

The Murder of Theora Hix:  
Dr. Snook's Uncensored Testimony

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Testimony

*As published by Julius Diehr in  
August, 1929*

*The Murder of Theora Hix: Dr. Snook's Uncensored Testimony* was originally published in August, 1929. It is a public domain text consisting of trial transcripts from the murder trial of Dr. James H. Snook that occurred in Franklin County, Ohio. The book was declared obscene and suppressed by public officials upon its appearance. This is the first known republication of the original 1929 volume.

“The Trial, The Media, and The Book,” “A Note on the Text,” and “Afterword: Night of the Dope-Crazed, Sex-Mad Coed” Copyright © 2017 by Bill Hughes.

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## **Introduction: The Trial, the Media, and the Book**

On the night of June 13<sup>th</sup>, 1929, Dr. James H. Snook, a respected member of the Ohio State University faculty, beat his twenty-five-year-old lover in the head with a ball peen hammer, cut her throat, and dumped her body in a deserted location on the western outskirts of Columbus.

The first notice of the murder of OSU medical student Theora Hix took up less than one column inch in the afternoon edition of the *Columbus Citizen* on June 14<sup>th</sup>, 1929. It was just a few brief lines on the discovery of an unidentified body on the grounds of a local rifle range. From that humble beginning, the “Snook-Hix Affair” turned into the media sensation of 1929. High interest in the tale of infidelity and homicide was fueled by an irresistible mixture of celebrity—Snook was well-known as both a successful veterinary surgeon and a gold-medal-winning Olympic marksman—and sleaze. By the time Snook was electrocuted for killing his lover eight months later, hundreds of thousands of words had been published in hundreds of newspapers across the country. Additionally, *The Murder of Theora Hix: Dr. Snook’s Uncensored Testimony*, a collection of the most lurid elements of the trial was published—then suppressed—in August 1929, just as the trial was winding down.

Many of the details in the *The Murder of Theora Hix* were indeed things deemed unprintable by the newspapers of 1929, tame though they may be to our contemporary eyes. Central to these were sections of Dr. Snook’s testimony regarding what happened in his car that night on the rifle range, bursting with details about

illicit and “abnormal” sex acts. At the same time, much of the material in the booklet had already appeared in the papers. Whether the public had heard it before was apparently a secondary consideration to the publisher. The main principle of selection was pure sensationalism. Talk of wounds and drugs, stories of secret meeting places and illicit sex in parked cars, the testimony of unbelieving mothers and betrayed spouses—all the red meat of the trial—made it into this little book.

Primed by news accounts of the affair and Snook’s bloody confession, the media showed up in force when the trial began on Wednesday, July 24<sup>th</sup>. Thirty-three reporters sat poised in seats at three special tables in the courthouse’s largest courtroom. Media arrangements for the trial had been overseen by William C. Howells, star reporter for the Cleveland *Plain Dealer*. Howells not only gave seat assignments at the tables, but also arranged for the installation of telegraph equipment in the room and for extra stenographers to shorten shifts and speed the preparation of trial transcripts for publication. The reporters were not the only ones ready that morning. The gallery, packed to a SRO capacity of about two hundred spectators, had been full since the bailiffs opened the doors at eight a.m. An additional 300 would-be spectators had been turned away due to lack of space. There was room enough, however, for the victim’s parents: Mr. and Mrs. Melvin T. Hix sat in reserved seats in front of the gallery’s iron rail while the attorneys, then the accused, and, finally, Judge Henry L. Scarlett entered.

Scarlett had been given the duty of wrangling the Snook circus through the courthouse when Judge John King begged off due to medical issues. During the pre-trial posturing, Scarlett had proved his determination to prevent delays to the process by



denying the defense team's request for continuance as well as most of their motion for discovery. When the defense suggested that it was considering an insanity defense, which would have required a separate jury and trial to determine Snook's sanity before he could then be tried on the facts of the crime, Scarlett had promptly appointed three court alienists to examine the veterinarian (these were in addition to the three for the state and the two for the defense who had already examined Snook). Although details of their reports were never made public, the results of their examination were sufficiently emphatic to cause the defense to drop the insanity plea. The way was cleared for a prompt trial.

Or so it seemed. There was only one hitch: selecting a jury unprejudiced by pre-trial news coverage.

On the rapidly-warming morning of the 24th, Scarlett instructed seventy-five potential jurors to avoid conversation about the case and to base their judgments on the court testimony, not on news accounts—a tall order in a town that had been saturated with front-page Snookery for over a month. After these opening instructions, attorneys for both sides immediately went to work boring the bejesus out of everyone within earshot. Edith Dysinger was the first of the seventy-five possible jurors to be questioned. Her questioning lasted more than a half hour, and was retold in detail by the newspapers. Reporters could have reproduced the same battery of questions dozens of times over the next week—goodness knows everyone in the courtroom heard them often enough. Dysinger, for her part, had no fixed opinion on Snook's guilt, no principled objection to the death penalty, and would not be too embarrassed to discuss sexual matters in mixed company should they become part of the deliberations. She was seated as tentative juror number one. By lunch the first day, the box

contained three tentative jurors. By the end of Thursday the 25<sup>th</sup>, the legal teams had agreed upon twelve relatively open-minded and inoffensive individuals to serve.

Tentatively.

Friday the 26<sup>th</sup> saw the beginning of preemptory challenges. The defense was entitled to sixteen, the state four. Each challenge and dismissal—most of them due to the defense’s goal of eliminating female jurors—led, of course, to the examination of possible replacements. Friday drug on through further rounds of the by-then familiar questions. Gallery demand dropped. Boredom took its toll on reporters, who made the fact that Dr. Snook removed his suit jacket in the courtroom because of the heat one of the focal points of their Friday coverage. By Saturday, news items in the *Columbus Citizen* were openly complaining of the “tedious business” and calling for the start of “the show.” To the relief of countless reporters, it was discovered Saturday that anonymous telephone threats had been made against the life of defense attorney E.O. Ricketts’s nineteen-year-old daughter, Helen. The story led nowhere, but at least it was a story.

The new week brought no immediate relief as preemptory challenges drug on. The front page of Monday’s *Citizen* featured an analysis of both the accused and his victim offered up by local astrologer, Cedric W. Lamont. Inside were stories about execution methods around the world, photos of Hix’s grave in New York, and an imaginary take on what a radio broadcast of the trial would sound like. The fact that Snook was not feeling well got a lot of attention. He was experiencing head, neck, and back pain as a result of a spinal tap administered over the weekend. It was something to write about, but it was no substitute for the real thing.

Wednesday looked promising. Despite the fact that juror number one, Miss Dysinger, got herself unseated late Tuesday because of an ill-advised lunch time conversation with defense counsel Max Seyfert, the jury was nearly finished. When a thirteenth was found as an alternate Wednesday, Scarlett swore the jury in. That afternoon, the jurors loaded into five automobiles and—followed by more than twice as many cars full of court personnel and reporters—took a tour of the crime scene, veterinary school, the couple’s “love nest,” and other points of interest.

Things finally seemed ready to take off. Thursday morning the lines for gallery seating hit a new high in anticipation of the start of the trial proper. Imagine the surprise in the gallery when it was learned that one of the jurors, Helen Lunsford, had taken ill in the night. She was removed and the previous day’s alternate, Betty Cassady, was installed in her place. The early papers were full of news of the switch and the *Citizen* ran an article on the hardships the Cassady family would face when living without “ma.” Scarlett called in a dozen potential jurors and one, Newton Tracy, was quickly sworn in as a new alternate. Bailiffs whisked him around on a solo tour while the rest of the jurors had their lunch break, and by the afternoon session things were back on track. Compared to the previous week, this was warp factor eight.

The gallery sat rapt as District Attorney Jack Chester kicked things off for the prosecution with a detailed opening that laid out the state’s case, which promised plenty of talk of drugs and sexual misdeeds. Defense counsel Ricketts responded with an opening for the defense that was characterized as “surprising” in its brevity. Both were reproduced in their entirety by the papers. Even more welcome was the testimony of the first two witnesses: Hix’s roommate Alice Bustin and OSU switchboard operator Bertha

Dillon. Chester and Bustin may have dominated the coverage in terms of column inches, but Dillon, who was attractive enough to turn reporter's heads *and* happened to be getting married later in the evening, was the one whose picture dominated the front page of Friday's *Citizen*. Her testimony was simple enough: she had been training Hix on the use of the switchboard on the evening of June 13<sup>th</sup>, and Hix had left before eight, saying she had a date and would be back around 9:30. Hix never returned, of course, which gave Dillon that distinction of being the last person other than Snook known to have seen Hix alive.

Dillon wore an orange dress to court, and proceedings ran a bit later than the usual 4:30 p.m. so she could finish, thus guaranteeing her subpoena would not interfere with her honeymoon plans.

Friday, the trial was roaring full blast. Chester's first and most important witness was coroner Joseph A. Murphy, whose testimony took up most of the morning session. While some of Murphy's testimony was a bit tedious due to technical detail, it was enlivened by the detailed description of the blows inflicted upon the victim and by the public examination of her clothing and undergarments. Murphy testified that it had been the cutting of Hix's throat, and not the hammer blows, which killed her—an important point since only the knife wound was mentioned in the murder indictment. (Chester's contention was that Snook's admission that he had "cut her throat to relieve her suffering" proved premeditation.) This statement was aggressively contested by the defense, which managed to extract from Murphy a grudging admission that some of the other blows may have been fatal. The two sets of attorneys were not fond of one another—Rickets and Chester in particular seemed to share a dislike for one another—

and their rancorous objections and exchanges no doubt enthralled gallery-goers and reporters.

Murphy's testimony ended about noon on Friday. He was followed on the stand by a series of police officers, mortuary attendants, and employees from Brown Dye House, the laundry where they found blood stains on Snook's suit. Scarlett, seeking no doubt to keep the momentum going, called for an extra session on Saturday morning. Chester continued to lay out his case by calling the head of OSU's veterinary school, O.V. Brumley, to testify about what he may have observed regarding Hix's relationship with Snook and about the availability of drugs to professors within the school. Margaret Smalley, landlady of the "love nest," testified to what she knew about Mr. Snook and his young "wife." Chemist Charles F. Long was called to testify regarding the drugs found in Hix's stomach—Spanish Fly and *Cannabis Indica*, both supposed to be sexually stimulating. As interesting as the drug angle was to the papers—*he fed her drugs to make her his plaything, and when she refused him he killed her!*—Long's testimony turned out to be rather dry and technical, with lengthy descriptions of testing methods which only got drier and more technical when the defense brought in a special expert, chemist Oliver Urbain, to help cross examine Long on Monday. It seems unlikely that any of this testimony, intended to cast doubt on the accuracy of Long's tests, had much impact. As one report stated: "It seemed to reporters that there were only two persons in the whole courtroom who understood the questions and answers . . . the two chemists." Given the fact that Snook himself later testified that Hix frequently took a number of different drugs, and that the blood evidence was hardly crucial since Snook admitted to the killing, it is hard to

understand why the defense spent so much time and energy contesting these points.

If the defense was putting the courtroom to sleep by prolonging undecipherable expert testimony, the prosecution woke everyone up by calling Howells to the stand after Long left about noon Monday. Howells, who was covering the case for the *Plain Dealer*, was one of two reporters (James E. Fusco of the *Citizen* was the other) to whom Snook had made his newspaper “confession” on June 20th, a few hours after signing off on the formal confession he had given Chester. The prosecutor, knowing the defense would contest the validity of the confession, had chosen not to place it into evidence, but was planning to introduce the story Snook told through the testimony of Howells and Fusco. The calling of Howells to the stand brought Ricketts to his feet, and Scarlett had the jury removed from the courtroom while the admissibility of the testimony was debated. Scarlett decided to allow it to go forward and to leave the question of its value up to the jury.

Both Howells and Fusco proved to be effective witnesses—so much so that when the state rested its case Tuesday morning, the first thing the defense did was call Fusco back to the stand to try to establish how Snook had been isolated from his attorneys during his interrogation on June 19<sup>th</sup>. After Fusco, the defense called a series of character witnesses who testified more or less uniformly to Snook’s good reputation and conduct, but these were just teasers. The papers were speculating feverishly on who would be called. Marion Myers, a university employee and Hix’s other lover, had been subpoenaed by the defense. The courthouse was also abuzz with the news the defendant’s wife and his mother would take the stand. Then there was the doctor himself. Wednesday morning

brought the largest crowd to date to the courthouse, and for once the timing was perfect. Myers did not testify (not Wednesday, nor any other day for that matter) but otherwise the Wednesday-morning crowd hit the trifecta: Snook's mother and wife both took the stand, followed by the Dr. Snook. Short of Hix returning from the dead, things didn't get more exciting for trial-goers looking for relief from the likes of Long and Urbain. While the testimony of the two Mrs. Snooks was generally irrelevant to the legal questions before the jury, their woeful tales of disappointment and betrayal went to the emotional center of the story. Their appearances on the stand so gripped the city that when the *Uncensored Testimony* was published, a news article detailing it was included in the booklet, even though readers had already had full access to these details in the daily papers.

It was the testimony of Snook himself, of course, which generated the most heat. When the doctor was finally called to the stand late Wednesday morning, disappointed also-rans in the courthouse hallway became so loud that Scarlett had them removed. Once sworn in, Snook told a story similar to his now-repudiated confession of June 19<sup>th</sup>: the long illicit relationship, Hix's increasingly erratic and controlling behavior, and the threats against his family that led finally to the hammer blows. There were, however, crucial differences—chief among them the tale of Hix's vicious oral assault on this manhood, which resulted in instances of the papers printing “here several questions and answers are deleted” or “here followed several questions and answers that are unprintable.” Even more important from the perspective of legal strategy were Snook's new insistence that he did not remember cutting the coed's throat and his repeated denials that he ever told Chester that he had done so to relieve Hix's

suffering. According to Snook, the “confession” (still not introduced into evidence, but discussed at length nonetheless) had been dictated to the stenographer by Chester himself and signed in emotional and physical exhaustion. The defense strategy was clear enough: threatened and assaulted, Snook lashed out with the hammer and then blacked out. Hix was killed not as a result of premeditation but of fear, pain, and confusion: call it self-defense or temporary insanity, just don’t call it first degree murder.

Snook’s signed statement was only one barrier to selling the story. His cool demeanor during his incarceration and trial were another, as many spectators undoubtedly found it difficult to imagine the unflappable doctor being frightened or losing his cool. When finally led by his attorney through the story of the night of June 13<sup>th</sup>, he broke down on the stand and the papers erupted. “SNOOK WEEPS AS HE DESCRIBES CRIME; ‘DOESN’T REMEMBER’ AFTER FOURTH BLOW” announced the front page of the *Citizen* on Thursday, August 8<sup>th</sup>. The subheading said it all: “Slayer’s Iron Nerve Finally Shattered.” Whether it was an act is impossible to say. Regardless, the display of emotion, like his testimony, did not help his case in the end.

During Chester’s cross-examination on Thursday and Friday, Snook remained adamant that he did not recall cutting Hix’s throat and that he had never confessed to having any such memory. Chester made Snook review his evening with Hix in relentlessly-extracted detail, focusing especially the round of “unsatisfactory” intercourse that preceded their final argument, her alleged attack on him, and, naturally, a blow by blow rehash of the killing itself—or at least as much of it as Snook claimed to remember. By the time Chester finished, the folks in the gallery had gotten their money’s worth.



Not everyone outside could say the same. It's impossible to say at this remove how many of the unprintable details of Snook's testimony were becoming common knowledge throughout Columbus via word of mouth before *The Murder of Theora Hix* appeared. The trial slowed and stuttered into its final phases—legally important but less dramatic. On Friday afternoon, seeking to capitalize on the doctor's revised story, the defense presented four pathologists who each testified to the deficiencies of Murphy's methods and offered the conclusion that it was impossible to say which of the wounds killed Hix.

Snook's testimony was naturally the high point of the trial. The smaller crowds of spectators that came to the courthouse on Saturday were treated to another chemistry lesson, this one from Robert W. Terry, brought in to try to cast yet more doubt on Long's conclusions. This was followed by testimony on Hix's finances and (from defense attorney Seidel) on how Snook was mistreated during his "grilling." Seidel's testimony continued into Monday morning and essentially closed out the defense's case. The prosecution called a number of rebuttal witnesses, primary among them Chief of Police Harry E. French, to contradict Snook's claim that he never confessed to cutting Hix's throat. French's testimony on Monday and Tuesday formed the last major piece of the trial, and closing arguments began before the end of the day Tuesday.

On the last morning of the trial, Wednesday August 14<sup>th</sup>, juror C.F. Butche became ill and was replaced in the box by Newton Tracy, who had been added as a last-minute alternate on the trial's first day. Later that afternoon, Tracy joined the eleven other jurors in their deliberations. After three weeks of jury selection and trial testimony, the jury wasted little time in making

its final decision: they returned with a guilty verdict in 28 minutes. They did not recommend mercy.

Although exact publication records do not exist, the uncensored testimony was clearly circulating on the streets of Columbus at the time of the closing arguments and the deliberations. The first notice of such a publication appeared in the *Columbus Dispatch* on Tuesday the 13<sup>th</sup> on the editorial page under the heading “Putrid.” The notice says that there are reports of “private stenographers” working on transcripts for “interests” considering publication of “parts of that record [that] reek of filth and degeneracy.” While the paper admits this is legal (court records are a matter of public record and can be freely reproduced and published unless a judge specifically seals them), the *Dispatch* called on the “outraged community” to boycott any such publication. Sounding curiously self-righteous for a paper that had been selling plenty of extras during the trial, the editor declared “Columbus has waded in Snook filth about long enough.”

