

## **History on Trial**

### **Episode 21**

#### **The Poison Precedent, Part Two: *New York v. Roland Molineux***

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Hello, History on Trial listener. This is the second part of a two part series. If you haven't listened to part one yet, you'll want to begin there. Thank you for listening!

### ***PROLOGUE***

Last time on History on Trial, we met Roland Molineux, the highly polished middle son of General Edward Molineux, a Civil War hero. Roland, a talented gymnast and professional chemist, didn't play well with others. In late 1898, two of his nemeses – his romantic rival, Henry Barnet, who had once wooed Roland's wife Blanche, and his personal rival, Harry Cornish, who had battled Roland for status at the Knickerbocker Athletic Club and won – received mysterious anonymous packages, each containing what looked like ordinary medicine. Henry Barnet took a bit of his – and died two weeks later. Harry Cornish brought his home, where his relative, Katherine Adams, took some, and died in minutes. Both Barnet and Adams were found to have been killed by cyanide of mercury. Detectives quickly locked in on Roland Molineux as a suspect, but were only able to build a circumstantial case against him. They eventually managed to wrangle a handwriting sample from Roland. After handwriting experts agreed that Roland's handwriting matched the writing on the poison package sent to Harry Cornish, the DA's office charged Roland with Katherine Adams's murder. At the trial, which began in November 1899, prosecutor James Osborne also submitted evidence from the Henry Barnet case, although Roland was not charged with this crime, using it to weave a complicated tale of envy and revenge. Osborne's case - the longest murder prosecution in New York history to this point – finally concluded on February 5th, 1900.

We're picking up the story the next day – Tuesday, February 6th—as Roland's lead defense counsel, Bartow Weeks, stands to begin his eagerly anticipated defense case. Will Roland take the stand? What about his wife Blanche? Or does the defense have something else entirely up their sleeve?

You're listening to History on Trial. I'm your host, Mira Hayward. This week, *New York v. Roland Molineux*.

### ***ACT I***

A hush fell over the courtroom as Bartow Weeks rose to speak. The thirty-nine year old Weeks had a commanding physical presence; he was nearly as well known for his

involvement with athletics as he was for his legal acumen.<sup>1</sup> But today, he looked pale and drawn. He was suffering from a mild case of laryngitis, true, and the months-long trial had no doubt worn on him. But there was something else too – an undercurrent of uneasiness, even fear.<sup>2</sup> And for good reason, it would turn out. Bartow Weeks was about to shock all of New York by announcing a decision he and his legal team had agonized over.

“May it please the Court,” Weeks began, “after a careful consideration of the case, we believe that the prosecution has utterly failed to make a case against this defendant, and that he has not been proved guilty, and the jury should not find him so. Believing this, as we do, we rest upon the case made by the prosecution.”<sup>3</sup>

The lead prosecutor, assistant district attorney James Osborne, looked astounded. The crowd, briefly shocked into silence, began to murmur. Only Roland Molineux, smiling enigmatically at the jury, seemed calm.<sup>4</sup>

The decision to not present a defense – which both Roland and his father had agreed to – was meant to deliver a symbolic message: that the state had presented such a weak case that the defense had no need to rebut it with witnesses of their own. In his closing argument, Weeks detailed what he called, quote, “the missing links in the evidence.”<sup>5</sup>

Take the silver bottle holder, which had been sent to Harry Cornish along with the poisoned bromo-seltzer. The police hadn’t proved that Roland bought the silver bottle holder, they had only proved that a shop that Roland had once been seen near had once sold a silver bottle holder. Roland worked down the street from this shop – was it really so damning that he had been seen near it?<sup>6</sup>

Weeks next turned to the handwriting analysis. The prosecution’s experts claimed that Roland’s handwriting matched the writing on the poison package. But could these experts really be so sure of their conclusions? Weeks brought up the Dreyfus Affair, an infamous contemporary miscarriage of justice in France. In that case, Weeks told jurors, quote, “a man spent five years [in jail] because the handwriting experts were mistaken.”<sup>7</sup>

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<sup>1</sup> “[Bartow Weeks](#),” *Olympedia*.

<sup>2</sup> Harold Schechter, *The Devil’s Gentleman: Privilege, Poison, and the Trial That Ushered In The Twentieth Century* (New York: Ballantine Books, 2008), 500. N.B. An electronic version of this book was used; page numbers may vary by user settings.

<sup>3</sup> “[Molineux Makes No Defense](#),” *The New York Times*, February 7, 1900, page 4.

<sup>4</sup> “Molineux Makes No Defense,” *The New York Times*.

<sup>5</sup> “Molineux Makes No Defense,” *The New York Times*.

<sup>6</sup> Schechter, 503.

<sup>7</sup> Schechter, 508.

Next, he questioned the identifications made by Joseph Koch and Nicholas Heckmann, owners of the private letter boxes that Roland had allegedly rented in Henry Barnet and Harry Cornish's names. Weeks reminded jurors that both men had initially refused to identify Roland, and that Heckmann had even tried to get payment for his statement.<sup>8</sup>

About the testimony presented by Blanche's former maids, who discussed the love triangle between Blanche, Roland, and Henry Barnet, Weeks was contemptuous. This was just an underhanded attempt by the prosecution to insult the defendant's wife. James Osborne, ever confrontational, loudly asked Weeks why he hadn't denied the maid's claims. Weeks wheeled on Osborne with what the *New York Times* called, quote, "the ferocity of a tiger."<sup>9</sup> "Why did we not deny it?" Weeks asked incredulously. "Because we were not called upon to deny it. It was not necessary to deny it. Called upon to deny such infamous lies!...How dare you to produce it when you could not connect it with this case?" Osborne did not respond.<sup>10</sup> Besides being a moment of high drama, this exchange reminded jurors that Roland was not on trial for Henry Barnet's murder. And the prosecution hadn't produced a compelling motive for Roland to murder Harry Cornish. Roland and Cornish had squabbled, Weeks acknowledged, but he asked, quote, "Would the defendant imperil his life, ruin his family, drag them to dishonor and disgrace for such a trifling motive as that?"<sup>11</sup>

It mattered that the evidence was rock solid, Weeks told jurors, because it was upon that evidence that they would be sentencing a man to death, the mandatory punishment for first degree murder in New York at the time.<sup>12</sup> Weeks did not spare them the graphic details of what Roland would endure if executed, describing the effect of the electric chair on the human body.<sup>13</sup> In the audience, Blanche Molineux wept loudly.<sup>14</sup>

By the end of his closing argument, which spanned more than 8 hours over two days, Weeks was visibly exhausted. His voice was hoarse and ragged. But this only made his plea more poignant, as he asked the jurors to, quote, "err on humanity's side." "The wrong you do," he said, "can never be restored. Gentleman, in a case of doubt, when the scales are oscillating, let them turn in the favor of the prisoner. It is a terrible thing to destroy the temple of an immortal soul."<sup>15</sup>

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<sup>8</sup> Schechter, 503.

<sup>9</sup> "[Dramatic Scenes at Molineux Trial](#)," *The New York Times*, February 8, 1900, page 12.

