible with her innocence; that is to say they must be incapable of explanation on any other reasonable supposition than that of her guilt. But as against consistent and well authenticated circumstances plainly indicating the guilt of a defendant, the supposition which would entitle her to an acquittal must be reasonable, and arise out of and be founded on the evidence in the case, and it must not arise out of or be founded on any fact or state of facts which by probability might have existed, but of which there is no proof.

When conviction by a jury is sought on circumstantial evidence alone, before a verdict of guilty can be reached, the jury must be satisfied beyond a reasonable doubt that the crime charged has been committed by some one in the manner and form as charged in the indictment. It is further incumbent upon the prosecu-

tion to establish that the facts and circumstances relied upon are true and that such facts and circumstances are not only consistent with the defendant's guilt, but also that they are inconsistent with any other reasonable hypothesis or supposition than guilt. It is not sufficient that such circumstances are consistent with and point to her guilt, but to warrant a conviction upon such evidence alone. The facts and circumstances proven must not only be in harmony with the guilt of the accused, but they must be of such a character that they cannot reasonably be true in the ordinary nature of things and the person accused be innocent.

You should bring into consideration the evidence your every day common sense and judgment as reasonable men, and make those just and reasonable inferences from circumstances proven, which the guarded judgment of a reasonable man would ordinarily make under like circumstances; and those just and reasonable inferences and deductions which you, as reasonable men, would ordinarily draw from facts and circumstances proven in the case you should draw and act on as jurors; and if, on a consideration of the whole evidence before you, you then have no reasonable doubt, as in these instructions defined, as to the guilt of the defendant, you should convict her; but if you then entertain such a doubt, you should acquit her.

“Sheriff Hodson, tell my children not to weep for me. I am innocent of the horrible murder of my husband. Some day people will know I am not guilty of that terrible crime.”

Those were the parting words of Margaret Hossack, the Indianola murderess, to Sheriff Hodson when she was turned over to the prison warden at Anamosa penitentiary last night. All along she has proclaimed her innocence of the murder and hopes the time is near at hand when the real murderess or murderer will be found out and punished.

It is universally believed at Indianola that if Mrs. Hossack did not murder her husband she knows who did.

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