It may have been this self-righteousness that prompted the *Ohio State Journal* to entitle their article the next day “Citizen’s ‘Outraged’ by Snook Book, Buy Every Copy in Sight.” The article tells about the book’s appearance on the streets of Columbus late Tuesday. “The book is practically suppressed,” writer Clyde D. Moore declared, “owing to exhaustion of supply.” News articles show that when more copies of the book appeared on the street around noon Wednesday, police confiscated them upon order of Columbus Safety Director, J.P. McCune, who cited obscenity laws in having the book pulled from the newsstands. The exact number confiscated is unclear—reports suggest roughly 150 or 200 copies. Even more unclear is the number sold prior to the confiscation. According to Wednesday’s *Citizen*, one vendor alone

reported selling about 400 copies, and there were clearly many vendors. Published reports indicate that interest in the booklet was so strong that copies were selling for as much as five dollars apiece on Thursday morning, despite the police crack-down.

It is clear from existing copies (see “A Note on the Text”) that booklets were still being produced as late as Snook’s formal sentencing by Scarlett on Tuesday, August 20<sup>th</sup>. Although McCune threatened to arrest anyone caught selling copies after Wednesday, it is unclear if anyone was ever arrested. Sales continued, although no doubt with greater discretion. The publisher’s name, which appeared on the first page of the early copies, disappeared from the later printings. This marginal publication drew a good deal of attention; it was the final piece of the puzzle, or at least as near as the fascinated public was going to get. It closed the gaps in the public’s access to the case and, at a time when the officially-sanctioned media representatives were beginning to disburse, it completed the story of the trial. True, interest lingered as the defense filed a quick motion to set the verdict aside (which Scarlett promptly denied) and through the sentencing, but it was waning. The court appeals, and the final appeal to the governor, were as anti-climactic as they were futile.

Snook would claim the limelight just once more, in February of 1930, when he made his way to the death house at the Ohio Penitentiary—and that, of course, was for only a final, flickering moment. But for one summer, he and his victim had taken center stage in one of the most sensational trials in American history.

## A Note on the Text

I have approached this edition of the text of *The Murder of Theora Hix: Dr. Snook's Uncensored Testimony* as a reclamation job. While there have been a number of books and articles published about the Snook-Hix affair, this is the first time, to my knowledge, that this document has been published since 1929. The goal in the preparation of this edition has been to present the text's substance as it appeared for readers in the heady days of August, 1929, when the Snook trial was a national sensation.

With this in mind, I have made no attempt to regularize some of the text's inconsistencies (Dr. Snook vs. Doctor Snook, week end vs. week-end, Meyers vs. Myers, capitalization irregularities and the like). I have also allowed numerous obvious errors in the text—due to printer's mistakes or perhaps, in some cases, bad transcription—to go uncorrected. In my view, they are part of the overall experience of the text, a reminder of the rushed process that went into putting the clandestine little volume before the public.

I have attempted to keep new errors from slipping into this printing, but I suspect I may have added a few. To help the interested reader distinguish the errors of 1929 from those of 2017, a list of the known mistakes in the original that are maintained in this edition is included at the end of this note.

I have personally examined three different copies of the original book. None of them are exactly alike, although the body of the text of all three is the same. The first copy, in my personal collection, is the earliest of the three versions I have seen, based on the note on the last page, which reads: "As this book comes off the

Press the Verdict has not been reached.” This statement dates the production of the copy to sometime between Friday, August 9<sup>th</sup>—the last day of testimony that appears in the volume—and the time the jury returned its verdict on the afternoon of Wednesday, August 14<sup>th</sup>. This is also the only copy I have seen that contains the headnote “Published by Julius Diehr.” This note appears under the title on the first page of the text. Overall, it is 89 pages long. This new edition has been based upon that copy.

The second copy I have examined is located in the Main Library of the Columbus Metropolitan Library system. Its original cover is missing, and it has been rebound in a hard library cover. That it is a later printing is evidenced by the fact that the note on its final page reads “Case was then given to the jury and verdict of guilty rendered in 28 minutes.” Other than that change, and the omission of the publisher’s name at the beginning, the text is the same. The typography of this copy differs from the first copy: the font is slightly larger and heavier, yet the text takes up only 71 pages because the line-spacing is tighter.

The third copy is located in the Library of the Ohio History Connection in Columbus. It is the best preserved of the three. It is the last of the three printed, as evidenced by the increased cover price (fifty cents instead of the original thirty-five) and the extensive note added on the final page, which clearly places the printing date after Snook’s sentencing on August 20<sup>th</sup>:

*Following the testimony of Dr. Snook the presentation of its case by the defense rapidly came to a close. Rebuttal by the state followed and finally the defense was granted a sur-rebuttal.*

*The case went to the jury on the afternoon of August 14, 1929. Twenty-eight minutes after the members of the jury had entered their room they announced that a decision had been reached.*

*A verdict of guilty in the first degree with no recommendation of mercy was read by the court bailiff. It was one of the quickest decisions reached by a jury in a murder case in the history of Franklin county.*

*The defendant accepted the verdict with the same stoicism that marked his conduct throughout the trial. Hardly a quiver showed on his face when he heard the fatal news. He remained calm, and with but a faint show of emotion greeted his wife and mother, who were waiting outside the courtroom to hear the news. On the morning of August 20, 1929, Dr. Snook was arraigned for the passing of sentence.*

*Judge Henry Scarlett, after denying a motion for a new trial, sentenced the former professor and world's champion shot to be electrocuted in the Ohio penitentiary on the evening of Nov. 29.*

The typography of this 89-page copy is exactly the same as the first copy described above. The text is identical except for the final note and the omission of the publisher's name.

Little is known about the publisher, Julius Diehr. Census records show that Diehr was born in Baden Baden, Germany, in 1888 and immigrated to the U.S. a year later with his family. By

1900 the family had settled on Columbus's east side; within a few years, Julius had begun working as a boilermaker, the line of work followed by his older brother Carl and, presumably, his father as well. Polk Directories show that he lived with his wife Loretta at a variety of east side addresses, primarily on East Main Street, throughout his life. In the early years, his occupation is listed as "Boilermaker," though in 1917 and 1918 the directory identifies him a member of the "Columbus Boxing Commission." By the mid-1920s he is listed as "driver" and in 1928 he is an "attendt." In 1929, no occupation at all is given, but in 1930—in the aftermath of the Snook trial—he is listed as "pubr." This is the only year that gives any indication that he was involved in publishing. In 1931, he is back to "boilermaker" and then he becomes a chef, a caterer, and finally—in the late thirties and early forties—an organizer for the local "nest" of the Fraternal Order of Orioles. He died in 1949.

It is unclear how Diehr became the publisher of Snook's uncensored testimony. All we can say is that, like many of his fellow citizens in 1929, he found himself caught up in the swirl of events surrounding a middle-aged veterinarian and the young woman who had been his lover.

#### List of known errors in the original:

Pg 29: Incorrect first name used: Meyers's first name was Marion, not Melvin. This error is probably due to confusion with the name of Theora's father, Melvin T. Hix.

Pg 37: Question mark used instead of period and closing quotation mark missing: "investigation?"

Pg 38: Period used instead of comma: "...demonstrator." he said

Pg 42: "employee" for *employee*

Pg 42: "Brundage" for "Brumley." Dr. H.M. Brundage was the medical doctor who performed tests of Dr. Snook, referenced on page 28. Here, his name has been confused with the Dr. Snook's colleague in the school of veterinary medicine, O.V. Brumley.

Pg 50: "the very best." Double quote at the beginning, single at the end.

Pg 58: Repetition of question and answer: "Q—And the last time, for eight years? A—Yes, sir."

Pg 69: "...told be about them going to Springfield . . ." *be* used for *me*

Pg 73: "So we took some of that..." *we* used for *she* [?]

Pg 77: Closing quotation mark missing: "I mean it.

Pg 82: "rom" used for *room*

Pg 83: "lets" used for "let's"

Pg 84: "...further away from the club and he remarked..." *he* used for *she*

Pg 84: Repetition of "Q—Fisher Road? A—No, sir."

Pg 94: First iteration of question regarding whether Theora ever expressed regret about starting to have intercourse with Dr. Snook, and his answer, is followed by a verbatim repetition of question and answer, with additional clause at the end of the response.

Pg 97: "A—" omitted before Dr. Snook's response, "To stop there."







# The Murder of Theora Hix and Trial of Dr. James H. Snook

*Published by Julius Diehr*

## CHAPTER I

This is the story of one of the most absorbing murder mysteries and trials in the annals of the State of Ohio. Details of the crime, unravelling of the mystery, subsequent confession of the killer of Theora K. Hix, 25 year old medical student at Ohio State University and his trial for his life follow in chronological order. No attempt is made at embellishment of the story of the murder of his young mistress, who for three years carried on clandestine relations with Dr. James H. Snook, 49 year old professor in the College of Veterinary Medicine at Ohio State University.

For sheer interest and the arousing of public sentiment to a high pitch no murder in the criminal records of Ohio has approached the slaying of Theora K. Hix and the trial of her betrayer. An example of the intense interest in the progress of the case, particularly the trial, to which this book is principally devoted, is shown by the unusual preparations made by newspapers to handle the story.

Forty men and women, representing the leading press associations and most progressive newspapers of the country were assigned to record developments. Direct wires leading to all points of the United States and Canada led out of the court room. Each day of the trial thousands of curious stormed the small court room where the trial was conducted. So eager were some to hear the testimony adduced that it was not infrequent for them to appear at the Court House as early as three o'clock in the morning and take up their vigil outside the court room door, waiting for admittance at nine o'clock.

Interest in the trial was heightened during the questioning of prospective jurors by the line of argument advanced by counsel of Dr. Snook hinting at unusual sex relations between the murdered girl and her paramour; the possibility that it would be shown that aphrodisiacs were used to bring on additional sex excitement and the rumor that Dr. Snook was driven to strike the girl with a hammer as an act of self defense because of the girl's sexual frenzy aroused through the use of self administered stimulants.

Because of the admitted sordidness of the testimony to be offered Judge Henry Scarlett of Franklin county common pleas court barred all persons under 18 years of age from the court room. During the first days of the trial the defendant sought to have the hearings postponed because of his illness caused by an examination made by Dr. H. M. Brundage. The illness was caused by a spine puncture, done to remove brain fluid, a process followed in examination as to sanity and also to determine the presence of syphilis germs. However, the court refused the plea of the defense for a postponement and for a week the murderer of Theora K. Hix appeared in court reclining at full length on a beach chair. Despite his apparent illness and the strain of fighting for his life Dr. Snook

continued as the same impassive man he was when first arrested. He directed the work of his counsel and calmly recorded proceedings of his trial in a small note book he kept before him.

The rapidly moving story of the history of the murder leading up to the beginning of the trial follows:

Miss Theora K. Hix, 25 year old medical student at Ohio State University was murdered on the night of June 13, 1929.

On June 14 her body was found on the New York Central rifle range in Fisher road by Paul Krumlauf, 98 West Lane avenue and Milton Miller, 2657 Summit street.

The mutilated body was identified by Misses Beatrice and Alice Bustin, 1658 Neil avenue, roommates of the Hix girl, who had reported to police that she had been missing the previous night.

At the time the dead girl's unidentified body was lying in the morgue of Glenn L. Meyers, Dr. Snook called at the love nest, 24 Hubbard avenue, which he formerly occupied with Miss Hix as man and wife and removed all personal belongings of the dead girl. It was this act which formed one of the links that convinced police he was guilty of the murder.

On June 15 Dr. Snook was arrested at his home on 349 W. Tenth avenue. Melvin T. Meyers, who resided at the Gamma Alpha fraternity house, 1501 Neil avenue, farm agent at the University, also was taken into custody. Meyers at once admitted knowing the girl and told police he had been intimate with her.

Detectives also confiscated Dr. Snook's automobile which bore stains and articles of wearing apparel which also bore stains. The latter articles were found in his home.

Snook and Meyers when questioned by police both admitted knowing the girl but denied knowledge of the crime. They offered alibis.

Confronted with evidence that he had maintained an apartment at 24 Hubbard avenue and identified as the man she had seen there with Theora Hix, by Mrs. Margaret Smalley, owner of the rooming house, Dr. Snook reluctantly admitted his intimacies with the girl to Detectives McCall, Phillips, Van Skaik, Chief of Detectives Shellenbarger and Chief of Police French.

Police in their investigations learned that at the time Miss Hix left University Hospital, where she was to work during summer vacation, she had in her possession keys to the apartment which she and Dr. Snook maintained at 24 Hubbard avenue. These keys were later found within the apartment after the room had been stripped of all effects belonging to the dead girl. An examination of the furnace at the home of Dr. Snook revealed some of the trinkets owned by the girl who by day studied medicine and who at night was the bed companion of the world's champion pistol shot.

Police then searched the rifle range where the bloody body was found, and there discovered the girl's broken key ring and a dozen keys. However, the keys to the apartment which she had the night she met her death were missing. It was this link which finally convinced police that Dr. Snook was the man who had taken the coed to the lonely spot west of the city and there hammered her skull with a ball pein hammer and slashed her throat, doing the latter as he admitted in his confession made to police to "relieve her suffering." The slash in the throat was done with a neatness that earlier in the case told investigators that the murderer was one with some knowledge of surgery.

As the investigation progressed Dr. Snook freely granted interviews to newspapermen. He discussed the case with the nonchalance of one not in the least concerned.

He told interviewers of abnormal sex interest maintained by his mistress, hinted at the use of drugs and during one interview said: "Our affair was not a silly love interest. It was practical and pleasing to us both. I never loved Miss Hix and she did not love me. She served my purpose and I served hers." Confidently and complacently he maintained his innocence of the crime, asserting that the murderer of Miss Hix must have been a fiend who overtook her unawares, adding that she was a girl of no physical cowardice and often had maintained that she could cope with any man in a hand to hand struggle. Miss Hix was of a bit more than average height and weighed approximately 145 pounds. Friends during the preliminary hearings and the trial testified that she was a quiet, reserved girl with little or no interest in men and always kept her own counsel.

As police continued to work on the case they questioned Mrs. Snook, wife of the defendant. She confirmed in part her husband's alibi that he was home by 9:30 o'clock. Later she admitted she did not know what time he had returned home. Dr. Snook in establishing his alibi said he had worked in his office at the Ohio State University until 7:30 or 8 o'clock and then drove to the Scioto Country club where he was a member, returned to High street, about three miles distant, bought a newspaper and was home before 9:30 o'clock. It was later definitely established that the murder occurred approximately at 10 o'clock on the windy and stormy night of June 13.

After the questioning of Mrs. Snook, Attorneys E. O. Ricketts and John Seidel were retained as his counsel. As time for the trial approached Attorney Seyfert of Circleville, Ohio, was added to the staff of defense counsel.

On June 16 the parents of the slain girl, Mr. and Mrs. Melvin T. Hix of Bradentown, Fla., arrived in Columbus. They at once retained Attorney Boyd Haddox as their counsel.

Dr. Snook was taken to the Scioto Country club and the university where detectives attempted through rapid fire questioning to break down his alibi. Prosecutor John J. Chester, Jr. of Franklin County, at this time assumed charge of the case.

June 17—Snook's counsel when refused permission to talk with their client obtained a mandatory injunction in the county courts.

After keys to the apartment at 24 Hubbard avenue had been found on the murder plot Dr. Snook was taken to the apartment and identified it as the one where he maintained illicit relations with Miss Hix.

On June 18 Snook was again questioned and at this time was informed by Dr. George Rightmire, president of Ohio State University, that he had been dropped from the faculty.

William H. Walker, 209 W. Frambes avenue, an employee of the College of Veterinary Medicine, told officials that he washed Dr. Snook's car Friday, the day the Hix girl's body had been found. Snook previously had testified the car had not been washed recently.

Meyers was released on June 19 and then followed a four hour grilling of Mrs. Snook who at this time admitted she had not heard her husband return home on the night of June 13.

Counsel for Snook made a statement that they would make no attempt to obtain his release, believing their client guiltless and that time would prove their contention.

It was on the afternoon of June 19 that the third degreering of Dr. Snook began. Relentlessly police officials and Prosecutor



Chester planned their questions. Through the night the grilling continued and at 6 o'clock on the morning of June 20 the first break in his sang-froid appeared. He partially admitted that he had killed the girl. The questioning stopped. He was returned to his cell in the jail of Franklin county but two hours later he again was taken to the city prison where the grilling was resumed. At noon the collapse came. Dr. Snook dictated his confession. He signed it and two days later was indicted for first degree murder.

Date for the trial was set for July 22. Defense indicated that Dr. Snook would repudiate his confession on the grounds that it was made under duress. Counsel complained that the date for trial did not give them time to complete a defense. Their plea for a trial in the fall was refused.

On June 27 counsel for Dr. Snook refused to say whether they would ask for a change in venue because as Dr. Snook claimed "feeling was running too high against him."

Chemist Long reported that stains found on Snook's car and his clothing were blood.

On June 28 Snook was examined by alienists for the state and defense to determine whether he was sane at the time of the crime.

On July 19 a venire of 50, the first of three, was drawn and three days later the trial, Ohio's most sensational murder case, was under way.

## CHAPTER II

### **Trial Under Way**

The trial of Dr. Snook got under way on the morning of July 22.

Of the first panel drawn for jury service Miss Edith Dysinger, a nurse, was the first woman seated in the jury box. She was accepted by both defense and state but later was disqualified because of a conversation she participated in with Max Seyfert, one of the attorneys for Dr. Snook. Questioning of Miss Dysinger which was similar to the questioning of all succeeding prospective jurors included this:

Q—AND IF SELECTED AS A JUROR, WOULD THE FACT, IF IT WERE SHOWN THAT ON THE NIGHT OF JUNE 13, THE DEFENDANT HAD A BELIEF OF THE DANGER OF DEATH OR GREAT BODILY HARM FROM THE DECEASED AND THAT THE DECEASED WAS A WOMAN INSTEAD OF A MAN—WOULD THAT IN ANY WAY INFLUENCE YOU, OR YOUR DECISION IN THE CASE?