<sup>10</sup> "Dramatic Scenes at Molineux Trial," *The New York Times*.

<sup>11</sup> Schechter, 508.

<sup>12</sup> Deborah L. Heller, "[Death Becomes the State: The Death Penalty in New York State - Past, Present and Future](#)," *Pace Law Review* vol. 28, no. 3 (Spring 2008), 591.

<sup>13</sup> Schechter, 511.

<sup>14</sup> Schechter, 510-511.

<sup>15</sup> Schechter, 510.

On Thursday, February 8th, James Osborne delivered the prosecution's closing arguments. Osborne was a born showman and brought all of his passion to this final performance.<sup>16</sup>

Before getting to the facts of the case, Osborne attacked the defense's strategy. Looking right at Bartow Weeks, Osborne shouted, quote, "If you knew of a single witness who could have aided the theory of the defendant's innocence and did not call him, you have violated your oath as a counselor. Your action is a plea of guilty!"<sup>17</sup> Weeks objected to this attack, but Judge John Goff allowed it. Osborne would return to this point over and over, calling the defense's choice unnatural, quote "[It is] one of the primeval principles of human nature to say, when you are accused of a crime: 'I am not guilty! See, here are my witnesses!'"<sup>18</sup>

But Osborne wasn't surprised to see Roland Molineux behaving abnormally. Throughout both the press coverage and the prosecution of the case, Roland's *strangeness* had been a theme. People had speculated on his behavior, his associates, and his sexuality.<sup>19</sup> Poisoning was seen to be a *woman's* crime. What kind of man would use poison - as opposed to say, his fists- to kill? And then there were the numerous impotence cures that Roland had allegedly ordered to the private letter boxes. The prosecution was quick to play up these themes, insinuating that a lack of virility made Roland less of a man and thus more likely to kill with a womanly method. This murder, Osborne said, was, quote, "[an] outré, strange, abnormal crime. We must therefore look for a man who is outré, strange, abnormal."<sup>20</sup>

These attempts at criminal profiling were based on contemporary gender norms and stereotypes – and though they are obviously offensive, they were likely compelling to jurors. They also weren't the only character-based arguments Osborne made. He brought up Roland's behavior during the trial, describing how, quote, "when reference was made to the death of Mrs. Adams and the death agonies of Barnet, you have seen the defendant laughing-coolly laughing...It is this attitude, gentlemen, which shows that the defendant has an entire absence of soul."<sup>21</sup>

Osborne's closing wasn't entirely personal attacks, though. He reviewed all of the evidence, pointing out that even if it was circumstantial, every single piece of it pointed

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<sup>16</sup> Schechter, 516, 521.

<sup>17</sup> Schechter, 517.

<sup>18</sup> Schechter, 520-521.

<sup>19</sup> See Schechter, 48, 207, 263 (at the coroner's inquest, Asa Bird Gardiner said: "Poisoning is not a crime that the robust, Anglo-Saxon nature turns to. Poison crimes have been committed almost invariably by women and by men who were degenerates." ), 508, 522.

<sup>20</sup> Schechter, 522.

<sup>21</sup> "[Molineux Trial Nears the End](#)," *The New York Times*, February 10, 1900, page 4.

back to Roland Molineux. “Like a bloated spider in his web,” Osborne said, “the poisoner spun out his filaments to the outer world. We must trace from the end of the filaments back to the center. Here’s a line running out to Barnet; we trace it back, and at the other end is the mind of Molineux. A line running out to Cornish...tracing it back to the web’s center, we find the mind of Molineux...[A line stretching to] the blue crested paper, a line stretching to Heckmann’s letter box...and at the center of the web to which all these lines extend we find, spinning its deadly plots, the mind of Molineux.”<sup>22</sup>

Osborne agreed with Weeks that the stakes were high. But not for Roland; the stakes were high for the community, who would not be safe should Roland be set free.<sup>23</sup> Ending his nearly six hour summation, his voice raised to full volume, Osborne thundered: “I say that the evidence from every direction points to that conclusion, and I leave this case in your hands, knowing that you will find your verdict in the sight of God, in the sight of man, without fear and without favor.”<sup>24</sup>

The next day, Judge Goff summarized the evidence and charged the jury. At 3:04PM, the jurors were dismissed to deliberate.<sup>25</sup> Outside the courtroom, bookmakers were laying odds on the verdict. The odds favored acquittal.<sup>26</sup> In his cell in the Tombs, Roland Molineux was not so confident. He began chronicling his feelings in a journal while he waited. “I am very tired,” he wrote, “for full three months I have been under a physical strain and a mental tension—I have been falsely accused, I am innocent.”<sup>27</sup> An hour later, with no news from the jury, he reflected, quote, “I am chemist enough to love an experiment. The jury is the unknown substance; the testimony, the reagent; my case is in solution; what will precipitate?”<sup>28</sup>

It would take more than seven hours for the jury to reach a verdict. At 10:48 PM, the jurors filed back into the courtroom.<sup>29</sup> Roland Molineux came in next. “His face was dead white,” a reporter recorded, “and his dark eyes shone like live coals.”<sup>30</sup> The court clerk asked the jury foreman to announce their findings.

On the charge of murder for the death of Katherine J. Adams, the defendant, Roland Molineux, was found GUILTY.

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<sup>22</sup> Schechter, 524.

<sup>23</sup> Schechter, 525.

<sup>24</sup> Schechter, 525.

<sup>25</sup> Schechter, 527.

<sup>26</sup> Schechter, 530.

<sup>27</sup> Roland Burnham Molineux, *The Room with the Little Door* (New York: G.W. Dillingham Company, 1902), via Project Gutenberg, 213.

<sup>28</sup> Molineux, *The Room with the Little Door*, 216.

<sup>29</sup> Schechter, 532-534.

<sup>30</sup> “[Molineux Guilty in First Degree](#),” *The New York Times*, February 11, 1900, page 1.

## **ACT II**

There is no good place to contemplate your impending execution, but Sing Sing's Death House was especially grim. Built in 1890 to hold condemned prisoners, the Death House contained both cells and the execution chamber itself. Each prisoner was kept in a windowless, stone-walled cell; from behind these walls, they could not see one another. But they were constantly surveilled by others: the lights stayed on all night, allowing the wardens, who walked incessantly up and down the corridor, to watch the inmates. The men were not allowed outside and they could only bathe once a week.<sup>31</sup>

The worst part of the Death House was the sounds. Because the execution chamber neighbored the cells, inmates could hear every step of the grisly process: the slow walk to the chamber, the administration of last rites, the sickening thrum of the electric chair, and the appalling sounds of the autopsy conducted after.<sup>32</sup> Roland Molineux, who entered the Death House on February 16th, 1900, called execution days, quote, "the greatest horror we are called upon to bear."<sup>33</sup>

Roland had done his best to avoid the Death House. At his sentencing, he had delivered a powerful, moving statement to Judge Goff, proclaiming his own innocence. Many wondered, given how well Roland did, why Bartow Weeks had not put him on the stand during his trial. Now, his words, however compelling, meant nothing; New York mandated the death penalty for first-degree murder. Judge Goff sentenced Roland to be put to death during the week of March 26th, 1900.<sup>34</sup> He was transported to Sing Sing only hours later.<sup>35</sup>

Roland's projection of calm optimism - which he had maintained for months now - did not falter on the journey to Sing Sing. He joked with passengers on the train to Ossining, many of whom had bought tickets just to see him, and admired the scenery of the Hudson Valley.<sup>36</sup> But the oppressive atmosphere of the Death House quickly took a toll on Roland. When Blanche visited him less than a week after his arrival, she found Roland a shell of his former self: "His eyes," she later wrote, "they were dead and expressionless, set in a stone mask that was immovable. The soul of him was dead—it had gone out of him."<sup>37</sup> During his trial, a journalist had called Roland a man in a mask, but that had been a mask he had chosen to wear.<sup>38</sup> This mask did not seem voluntary.

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<sup>31</sup> Robert Walsh, "[Sing Sing's Death House – 1891 to 1963](#)," *CrimeScribe*, June 4, 2021; Schechter, 555-557, 571-575; and Molineux, *The Room with the Little Door*.

<sup>32</sup> Walsh, "Sing Sing's Death House," and Schechter, 575.

<sup>33</sup> Schechter, 575.

<sup>34</sup> Schechter, 543.

<sup>35</sup> Schechter, 545.

<sup>36</sup> Schechter, 545-548.

<sup>37</sup> Schechter, 562-563.

<sup>38</sup> Schechter, 447.

He seemed finally to have accepted the reality of his situation, and had become, Blanche observed, obsessed with freeing himself.

Back in New York City, Roland's lawyers were working hard on his behalf. In early March, Bartow Weeks and George Gordon Battle filed a notice of appeal. Roland's execution was put on hold as the appeal was prepared. Weeks and Battle decided to engage another lawyer to argue the case, landing on John G. Milburn. Milburn was an accomplished attorney and a leading citizen of Buffalo, where the New York Court of Appeals was based. There were a number of delays in the process, but Roland's appeal was finally scheduled for June 17th, 1901. David Hill, a former governor of New York and ex-U.S. senator, had been retained by the Manhattan District Attorney to represent the state's case at the appeal.<sup>39</sup>

On Monday, June 17th, the seven judges of the New York Court of Appeals seated themselves to hear arguments in Roland's case.<sup>40</sup> John Milburn, for the defense, spoke first. The main thrust of his argument quickly became clear: Milburn believed that it had been an error on Judge Goff's part to admit any evidence about the Henry Barnet case. "When Your Honors read [the court] record," Milburn said, "it will require an effort of your mind to convince yourselves that you are reading a record of an attempt to poison [Harry] Cornish and not a record of the alleged murder of [Henry] C. Barnet. Seven tenths of the evidence in this [record] relates to the death of Barnet."<sup>41</sup> The Barnet case was irrelevant, Milburn argued: "If Barnet were murdered, and if Mrs. Adams were murdered, they were two separate and distinct crimes," he said, and thus, quote, "The admission of evidence of one crime on an indictment charging the other was improper and incompetent and its admission was clearly an error."<sup>42</sup>

Towards the end of his argument, which spanned five hours over the course of two days, Milburn made a grave charge. The admission of the Barnet evidence, he claimed, had not been a simple mistake on Judge Goff's part; it had been part of a larger pattern of bias against the defendant. "The [judge] in this case," Milburn stated, "took the side of the prosecution from the very beginning to the very ending."<sup>43</sup> Milburn acknowledged that accusing a judge of impartiality was a serious matter, but he believed that the record backed his accusation up. He claimed that, quote, "Every piece of testimony which seemed to be damaging to the defendant was freely and welcomingly admitted, [while] everything which seemed to be in the prisoner's favor was hampered and

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<sup>39</sup> Schechter, 569, 578-579.

<sup>40</sup> Schechter, 579.

<sup>41</sup> "[Molineux's Life at Stake in Legal Battle](#)," *The Buffalo Enquirer*, June 17, 1901, page 7.

<sup>42</sup> "[David B. Hill Tells Why Molineux Ought to be Electricuted](#) [sic]," *The Buffalo Enquirer*, June 18, 1901, page 9.

<sup>43</sup> "David B. Hill," *The Buffalo Enquirer*.



repressed, battered and cross-examined by the court.”<sup>44</sup> He pointed out the insults Judge Goff had aimed at defense attorney Bartow Weeks, including when Goff admonished Weeks for his, quote, “fatal and ungovernable habit of talking,” an insult I would probably never recover from.<sup>45</sup>

Milburn brought up a variety of other points: he criticized the admission of testimony relating to Blanche, Judge Goff’s charge to the jury (which he claimed was also biased), the lack of proven motive, and the reliability of handwriting analysis.<sup>46</sup> But to observers, according to the *Buffalo Enquirer*, it was clear that, quote, “[Milburn] rests his case.. upon the alleged error of [Judge] Goff in admitting the evidence relating to Barnet’s death.”<sup>47</sup>

Once Milburn finished, on the afternoon of June 18th, David Hill presented the state’s argument. Hill argued that the Barnet evidence *was* admissible. The Barnet case was introduced, he said, in order to quote, “make the chain of evidence complete and prove the theory of the prosecution in the Adams case.”<sup>48</sup> Hill rebutted Milburn’s argument that the two cases had nothing in common, saying, quote, “There is the same hiring of private letter boxes in the names of the intended victims: the same writing for samples of medicine in the names of the victims; the same plan of assassination; the same drug, cyanide of mercury used.”<sup>49</sup> Though Hill acknowledged that, quote, “in the prosecution of one crime you cannot prove another,” he said that this case was an exception to the rule. “It was an abnormal crime by an abnormal man,” Hill argued, echoing Osborne’s closing, “and as a consequence it produced an abnormal condition on the trial.”<sup>50</sup> Hill also cited another poisoning case in which the court had ruled that a defendant’s history of attempted poisonings could be discussed in his trial for poisoning his wife.<sup>51</sup>

After briefly addressing Milburn’s other claims – Hill said that the handwriting analysis was properly conducted, that the judge’s charge was fair, and that the prosecution had provided a compelling motive – Hill finished by saying, quote, “No substantial error was made upon this trial; no real genuine evidence was excluded; nothing that was immaterial or irrelevant, incompetent or improper of any consequence was admitted.”<sup>52</sup>

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<sup>44</sup> “[David B. Hill Tells Why Molineux Ought to be Electricuted](#) [sic],” *The Buffalo Enquirer*, June 18, 1901, page 9.

<sup>45</sup> “David B. Hill,” *The Buffalo Enquirer*.

<sup>46</sup> “Molineux’s Life at Stake in Legal Battle,” and “David B. Hill,” *The Buffalo Enquirer*.

<sup>47</sup> “Molineux’s Life at Stake in Legal Battle,” *The Buffalo Enquirer*.