NO, SIR.

Q—NOW, MISS DYSINGER, HAVE YOU ANY FEELING OR WOULD THIS IN ANY WAY INFLUENCE YOU IF IN THE EVIDENCE IT WERE SHOWN THAT THE ACCUSED HAD ON DIFFERENT OCCASIONS COMMITTED ADULTERY, AND THE DECEASED FORNICATION—I MIGHT SAY THAT ADULTERY IS THE ILLEGAL SEXUAL

ACT OF A MARRIED PERSON; FORNICATION IS THE SAME TYPE OF ILLEGAL SEXUAL ACT OF A SINGLE PERSON—SO THE ONE IS CALLED A FORNICATION ON THE PART OF THE ONE THAT IS NOT MARRIED AND ADULTERY ON THE PART OF THE ONE THAT IS MARRIED—IF THE EVIDENCE SHOULD SHOW THAT ON JUNE 13, IMMEDIATELY PRIOR TO THE—

MR. RICKETTS—THE ALLEGED HOMICIDE.

Q—TO THE ALLEGED HOMICIDE, THAT THE ACCUSED HAD COMMITTED THE ACT OF ADULTERY WITH THE DECEASED, WOULD THAT IN ANY WAY CREATE IN YOU A FEELING OF DISGUST OR HATRED TOWARDS THE ACCUSED DIFFERENT THAN IF THE EVIDENCE WOULDN'T SHOW THAT? I MEAN THE ADULTERY PART AS DISTINGUISHED FROM THE ALLEGED HOMICIDE.

The Court—The question is as to whether it would tend to prejudice or bias?

Mr. Seidel—Yes.

The Witness—No.

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That sex was to play a prominent part in the line of testimony to be offered by the defense was further emphasized during the questioning of Mrs. Albert Brooks, of 88 Wisconsin Avenue, Columbus.

In going through the routine list of questions John Seidel of Dr. Snook's counsel asked:

Because this case might involve a great many questions concerning sex, sex relations and matters perhaps disagreeable to

talk about; would the fact that this might be a mixed jury, a jury of men and women of different walks of life and ages, make it embarrassing to you to discuss those very delicate things as they enter upon the philosophy of thought or judgment of this case, would what they might say embarrass you to discuss it?

To this Mrs. Brooks answered "No."

And so the ding-dong battle of wits continued with the defense fighting to keep women out of the jury box. It used its challenges well and when the jury was impanelled there were but two women among ten men. One was Miss Dysinger, who later gave way because she was seen speaking to Attorney Seyfert. In her place Mrs. Cassady was placed, the latter having been chosen as the thirteenth juror. The other woman was Mrs. Helen Lunsford.

Perhaps the last friend to see Miss Hix alive was Bertha Dillon, of 1298 Hunter Avenue.

Miss Dillon testified that she was employed at University Hospital where Miss Hix had planned to work as a switchboard operator during the summer.

Miss Dillon testified that Miss Hix arrived at the hospital on the evening of June 13 at about 6:30 and that she stayed until about 7:45.

"When she left, did she say anything?"

"She said she might be back by nine o'clock or nine-thirty."

"Did she say what she was going to do when she left around eight o'clock?"

"She said she had a date."

"Did you ever see her after that?"

"No."

\* \* \*

Next witness called by the state was Larry Van Skaik, detective on the Columbus police department.

Van Skaik told of going to Dr. Snook's home to arrest him, saying:

Q—To whom did you first talk at the house? A—To the defendant himself.

Q—What was the conversation? A—I, in the company with James Fusco, and between 9 and 9:30 on Saturday, June the 15th, drove up on West Tenth Avenue and stopped the machine about fifty feet from the house. I walked up and knocked on the door at 349 West Tenth Avenue, and the defendant came to the door. I asked if he was Dr. Snook, and he said yes, and I asked him to step out on the porch, which he did.

I asked him if he knew Miss Hix. He did. I asked him how long. He said, "Quite some time." I said, "I think it is necessary for you to go with me to headquarters for investigation?" He said, "Is it necessary?" and he kind of looked downward.

I said yes. He said, "May I have my breakfast?" I said, "Yes, you can if you think it is best for me to tell your wife what I want you for," and he studied a minute, and "Oh," he said, we decided to get breakfast downtown. I assisted him in tying his tie, which at that time had not been tied yet, and because of his bandaged hand I assisted him in getting on his coat, and he said, "May I drive my machine?" I says, "Surely."

After he put on the coat, put it over the left arm, just threw it over the right shoulder, we went to the garage, got in the machine, backed out, went in to Neil avenue, south on Neil to Goodale, Goodale to Dennison and south on Dennison to Spring, to

Water, to Broad and on the way over to Broad we stopped at the Geis restaurant at 328 West Broad street, where we had breakfast.

From there we went to police headquarters and took him in Chief Shellenbarger's office and the chief—made him acquainted with the chief. The chief asked him if he objected—

Q—You left him with the chief? A—I left him in the chief's office.

Q—All right. A—I was sent out then on two or three different phases of the case.

Q—Do you know where the New York rifle range is? A—I do.

Q—Were you, on Monday, June 17, of this year, at the New York Central rifle range? A—I was.

Q—By yourself or was anyone with you? A—I asked and was given permission to take some trustees and some tools for cutting grass and retired to the rifle range.

Q—And what did you do? A—And we got the tools out, got down on our hands and knees and just east of where the body laid we started to cutting the grass and searching in the grass. We found—

Q—What, if anything, did you find? A—We found first of all a broken key chain with three keys on it, and scattered around on the ground in a rough oval about 15 by 10 feet just east and north of where the body laid we found 12 keys and the broken key ring.

Rapidly the prosecution moved through its case, next calling Mrs. Margaret Smalley, owner of the rooming house at 24 Hubbard avenue, where Dr. Snook and Miss Hix maintained their love nest.

Mrs. Smalley told that when Dr. Snook rented a room from her she asked his occupation, after he had given his name as Howard Snook. "I am a salt salesman, and my wife (meaning Miss Hix) is a demonstrator." he replied.

Q—I see. All right. What was the price that he agreed to pay for the room? A—\$4 a week.

Q—\$4 a week. Now after that did you have any other conversations with him? A—I saw him once a week.

Q—When was that, what day of the week would he come to your home? A—Well, it would be sometimes Wednesday and sometimes Thursday and sometimes as late as Friday.

Q—And what, if any, conversation would you have with him when he was as late as Friday? A—Well, I would always say, "How do you do, Mr. Snook?" And if it would be later than Wednesday he would say, "Well, this is Wednesday," and I would say, "That is all right, Mr. Snook." That is all that would be said.

Q—Did you ever see the lady who was supposed to be Mrs. Snook? A—I saw her once.

Q—When and where was that? A—I met her in the hall one morning. I was a little early. I was going away, and I usually cleaned their room between 10:30 and 11.

Q—What day of the week was it? A—Saturday.

Q—On a Saturday? Go ahead now. A—I saw her at that time.

Q—Did you later on see the photograph of that young lady in the Columbus newspapers? A—I did, and I also saw the dead body.

Q—Was it the same girl? A—Yes, it was.

Q—Did you identify her dead body at Glenn Myers' mortuary? A—I did.

Q—Now, Mrs. Smalley, coming down to last month, during the month of June, do you remember a conversation with this defendant during that month? A—Only when he came to tell me he was leaving.

Q—Now when was that, Mrs. Smalley? A—It was the 14th day of June.

Q—Do you recall what day of the week? A—It was Friday.

Q—Do you recall what time of the day? A—It was between 1:30 and 3:30.

Q—In the afternoon? A—It was.

Q—Just tell this jury the conversation that you had with the defendant at that time and place. A—I was washing dishes. Someone rapped at the door and I went to the door, and it was Mr. Howard Snook.

He smiled and said, “Well, this is Wednesday again.” I said, “It is all right,” he said, “I am leaving you today.” I said, “I am sorry; you were nice people and well behaved and I liked you.”

He said, “I am leaving now for Washington C. H., but my wife will not leave until Sunday and he asked me how much he owed me, and I smiled and I said, “I expect you can count better than I can.” He paid me and he said “Goodby,” and I said, “Well, when you come back, you know where to come.”

Q—Did he pay you \$3? A—He paid me \$3.

Q—Then when was it, if at all, that you notified the police authorities that you knew something about this case? A—I did not recognize the picture in The State Journal.

Q—Of whom? A—Of Howard Snook.

Q—All right. A—And when The Dispatch came out in the evening, I recognized the picture, and I immediately called the police.



Q—And told them to send who? A—Told them to send a plain-clothes man.

Q—Did they send a plain-clothes man? A—They sent Mr. Phillips and Mr. McCall.

Q—That was Detective Phillips and McCall? A—Yes.

Q—At that time and place, did you tell the detectives what had happened the day before? A—I did.

Q—And about finding the keys on Saturday morning? A—I did.

Q—Then what, if anything, did you do or did the detectives ask you to do? A—They asked me to accompany them to the jail.

Q—Did you come to the county jail? A—I did.

Q—What time was it about when you notified the police authorities? A—I can't just recall, but I believe it was about 8 o'clock.

Q—On the evening of Saturday the 15th of June? A—Yes, sir.

Q—What happened there? A—They brought Mr. Howard Snook out.

Q—All right. What, if anything, did you say to him? A—I said, "Good evening, Mr. Snook."

Q—What did he say to you? A—He said, "Good evening."

Q—Then what, if any, conversation took place? A—Mr. Phillips asked him if he knew Mrs. Smalley?

Q—What, if anything, did he do or say? A—"Yes," he said, "I roomed with her."

Q—What, if anything, else, did Phillips say to this defendant? A—Phillips asked him if Miss Hix was his wife when he roomed with me.

Q—What? A—He asked him—Mr. Phillips asked him if Miss Hix was his wife, when he roomed with me.

Q—What, if anything, did the defendant say? A—He said yes.

Professor O. V. Brumley, of the college of veterinary medicine at Ohio State University, when called to the stand testified he had known Dr. Snook for 20 years or so.

He also testified that he had known Theora Hix since 1926, and that he once after seeing her in the company of Dr. Snook he had warned her against keeping company with any employe of the college.

The examination then branched into the use of drugs and their availability to Dr. Snook.

He was asked to identify a bottle which Prosecutor Chester said are commonly called Spanish flies.

They were further identified as *Cantharis vesicatoria*. Professor Brundage said that he had seen the bottle previously in Dr. Snook's office. He added the bottle had been in Dr. Snook's office several years. Another bottle containing *cannabis indica* was produced and the witness identified them as having come from the drug room of the veterinary hospital. Under cross-examination Professor Brumley admitted that *cannabis indica* and other forms of aphrodisiacs were not prohibited for sale by law and that they were to be had in practically all medical centers.

Then the examination proceeded along these lines:

Q—Will you tell the jury the use of Spanish-fly, its application in veterinary medicine? A—Well, we use Spanish-fly in the form of ointments for external application as a vesicant or blistering effect.

Q—Do you know whether or not Spanish-fly has any aphrodisiac value, that is, sexual stimulant value? A—Well, it is listed as an aphrodisiac. We have never used it for that purpose.

Q—What is the use of cannabis indica, I mean fluid extract of cannabis indica? A—It is used for a hypnotic or a sedative.

Q—What is its effect upon an animal in the first instance? A—Well, it produces a little exhilaration, followed by a sedative action, and sleep is inducted.

Q—If given a big dose? A—If given in sufficient dose.

Q—In sufficient dose? (No response.)

Q—Has cannabis indica a distinct and special odor? A—Well, not particularly distinctive. Many of the fluid extracts might have similar odor—the alcoholic odor is the main thing.

Q—How about the taste? A—I have never tasted it. I could not tell you, sir.

Q—In what form is cannabis indica given in medicine as you have described it here? A—Given in the form of the fluid extract.

Q—As a medicine, internally? A—Yes, that is the way we have used it.

Q—Do you know how long it takes for the drug, cannabis indica, to take effect upon an animal? A—Well, generally, it has been administered intravenously.

Q—That means injected into the veins?

At the end of Dr. Brumley's testimony, Charles F. Long, chemist of Columbus, was summoned. He had testified as to the analysis of blood stains on the clothes of Dr. Snook, his automobile, the knife used in slashing the girl's throat and the hammer with which he first struck her. After this testimony,

involving much expert testimony, Mr. Long continued to testify as follows:

Q—Now, what test did you make there for cannabis indica; describe in detail the chemical test that you went through with from the beginning to the end? A—There are no known chemical reactions with cannabis indica which are positive.

Q—How did you find out that it was cannabis indica? A—I first saw it under the microscope.

Q—In what form was it? A—The form that I saw was in a powdered condition.

Q—In a powdered condition? A—In the original condition of the earth.

Q—Then the powdered condition would indicate to you, wouldn't it, that fluid extract of cannabis indica was not in that stomach? A—Not necessarily.

Q—How would you get a powdered solution out of a fluid extract? A—A fluid extract may well be carefully made and still show traces of the material from which the leaching was done.

Q—How much trace did you find of a powdered condition? A—Plenty.

Q—Then how much fluid extract would have to be shown there? A—There is no way of knowing.

Q—And there is no way of knowing really whether it was cannabis indica or not? A—There is.

Q—How? A—By the microscope and physiological tests.

Q—Tell what microscopic test you made and describe it in detail. A—After I had made the test and made my own slides I independently took some of the material to Miss Coss and asked her to check my results.

Q—Then after that was done, what tests did you make?

A—After the slides—

Q—Yes. A—I made some physiological tests.

Q—How did you make those? A—On dogs.

Q—With what? A—With known cannabis indica and with substances from the stomach.

Q—Where were those tests made? A—Those tests were made at Grant and Town.

Q—What type dog did you have? A—We obtained dogs from the Humane Society after careful selection and with the approval and consent of the Humane Society and their member present at the tests, from the dog pound.

Q—How much cannabis indica did you give the dog? A—We gave the control dog—

Q—Now you better tell what the control dog is. A—Well, I thought you knew, you said the dog.

Q—I am not to decide this case; the jury will. A—Which dog?

Q—The control dog? A—We conducted these tests in strict accordance with the official assay of cannabis indica as outlined in the pharmacopea of the United States. There is only one physical method of testing the strength of the fluid extract—or of any other extract of cannabis indica, because there is no clinical test—and that is for the use of dogs.

That is exactly the method we used and I will explain it to you in detail if you are ready.

Q—All right. Were they male or female dogs? A—They were female dogs.

Q—Now, tell the jury what you did. A—We first—

Q—When you say “we,” just tell us who was with you on this? A—Mr. Ford of the Humane Society—or Mr. Young I should say of the Humane Society and myself. We first went to the dog pound and looked the dogs over and selected two dogs that we thought—or that I thought would answer the purpose.

Q—What was the approximate size of those two dogs? A—One dog weighed 21 pounds, which is 9.5 kilograms; and the other dog weighed 13 pounds, which is 6.35 kilograms.

Q—How old were those dogs? A—I do not know.

Q—Have you an idea—any judgment about their age? A—Mr. Young—no—Mr. Young estimated their age and he ought to know. I don't. I heard him.

Q—It is all right, whatever estimate he told you. A—He said the dogs were about a year and a half old.

Q—All right. Now state in detail what was done and reaction. A—The control dog, which was the larger dog, was given the pharmacopoea assay dose.

Q—In what form? A—In the form of fluid extract.

Q—Fluid extract—how much? A—That dog was given three-tenths of a cubic centimeter of fluid extract.

Q—Will you describe how much three-tenths of a cubic centimeter would be with reference to a teaspoon as near as you can? A—Well, I should say that a teaspoonful would hold approximately five cubic centimeters. '

Q—And this was three-tenths? A—Three-tenths of one cubic centimeter.

Q—Or less than—will somebody who is quick at figures—Mr. Chester—One-fifteenth.

Q—One-fifteenth of a teaspoon of fluid extract? A—If a teaspoonful holds 5 c. c., yes.

Q—That would be one-fifteenth of a teaspoonful was given to the control dog, the larger one of the two? A— Well, let us stay with the official measurement. You can't talk it in terms of teaspoonfuls if you are going to do it accurately.

Q—All right then, let us say three-tenths of a— A—Cubic centimeter.

Q—Cubic centimeter, and I want to get some idea before the jury so as to be able to have them understand and myself— understand—you gave that at what time and when? A—That was given at 9:45 in the morning.

Q—Yes. A—A week ago last Saturday, whatever day that was—a week ago today.

Q—All right now, what results did you obtain? A—The dog showed very little effect.

Q—Isn't it a fact that he howled, that he started to howl about a half hour or an hour after that? A—It is not.

Q—He did not? A—He did not.

Q—All right, how about the other dog? A—The other dog was given a feed of 46 grams of the dried contents of the stomach.

Q—And what effect, if any, did it have on the dog there? A—It had within the prescribed time the exact effects that I described in the pharmacopoea of the United States.

Q—Well, what was the effect? A—Well, the effect was at first a drowsiness, then a twitching of the muscles, particularly the hind, and then general incoordination.

Q—No stimulation? A—Stimulation followed that very rapidly.

Q—And what did that dog do? A—That is all it did.

Q—You say you found some cantharides or something else in the stomach? A—We found some of the brown anatomy of the blister beetle.

Q—Of the what? A—Cantharides or blister beetle.

Q—When you took some of the contents of the stomach and gave it to this dog, was it the pure cannabis indica, or the combination of the two? A—It was the combination of the two, no doubt.

Q—No doubt the combination of the two that had affected this dog this way; and how soon did you notice a reaction on the dog from the contents of the stomach? A—I should say that that dog began to react in about 50 minutes or perhaps 60 minutes.