<sup>48</sup> “David B. Hill,” *The Buffalo Enquirer*.

<sup>49</sup> “David B. Hill,” *The Buffalo Enquirer*.

<sup>50</sup> “[Fate of Molineux, For Life or Death, Now With The Court](#),” *The Buffalo Enquirer*, June 19, 1901, page 7.

<sup>51</sup> “Fate of Molineux,” *The Buffalo Enquirer*.

<sup>52</sup> “Fate of Molineux,” *The Buffalo Enquirer*, pages 1, 7.



After a series of questions from the judges, the appeal concluded on the afternoon of June 19th. Four months later, on October 15th, the Court of Appeals published its ruling on the Molineux case.<sup>53</sup> Though the opinion, which was not unanimous, addressed several points, including the admissibility of handwriting analysis, the majority of the ruling focused on whether the Barnet evidence was inadmissible.

Judge William E. Werner began by reviewing why discussion of prior bad acts – whether charged, uncharged, or resulting in a conviction – is generally not allowed at trial. “This rule,” Werner wrote, “is the product of that same humane and enlightened public spirit which, speaking through our common law, has decreed that every person charged with the commission of a crime shall be protected by the presumption of innocence until he has been proven guilty beyond a reasonable doubt.”<sup>54</sup> Werner cited a ruling by the Pennsylvania Supreme Court in *Shaffner v. Commonwealth*, quote, “Logically, the commission of an independent offense is not proof in itself of the commission of another crime. Yet it cannot be said to be without influence on the mind, for certainly if one be shown to be guilty of another crime equally heinous, it will prompt a more ready belief that he might have committed the one with which he is charged; it, therefore, predisposes the mind of the juror to believe the prisoner guilty.”<sup>55</sup> Because of the enormous weight this kind of evidence could carry, Werner explained, there were only rare instances in which it was admissible. Werner described these instances as falling into five categories. If evidence of prior bad acts established:

(1) motive  
or (2) intent  
Or (3) the absence of mistake or accident  
Or (4) a common scheme or plan  
Or (5) the identity of the person charged with the commission of the crime on trial,  
Then this evidence might be admissible – as long as it was more probative than prejudicial.<sup>56</sup>

Werner then examined the Molineux case to see if any of these exceptions applied. Motive was irrelevant, Werner said, because the alleged motives for each killings were distinct and unrelated. Intent – whether or not the person intended to commit a criminal act – was also irrelevant – whoever had killed Katherine Adams had clearly *intended* to kill someone by sending them poison disguised as medicine. No additional evidence was needed to prove this. The same reasoning applied to the exception for mistakes or accidents: this crime was clearly not an accident. The two crimes could also not be said to be part of a, quote, “single design,” as no evidence showed that they were,

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<sup>53</sup> Schechter, 592.

<sup>54</sup> [People v. Molineux](#), New York App. (1901).

<sup>55</sup> People v. Molineux.

<sup>56</sup> People v. Molineux.

quote “unit[ed] for the accomplishment of a common purpose.”<sup>57</sup> As to the final exception, identity, Werner said that the Barnet evidence would only be allowed for this purpose if, quote, “it had been shown conclusively that the defendant had killed Barnet and that no other person could have killed Mrs. Adams. But no such evidence was given. The evidence tended to show that the defendant had the knowledge, skill and material to produce the poison which was sent to Cornish. But he was not shown to be the only person possessed of this knowledge, skill and material...Therefore, the naked similarity of these crimes proves nothing.”<sup>58</sup>

David Hill had claimed that Roland’s case was an exception to the general rule – an abnormal process justified by an abnormal crime. The appeals court did not agree. According to their ruling, the Barnet evidence was inadmissible. Thus, they reversed Roland’s conviction and ordered a new trial.

Early the next morning, Roland received news of the decision in his cell in the Death House. He seemed stunned, then laughed, and said, “It seems too good to be true.”<sup>59</sup> The following day, October 17th, Roland was transferred out of Sing Sing and back to the Tombs in Manhattan, where he would occupy the same cell he had during his first trial.<sup>60</sup> The city jail was no luxury hotel, but anything was better than the Death House. Roland would just have to hope that his second trial wouldn’t send him right back.

### ***ACT III***

In the Molineux’s Fort Greene brownstone, Blanche Molineux couldn’t help but feel that her sentence had just been extended. Blanche would later write in her memoirs that even from the earliest days of the investigation, she had begun to draw away from Roland.<sup>61</sup> By the middle of his first trial, she was completely repulsed by him.<sup>62</sup> She felt misled; she had agreed to marry Roland because he’d offered a comfortable life full of the arts and travel; instead, she’d gotten relentless public scrutiny. She had attended Roland’s first trial, putting on the act of the devoted wife, only out of affection for General Molineux, who she described as a quote, “fine and splendid and brave” man.<sup>63</sup>

By early 1902, however, Blanche’s patience had worn thin. She’d been cloistered in the Fort Greene house with limited contact with the outside world for three years. Her cabin fever was intense. She missed seeing friends and going to concerts and singing in her

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<sup>57</sup> People v. Molineux.

<sup>58</sup> People v. Molineux.

<sup>59</sup> Schechter, 617.

<sup>60</sup> Schechter, 595-597.

<sup>61</sup> Schechter, 386.

<sup>62</sup> Schechter, 467.

<sup>63</sup> Schechter, 579.

choir. In August, she moved out of the Molineux's house into a residential suite in a Manhattan hotel. General Molineux was covering her expenses and giving her an allowance – on the condition that she attended Roland's upcoming trial.<sup>64</sup>

But when the trial began on Monday, October 13th, 1902, Blanche was nowhere to be found. She would not attend a single day.<sup>65</sup> General Molineux, on the other hand, was a constant presence, as was Harry Cornish.<sup>66</sup> A number of other familiar faces filled the courtroom: ADA James Osborne was once again leading the prosecution. Bartow Weeks was back, too, but he would not be lead defense counsel. Weeks's decision not to present a defense had been a controversial gamble, and ultimately, it hadn't paid off – after the verdict, one juror had asked a reporter, quote, “If Molineux had friends, or if his lawyers had witnesses who could have testified on his behalf, why weren't they called?”<sup>67</sup> This time around, the defense would fight back, led by attorney Frank S. Black, a former United States representative and ex-Governor of New York.

John S. Lambert, a justice on the New York Supreme Court, presided. Lambert ran a tight ship, and it soon became clear that this trial would not be as prolonged as the first. Jury selection, for example, took only two days, not three weeks.<sup>68</sup> ADA Osborne delivered an abbreviated opening statement – perhaps out of deference for Lambert's preference, or maybe because he had less material to work with: thanks to the Appeals Court ruling, Osborne could not discuss the Barnet case in the same detail as he had before.<sup>69</sup> He kept things focused on the Adams case, and on Roland Molineux, saying that the defendant met all the requirements to commit this murder: knowledge of poisons, knowledge of Hartdegen's jewelry store in Newark which had sold the silver bottle holder, access to a private letter box, and, above all, quote, “a strong, continuing deadly hatred of Cornish.”<sup>70</sup>

From there, the trial progressed rapidly. Instead of months of testimony, the prosecution presented their case in seven days.<sup>71</sup> Most of the major themes were the same: handwriting experts appeared to identify the handwriting on the letters and poison package as belonging to Roland; Harry Cornish and other Knickerbocker members testified about Roland and Cornish's feud.<sup>72</sup>

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<sup>64</sup> Schechter, 602-603.

<sup>65</sup> Schechter, 610

<sup>66</sup> Schechter, 604, 606.

<sup>67</sup> Schechter, 540.

<sup>68</sup> Schechter, 605.

<sup>69</sup> [“Fight for Admission of ‘Barnet Letters’,”](#) *The New York Times*, October 18, 1902, page 16.

<sup>70</sup> [“Molineux's Trial Progresses Rapidly,”](#) *The New York Times*, October 21, 1902, page 1.

<sup>71</sup> “Prosecution Rests in the Molineux Case,” *The New York Times*, October 30, 1902, page 16.

<sup>72</sup> [“Tells of Molineux's Hatred for Cornish,”](#) *The New York Times*, October 23, 1902, page 1; [“Molineux's Avowal of Hate for Cornish,”](#) *The New York Times*, October 24, 1902, page 6; and [“Molineux to Testify in His Own Defense,”](#) *The New York Times*, October 25, 1902, page 3.

But the prosecution encountered several new obstacles in this trial. Several key witnesses were missing. Elsie Grey, the bookkeeper at Kutnow's, had died. In the first trial, she had discussed a letter her company received, requesting a sample of Kutnow's Improved Effervescent Powder – the product that Henry Barnet had taken shortly before his death. The letter, Gray had said, was written on distinctive robin's egg blue stationery emblazoned with silver crescents. It had been signed "Henry Barnet" – but had been dated and sent several weeks after his death.<sup>73</sup> Justice Lambert allowed Grey's testimony from the first trial to be read aloud in court.<sup>74</sup>

But Lambert would not allow Osborne to read the testimony of another missing witness, Mamie Melando.<sup>75</sup> In the first trial, the New York police had tricked Melando into entering the state; this time, she went into hiding in New Jersey.<sup>76</sup> Detective Joseph Farrell, the Newark police officer who had testified in the first trial to having seen Roland near Hartdegen's jewelry store on the day the silver bottle holder was sold, was similarly absent – having taken a curiously timed vacation right as the trial started.<sup>77</sup>

The prosecution thought that the defense might have "encouraged" Melando and Farrell's absences. ADA Osborne enlisted his boss, District Attorney William Travers Jerome, to look into the matter.<sup>78</sup> As a fun side note, Jerome's predecessor, Asa Bird Gardiner, who had supervised Roland's first prosecution, was removed from office by Governor Theodore Roosevelt in 1900 for rampant corruption. Oops!<sup>79</sup>

Jerome appealed to the Governor of New Jersey to pressure the Newark police to help produce the missing witnesses; the Governor agreed, but neither Melando nor Farrell ever took the stand.<sup>80</sup>

These absences were less striking than the absence of Henry Barnet from the proceedings. No longer allowed to discuss the Barnet case, Osborne found his prosecution hollowed out. He could not bring in many key pieces of evidence, such as the diagnosis form signed with Barnet's name but filled out with Roland Molineux's

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<sup>73</sup> Schechter, 271-273, 484.

<sup>74</sup> "[Quick Pace Set in the Molineux Trial](#)," *The New York Times*, October 22, 1902, page 1.

<sup>75</sup> "[Says Molineux Defense Keeps Witnesses Away](#)," *The New York Times*, October 29, 1902, page 1.

<sup>76</sup> Schechter, 452-456, 605.

<sup>77</sup> "[Says Molineux Defense Keeps Witnesses Away](#)," *The New York Times*; and "[Prosecution Rests in the Molineux Case](#)," *The New York Times*, October 30, 1902, page 16.

<sup>78</sup> "[Says Molineux Defense Keeps Witnesses Away](#)," *The New York Times*; and "Prosecution Rests in the Molineux Case," *The New York Times*.

<sup>79</sup> "[Col. Gardiner is Removed](#)," *The New York Times*, December 23, 1900, pages 1-2.

<sup>80</sup> "[Says Molineux Defense Keeps Witnesses Away](#)," *The New York Times*; and "[Molineux's Ordeal Speedily Ended](#)," *The New York Times*, November 2, 1902, pages 1-2.

measurements, which connected Roland to the private letter boxes.<sup>81</sup> But Osborne didn't give up, bringing in every shred of evidence he could before resting the state's case on October 29th.<sup>82</sup>

On October 31st, the defense began its case. Frank Black's opening statement took less than five minutes. He called the evidence against Roland, quote "trivial and unimportant."<sup>83</sup> And then, in the most highly anticipated moment of the trial, he called Roland Molineux to the stand.

By this point, Roland had had nearly three years in jail to consider his testimony – and his preparation, enhanced by his natural composure, showed. He was extremely polite and patient, even during Osborne's cross-examination, refusing to be rattled. He readily admitted to disliking Cornish, but dismissed his anger at the man as a passing phase. He acknowledged that he might have once written a letter on robin's egg blue stationery, but denied owning multiple sheets.<sup>84</sup> This testimony did give James Osborne a chance to shoehorn in part of the missing Mamie Melando's testimony, when he asked, quote, "Outside of her statements at the former trial, did you ever hear Mamie Melando state that she saw six sheets of this paper in your desk?"<sup>85</sup> But Roland, unruffled, simply said no. As a reporter for the *New York Times* observed, quote, "All of Mr. Osborne's persistence and the cutting questions he asked failed to shatter the calmness and courtesy of the witness." But the reporter also noted that Roland's poise was almost uncanny, writing, quote, "Many said he was acting, but they also said that it was remarkably good acting."<sup>86</sup>

After Roland's testimony, the defense presented a number of handwriting experts of their own. These handwriting experts didn't add much to the case; their testimony was dry and several of them struggled under cross examination. But the defense felt that they had at least placed the question of the reliability of handwriting analysis into the jury's mind.<sup>87</sup>

Much more exciting than the experts were the various *new* witnesses the defense managed to produce. Chief among this crop was Anna Stephenson, a Brooklyn resident in her mid-fifties with a surprising story to tell. On the stand, in a nervous voice, Stephenson claimed that on December 23rd, 1898, the day the poison package was

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<sup>81</sup> "[Molineux Testifies; Calmly Denies Murder](#)," *The New York Times*, November 1, 1902, pages 1-2.

<sup>82</sup> "Prosecution Rests in the Molineux Case," *The New York Times*.

<sup>83</sup> "Molineux Testifies; Calmly Denies Murder," *The New York Times*.

<sup>84</sup> "Molineux Testifies; Calmly Denies Murder," *The New York Times*; and "Molineux's Ordeal Speedily Ended," *The New York Times*.

<sup>85</sup> "Molineux Testifies; Calmly Denies Murder," *The New York Times*.