Q—Fifty or 60 minutes after it was given to the dog? A—The drowsiness may have—

Q—How long did the effect last? A—I don't know; we took the dog back to the pound before the effect had subsided.

Q—And how soon after you gave him the dose did you take him back to the pound? A—About two hours.

Q—About two hours? A—Perhaps two hours and a half.

Q—Two hours and a half. And the effect had not worn off yet? A—Apparently not.

Q—How much would you say on your own estimate was in this girl's stomach? A—I would make no estimate.

Q—You could not make any? A—Not to be worth anything.

Q—What is the blister bee known as taken internally? A—The blister beetle you mean?

Q—Yes, the blister beetle. A—Known as, taken internally?

Q—Yes, what is it generally taken for? A—Oh, it might be taken for a number of things, I suppose.



Q—That would be out of your line? A—That is again out of my line.

Mr. Chester—I did not get what he called that.

Answer read.

Judge Seidel—I thought maybe he would say it was an aphrodisiac.

Mr. Chester—I will admit that it is, and he will admit it. He will admit it is used as an aphrodisiac.

The Witness—We are together on that all right.

Judge Seidel—I will admit too it is the first aphrodisiac that most people take.

Closing witnesses for the state were William Howells, Columbus correspondent for the Cleveland Plain Dealer, and Jimmy Fusco, reporter on the staff of the Columbus Citizen. Both testified as to their visit to Dr. Snook at midnight, twelve hours after he made his confession at police headquarters. Because of the similarity of the story told by Dr. Snook to these men and his written confession, details of the interview given at midnight in Franklin County Jail are not repeated here. With the appearance of Howard Lavelly, county detective, on the stand, who asserted that during the grill Dr. Snook was treated with every courtesy, the state closed its case.

## CHAPTER III

### Defense Case Opens

Character witnesses first were called. Dr. O. V. Brumley, who worked with Dr. Snook in the veterinary department at Ohio State, and Dr. David S. White, a dean of the university, testified as to his good character prior to the murder. During his testimony Dr. White testified that he had reprimanded Dr. Snook upon one occasion for giving morphine to a woman. Dr. White further admitted that he had felt Dr. Snook was slipping in his work and that he had come close to recommending his dismissal on this ground.

Raymond C. Bracken next was called by the defense.

Mr. Bracken who had known Dr. Snook for fourteen years was positive in his assertions that the accused had borne a fine reputation as a sportsman and friend. Mr. Bracken said that he had been a member of the United States pistol team in 1920, of which Dr. Snook also was a member, and that for eight weeks he was constantly in his company.

It was also brought out that Mr. Bracken had seen Theora Hix on an indoor rifle range and that she shot fairly well with a small revolver. Bracken further stated that while Dr. Snook was at the range he was under the impression the girl was there with a man named Weaver.

Dr. Fred Zimmer, a veterinarian, next was called. He also testified as to the fine character of Dr. Snook, which he pictured as "the very best." The defense next summoned C. A. Snow, who lived next door to Dr. Snook. Mr. Snow averred he had known the

defendant for a number of years and that Dr. Snook appealed to him as a very fine man. Like others who testified in behalf of Dr. Snook, Mr. Snow said that he never saw him angry, never heard him raise his voice and that “he was always in the yard fixing his flowers or making repairs. He was a fine neighbor,” Mr. Snow concluded.

Dr. Howard Miller, a veterinary, and a member of City Council of Columbus, next took the witness chair.

He claimed to have the opinion that Dr. Snook was mentally deficient for some time, basing his thought on the fact that several times in March Dr. Snook had suddenly broken off conversations with him and had walked away. Dr. Miller finally was challenged as to competency, the state claiming he had not qualified as an expert witness.

Mrs. Doris Chambers, a chemist, who aided Chemist Long in his examinations was called and in part testified that an examination of the dead girl's mouth revealed no clue.

On Wednesday morning, August 7, the wife of Dr. Snook, Mrs. Helen Snook, and his mother were called to the stand. The story of their appearance is best told in a story written by Kenneth Tooil, of The Columbus Dispatch. It follows:

Drama, stark, often hideous and at all times awe-inspiring—moved swiftly through our little courtroom today.

It came so suddenly and struck so hard that it left court and spectators stunned.

In rapid succession, the three living principal figures in the Snook murder case took their places on the witness chair and brought this tragedy to us more poignantly than at any time since the trial started. They were the slayer, his wife and his mother.

If Dr. Snook killed Theora Hix, and we know that he did,

the blows he has struck his aged mother and grief-bowed wife have fallen upon their defenseless heads with only slightly less disastrous results than those he rained upon his paramour that fateful night out on the rifle range.

Realizing fully that the placing of Mrs. Helen Snook, the wife, and Mrs. Albert Snook, the mother, upon the witness stand was a bid for sympathy and nothing else and that so far as aiding Dr. Snook is concerned their testimony was virtually valueless, the incidents of the morning served to impress upon us that here is a living, breathing human drama and not a show of puppets or shadows upon a screen.

It carried with it the undying loyalty of women for their men and mothers for their sons. It ripped bare two souls in torment and, in at least one instance, gave us a picture of how a woman will throw all to the winds in order to protect the man she once considered hers and hers alone.

Helen Snook was, in many particulars, the more pitiful of the two women who faced a jammed courtroom this morning, a courtroom where the very atmosphere is charged with animosity toward the man she came to aid.

Her wifeness outraged, her name besmirched by a man who has sinned deeply, she held her head high and presented a face filled with a tragic sweetness to the packed room and refuted some of the ugliest stories that have been afloat about her and her husband since the murder.

There is no way of knowing how much is truth and how much fabrication there is in stories about the Snook family life, but the fact remains that they have been heard and generally believed by a large majority of the city's population. They have been repeated by people claiming to have direct knowledge of the facts.

But Helen Snook told the world this morning that they are lies!

Part of this testimony concerned the Snook baby, the two-year-old girl who has been so carefully hidden since the crime.

She was born, Mrs. Snook said, at Grant Hospital. Dr. Snook took her there shortly before the delivery of the child, she replied. If her voice faltered and grew weak at this point, she let it be known that she was fighting emotion and that tears were very close to the surface. After the birth of the child, Dr. Snook visited her every day, she said, and when she was able to go home, he came for her and the baby.

None of the attorneys for the defense asked her if he was present or in the hospital when the child was born and Chester, who was straining forward during this testimony, also failed to ask this question.

She told of taking the baby to the church for christening and a defiant look came into her as she testified in a slightly raised voice that Dr. Snook took her and the baby to the church and brought them home.

The magnificent dignity of the woman struck like a rapier point!

After admitting that she had "had one conversation" with an attorney two years ago, she declared boldly and impressively that she never had heard of Theora Hix until her murder on June 13.

Her recital of her experience at police headquarters where, she said, she was at first accused of the murder was as dramatic as anything heard so far during this trial.

"I told them I did not kill her—never, never, never," she cried. Then came a flood of tears for the first time during her examination. From then on, her eyes were wet and she touched

them occasionally with her handkerchief. Yet at no time did she do any play-acting, no obvious bid for sympathy. Her whole manner told the world that she wanted only to do and say what she could to help the man who had been her husband and the father of her child out of the sorriest mess it is possible for a man to get himself into.

She told how Chester had tried to break her nerve by accusing her of the crime, telling her that hairs resembling her own had been found in the hand of the dead girl and that one of her kitchen knives was picked up on the rifle range. She admitted without equivocation that Chester had given her the protection of her own attorney during all this.

“If you think she did it, arrest her!” she quoted this attorney as telling Chester, and added that no arrest was made.

Under the insistent questioning of the defense concerning Snook’s demeanor during the past three years, in an obvious effort to show that he had been acting queerly, the best she would concede was that he had been “restless,” spent less time with her, talked very little and was given to suddenly abandoning his reading, whereas he formerly read for hours.

Concerning his general reputation and her direct knowledge of his disposition, she was emphatic in her statements that he is an even-tempered and peaceful man. She was very positive that he never was abusive or quarrelsome and stated that, up to three years ago, their marital relations were “normal.”

Before taking the stand, she kissed her husband cordially and submitted to his awkward embrace. After she had testified, she sat by his side.

But when the name of Theora Hix was brought into the examination of her husband, who had taken the stand, and he started his recitation of his sordid romance with the dead girl,

Helen Snook arose, took her wrap and walked out of the courtroom—head erect.

“I am the mother of Dr. Snook!”

If she had added, “And despite what the world thinks of him, he is my boy and I know he can do no wrong,” the mother of Dr. Snook could not have placed more maternal pride into her opening statement in the witness chair. If he had been before a committee of prominent citizens about to bestow upon him some coveted honor, there could not have been more of the mother spirit in her voice as she admitted that he was her boy.

Here was the mother that Dr. Snook, the brutal slayer of Theora Hix, always went to see on her birthday, never forgot on Mothers’ day and to whom he wrote “every week of his life.”

Here was the mother who waited “for the postman that comes at 1 o’clock” in order that she might receive his tender letters, who saw and appreciated his early love for animals and helped him form his life's work—that of veterinary medicine and surgery.

She watched with pride his progress through school and his attainment of a professorship in one of the country's great educational institutions. She told of her satisfaction over the fact that he preferred to stay at home with her, rather than “run around” with the town boys; and how he bought a rifle with the first money he earned.

Talking through the objections of the prosecution as if she did not hear them and ignoring, no doubt because of her ignorance of court procedure, the admonitions of the judge, she sat up straight in her chair and fairly shouted that her boy was a good boy. He never fought, quarreled or lost his temper.

When Chester objected to her presence on the stand, she

turned tear-filled eyes on the prosecutor and said:

“I only wanted to come and be near my—”

The rest was lost in a storm of objections and bickering between attorneys for both sides. But it told the story of why she was there.

The defense made a little more headway with the mother than it did with the wife in the matter of Snook's alleged mental change. The mother testified that she had noticed, recently, that her son's color was not healthy, that he was restless and did not seem to enjoy his visits to the farm and that his mind seemed elsewhere.

When she had finished, when she had done all a mother could do under the circumstances, she walked slowly around her son's array of counsel, seized her boy's outstretched arms and wept without restraint. She did not linger. On the arm of her daughter-in-law's attorney, she moved slowly out of the courtroom, a tiny, frail and broken figure with the weight of years and of grief bowing her fragile shoulders.

Two memories of the morning probably stand out in her mind—the long, warm kiss her son gave her, a kiss that all but took her breath when she first saw him, and the knowledge that she had done all she can do. We have no doubt that the courtroom, with its scores of white, eager faces; the judge and the jury, the lawyers and the press—all are but a blurred picture, something unreal and shadowy, like a bad dream that comes to a sick man who is nearing the end.

And what of the doctor during all this?

At last that poker face was broken and we have learned that there is a human being behind it. Dr. Snook was very close to the fine border line between hysteria and composure this morning. The tumult in his brain was vividly reflected in his eyes as his wife and



mother took the stand. His hands shook and his mouth worked spasmodically. The man suffered—there can be no doubt of that.

But when he finally took the stand himself he was outwardly cool. His voice was a bit husky and had a nasal tone, like a person with a slight head cold.

Bit by bit he led us down the dark and devious ways of a man and woman in sin. It is a story as sordid as the murder itself. The casual meeting at his office where the girl came to work as a stenographer, his invitation that led to the first automobile ride, the increasing intimacy of their conversation, and its inevitable result—the descent into the forbidden depths of sexual irregularities.

He told of his trysts with her, of rides to secluded spots in the rural districts in his automobile.

He told of their pact to keep all secret. Just how well the girl kept that pact is known and is one of the astonishing elements of the case. It is not often that a girl can maintain such an unblemished reputation as that enjoyed by Theora Hix and still play with fire, as she did.

The defense laid an excellent groundwork this morning for its self-defense plea, even if the insanity angle has fallen flat at every turn.

The girl's interest and proficiency in pistol and rifle shooting was ding-donged into the jury's ear until the court halted it.

It now is safe to predict that the famous Snook trial is nearing the end. There remains little else except the battle over the insanity evidence. The outcome, of course, is in deep doubt. Many believe that the state has failed to establish premeditation beyond a reasonable doubt and that the defense still has ample opportunity to

raise that reasonable doubt on three scores—insanity, self-defense and premeditation.

## CHAPTER IV

### Testimony of Coroner Murphy

Examined by Mr. Chester:

Q—You may state your name, please. A—Joseph A. Murphy.

Q—Your occupation? A—A physician.

Q—For how long have you been a physician? A—A little over 39 years.

Q—Have you any official position in Franklin County? A—Coroner of Franklin County.

Q—For how long have you been Coroner of Franklin County? A—Since January 3, 1921.

Q—Prior to that, were you Coroner of Franklin County? A—Yes, sir; from March 17, 1904, to January, 1909.

Q—You have held that office on two occasions? A—Yes sir.

Q—And the last time, for eight years? A—Yes, sir.

Q—And the last time, for eight years? A—Yes, sir.

Q—This is the ninth year? A—Yes, sir.

Q—Did you, on or about the 13th or on or about the 14th of June of this year, view the body of Theora Hix? A—Yes, sir.

Q—Now, where were you when you first learned about the death of Theora Hix? A—I was at my home, 1446 Mt. Vernon Avenue.

Q—How did you learn about it? A—I received a telephone call from Officer Cloud.

Q—Now, when you got there what did you see? A—I saw

a woman lying with her head a little to the southeast, on her left side, and her right hand extended somewhat and on the right side I saw a circular wound—

Q—Now wait just a second. I will hand you this photograph, which has been marked as State's Exhibit No. 10, and ask you to state whether or not that is the position in which you saw her body at that time? A—Yes, sir.

Q—I will hand you State's Exhibit No. 11, and ask you to state whether or not that is the position in which her body was found? A—Yes, that was taken from the other direction

Q—All right, now go ahead, Doctor, and describe what you saw there, the marks and other things on her body? A—Well, directly after I got there the officer who was taking the pictures for the police department asked me about taking pictures, and I told him to go ahead and take the pictures that he wanted. So he did. He took two views, and the marks that I saw then, before we turned her over, was on the right side of the forehead. There was a mark, as I said, a semicircular cut.

Q—This was before you turned her over? A—Yes.

Q—All right. A—The right eye was swollen, and in her right hand she held in about that position a handkerchief. I opened the handkerchief to see whether there was any initials on it, and then laid it down. Then the officer that was taking the picture said he would like to turn her over and get the picture the other way. He and I turned her over and then we found that her throat—

Q—Wait a minute, Doctor. I will hand you State's Exhibit No. 12, and ask you if that is a true and correct representation of her body after it was turned over? A— Yes, sir.

Q—All right, now, go ahead. A—And then when we turned her over we found that the left side of her neck had been cut

and there were two wounds on the left side of the forehead and one almost—

Q—On the left side of what? A—Of the forehead.

Q—Of the forehead? A—Yes.

Q—Right up here? A—Yes, and one almost in the center over the nose that had the appearance of a puncture wound within an incised wound, which I supposed was made by a blow. Her face, of course, was covered with dry blood; her hair was matted, and when we turned her over we found a few hairs, short-like hairs in her left hand, which I examined, and decided that they belonged to her hair, as the front part of her hair was not as long as that in the back and corresponded in color, and in length to that. I noticed a wound in the right groin, and that her underclothing had been cut practically by the same instrument to a distance up to where would be practically a band and then another distance about three inches above the band, but the dress had not been cut in that position.

Q—Doctor, I will hand you State's Exhibit No.1 and ask you to state whether or not that was the dress that was on Theora Hix? A—Yes, sir; that was the dress.

Q—Now, will you point out to the jury, please, the cut on the right shoulder? A—There (indicating).

Q—Make that over and get over here in front of the jury so that the jury can all see that, please. A—There was the first cut (indicating) and beneath that is the cut in the shoulder. It was not probably beneath the skin, and these places were cut at practically the same time, as I take it (indicating); there is the last one (indicating).

Q—Were there cuts on the body corresponding to these cuts in the dress? A—No.

Q—Just the one cut up at the top? A—One cut at the

shoulder.

Q—Off the shoulder? A—Yes.

## CHAPTER V

### James H. Snook

James H. Snook was then called as a witness on his own behalf, being first duly sworn, testified as follows:

Examined by Mr. Seyfert.

Q—You are Dr. James H. Snook? A—Yes, sir, I have three names. Ordinarily I sign my name J. H.

Q—What is your full given name, Doctor? A—James Howard.

Q—What was the date of your birth? A—September 17, '79.

Q—Where did you attend school if you did attend school, in your early boyhood? A—South Lebanon.

Q—Did you attend High School? A—High School, there, yes, sir.

Q—Then after you stayed on the farm for several years, Doctor, what did you do? A—Came to Ohio State University and entered the Veterinary College.

Q—What year did you first enter Ohio State University? A—'05.

Q—1905? A—1905, yes, sir.

Q—How many years, Doctor, did you attend Ohio State University beginning with 1905? A—Three year course at that time.

Q—Did you take a full and complete course in veterinary medicine? A—Yes.

Q—I will ask you whether or not you were graduated in

that course? A—Graduated, yes, sir.

Q—Doctor, when were you married? A—In '22.

Q—1922? A—Yes.

Q—What was your wife's maiden name? A—Helen Marple.

Q— Yes. And do you remember the date of your marriage?

A—On September 11<sup>th</sup>.

Q—And I will ask you whether or not if the lady to my left over here is your present wife, Doctor? A—Yes, sir.

Q—Have you any children, Doctor? A—One.

Q—One child living? A—One little girl, yes, sir.

Q—Any other children? A—No others.

Q—I mean were born of the marriage? A—One born. It died.

Q—One boy who died. How old is the little girl now? A — 2 years old on the 25th of July.

Q—Now, Doctor, when was the first time that you ever met Miss Theora Hix? A—About three years ago in June.

Q—And where did you first meet her? A—At the public office in the veterinary building.