<sup>86</sup> "Molineux Testifies; Calmly Denies Murder," *The New York Times*.

<sup>87</sup> "Molineux's Ordeal Speedily Ended," *The New York Times*; and "[Woman Witness for Molineux Not Called](#)," *The New York Times*, November 6, 1902, page 16.

mailed, she had observed a man sending a package addressed to Harry Cornish at the Knickerbocker Club. And she was certain that the man sending the package was *not* Roland Molineux.<sup>88</sup>

Stephenson, however, was not the most credible witness. On cross-examination, James Osborne got Stephenson to admit that she could barely read without her glasses – and that she hadn't been wearing her glasses on the day she claimed to have read the poison package's label.<sup>89</sup>

But other parts of Stephenson's testimony stuck. Her claim that Roland wasn't the sender was backed up by another new witness, Dr. Herman Vulte, a professor of chemistry at Columbia University who claimed that Roland had been with him for the entire afternoon of the 23rd.<sup>90</sup>

And, after Stephenson said she was certain Molineux hadn't sent the package, Osborne made a mistake. He had Harry Cornish stand up, and asked Stephenson, quote, "is that the man you saw with the poison package that day?" Never ask a question you don't know the answer to: To Osborne's chagrin, Stephenson replied "he looks very much like that man."<sup>91</sup>

The defense was delighted. Throughout their case, they'd been advancing an alternate theory of the crime, one in which Harry Cornish, not Roland Molineux, was the real poisoner. While cross-examining Cornish, Frank Black had discussed Cornish's own sordid romantic history and highlighted Cornish's connections to Newark and friendship with a chemist.<sup>92</sup> Black also called Louis Jacobson, a clerk at a drugstore near Cornish's former apartment. Jacobson testified that Harry Cornish and Florence Rogers, Katherine Adams's daughter, had once come into his store and ordered pre-mixed bromo-seltzer drinks from his soda fountain. On several occasions, Jacobson said, he had sold Florence Rogers bottles of bromo-seltzer.<sup>93</sup>

In his closing argument, which he began on Monday, November 10th, Black devoted much of his time to attacking Cornish. First, though, Black ripped into the prosecution's case against Roland. Of Roland's alleged motive for killing Cornish, Black dismissively said, quote, "there are plainer motives than that...in every church quarrel." He questioned why Roland, if he wanted to kill Cornish, would send poison to him at the

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<sup>88</sup> "[Woman Witness for Molineux Not Called](#)," *The New York Times*; and "[Policeman's Wife Testifies for Molineux](#)," *The New York Times*, November 7, 1902, pages 1-2.

<sup>89</sup> "Policeman's Wife Testifies for Molineux," *The New York Times*.

<sup>90</sup> "[Testimony Ended in the Molineux Case](#)," *The New York Times*, November 8, 1902, pages 1-2.

<sup>91</sup> "Policeman's Wife Testifies for Molineux," *The New York Times*.

<sup>92</sup> "Quick Pace Set in the Molineux Trial," *The New York Times*.

<sup>93</sup> "Policeman's Wife Testifies for Molineux," *The New York Times*.



Knickerbocker, where Roland had many friends who could have been hurt. “Men do not...wreck a railroad train in order to murder an individual,” Black scoffed. Moreover, Black continued, why would Roland send a package with a handwritten address to a club where many people knew his handwriting, if he were trying to conceal his role in the crime? “Whatever else Molineux may be,” Black said, “he is not a fool.” Black pointed out the circumstantial nature of the prosecution’s case, saying, “The blue paper is all the tangible evidence the prosecution has in all this contemptible mass of testimony.” He told jurors that the company who made the blue stationery had sold more than 48,000 sheets of it. “It was a crime to murder Mrs. Adams,” Black said, “but it would be a bigger crime to take the life of a man upon such evidence of that.”<sup>94</sup>

Next, Black moved on to Harry Cornish. Cornish’s motive - which Black claimed was a desire to be with Florence Rodgers, which Katherine Adms stood in the way of—was much stronger, in his view. He emphasized Cornish’s close friendship with a chemist, John Yokum; his uncertain alibi on the day the poison package was mailed; and the fact that he had not attended Adams’s funeral. In conclusion, Black argued, as one reporter put it, quote, “that every circumstance in the case pointed to Cornish, while not a single fact pointed to the guilt of Molineux.”<sup>95</sup>

In truth, Black’s case against Cornish was mostly smoke and mirrors. But it did put ADA Osborne on the defensive during his own closing argument. Cornish’s so-called motive, Osborne said, was an invention; no evidence had ever been found of a romantic relationship between Cornish and Florence Rogers. “When Mrs. Adams died,” he said, “her daughter held her in her arms. I ask you, gentlemen, if it does not stagger belief to suppose that this woman was in a conspiracy to murder her mother[?]”<sup>96</sup> Osborne also, very sweetly, said that Cornish was simply too stupid to have committed this murder. “Look at Cornish,” he instructed the jurors, “big, muscular, aggressive, and with [not much] sense...You can’t make a poisoner out of such a man.”<sup>97</sup>

With Cornish defended – and also, probably insulted– Osborn moved on to Roland Molineux. He reviewed Roland’s motive, reminding jurors that it didn’t matter if a motive made sense to them – it only mattered if it made sense to the killer. He highlighted Roland’s relentless campaign against Cornish, which had continued even after Roland had lost the war and had to leave the Knickerbocker. He reviewed the testimony of the handwriting experts who had connected Roland’s handwriting to the poison package. At this point, the court adjourned for the day. When Osborne resumed the next morning, November 11th, he spoke for a further ninety minutes. Per the *New*

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<sup>94</sup> All quotes in this paragraph come from “[Mr. Black Closes Molineux’s Defense](#),” *The New York Times*, November 11th, 1902, pages 1-3.

<sup>95</sup> All quotes in this paragraph come from “Mr. Black Closes Molineux’s Defense,” *The New York Times*.

<sup>96</sup> All quotes in this paragraph come from “Mr. Black Closes Molineux’s Defense,” *The New York Times*.

<sup>97</sup> “Mr. Black Closes Molineux’s Defense,” *The New York Times*.



*York Times*, quote, “those who heard the speech said that no element of the prosecution’s case that could possibly count against the defendant was omitted.”<sup>98</sup>

In the end, Osborne told the jurors that they had a duty to stand strong and vote with their consciences, no matter their quote, “natural indisposition to cause harm to a fellow-being.”<sup>99</sup>

With closing arguments finished, Justice Lambert began his review of the evidence and instruction. Then, at 3:14PM, he sent the jury to deliberate.<sup>100</sup>

The jury was back at 3:27.<sup>101</sup>

The short deliberation gave the defense cause for hope – as guards led Roland back into the courtroom, Bartow Weeks told him, quote “the time shows it’s acquittal.”<sup>102</sup> Roland, ever confident, replied, quote “I’ve never doubted it.”<sup>103</sup> But as the minutes dragged on, while they waited for Justice Lambert to return to the courtroom, the tension built. In Roland’s first trial, the jurors who had convicted him had refused to look him in the eye. As he watched these jurors file in, he noticed them looking away too.<sup>104</sup>

Finally, Justice Lambert arrived. He asked the jury foreman, Edward Young, to stand and deliver the verdict.