Q—Who was with you if anyone, when you met Miss Hix? A—I don't recall. She came there—

Q—What were the circumstances of the meeting, Doctor, between you and this girl? A—She came there as a stenographer at that time, employed in the public office.

Q—Now, Doctor, when was the first time that you ever had any conversation with Miss Hix after meeting her in June of 1926? A—Well, I can't say definitely, but probably each day for two or three days; and a definite conversation, I recall, was probably four or five days later when I asked her to ride home when it was raining at five o'clock.



Q—Now, Doctor, where did you and Miss Hix go when you took her home or when you started out in your automobile with her? A—Directly from the office to Mack Hall where she lived.

Q—Well, now, Doctor, there at the first or second conversation that you had with Miss Hix, what if anything did you discuss about reading matters? A—Well, it was in regard to—

The Witness— Within the first two weeks of our acquaintance.

The Witness: First two weeks. She had a magazine in which there was an article on Companionate Marriage by Judge Lindsey, something of that nature, and a reference to it came up in which she said that she thought the Companionate Marriage was all right for a while, but then if you lost your companion, it wasn't and that is when the boy friend was referred to. He was gone and made things rather disagreeable so that that is as near as I can quote it, as I recall it.

Q—Doctor, after you took Miss Hix home in your automobile to Mack Hall in June of 1926, when was the next time that you were with Miss Hix as near as you recall? A—Within probably a few days, at five o'clock, she remarked it was too nice to go home, something to that effect, and I told her that I had a few minutes and I would drive her around the River Road, if she cared to go; and she did. She knew that I was married at that time.

Q—Doctor, I will ask you whether or not, if you and Miss Hix had a so-called, a “mutual understanding,” of any kind? A—Well, after about the third week—three or four weeks—we discussed Companionate Marriage and sex relations and books on sex to that extent, and each one seemed to understand that the other knew something about it, and there was a mutual understanding there of that nature to talk about things of that kind.

The Witness: It brought up the matter of companionate marriage in the beginning and she says when she lost her companion—so I assumed from that that she knew a lot about it, and we talked that way and she did say so, and we talked then about disease, venereal disease of that type and each one assured the other that they did not have any, and various discussions of that type was brought up and I think about that time she said that she knew there was so much trouble with the students—that is venereal disease with students—and they always talked so much she was afraid of them, and she didn't go around much with students, and it was along about that time she said that she preferred someone older, who really knew something. That followed some of our talks during the talk at that time.

Q—Dr. Snook, when was the first time as near as you recall that you and Miss Hix had sexual relations. A—Probably within—just about three—within three or four weeks after I met her.

Q—And where did that take place, Doctor, as near as you recall? A—I think that was in a—I am pretty sure that was in a room somewhere on the east side, but I can't give the number or place.

Q—What was that conversation there, either by Miss Hix to you or what you said to her? A—Well, in a general way—there was a general understanding to me that she knew a lot—

Q—Yes, the conversation there, Doctor? A—I ask her directly what she knew about it, meaning sexual affairs, and she told me that she knew more about it than I did, and that I should read some books on that and that brought up the question of more books, and I finally got one for her some place and she told me that she had already read that book.

Q—Any other conversation as near as you recall there or

anything else was said either by you or Miss Hix? A—Well, the main part of it at that time was the assurance of being careful, free from disease and not telling about it—not talking about it.

Q—Do you recall any of the names of the books that she asked you to get? A—She never asked me to get any books, but she told me of different ones she had read and one that I found somewhere for her was—had been read, and then later on she got one from somewhere else, a man friend of hers, and I think that was called “The Art of Love,” —I am pretty sure that is the name—by some physician. Quite a rare book and not always sold I don't believe.

Q—When was the next time you were with Miss Hix? A—Well, I can't say except that probably once or twice a week—

Mr. Chester—I object to anything probably.

The Court—Well, his best judgment.

The Witness—My best judgment, once or twice a week thereafter.

Q—When was the second time, Doctor, as near as you recall of sex relations between you and Miss Hix? A—Oh, within a week.

Q—And where did the second time occur, Doctor? A—Well, I don't believe I can tell you, sure.

Q—Well, I will ask you whether or not, as a matter of fact if your relations with Miss Hix continued all through the fall of 1926? A—Yes, sir.

Q—And continued for how long, Doctor? A—Until the next June.

Q—Until June of 1927? A—'27, yes, sir.

Q—About how many times would you say during that fall of 1926 and 1927 were you and Miss Hix intimate in a sexual way?

A—Once or twice a week.

Q—And where would you generally go with Miss Hix at those times, Doctor? A—Well, during the winter go to rooms, different places.

Q—Where would you go in the spring or early summer of 1927? A—Well, outdoors occasionally.

Q—I will ask you whether or not now during your entire stay at Camp Perry, if you and Miss Hix had family relations with each other? A—Yes, sir.

Q—About how often Doctor? A—Oh, two or three times.

Q—Do you mean two or three times during the entire three or four days? A—Three or four days, yes, sir.

Q—You brought Miss Hix back to Columbus in your automobile. A—Yes, sir.

Q—Doctor, up to October the 1st of 1927 I will ask you whether or not as a matter of fact your sexual relations with this girl were absolutely normal? A—Yes, sir.

Q—During the month of October, 1927, how many times would you say you were with Miss Hix? A—During the month of October?

Q—Yes. A—I can only say on an average of once or twice a week.

Q—And where would you and Miss Hix go on these trips during that respective month? A—To a room somewhere on up the river shooting.

Q—Were the sexual relationships still resumed between you and Miss Hix during that entire month, Doctor? A—Oh, yes.

Q—Doctor, when you would be with Miss Hix during the month of October and the remainder of that fall about what time of the day or evening would you be with Miss Hix? A—Well,

probably 7:30 until 9:00, evenings, occasionally on Saturday afternoon two or three times.

Q—Did you ever see Miss Hix of an afternoon during those fall months of 1927? A—Well, on two or three Saturday afternoons as I say.

Q—And about how many times would you say you saw her in the company with Mr. Marion Meyers? A—Frequently.

Q—How long in the Fall of 1927, did your sex relations with Miss Hix continue? A—Continued right through the Fall.

Q—They continued right through the Fall. A—Yes, sir.

Q—And for how long? A—On through until Spring of '28.

Q—About what time in the Spring of 1928, Doctor? A—April, sometime about the first of April.

Q—Now, Doctor, when was the first time that Miss Hix admitted to you that she had had sexual relations of any character with Marion T. Meyers?

The Witness: She said that they had been arrested along the river earlier in the year, probably in February. She told me this sometime in two months later—

Mr. Chester—Now, wait a minute, I move the answer be stricken from the record. It does not show any immoral relations because they were arrested.

Q—Answer the question, Doctor; what if anything did she say concerning the arrest of herself and Mr. Meyers along the River Road? A—Well, she said that they were actually caught in the act up there and was arrested and fined before a squire.

Mr. Seyfert—Please read the last question; I think when we adjourned for recess, the Doctor had not answered the last question.

(Previous question as follows:) “Doctor, when was the first time that Miss Hix admitted to you that she had had sexual

relations of any kind or character with Marion T. Meyers?" A—In the early spring of 1928, when she told me about an arrest sometime earlier up the River Road.

Q—What else did she say, Doctor, at that time in connection with the same subject of conversation? A—You mean in regard to the first time she told me?

Q—Yes. A—Well, I think it was in answer to a question where they had been some time previously and she had occasion to refer to it in that way; I don't just remember the conversation, but it came up in regard to after she said that, she told me about that part of it.

Q—And what, if anything, did she say concerning her arrest in company with Mr. Marion T. Meyers? A—She said they were taken before a Squire and fined \$20.00 apiece and lucky to get away with it, they thought.

Q—By what name, if any, did she tell you that she gave at the time that she was arrested in company with Mr. Meyers? A—She gave the name of Thorn, I think, T—h—o—r—n, Marion Thorn.

Q—Did she tell you at that time, what name, if any, Mr. Meyers had given or gave? A—She didn't give his name, no.

Q—Well, where did she say this arrest of the two, that is Meyers and herself had been made, Doctor, if you recall? A—The River Road not far from the dam, the first dam.

Q—On what River Road? A—The Scioto River.

Q—And near what dam? A—Well, I don't know.

Q—Did she say in what county that they had been arrested? A—Not definitely, no, sir.

Q—Doctor, did you have any other conversation with Miss Hix at that time concerning any other relations that she had had up

to the Spring of 1928 with Mr. Meyers? A—Sometime about April, the first of April, the last of March, she talked about it, and as I recall then, it was about the first time, the last of March or the first of April, and she told be about them going to Springfield, I think, and stayed all night one night.

Q—Now, Dr. Snook, about the first—the latter part of May or the first of June when you and Miss Hix took this ride, you say for about an hour, what, if anything, was said by Miss Hix to you about her sexual relations, if any, with Mr. Meyers? A—She told me that she had been going out with him and she intended to continue so inasmuch as I couldn't go.

Q—Did she give any interpretation about what she meant by going out with Mr. Meyers? A—Yes, go out for sexual intercourse.

Q—What did she say in regard to that fact, if anything? A—Well, she told me that in explanation of why she was going, because I couldn't go.

Q—What else, if anything, did she say, Doctor, at that time, concerning herself and Mr. Meyers? A—Well, I asked her something about whether it would be satisfactory to her, and she said very much so, Mr. Meyers seemed to be very agreeable and very pleasant company to go with in that respect.

Q—Did she say anything else in the same regard? A—Well, she made a comparison of our sexual affairs in favor of Mr. Meyers.

Q—Now, just state to the court and jury now what that sexual comparison was. A—Well, I think she said that he was larger than I was and gave her more pleasure, more satisfaction."

Q—What else, if anything, did she say in regard to the same? A—Well, I think she qualified that a little bit to ease my

feeling, probably, by saying that it usually lasted longer with me, something to that effect.

Q—Now, Dr. Snook, you are under oath. Do you say that Miss Hix told you that, about the latter part of May or the first of June, 1928, when you took this ride lasting about an hour? A—It was a little earlier than that. It was soon after I was able to get out, but I can't give the exact date.

Q—Did she say anything else about the comparison between you and Mr. Meyers, as far as her own idea or opinion of either gentlemen was concerned? A—I don't recall anything definitely except that statement. It may have been qualified to some extent, or may have been amplified some, but at any rate it had that meaning to me.

Q—Did you make any trip to New York while Miss Hix was in New York, Dr. Snook? A—No, sir, I did not.

Q—Do you know of anyone else that went down to New York? A—She wrote Mr. Meyers had been down to New York the second week she was there, probably ten days or two weeks after she was there.

Q—Did she say how long Mr. Meyers had stayed in New York City? A—About five days.

Q—What, if anything else, did she say in regard to Meyers, that is, about him coming down to New York? A—He drove down and stayed there, and they had a nice time going around New York together, and she changed her rooming house in the meantime so that they had plenty of time to be together.

Q—Up until July of 1928, I will ask you whether or not you ever had advanced any money or funds of any kind to Miss Hix? A—Yes, sir.

Q—At any and all of those times that you were with her, I



will ask you whether or not you had any sexual relations with Miss Hix at all during that time? A—We did.

Q—And how many times, Doctor? A—Oh, I think two afternoons and one evening.

Q—Where did you go the first afternoon with Miss Hix? A—She finally got a room down on Main Street somewhere.

Q—And where did you go the second time? A—The same place.

Q—Where did you go the last time? A—The same place.

Q—The same place. Your relations with her even at that time—now, if I get this right—was in August of 1928? A—Yes, sir.

Q—Simply natural sex relations? A—Yes, sir.

Q—And about how many times would you and Miss Hix go over there to this furnished room? A—Twice a week I imagine, occasionally three.

Q—About what time of the day or evening would you go over? A—Usually about five o'clock.

Q—Would you go over separately or would you go over together? A—Usually separately. She would get there first.

Q—About what time, Doctor, would she go over? A—She would leave either after the four or five o'clock class.

Q—And about what time would you go over? A—5:30.

Q—And how long or how late would you stay? A—8 :00 or 8:30

Q—And during that two months' interval there of the renting of the first furnished rooms, how late was the—what was the latest that either you or Miss Hix either one or both stayed any one evening? A—I don't think I ever stayed later than 9:00 o'clock. She stayed all night once or twice, I think, that I know of.

Q—How do you know that she stayed there one night all night? A—Because I left her there and she said she was going to stay.

Q—Do you know, as a matter of fact, whether or not she did stay? A—No, I don't know about that.

Q—Now, who would leave the room there first, Doctor, as a general rule? A—We would go out together sometimes, and if we went out separately, she usually went out the front entrance to the car and I would go out the rear entrance to the machine.

Q—Now, you kept this room then up until about the first week of April of 1928? A—I kept it up until some little time after I had that operation on my nose.

Q—Yes. Who took the belongings out of the room when the room was vacated and given up? A—I did.

Q—Did you take Miss Hix's also? A—No, she didn't have anything there only what I got for her in the way of toilet things and tooth paste, tooth brush and toilet powder and things like that.

Q—Where did you take these belongings, then, Doctor? A—Put them in the grip and took them to the office.

Q—Now, going back to about January the 1<sup>st</sup> of 1929, I will ask you whether at that time you had any other furnished or rented apartment? A—No, sir.

Q—Were your relations with Miss Hix up to the first of February, 1929, perfectly normal and natural? A—Yes,

Q—Doctor Snook, from June of 1926, at which time you state that you made the acquaintance with Miss Theora Hix I will ask you when is the first time that you saw her take drugs of any kind.

Q—I would like to have you relate some of the drugs then that she took, if you know? A—Well, one of them was thyroid

extracts and thyroxin, a similar preparation, based on the fact that she had had a test, that her metabolic rate was low, and that if it was brought up to normal, she would be pepped up some. So we took some of that, and then she urged me to try some, that it might pep me up, not knowing whether my metabolic rate was low or not. Then she tried atrophine. I know she had atrophine put in her eye, and took some internally, and belladonna, fluid extract, and I think—

Mr. Gessaman—I object unless he knows.

The Witness—Well, I was trying to think. It was alkaloid. I am pretty sure it was the atrophine sulphate she used. Then later on cannabis indica, fluid extract, but it was made up in tablet form that she had. It was called fluid extract, yet it was in a tablet mixture. Twice she used cocaine, once by way of the mouth and once with the syringe, and that syringe dose was to remove a splinter. Barbatol was tried—

Q—I did not get that? A—Veranol was tried—barbatol they call it and neanol, and there were a few others that they used in laboratory experiments that I really cannot name now.

Q—You testify that you saw her take cocaine twice. Now where was the first time you saw her take cocaine? A—At the room.

Q—At the room where? A—This last room that we had on High Street.

Q—You mean the one at 24 Hubbard? A—24 Hubbard, yes.

Q—And when was the second time you saw her take cocaine? A—Well, it was soon thereafter when she made this injection to get the splinter out.

Q—Is that also over in the room at 24 Hubbard? A—At 24

Hubbard, yes.

Q—Doctor, when did you rent the furnished room at 24 Hubbard? A—Early in February.

Q—Early in February of what year? A—This year, '29.

Q—What was the occasion of your renting that room, Doctor, and how; relate the facts and circumstances of how the room was rented either by you, or Miss Hix, or both? A—Well, it seems as though conditions of where she was living was not the best, and she said she was fussy with the girls up there and did not study well and she wanted to see me more often and when she wanted to.

Q—Did the same conditions exist between you and Miss Hix the month of April as the prior month of March only that your visits were a little more frequent to the flat or to the apartment as I understand you to state? A—Well, this is just a room, this last time. No, she was more or less dissatisfied and had a gradual beginning sometime in the early Spring. It seems—

Q—What do you mean, Doctor, by being more or less dissatisfied? A—Well, it seemed that I couldn't do anything to please her; she didn't like the way I would do things and frequently had an argument about that, and then occasionally on Saturdays—seemed to always come up on Saturday, that she would bring up something to start an argument and it seems was different from any other times, and I know she—one time she said she wanted to hurt me or scratch me and referred to a statement in one of the books on sexology she had had in which somebody said it always gave them a lot of satisfaction to scratch someone else, and that was one of the first things that she started then, and then she denied it later, and I afterward made a few notes of the things that she did to show her that she would do things like that and then deny them later.

Q—And now when was that you and Miss Hix went to the Scioto Club? A—Well, that was on a Sunday, it was on a Sunday afternoon, either the Sunday preceding or the Sunday before that; I think it was the Sunday preceding the 13th.

Q—You say that you took Miss Hix out there with you? A—No.

Q—To the Scioto Club? A—No, not on that time, she came out there.

Q—Now, Doctor, about where is the Scioto Club located? A—Three miles west of the University.

Q—Three miles west of the University? And you say on Sunday, that is June 9th, you went to the Scioto Country Club? A—I went out there about 1 o'clock.

Q—Who went with you, if anyone? A—No one.

Q—What did you do after you arrived there? A—Well, called for caddy and immediately dressed to play golf.

Q—Whom were you going to or intending to play golf with, Doctor? A—Well, I say, will say a Mr. Druggan, a member of the club, and another man had lockers there beside him, had already arranged a game and asked me to join them.

Q—You mean Mr. Charlie Druggan, an attorney here in the city of Columbus? A—Charlie Druggan, yes, sir.

Q—And who was the other gentleman? A—I can't just recall now, Mr. Brehm, I think; they had arranged, and another gentleman quit, and then they asked me to go with them, that is how I started—

Q—About what time would you say, Doctor, that you arrived at the Club? A—About 1:15 to 1:30.

Q—Did you and Mr. Druggan enter into a friendly game of golf or start to entering in a friendly game of golf? A—Yes, sir.

Q—About what time did you and Mr. Druggan start to tee off? A—I would say 1:45.