On the charge of murder in the death of Katherine J. Adams, the defendant Roland Molineux was found NOT GUILTY.<sup>105</sup>

#### ***ACT IV***

The courtroom erupted in cheers. The celebration went on for five minutes before Justice Lambert regained control. He asked District Attorney Jerome if they had any further cases against the defendant; when Jerome said no, Lambert ordered Roland released.

ADA James Osborne looked devastated by the verdict – so distraught that even the jurors went to comfort him, with Foreman Edward Young telling him, quote, “we had to

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<sup>98</sup> All quotes in this paragraph come from “Mr. Black Closes Molineux’s Defense,” *The New York Times*.

<sup>99</sup> “[Molineux Free, Receives Ovation](#),” *The New York Times*, November 12, 1902, pages 1-2.

<sup>100</sup> “Molineux Free, Receives Ovation,” *The New York Times*.

<sup>101</sup> “Molineux Free, Receives Ovation,” *The New York Times*.

<sup>102</sup> “Molineux Free, Receives Ovation,” *The New York Times*.

<sup>103</sup> “Molineux Free, Receives Ovation,” *The New York Times*.

<sup>104</sup> Schechter, 532, 628.

<sup>105</sup> Schechter, 628-629.

go against you, but you went down with flying colors.”<sup>106</sup> Interviews with other jurors expanded on the point – they revealed to the *New York Times* that their vote had been unanimous on the first ballot, even before they discussed the case, largely because, in the words of juror John Redner, quote “The prosecution failed to connect the defendant with the cyanide of mercury, or with the purchase of the silver holder.”<sup>107</sup> Juror Charles O’Connor explained that though, quote, “I do not think the evidence conclusively proved that Molineux is innocent...I did not feel that the evidence furnished was sufficient to warrant taking a man’s life.”<sup>108</sup> But the jurors felt Osborne had done the best he could, with one even telling him they would vote for him if he ran for District Attorney.<sup>109</sup> Osborne never became District Attorney, but he enjoyed a successful law career. In 1913, he was appointed special attorney general to investigate conditions at Sing Sing; his work there prompted massive reforms.<sup>110</sup>

Roland Molineux and his father shared a carriage to Brooklyn, a large crowd following them through the streets and chanting “Molineux! Molineux!” Yeah, not the most catchy cheer. Arriving at the Fort Greene house, Roland ran up the front stairs towards his mother, who flung her arms around him. Onlookers cheered loudly.<sup>111</sup>

Notably absent from this touching scene was Blanche. People were not entirely surprised; cracks in the Molineux’s perfect marriage had begun to show. On November 8th, Blanche had given a revealing interview to the *New York World*. When the reporter asked about her and Roland’s future, Blanche cryptically replied, quote “The future? No matter what the future may be, nothing can repay me for all that I, an innocent woman, have suffered.”<sup>112</sup>

When the verdict was announced, Blanche stayed in her hotel suite. At the urging of one of Roland’s lawyers, she reluctantly agreed to come to the Fort Greene house later that evening. As always, she put on a good show, dramatically rushing past General Molineux at the door, as if she couldn’t wait to see her husband. In reality, she would later write, she ran straight upstairs to her former bedroom and locked herself in, without saying a word to any of the Molineuxes.<sup>113</sup>

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<sup>106</sup> “Molineux Free, Receives Ovation,” *The New York Times*.

<sup>107</sup> “Molineux Free, Receives Ovation,” *The New York Times*.

<sup>108</sup> “Molineux Free, Receives Ovation,” *The New York Times*.

<sup>109</sup> “Molineux Free, Receives Ovation,” *The New York Times*.

<sup>110</sup> Dorothy H. Osborn, “[Osborne, James Walker](#),” written 1991, revised by SLNC Government and Heritage Library, July 2023, in *Dictionary of North Carolina*, ed. William S. Powell (Chapel Hill, NC: University of North Carolina Press, 1979-1996), via *NCpedia*.

<sup>111</sup> Schechter, 632-633.

<sup>112</sup> Schechter, 639.

<sup>113</sup> Schechter, 634-637.

Early the next morning, Blanche wrote a note to General Molineux, explaining that she could not go on, and wishing him the best.<sup>114</sup> She did not mention Roland. Placing her wedding ring on top of the letter, Blanche snuck out of the house. Roland Molineux would never see the woman he had allegedly killed over again; one week later, news broke that she was seeking a divorce. The divorce was finalized in September 1903; two months later, Blanche married her divorce lawyer, Wallace Scott. She tried to resume her singing career, but General Molineux, furious at her, used his connections to shut her down. After a tumultuous life, in which she and Scott divorced and remarried several times, Blanche died in Minnesota on March 20th, 1954, at age 80.<sup>115</sup>

Harry Cornish lived largely in anonymity after the Molineux trial. In 1908, he married a woman named Mary Waite. In July of that year, news broke that a body found floating off Coney Island had been identified as Cornish – but this turned out to be false. He would live another 29 years, eventually moving to Los Angeles and working as a mechanical engineer. Harry Cornish died on January 11th, 1947, aged eighty-four.<sup>116</sup>

Both Harry and Blanche outlived Roland Molineux. After his release from prison, Roland went to work as a chemist at his father's paint company, and resumed his gymnastics practice. But while incarcerated, he'd developed a new passion: writing. In 1903, he published *The Room with the Little Door*, a collection of writing he'd done while in the Tombs and Sing Sing's Death House. Reviews were not great. The next year, he published *The Vice Admiral of the Blue*, a historical romance. Once again, his work found few fans.<sup>117</sup> Undaunted, Roland turned to the stage, writing a play called *The Man Inside*, which was eventually put on by the prominent theater producer David Belasco. Belasco's involvement was not thanks to any merit on the play's part, but rather because he felt bad for Roland's parents, who had begged him to produce the play. Hattie Molineux, Roland's mother, told Belasco, quote "If he is disappointed in this, on top of all the rest that he has suffered, we fear that he will die. If his play should be a success, it might open a new life to him."<sup>118</sup>

But by the time the play debuted – to, you guessed it, poor reviews – it was too late for a new life for Roland. He was deep in the grips of the illness that would eventually kill him: syphilis. By 1912, Roland's behavior had become erratic and frightening. His once immaculate grooming habits had disappeared; he was disheveled and unkempt. Despite these problems, Roland married again, this time to a woman named Margaret Cornell, who was twenty years his junior. But shortly after their marriage, in the fall of 1913, Roland's condition deteriorated further. His parents sent him to a sanitarium on Long

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<sup>114</sup> Schechter, 638.

<sup>115</sup> Schechter, 640-643, 666-667.

<sup>116</sup> Schechter, 665.

<sup>117</sup> Schechter, 651-653.

<sup>118</sup> Schechter, 653.