Q—What happened at that time, now, Doctor, as near as you can recall? A—Well, a boy came out from the clubroom and told me that I was wanted on the telephone and I went in in a hurry—just ready to tee off, and I hurried in and the man at the desk gave me the number and I couldn't get any answer, and I asked him what it was all about, and he said someone called me and said it was important, so I called back again and then told him to take the message and say that I would be in at 5 o'clock.

Q—Did he say who had called? A—He didn't say.

Q—You made two attempts? A—And then I proceeded to start out with Mr. Druggan to play golf.

Q—How far along had the golf progressed between you and Mr. Druggan on that Sunday afternoon? A—Well, we got as far as the—we made a drive on the fifth hole.

Q—What happened at that time, if anything, Doctor? A—Well, Mr. Druggan's ball was lost and we were looking for it and finally found it and just about the time we found it, Miss Hix walked up to me, I don't know what direction she came from, but she just came up hurriedly.

Q—How far was Mr. Druggan from you at the time when Miss Hix came up to where you were standing? A—About fifteen, twenty feet.

Q—What conversation, if any, did you and Miss Hix have there at that time? A—Well, she started to—she looked peculiar and her—had a peculiar look in her eye and I know her mouth seemed to tremble and her whole chin trembled as if she was as angry as she could be, and I asked her what it was about, and she said she put in two calls for me and she kept on talking and Mr.

Druggan was ready to shoot. I wanted to get her to keep still until he shot and she said she didn't give a damn whether he shot or not, and as a matter of courtesy to not talk, say anything when anyone is ready to shoot in golf. So she said, "I want you to go with me and I asked her—I told her that I couldn't go with her then, that I would rather play on around. That these men expected me to go with them, so I asked her to come and go along and walk around the rest of the holes to the Number 9 hole, which is a more courteous way to quit playing than it is to break up right in the middle of the game, and she said no, she didn't want to walk, and I said, "Will you wait until I play nine holes?" She said, "No, I want you to go right away," and she said, "I mean it. So I picked up the ball then and she went on up to the machine and I went back and changed clothes, took a bath and dressed and went out in the machine.

Mr. Seyfert—Judge, do you want to take a recess at this time? We have so many people to see—

The Court—I think we better go as long as we can at least for today. Are you ready to begin on June 13th?

## CHAPTER VI

### **Morning Session, Thursday, August 8, 1929**

Thereupon the further hearing of this cause was resumed pursuant to adjournment.

Present: Same parties as at previous session.

And also,

Dr. James H. Snook,

resuming the stand, continued his testimony as follows:

Examined by Mr. Seyfert:

Q—Dr. Snook, you testified yesterday that in July 1928, Miss Hix paid you back a thousand dollars with 6 per cent interest, amounting to \$30.00, that you had advanced to her before or prior to that date, is that correct? A—Yes, sir.

Q—Now, I will ask you whether or not if Miss Hix as far as you know, had any other saving accounts in any other bank on and after July, 1928? A—I do not.

Q—I will ask you whether or not in the winter or spring, the late winter of 1928, or the early spring of 1929, whether or not you had any other financial arrangement concerning advancement of money to Miss Hix in any way? A—About November or December whenever we started our arrangement again, we made the same financial arrangement, and I gave her what money I collected on the outside to establish that fund on the same basis as before, and we both kept account of it and considered it as a loan.

Q—I will ask you whether or not you made any such arrangement with Miss Hix in November or December of 1928?



A—Well, that is when we made that arrangement.

Q—Now, Doctor, I would like to have you relate to the court and jury what that arrangement was. A—She felt that the relations with me might be found out and if so she wanted to get out of town in a hurry, she didn't want to be expelled from school. She wanted money available to go without any preliminaries, and therefore she wanted this fund in her control. I told her I would let her have money to go back to New York and she said I might take time to argue about it, and it might not be there, so it was on that basis; and then she said she could save money better than I could and she would make it a loan and pay interest on it, and she did so.

Q—How much money did you advance to Miss Hix from November of 1928 up to and including June 12th, 1929? A—I think my itemized account shows something around \$700.

Q—What was the smallest amount of money that you gave to her during that period of time and what was the largest? A—Oh, I think at one time a hundred dollars the largest, and \$5.00 probably the smallest.

Q—Now, Doctor, you testified yesterday that up to April the 1<sup>st</sup>, 1929, your sexual relations with Miss Hix were natural; is that true? A—About that time, yes.

Q—When was the first time that your relations, sexually speaking, were unnatural with Miss Hix? A—Just about the first of April.

Q—And where did this occur, Doctor? A—At 24 Hubbard.

Q—And about what time would you say that you and Miss Hix were in the room at that time? A—It was one evening when we were down there from five to about eight-thirty.

Q—I just want you to relate now, Doctor Snook, as near as you can, without going into too many details, in a generalized way,

just what took place at that time between you and Miss Hix? A—Well, some little time previous, sexual intercourse had not been satisfactory to Miss Hix, and she complained of my general condition. She said that I needed some kind of treatment to improve my general health, and she was not satisfied as she had been, and she fussed about it for quite a while, and finally she insisted that she be allowed to satisfy it the way she wanted to, and she did so by taking my privates in her mouth; and that was the first time was about the first week in April.

Q—Doctor, you say that was the first time? A—The first time, yes, sir.

Q—How many times did that occur or happen between you and Miss Hix up to the 10th day of June, 1929? A—Well, once again on the next week and then probably not for two weeks, and then two or three times the next week.

Q—I will ask you whether or not you saw Miss Hix on June 13<sup>th</sup>, 1929? A—Yes, sir.

Q—Where did you see her, Doctor? A—At Twelfth and High.

Q—And about what time of the day or evening did you meet her? A—Pretty close to eight o'clock.

Q—How was that meeting arranged if you recall? A—She called me about 4:30.

Q—Where did she call you, Doctor? A—At the office.

Q—How did you meet her and about approximately what time did you meet her? A—She said she would walk towards High Street, and I was a little bit late driving up that way, I drove to High either on Tenth or Eleventh, looked around and didn't see her and drove back again and mailed some letters, down High Street again, and finally parked at Twelfth and High, north of Twelfth; I went in-

Q—Were you driving your car at that time? A—Beg pardon.

Q—Were you driving your car at that time? A—In my machine, yes.

Q—And what kind of car were you driving that evening, Doctor? A—Ford coupe.

Q—And what was the color of the coupe? A—Dark blue.

Q—You say you picked Miss Hix up there at the corner of Twelfth and High? A—I went in the State Market, a few doors north and I got a loaf of rye bread and some hamburger to take home for the usual late lunch. When I came out, I saw Miss Hix coming from the south, and we both met at about the machine at the same time.

Q—Where did you and Miss Hix go, Doctor, if you went any place from there? A—We drove north on High Street.

Q—I would like to have you describe as near as you can the route that you took on the ride with Miss Hix, starting from Twelfth and High? A—Well, I asked her where we were going first, and then we drove north to Lane Avenue and west on Lane and across the river, out one of those roads, back and forth and finally hit Lane Avenue again at the entrance of the Upper Arlington Road, near the corner of the Scioto Golf Club.

Q—When you asked her where she was going or wanted to go, what answer, if any, did she return? A—I asked her if we would go down to the room and she asked me if I wanted to go and I said not necessarily and she said, well, let's drive out some place.

Q—Did she say anything else about not wanting to go to the room? A—No, I don't think so.

Q—Did you have any other conversation—I want you to relate now just what was the conversation between you and Miss

Hix as you started in your automobile, that is the blue coupe—from the corner of Twelfth and High? A—Well, I told her we were going to give it up, we might as well go down for the last time.

Q—Give what up now? A—Give up the room; we were going to give it up that week-end sometime, and she said not unless you want to go, and I said, “No, I don’t particularly,” and she said, “Let’s drive out,” and I said, “Well, that is the case then, let me have your key because—before we forget it.”

Q—Which key? A—Her keys so that I could turn it in.

Q—The key to what? A—The room at 24 Hubbard. Once before she didn’t give me a key and I had a lot of trouble getting one made so that I could turn in when we gave up the other room.

Q—Did she give you the key at that time? A—Well, she proceeded to get it out of her purse and didn’t give it to me until we stopped at the next crossing light north.

Q—What other conversation, if any, did you and Miss Hix have at that time, that is the conversation that happened between you and Miss Hix from the time when you left the corner of Twelfth and High up until the time that she gave you this key off of the key ring? A—She asked me if I had eaten anything and I told her no, and she said that she had, she looked for me and didn’t see me, as she was a little bit early and she stopped and had a bite to eat and she said, “I brought you a sandwich,” and she handed it to me somewhere between—well, it was along on High Street before we turned, about even with the campus, the north part of the campus.

Q—When did you first see the sandwich, Doctor? A—Well, I didn’t see it, to know it was a sandwich until she handed it to me. The purse or something else in her hand and I did not notice it.

Q—What conversation, if any, did you have with her at that time when you came back to the car in which she was sitting? A—Well, I got in and turned north on this parkway and it seems to me—lets see—yes, we turned north, that would be turning to the left on the parkway as we drove up. I said, “I wonder if we could stop up here at the end of this parkway,” meaning we would stop up there in the machine, up farther away from the club and he remarked that “I would like to go out in the machine; I thought that might be the only place we could go,” and I drove on up about 250 feet—200 anyway, and there were several machines there and she said, “Well, this doesn’t look good to me.” She said, “I like to go out some place farther where I can scream.”

Q—So she could scream. Where did she say that, Dr. Snook? A—Well, while sitting in the machine as we drove up to the north end of this parkway.

Q—Now, Doctor, was there anyone else there on the range at the time you went out on June 13th? A—Yes, there were three men fixing up a back stop, putting iron—slabs of iron up and somebody was driving a mowing machine, but I don’t know who they were.

Q—I will ask you whether or not you parked your car along the River Road? A—No, sir.

Q—Fisher Road? A—No, sir.

Q—Fisher Road? A—No, sir.

Q—In front of the shooting grounds? A—No, sir.

Q—Now, how far, Doctor, did you drive onto the range proper after you drove in off of the road? A—Drove in the upper entrance and down parallel to the road which is about 75 yards, and then turned to the left and drove probably 30—20 or 30—30 or 40 yards.

Q—Doctor Snook, what conversation did you have after you parked the car, after you had stopped the machine, with Miss Hix? A—Why, I asked her what she thought of this place; she said it seems all right, it is dark enough—and I can not give you the details of the rest of it, but I know I told her it was a side road and didn't expect anyone to drive by if we should hurry, and I asked her if she would get out of the machine or inside, and she said, "Let us try it inside once"; she had never been out in the machine before, this new one and she suggested we try it and we proceeded to do so.

Q—Just describe, now, Doctor, what you mean or what was done by you or Miss Hix when you, to use your terminology of it, were trying out once; just describe what happened? A—Well, we proceeded to have sexual intercourse in the machine and the machine was rather cramped, and the position of the cushion was not satisfactory, and I had been using prophylactic tubes and didn't have any along, they were down at the room and we made the best of it and so ended it and it was unsatisfactory for both of us. Well, that was the first part of it. And then we resumed our seats, our position back in the seat again.

Q—Go ahead, now, Doctor, just describe in your own language exactly what took place between you and Miss Hix from that time on? A—Well we resumed our place in the machine; I was to the left and she to my right and she didn't say anything, sat up in position there without ever saying a word, and I looked around and kept watching and didn't see anyone coming, and I said, "We better go," and I started the engine, and she reached over and turned it off, she said "Not now." And I said, "We must go, somebody might hold us up," and then, well, she said, "I am not ready to go yet," and then I sat there and watched and when she

had those kind of spells there is nothing much I can say to her, just asking her to wait—or she just waits until she says something else. Finally, I remarked that we must go. She said “You are not going,” and then the next thing that she addressed was that she said, “You are not going home over the week end,” and I said, “I have to go.” She said, “You are not going,” and I said, “I have to go, I have promised to go and I have told Mother that I would be there.” And she said, “Damn your mother, I don’t care about your mother.” Then she said, “You must not go.” My next remark was in regard to the work that I was to do, and that Mrs. Snook was expecting me to go, and she said, “Damn Mrs. Snook, I am going to kill her and get her out of the way.” (At this point witness removes glasses and breaks down.)

Q—Go ahead, Doctor, relate now what the— A—She said, “Damn the baby, I will kill her, too.” (Here witness cries.)

Then she said—she said I simply have got to do something for her; she said, “You have got to help me out,” and with that, she grabbed open my trousers which had been buttoned up, and went down on me then, and she didn’t do it very nicely and she bit me and grabbed the right hand and got hold of the privates and pulled so hard I simply could not stand it, and I tried to choke her off, and I couldn’t get her loose that way, and then I grabbed her left arm and gave it a twist, and finally pulled her loose, partly, and she grabbed back again and all I could do was to hold her head up close to keep her from hurting me, and turn around and got something, and I got hold of something out of this kit and hit her with it, and I didn’t hit her very hard; I finally got her loose and twisted her away, very nearly twisted her arm off, I thought, to make her get up in the machine, and she sat up there a little bit and she said, “Damn you, I will kill you, too.”

Q—What else, if anything, did she say to you at that time, Doctor? A—Well, she said, "Damn you, I will kill you, too," and then she started out of the machine, grabbed for her purse and started, and slid out of the machine; and I was all doubled over; I couldn't straighten up; and I didn't realize what was happening; I had so much pain, and I tried to straighten up and all at once it flashed in my mind that she was getting out and I knew if she got out, she would shoot me; that is what I expected her to do, and she grabbed her purse and slid out of the machine.

Q—Where was her purse located at that time, Doctor, if you recall? A—She reached round—she turned her back to me and grabbed it and I could not see where she got it; I think she got it off of the shelf; she reached around this way and grabbed for it and that came from back of me and she started out and I grabbed for her after she got about half way out and I pulled her back so that her head was right down on the cushion of the machine and I hit her once then, and apparently had no effect; I could not hit her—it seemed like I was not strong enough—and I hit her again and she slid right on down out on to the ground, and I followed her out, I couldn't get up, I couldn't raise my legs up; I just crawled out and fell out and we both were on the ground about the same time, and she got up hanging on to the door, and I got up behind her and I reached for the purse again and she turned her back to me and I hit her once more with the hammer and she went down and her head hit against the running board of the machine, and that put her to my left, and she kept hanging on to the door all the time, that she was up—I don't know where she had hold of it, but she had hold of the door, and as she fell, the door went shut or pushed shut and her head and neck somewhere hit the running board and she rolled off on the left of the machine, and that was as near as I know about it



and that is all I can remember of hitting her. I am sure that I didn't hit her but three times in the machine and once when she got out, and I can't imagine any more licks with the hammer than that, I couldn't straighten up, and next thing I knew I was sitting on the running board of the machine, doubled over with my elbows on my knees.

Q—Now, at any time that night out there when you struck the first, second, third or last blow I will ask you whether, Dr. Snook, you intended at all to kill Theora Hix?

Mr. Gessaman—I object. That has been answered once.

Mr. Seyfert—Only as to the first and second blows now, gentlemen.

The Court—All right; overruled.

Q—Answer the question, Doctor. A—Read the question.

(Question read.) A—I don't know. (Witness cries.)

Mr. Chester—Let us take a recess.

The Witness—Heavens knows; she was a good friend of mine. I never thought she would do it—that I would do it.

(Answer read.)

Mr. Chester—I want that in the record, though.

The Court—It stays as it is, certainly. We will take our recess at this time. Bear in mind the usual admonition, members of the jury.

Q—Doctor, what did you do after you found yourself on the running board of the automobile? A—Why I was sitting there stooped over and crying, tears running down my face. I saw the girl laying there and I spoke to her and I didn't get any reply, and I raised up and looked around, and that is the first time I realized somebody might come around there so—I don't know just how I got in the machine, but I got in and hurried away.

Q—How far from the place where you were sitting on the running board of the car was the body of Miss Hix lying? A—Oh, just within three or four or five feet; in plain view.

Q—Doctor, now after you got in the automobile where did you drive to? A—I started for home.

Q—Which way did you drive off of the range? A—I only knew one way and I went out the same way I came in.

Q—Doctor Snook, I will ask you whether or not—I will withdraw that question. Which way did you drive from the range, Dr. Snook, to your home? A—I don't know whether I went up or down after I crossed the bridge. I remember coming to the bridge and as I turned the corner I put my hand over and touched the purse, and I realized I should not take it home, and I threw it out.

Q—Where was the purse lying, Doctor, at that time? A—Right—some place there on my right on the seat.

Q—What became of the hammer, if you know, at that time? A—I don't know then.

Q—I will ask you whether or not if you know what became of any knife that you might have had on your person? A—I don't know.

Q—Now, Doctor, what time would you say that you arrived home? A—I have no definite way of knowing except I made my usual trip to get a paper and the same number of papers were there that are usually delivered about 9:30. I thought it was around anywhere between 9:30 and 10:00.

Q—Where did you park the car with reference to your home after you arrived at that place? A—In the garage.

Q—What then did you do, Dr. Snook? A—I don't know much about it. I went in the kitchen way and hung my coat up and I sat down to read a little bit, but I didn't read. I laid the paper there

without opening it up, just looking at the first page. Then I came back to the kitchen and tried to fix up a bite to eat.

Q—Doctor Snook, if they found any powdered cantharides in the stomach of Theora Hix, I will ask you whether or not you gave her anything containing powdered cantharides? A—I certainly did not.

Q—I will ask you now whether, if they found cannabis indica by the analysis of the contents of the stomach of Theora Hix, whether or not you gave her the cannabis indica in any way, shape or form? A—I did not.

## CHAPTER VII

### Cross-Examination

By Mr. Chester:

Q—Doctor Snook, do you remember the statement that you made to the newspaper men? A—Some of them, yes, sir.

Q—Do you remember the statement that you made to them in which you said you did not want to hide behind a woman's skirts?