Island. In September 1914, he escaped from the sanitarium and assaulted several men. He was charged with disorderly conduct. The next day, he was declared insane, and committed to the State Hospital for the Insane. In January, 1915, his first child, a girl, was born. But Roland Molineux would never meet her; he died in the State Hospital on November 2nd, 1917, aged 51.<sup>119</sup>

By this time, both his parents were gone. Hattie died on February 5th, 1914, aged 71 or 72. General Edward Molineux, who had spent most of the last twenty years of his life fighting on his son's behalf, a battle which seemed to have aged him more than any he'd fought in the Civil War, died on June 10th, 1915, age 81.<sup>120</sup>

Today, the Molineux name is most famous for the legal rule that emerged as a result of Roland's appeal. I'll note here that the family pronounced their name "Maahlinew," but the rule is known as the "Maahliknow" rule.<sup>121</sup> This rule concerns the admissibility of prior bad acts into evidence. As Judge William Werner noted in his opinion in Roland's case, the idea that evidence of other crimes should be inadmissible at trial was not a new one: there was extensive precedent in both English and American law. It existed before the Molineux opinion, and it existed after. But where Judge Werner's opinion set precedent was in defining the circumstances in which prior bad acts *could* be admissible. These exceptions are now known by the acronym MIMIC - for motive, intent, mistake, identity, common scheme or plan.<sup>122</sup> In New York, the rule that prior bad acts are inadmissible except for MIMIC cases, is known, fittingly, as the Molineux Rule.

In practice, says former New York Supreme Court Justice Mark Dwyer, evidence of uncharged crimes is, quote "inadmissible to show that the defendant is of bad character or is disposed to commit crimes. But the evidence can be admitted if it helps prove an element of a charged offense, so long as the uncharged crimes are not unduly prejudicial."<sup>123</sup>

The Molineux rule has made news recently in the case of film producer Harvey Weinstein. At Weinstein's 2020 trial in New York for sexual assault and rape, a judge allowed several Molineux witnesses – witnesses who testified to prior bad acts. Weinstein was ultimately found guilty of two felony sex crimes. But four years later, in

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<sup>119</sup> Schechter, 654-658, 661; and "[Roland Burnham Molineux](#)," *FindAGrave*.

<sup>120</sup> Schechter, 421, 554, 659-660.

<sup>121</sup> Rose Friedman, "[How The 'Molineux Rule' Permits Certain Witnesses In The Harvey Weinstein Trial](#)," *NPR*, January 29, 2020.

<sup>122</sup> Wex Definitions Team, "[MIMIC Rule](#)," Legal Information Institute at Cornell Law School, last updated July 2023.

<sup>123</sup> Mark Dwyer, "[The People v. Harvey Weinstein: The Question of Prior Bad Acts](#)," New York State Bar Association, July 8, 2024.

April 2024, the New York Court of Appeals overturned Weinstein’s conviction in a 4-3 ruling. The majority opinion argued that the Molineux witnesses’ testimony had been more prejudicial than probative. The opinion’s author, Judge Jenny Rivera, calls the Molineux rule, quote, “a judicial bulwark against a guilty verdict based on supposition rather than proof.”<sup>124</sup> In a dissenting opinion, Judge Madeline Singas argues that in sexual assault cases, where prevailing societal attitudes about sexual assault may cause jurors to distrust victims, the additional testimony of Molineux witnesses may sometimes be necessary to overcome this inherent bias. Judge Rivera, in response, writes, quote, “just as rape myths may impact the trier of fact’s deliberative process, propensity evidence has a bias-inducing effect on jurors and tends to undermine the truth-seeking function of trials.”<sup>125</sup>

These opinions both point to questions of fairness. When is it unfair to defendants to allow prior bad acts into evidence? When is it unfair to victims to exclude them?

In Roland Molineux’s case, it was clearly unfair to include the Barnet case while trying Roland for the murder of Katherine Adams. While it would be, to my mind, highly, highly unlikely for Henry Barnet and Harry Cornish to have been sent poison by anyone other than their mutual rival, who just so happened to be a chemist with a dangerous temper, it’s also clear to me that the prosecution didn’t have enough evidence to prove their case against Roland - especially for a capital offense. The prosecutors relied on evidence of a prior bad act to fill in the gaps in their case.

Where we’ll land in the future on the question of the admissibility of prior bad acts is unknown. But as Judge Singas points out, quote, “The *Molineux* rule...has never been static. Instead, its use has evolved over time to meet the challenges of complex criminal prosecutions.”<sup>126</sup> In the meantime, I know one thing for sure: there are better ways to resolve disputes than poisoning your enemies.

That’s the story of *New York v. Roland Molineux*. Stay with me after the break for one more tale of a connection between a Molineux defense lawyer and a president - not Richard Nixon this time, I promise!

## ***EPILOGUE***

1901 was a very busy year for John Milburn. Besides arguing on Roland Molineux’s behalf in the Court of Appeals in June, Milburn was also the President of the

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<sup>124</sup> [People v. Weinstein](#), New York App. (2024).

<sup>125</sup> *People v. Weinstein*.

<sup>126</sup> *People v. Weinstein*.

Pan-American Exposition, the 1901 World's Fair held in Buffalo. It was an enormous undertaking, several years in the making. The Exposition's infrastructure occupied 350 acres and cost approximately \$7 million dollars – close to a quarter of a billion dollars today. More than 8,000,000 visitors attended between May and November 1901.<sup>127</sup>

As President of the Exposition, John Milburn had the honor of hosting President William McKinley on his visit to the fair. On September 3rd, a little more than a month before the Appeals Court announced its decision in the Molineux case, McKinley arrived at Milburn's Buffalo mansion. On the 6th, Milburn accompanied McKinley to a reception in the president's honor at the fair's Temple of Music. At 4:07PM, John Milburn was standing beside the president when a young man named Leon Czolgosz pulled out a revolver and shot McKinley twice.<sup>128</sup> After McKinley was treated in a hospital, the president returned to Milburn's house to recuperate. Unfortunately, as in the case of President James Garfield, infection introduced by a bullet lingering in the president's body began to spread. On September 14th, 1901, in a bedroom in the house of one of Roland Molineux's lawyers, President William McKinley died.<sup>129</sup>

Thank you for listening to History on Trial. If you enjoyed this episode, please consider leaving a rating or review – it can help new listeners find the show! My main sources for this episode were Harold Schechter's book *The Devil's Gentleman: Privilege, Poison, and the Trial That Ushered in the Twentieth Century*, as well as newspaper coverage of the trial, and the appellate opinion in *People v. Molineux*. For a complete bibliography as well as a transcript of the episode with citations, please visit our website [historyontrialpodcast.com](http://historyontrialpodcast.com).

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<sup>127</sup> Harold F. Peterson, "[Buffalo Builds the 1901 Pan-American Exposition](#)," via *History of Buffalo*.

<sup>128</sup> Schechter, 586.

<sup>129</sup> Susan J. Eck, "[The Milburns and their famous home: 1168 Delaware Avenue](#)," *Doing the Pan*, 2001.