The Court—Too much noise back there.

The Witness—No, sir; I never used those kind of words.

Q—I see. Now, do you know what a Steinach operation is?

A—What is that word again?

Q—Steinach, S-t-e-i-n-a-c-h? A—I do not.

Q—Do you know what a bisectomy is? A—Yes, sir.

Q—Did you ever perform a bisectomy? A—Yes.

Q—Upon yourself? A—Yes, sir.

Q—And was the operation successful? A—I don't know. It seemed to help some.

Q—Explain to the members of this jury what a bisectomy is. A—A severing of the duct that leads from the testicle up to the upper part of the ejaculatory duct that carries spermatazoa from the testicle up.

Q—What is the purpose of performing a Steinach operation or a bisectomy? A—To cause atrophy of the testicle and relieve any sensation or any enlargement of it.

A—There are two results of the operation, one is it prevents spermatazoa from passing out and naturally would prevent

conception, and the other is it causes atrophy of the testicle and it goes up farther and gets out of its usual position.

Q—What do you mean atrophy of the testicle? A—Gets smaller.

Q—Makes it smaller? A—Yes, Sir.

Q—Now, the bisectomy that you performed, was it entirely successful; did I ask that?

Mr. Seyfert—No.

Q—Well, answer the question at any rate? A—Partly so.

Q—Partly so. What happened; what do you mean partly so? A—Will you permit me to explain why I did it.

Q—No, I am asking you what happened right now. A—Well, the right one was already small and it made it smaller, and it pulled it up farther so that it didn't come in contact with the trousers that I wore that were made to dress on the opposite side.

Q—Now, you may go ahead and tell them why you performed that operation upon yourself. A—I had mumps several years ago and the right testicle was apparently more sensitive than usual.

Q—Is that the only purpose? A—The only purpose.

Mr. Seidel—Let him finish the answer.

A—And I talked to a friend one time at a race track who came from Indianapolis and I was complaining about it, and he said, "Why don't you have it operated and it will make it smaller and probably get it out of the way," and I told him all my clothes that I had made dressed on the wrong side, and the operation was a very simple one and I did it on this one side only, the side that already was small, and it seemed to make it come up higher and I could wear those trousers with less discomfort.

Q—Where did you make the opening, Doctor? A—Just

through the skin on one side of the scrotum.

Q—On one side of the scrotum? A—Only, yes, sir.

Q—And that is your sole and only reason—you have given to this jury now your sole and only reason for performing that operation? A—Yes, sir; because it was only on one side, only.

Q—I see. Now, why did you do it upon yourself? A—Because I knew how and it is a very simple operation to do.

Q—You knew how and it is a very simple operation? A—Yes, sir.

Q—So you just did it upon yourself? A—Yes, sir.

Q—Instead of going to a regular surgeon to have it done? A—Yes, sir.

Q—In the letters that you wrote to Theora Hix, did you sign them? A—I guess so.

Q—Doctor, isn't it a fact that you used a girl's name practically all the time? A—No. I know once I used Jack because that was an old nickname of mine, and I used—I think I signed Janet one time because we had mentioned that name in our talk, somewhere in our discussion.

Q—Is that the only girl's name you ever used, Doctor? A—That is all I can recall now.

Q—Now, Doctor, I want to read a part of this letter: “Now to come to the sad part of the letter. There is a chance that I will not be able to come up. And if I do come up, may not be able then.” Underscoring “may not be able.” “You recall that I showed you a little place and had you feel it, and which, if severed, would prevent possible trouble. Well, I have been wanting to snip them both for some time, and that was the plan that I had in mind when I wrote you of a plan that would carry over last week-end and this one, too. Well, that was it. So, thinking that this was a good time

to try, I did fix the little one only, did it soon as I came back. It was simple and easy, and all went well until Friday. I went out to the Golf Club to sit around, as there wasn't much else to do. I got coaxed into a little putting contest on the practice green in front of the clubhouse, which you may remember. Well, I got a little warm and was wearing the larger thing, like the little one that I showed you, and it was put on tight and rubbed me in two places right where it should not have done so for best results. Swelling occurred yesterday and an annoying pain, worse in the evening and not any better today, although the pain is less. The pain feels just like a long sharp, smooth ice-pick was started down there and passed quickly to the point where you had a pain that I rubbed, just at intervals, but so quick and disconcerting. It will probably subside now with careful treatment of ointment packs and heat, but any disturbance down there always seems to be slow to recover, because the parts are pendent and congestion is so easy. I don't think it will bother long, but then Friday is not far off. So then I am in doubt. I am so sorry for both of us. But don't give up until I write you again. It is best that I keep quiet, off my feet and avoid certain excitement. Am doing the best I can and all may be well by Friday. Will keep you informed daily and you can see what is coming." A—Perfectly true.

Q—Doctor, did Theora Hix ever express regret to you that she had ever started to have sexual intercourse with you? A—I cannot just say that she expressed regret that she had started with me.

Q—Doctor, did Theora Hix ever express regret to you that she had ever started to have sexual intercourse with you? A—I cannot just say that she expressed regret that she had started with me, but she expressed regret about starting and about keeping it up.

Q—I see. A—And I cannot say how many times, but I know she talked about it.

Q—She did talk about it? A—Yes.

Q—She was sorry, wasn't she? A—Oh, yes.

Q—Tuesday—it is dated at Columbus, Ohio, July 5<sup>th</sup> or 9<sup>th</sup>, I am not sure which. It is 11:30 p. m. o'clock, 1927, and addressed to Theora Hix at Devon Hall, Cleveland, Ohio.

A—Did it come out of that envelope?

Q—It did. A—It did.

Q—Wait a minute, I am asking you questions. This letter reads as follows:

“Tuesday, One P. M.

“My Dearie:

“Your Monday morning note just received, am sorry you are so opposed and that it is affecting your digestive department. I know exactly what you mean as I have been that way ever since you left except the two days in Cleveland. I am surprised to note that you put your entire condition of forlornness and turbulousness on the one thing, and—now in quotation marks—“wish you never had”—end of quotation. “You once told me that you would never say that.” Underscored, “You would never say that.” “Neither do I believe it. You simply are alone and there, alone there, and that is new for you, especially in the past year, being alone, gives you time to think of the other. I could be contented just to be with you, omitting special features, and think you could also. I hope you will reconsider and can blame conditions rather than just the other.” Is that correct? A—I don't know definitely, something of that sort.

Q—“My Dearie: Awakened early about seven and of course thought of you at once. Wondered how tough it makes one feel for



you to awaken, turn over, reach before opening your eyes, and found no one"—underscoring the one there. "I know because I did it yesterday. 'Tis awful. Rustling through papers last night and saw a funny that tickled me and you can appreciate it." Quoting "Button Buster—I have heard it slightly different. It is told that they snap off and put out the other fellow's eye. However, they come from lower down and entirely different cause, so beware if you are the cause, either stand very close or a little to one side." Is that what you wrote when you got back from Cleveland that time? A—I don't recall that.

Q—Doctor, did Theora at any time refuse or not want to have intercourse with you? A—Yes, I think so.

Q—On many occasions? A—Oh, no, just—

Q—But at some times she didn't want to have intercourse with you, did she? A—Well, during her menstrual period twice I recall and another time when she was going somewhere in a hurry.

Q—Now, Doctor, I will ask you if you said this in a letter, "And I never had such a joke as when I closed the door, clicked the key and reached for you; a long trip, all anticipation, no chance soon again, and I was greeted with a 'No; I don't want to muss my hair,' and then 'I am hungry.' Can you imagine anyone doing that? And further to sit quietly through a show for three hours more." Did that happen? A—Yes, sir; that is true.

## CHAPTER VIII

### Friday Morning Session

Q—Doctor, coming down to the night of June 13, 1929, where was it and what time was it that you first saw Theora Hix that evening? A—Very close to eight o'clock.

Q—Now, Doctor, you drove on out then to the Rifle Range; did you make a stop on your way out? A—Yes, sir.

Q—Where? A—At the Scioto Country Club.

Q—At the Scioto Country Club? A—Yes, sir.

Q—Then after that you went on out to the Rifle Range? A—Yes, sir.

Q—Which entrance did you go into, Doctor? A—I only knew of one entrance then and that was the farthest one up the road.

Q—After you drove over into the field, 40 or 50 yards, then what did you do? A—Stopped the machine, stopped the engine.

Q—Stopped the engine, turned your lights out? A—Yes, sir, before that.

Q—Oh, you had done that before that? A—Yes, sir.

Q—Then what did you do, then, Doctor? A—Well, we looked around and I thought there was no one close about, and she said that would be all right.

Q—That what would be all right? To stop there.

Q—All right. A—And then we proceeded to have intercourse there in the machine.

Q—In the machine? A—Yes, sir.

Q—All right. Now, Doctor, go ahead and describe the manner in which you had sexual relations in that Ford coupe. A—

Well, Miss Hix sitting on the same seat which she rides on—

Q—That is on the right side of the car? A—Right side, yes, and—

Q—The pedals and the wheel and everything are on the left side of the car, aren't they? A—Yes, sir.

Q—I see. Now, Miss Hix was on the right side of the car? A—Yes, sir.

Q—All right, now, go right ahead. A—Well, I faced her in that position on my knees, and she sat on the edge of the seat.

Q—Let's see; you were on your knees on the floor of the Ford coupe? A—Yes, sir.

Q—On the right hand side of the Ford coupe? A—Yes, sir.

Q—And she was sitting on the edge of the seat? A—Yes, sir.

Q—And it was in that manner that you had sexual relations, was it? A—Attempted to, yes, sir.

Q—Attempted to? A—Yes, sir.

Q—Well, you said yesterday you did have sexual relations. A—Well, did have, yes.

Q—And in that position were you able to make connections with her? A—Fairly so, but it was unsatisfactory.

Q—Fairly so? A—Yes, sir.

Q—You were able to make an insertion, were you, at that time? A—Yes, sir.

Q—And your knees were on the floor? A—Yes, sir.

Q—And she was sitting on the seat of the Ford coupe?

A—On the edge of it, yes, sir.

Q—On the edge of it. Why didn't you get out of the car and take that blanket with you and have intercourse on the ground, Doctor? A—One reference in going out was to try out the

machine; that was the first time we had ever tried it in this machine.

Q—Then you were playing; everything was fine and you were just experimenting and playing around that way, were you, Doctor? This was an experiment in other words, is that what you want this jury to believe? A—No, it is not.

Q—That is the mood that you were both in, was just an experiment? A—Reference was made to that on our way out, instead of going to the room.

Q—Then you completed that, didn't you, your experiment? A—It wasn't an experiment, I know. We completed the intercourse the best we could.

Q—Well, if it wasn't satisfactory in that position, why didn't you get out and take the blanket and spread it on the ground and have intercourse on the ground? A—Well, I don't know as to why.

Q—Did you have to squirm around and work a whole lot when you were trying to get in position there? A—Naturally, in the machine.

Q—It required quite an effort, didn't it? A—Yes, indeed.

Q—Was the right door of the coupe open or closed? A—Open.

Q—It was open. Where were your feet, Doctor? A—Well, I don't know as to that.

Q—Were they out the door or were they inside of the coupe? A—One of them would be out; one of them had to be out.

Q—One of them had to be out? A—Yes, sir.

Q—Well, now, was it out or was it in? A—It was.

Q—Don't reason the thing out, tell us from your memory what happened. A—I can't remember details right then.

Q—You can't remember details of what happened then.

Was your right foot out or your left foot out? A—Left foot.

Q—Your left foot was out of the car and your right foot, was it out or in? A—It was in.

Q—It was in the car. Where was it, Doctor? A—Pushed up around the pedal, as best I know.

Q—Doctor, what became of Theora Hix's legs at that time, did they go down through the floor or what that happened to them?

A—They were elevated, to the best of my knowledge.

Q—Elevated to what or where? A—Simply held up.

Q—They were simply held up? A—Yes, sir.

Q—She held her legs up in the air? A—Yes, sir.

Q—I see. All the time that you had intercourse with her?  
A—Well, partly.

Q—Partly. Did she put them down at any time? A—Well, moved them around, couldn't put them down. That was what made it unsatisfactory.

Q—Oh, she couldn't put them down? A—No.

Q—Well, did she put them down? A—No.

Q—Don't reason the thing out, give us your memory of what happened. A—Well, they moved around and that is about all I can tell you as to details.

Q—You simply got out from under the wheel and over onto her? A—Yes, sir.

Q—In that position, as you have described? A—Yes, sir.

Q—Now, Doctor, after that was over, did you have an orgasm at that time? A—Well, just about half way.

Q—About half way. Did she have an orgasm at that time?  
A—Well, they both seemed to start about the same time. We didn't have a prophylactic tube and I did the best to help her finish and then quit before there was any trouble started.

Q—Did you have an orgasm, Doctor? A—Well, partly, yes.

Q—Partly. Was that before you withdrew or afterwards? A—Well, just about the time of withdrawal.

Q—Just at the time that you withdrew? A—Yes, sir.

Q—Now, Doctor—but you say she did have an orgasm at that time? A—Well, just about finished, yes, sir.

Q—All right. Now, after that, Doctor, what did you do? A—We resumed our positions in the car as we had before in driving.

Q—All right now, what was the remark that you made yesterday that she said after that conversation? A—Well, I started the engine then.

Q—And she turned it off? A—She turned it off and said, “We are not going now,” something to that effect.

Q—Wait. What was the remark that you made yesterday that she is supposed to have said about helping her out? A—Well, that was after she had turned off the engine.

Q—Yes. A—And then she said—

Q—What was that remark? A—“You have got to help me out.”

Q—“You have got to help me out?” A—Something to that effect, yes, sir.

Q—Now, did she elaborate on that in any way, shape or form? A—Well, it was either just before or just after when she said, “You are not going home over the week end;” and I don’t know just when that came, whether it was before or after, but it was just there in that same conversation, she said, “You are not going home over the week-end;” and then nothing was said for a little bit.

Q—All right. A—Then she remarked, “You have got to

help me out.”

Q—Now, Doctor, before we come to that, what kind of underclothing did the girl have on that night? A—I don’t know as to details, but it is some kind of a silky garment, I remember, and made up in that way.

Q—How did it fasten or how did she unfasten it? A—She pulled it loose from one side or the other, I don’t know which.

Q—She pulled it loose from one side or the other? A—Yes.

Q—Did she fasten it up then, Doctor? A—I assume so. I don’t know.

Q—Did you see her? A—I saw her working at her clothing. That was all.

Q—Was she working at her clothing? A—Yes.

Q—That was all? A—Yes, sir.

Q—Doctor, this is the underwear that she had on at that time, isn’t it? A—I don’t know.

Q—This is the underwear she had on that time, isn’t it, Doctor? It fastens up— A—She wore garments of that type, yes, sir.

Q—It fastens up the left side by means of snaps? It is tight around her leg and there is a tight connection between the legs, isn’t there, Doctor? A—There is on that, yes.

Q—Now you say she then buttoned up her clothing? A—She adjusted them. I don’t know what she did—at the same time I did mine.

Q—She adjusted them at that time? A—Yes.

Q—I see. Then, Doctor, she said that “You have got to help me out,” didn’t she? A—Yes, sir.

Q—Then, Doctor, what was the next move she made? A—

She grabbed for me and started to go down, holding the buttons open and unbuttoned my trousers.

Q—She grabbed for you? A—Yes, sir.

Q—What movements did she make now, Doctor? Tell us in detail just what she did? A—She pulled my right leg over, pulled them apart, and then down on her knees, went right down that way with her head.

Q—Now, Doctor, how long was this after you had had the orgasm about which you told us a moment ago? A—Probably five minutes.

Q—What condition were you in at that time as to being either erect or soft? A—It was not erect, no.

Q—It was not erect? A—No.

Q—Did she open your trousers? A—She did.

Q—All the way? A—Clear up to the belt.

Q—And then did she reach in after your penis? A—She did.

Q—Then did she get down on her knees in the bottom of the car? A—Right down on her knees; on one knee and turned around that way and pulled me around to the side towards her.

Q—Oh, she pulled you around to the side towards her? A—Yes, sir.

Q—Now, she pulled you around to the side? A—Pulled my right leg around, yes, sir.

Q—Did your left leg remain where it was? A—Oh, approximately so.

Q—And the steering wheel, what became of it? A—It was still there.

Q—It was still there? And then she proceeded to go down on you at that time? A—Yes, sir.



Q—Did you resist? A—No, I did not.

Q—You did not? What did you do, Doctor? A—Well, it seemed to satisfy her previously to do that, and I knew about it, and she said I would have to help her out, and she proceeded to help herself, and I didn't do anything just then.

Q—Then, Doctor, what did you notice right after that? A—Well, she got rough about it. That is the main thing.

Q—She got rough about it? Did your penis get erect in the meantime? A—No.

Q—It did not? A—No, because she bit too hard and that is what—

Q—Wait a minute now. Before the time that she bit you, did your penis get hard? A—No.

Q—It did not? A—No.

Q—It was not hard at any time after that, was it? A—No, sir.

Q—Then what did she do? A—Then she grabbed—

Q—Wait a minute now. She bit you, I think you said just a moment ago; is that right? A—She bit me several times, but she bit too hard right in the beginning.

Q—She bit too hard right in the beginning? A—Yes.

Q—Did she bite you then several times after that? A—Continued to bite, yes.

Q—Now, Doctor, did she make any scars upon you? A—Well, not particularly scars that I know of, but it was enough to bruise it and hurt.

Q—Did it bleed? A—No, sir.

Q—At any time? A—No, sir.

Q—Are you sure of that? A—I am not real sure, I don't think it did.

Q—You saw yourself after that? A—I don't remember seeing any hemorrhage around there.

Q—No blood at all was there, Doctor? A—No, sir.

Q—Then after she bit you, then what did she do, Doctor? A—Well, when she first started she bit me and then reached in with her hand and took hold of the scrotum.

Q—She took hold of the scrotum? A—Yes.

Q—What did she do with it after she took hold of it? A—She pulled and kept on biting, doing her best to help herself, the way she had done before.

Q—Had she done that same thing before, Doctor? A—Yes, sir.

Q—She had bit you before? A—No, I mean getting hold of it and moving it up and down.

Q—What she did was to move the scrotum up and down? A—Yes, and to move her mouth up and down on the penis.

Q—I see. Then did that hurt, Doctor? A—Yes, indeed.

Q—What hurt? A—Both the bite and the pull, when she pulled too hard, and squeezed.

Q—Had she ever hurt you before? A—Not much.

Q—Had she ever hurt you any before? A—Just a little.

Q—Then what did you do when it began to hurt? A—Why I attempted to push her head away.

Q—You attempted to push her head away? A—Yes.

Q—What did she do then? A—She held on that much harder and that made it hurt worse.

Q—That made it hurt worse? A—Yes.

Q—Then what did you do? A—Then I reached underneath and tried to choke her.

Q—Then what did you do? A—Well, I couldn't get ahold

to choke her and then I pulled her head in closer. The closer in I pulled it, the easier it seemed to be.

Q—Let's see. You said you couldn't get ahold of her to choke her? A—Yes.

Q—Why, Doctor? A—She was right down here between my knees.

Q—She was right down here between your knees? A—Yes.

Q—And you couldn't get hold of her neck? A—I couldn't get down around to get hold of her to choke her.

Q—And then what did you do? A—Well, I pulled her head close in; that seemed to ease it up so that she could not hurt me.

Q—Then what did you do? A—Well, it was just about that time that I twisted this position, trying to get up so that I could get loose and that hurt still more.

Q—Twisting which way? A—I pushed myself down and trying to get my knees apart so that I could get in here and grab hold of her arm and I couldn't pull—

Q—What were you doing with your legs all of this time, Doctor? A—Just there, I was not doing anything.

Q—Didn't move your legs at all; did you just leave your legs perfectly still; what did you do with your feet all of that time, Doctor? A—Oh, I imagine I was kicking around, but I don't know.

Q—Now, you imagine that you were, but you don't know? A—No.

Q—Your feet were kicking but your legs were still, weren't they? A—Well, I don't know a thing about that part of it, the detail.

Q—You don't know a thing about that. All right then, after that, what occurred, Doctor? A—Well, I simply held her head in

close and kept telling her to quit, asked her to stop, but she didn't do it and she kept on pulling and then she pulled hard on the scrotum.

Q—What were you doing with your hands at that time?

A—Pulling her head close to me.

Q—I see. Then what else did you do? A—Then is when I reached up for the hammer and hit her with it.

Q—You reached back of the seat back of you right like this? A—Right up to my right.

Q—Right up to your right, and you got the hammer? A—Yes, sir.

Q—All right, then you hit her on the head? A—Yes, sir.

Q—With the hammer? A—Yes, sir.

Q—Then, Doctor, what did you do? A—She let loose about that time and I had her by the arm and I twisted her arm around now to make her—

Q—Wait a minute, let's see, she let loose about that time? A—Yes, sir.

Q—And then what did you do? A—I grabbed her and then I twisted her arm.

Q—How did you get hold of her?

Mr. Seyfert: Let him answer the question.

Q—How did you get hold of her arm? A—With my hand.

Q—With your hand now, which hand did you get hold of? A—Well, it was the hand—let's see, be the one on the—that would be the left hand.

Q—Why do you stop and figure it out, don't you remember which hand you got hold of? A—No, I remember which to the door and to get hold of the seat—

Q—You figured out which hand you could get hold of,

didn't you? A—I twisted it around to the—

Q—Which hand did you take hold of? A—It would be the left hand.

Q—All right now, Doctor, show me just how you grabbed her hand? A—Like it was right down in this manner. It was down like this, around there.

Q—Show me how you got hold of her? A—I got hold of her hand and twisted right up over—

Q—Oh, you had her hand up between you and her? A—I grabbed this hand when she came up and whirled her around.

Q—Then you grabbed her by this and to throw her right up in the cushion. Go ahead and push me, take that wrist and take me on over—take that wrist— A—And right up around this way.

Q—Go on—well, push me right up like that? A—Well, there is no cushion.

Q—Well, just throw me right around, you needn't to worry about me, you could not hurt me? A—That is all there is about it, give me—

Q—Go on. A—You are big, you are stout.

Q—You threw her right around with that one wrist and threw her into the seat, didn't you? A—This position. (Indicating.)

Q—And she came right on around? A—She came right on by me.

Q—And you lifted her up by that one hand, and threw her back in the cushion like that, is that it, Doctor? A—I didn't lift her up, twisted her in the automobile.

Q—You twisted her hand? A—Back into that seat.

Q—She was down on the floor in front of you? A—And she came up.

Q—You used an expression yesterday that you almost

twisted her arm off; did you use plenty of force at that time? A—I used all I had.

Q—All the force that you had at that time. Then she was up in the seat beside you? A—Yes, sir.

Q—How long do you suppose it was that she stayed in that seat? A—No time at all, just right up there.

Q—Right up in the seat? A—Yes, sir, a very instant.

Q—A what? A—Just an instant, just up there for an instant.

Q—Then what did she do? A—Grabbed her purse and said, “Damn you, I will kill you now.”

Q—Now, Doctor, I think you said the door was shut all of this time? A—It was closed; it may not have been latched, but I am sure it was closed.

Q—It was closed? A—Yes, sir.

Q—And then she reached for the pocketbook? A—Yes, sir, she reached around to grab that.

Q—Where was that? A—That was to her right, or back of her.

Q—Up on the shelf back of her? A—I think it was on the shelf, because she turned her back to me to get it, and it was up on the—

Q—All right, you were sitting here in the one seat. (Here prosecutor places two chairs side by side in front of jury box.) Now you take this chair over here, Doctor? A—(Here witness does as requested.)

Q—Now, you were sitting there in that chair, weren’t you, and the steering wheel was in front of you? A—Yes, sir.

Q—Right there, Doctor. Well, Doctor, the door is shut here. A—Yes, sir.

Q—And she turned around and reached up here and got the pocketbook, is that correct? A—Yes, sir.

Q—All right, then what did you next do? A—Well, I don't know just the next move because I was doubled over there and with pain, and I know that she turned her back to me, and I didn't realize what was happening until I saw her slipping out of the door.

Q—When you saw her, did you see her open the door? A—I think the door was open; it went open somehow.

Q—The door got open some way or other? A—Because it opened, I think—

Q—Now, she was sliding out of the door, you say—you used that same expression yesterday; what do you mean by that? A—Well, she started to get out and slid right off of the seat on—

Q—Slid right off of the seat kind of like that? A—Edgeways, to the right of the door—

Q—Right out through the door that way? A—Yes, sir.

Q—And then what did you do? A—Well, I couldn't realize what was coming off, in a little bit, I straightened up and saw her and then I knew that she had the purse. I thought then instantly that she was going to shoot at me.

Q—Now, let's see, she had gotten the purse, she had turned around and gotten the purse; she was over here, (indicating) and she had one hand there and opened the door and after that, you saw her sliding out of the car, and you realized then that she had the purse? A—Yes, sir.

Q—In her hand, is that correct? A—Yes, sir.

Q—Then what did you do? A—I grabbed for her.

Q—You grabbed for her; now, I am getting out of the car; how did you grab for her? A—Well, I grabbed her, or I grabbed and pulled her back.

Q—Pulled her right back in the car? A—Yes, sir.

Q—Right back into the seat? A—Yes, sir.

Q—What had become of the hammer all of this time? A—I had hold of it or else it was right on the seat.

Q—You had kept hold of the hammer all of the time? A—Yes, sir.

Q—Had it right in your right hand? A—Yes, sir.

Q—All right then; what did you do when you put her in this position? A—She kept sliding right on down so that her head was lower than this—

Q—All right then, what did you do? A—I grabbed her over the face.

Q—You grabbed her over the face with your hands? A—Yes, sir.

Q—And pulled her back in? A—Yes, sir.

Q—And then what did you do? A—She kept on sliding and I hit her over the head.

Q—And she kept on sliding down and you hit her over the head? A—Yes, sir.

Q—Where was the pocketbook at that time? A—I don't know.

Q—Did she have it in her hand? A—Started out with it.

Q—Did she have it at this time? A—I don't know.

Q—Had she dropped the pocketbook yet? A—I don't know.

Q—Where did you find the pocketbook? A—Well, I am not sure whether it was on the running board or on the ground.

Q—Did you find it? A—I picked it up after I had sat upon the running board for a while.

Q—You picked it up from where? A—Well, I don't



remember whether on the ground or on the running board.

Q—Either on the ground or on the running board? A—Yes, sir.

Q—Doctor, you hit her on the head how many times while she was in this position and you had your hand over her face? A—As near as I can recall, two or three times.

Q—You hit her two or three times. Then, Doctor, what happened? A—She went on clear on out.

Q—Then she fell down on the ground? A—She slid down.

Q—Clear down on the ground? A—Yes, sir.

Q—Is that correct? A—Yes, sir.

Q—What did she do when she got down on the ground, Doctor? A—Well, I came right on out.

Q—You followed her out? A—I followed her out.

Q—Right out the car, didn't you? A—I couldn't get on my feet so I was right on out there, following her on the ground by her.

Q—With the hammer in your right hand? A—Yes.

Q—And then what did you do? A—Well, I was back here when we got up, that is, she was hanging on to the door or hanging by the door, and I was back of her toward the back of the machine, I mean.

Q—Then what did you do? A—Then I tried to look for the purse, I reached for it and I went around to her right.

Q—Now, let us get this thing straightened out, now; she was laying on the ground down here beside the car? A—Yes, sir.

Q—Right the side of the door, the door of the car was open? A—Yes, sir.

Q—And then after, when the door of that car was open and she was laying on the ground, you followed her out of the car and you were both on the ground at the same time, is that right? A—

Practically so, yes, sir.

Q—Then what did you do, Doctor? A—Well, we both got up or was getting up, she came to—

Q—Well, what do you mean you both got up? A—Well, got on to our feet.

Q—Got on to your feet? A—Yes, sir.

Q—Well, both stood up then? A—Yes, sir.

Q—Then what did you do, Doctor? A—Well, I was after the purse and she turned with her face toward the car from me, and I went around to the right side after it somehow.

Q—You walked around to the right side of her? A—I was grabbing for it, she kept turning from me.

Q—All right, I see. Then what did you do, Doctor. A—Then is when I hit her on the side of the head.

Q—Then you hit her on the side of the head? A—Yes, sir.

Q—Whereabouts on the side of the head, Doctor? A—I don't know.

Q—You don't know. How many times did you hit her, Doctor? A—Once to my knowledge, that is all I could remember.

Q—One blow, and was that the one that you described to the reporters as the one really hard one? A— I think it was, because I didn't hit her very hard in the machine. It seems as though I couldn't hit hard.

Q—I see. Then after that, Doctor, what did you do? A— Well, that is when she fell, and then the door went shut and she fell so she hit the running board of the machine.

Q—Now, let's see. When you hit her this time you were standing up looking for the purse; she was standing up and you hit her on the side of the head a real hard blow? A—Yes, sir.

Q—Then it was that she fell down, is that right? A—Yes,

she fell back then against the running board of the machine.

Q—Fell down against the running board of the machine; then what happened, Doctor? A—Well, she rolled from the machine toward the left; she rolled away from it.

Q—She rolled away from the machine? A—Yes, sir.

Q—Very far? A—Oh, as near as I can make it, it was about three or four, 4 or 5 feet, something like that.

Q—She rolled over sideways over and over like this? A—Yes.

Q—And then what did you do, Doctor? A—Well, that is what I don't know, and that is the only time that I can remember hitting her was that one hard one when she fell out of the machine.

Q—That is you don't know what you did from that time on? A—No, I don't. I know that I doubled up and was sitting on the running board of the machine holding my scrotum with both hands.

Q—That is, that is the next thing that you know? A—Yes, sir.

Q—You don't know what you did in the meantime? A—No, I do not.

Q—Now, Doctor, over at police headquarters, what did you tell me and Chief French and Chief Shellenbarger and the rest of them there at that time that you did? A—I told you the same story up to that time, and that is as near as I could tell them, and I wouldn't believe that the girl was hit over five times.

Q—You told us the same story? A—Five times, yes, sir.

Q—Did you tell us the same story that you have told here? A—Well, approximately so; of course, I may have had some little variation, but that is all I could give up to that point.

Q—You didn't say anything, Doctor, about your cutting her

throat? A—No, sir, I didn't know about that; I didn't know when. Phillips told me that. I couldn't tell him anything about it—

Q—I am not asking that. I am asking what you told in my presence, in Chief French's presence, in Chief Schellenbarger's presence, and in all their presences over there? A—I didn't tell anything more about that.

Q—You didn't tell anything? A—No, sir.

Q—That is your positive statement? A—I didn't know anything about that.

Q—You are not saying that you don't remember that now, are you; you are saying that you didn't say it, aren't you? A—Yes, I don't remember it so—

Q—Now, do you remember it? A—No, sir.

Q—Is that what you mean to say, that you don't remember telling us that; is that it? A—Well, I didn't tell you that because I didn't remember it.

Q—Now, then, the statement is positive that you didn't tell us that at that time, is that it, Doctor? A—Yes, sir, yes, sir.

Q—And if we say that you did say that, we are liars, aren't we? A—Yes, sir.

Q—Doctor, did you get hurt in any way, shape or form outside of the injury that you have described? A—Which injury?

Q—The injury to your person? A—Well, I was hurt on the scrotum, that is, I was pulled and pinched that way and hurt, and then the bite on the penis is all, and two or three bruises, one on my arm and one on my leg.

Q—One on your arm and one on your leg? A—Yes sir.

Q—Those are the only marks that you had on you in any way, shape or form; is that right? A—The only ones that occurred there. My hand had been hurt the day before, and it was still sore.

Q—It was still sore? A—Yes, Sir.

Q—Doctor, did she, at any time, have any instrument in her hands whatsoever outside of the pocketbook? A—No, sir.

Q—None whatever? A—That I know of.

Q—None that you know of. Now, then, after that, Doctor, you got in your car? A—No, I was sitting on the running board of the machine.

Q—Well, after you were sitting on the running board—  
A—Stooped over there, and then I spoke to her and she didn't answer me.

Q—What did you say to her at that time, Doctor? A—Oh, I just called to her; I can't tell what words I said, but I just said, "Come on," or "Let's go," or something like that. I can't remember the words but I made some expression to her.

Q—You said something; you have a distinct recollection of that? A—Yes, sir.

Q—Did you call her name? A—No, I never did call her by name.

Q—Now, tell us what you said. A—I don't know.

Q—You don't know what you said? A—No, sir.

Q—You don't know what you called her? A—No, sir.

Q—But you are positive you did call her? A—I said something to her, and she didn't move.

Q—She didn't move. Then what did you do? A—Well, I realized then that I might—somebody might come in there, we might be seen or something of that kind, and I got up and looked around.

Q—Yes. A—And the purse was either on the ground or on the running board and I threw it in the machine.

Q—Did you examine the purse at that time? A—I did not.

Q—You did not. Was the gun in the purse at that time?

A—I don't know.

Q—You don't know? A—No, sir.

Q—Doctor, do you remember making the statement to me when I asked you the same question over in Chief French's office, that you examined the purse and that there was no gun in it? A—No, sir, I didn't.

Q—You don't remember that statement. Did you make that statement? A—No, sir.

Q—Did not; in the presence of Chief French, Chief Shellenbarger, Detective Phillips and Officer VanSkaik and myself and Deputy Sheriff Paul? A—No, sir.

Q—Didn't you make that statement at that time? A—No, sir.

Q—You are positive that you did not? A—Positive.

Q—Now, after that, after you had examined—or after you had picked up the purse at any rate, what else did you do? A—Well, I clambered in and drove away.

Q—Did you go over and look at Miss Hix? A—I didn't look after I was sitting on the running board, I think. I spoke to her and then I realized about what had happened, and that is when I got scared.

Q—Doctor, did she answer you when you spoke to her? A—She did not.

Q—She did not. Why did you leave then, Doctor, without knowing what her condition was? A—Well, I was scared and I was afraid someone would come in there.

Q—Scared of what? A—Well, I seemed to be scared of everything around there.

Q—Scared of everything? A—Yes, sir.

Q—Scared of your shadow? A—Yes.

Q—Anything else that might happen? A—It seemed as though I was uneasy about something all the time I was out there.

Q—I see. You knew you had hit her on the head with the hammer, didn't you, Doctor? A—Well, I knew something like that had happened, yes, sir.

Q—And you knew that you had hit her three or four times on the head with a hammer, didn't you, Doctor? A—Yes, sir.

Q—And you knew you had hit her one real hard one, to use your own words, on the head with a hammer, didn't you, Doctor? A—Yes, sir.

Q—You knew that the girl was lying there in the weeds, didn't you, Doctor? A—Yes, sir.

Q—And yet you drove away without seeing whether she was dead or alive? A—Well, I spoke to her and she didn't move or didn't answer.

Q—So that you knew she was dead, didn't you, Doctor? A—Yes, sir.

Q—You say yes, sir? A—Well, she didn't move and she didn't answer, so I—

Q—You knew she was dead then, didn't you? A—Well, I won't say I absolutely knew it, but since she didn't move and didn't answer—

Q—You took it for granted she was dead, didn't you? A—I assumed that was it, yes, sir.

Q—And you left the spot? A—Yes, sir.

***As this book comes off the Press the Verdict has not been reached.***

**Afterword:**  
**Night of the Dope-Crazed, Sex-Mad Coed**

The jury heard the explanation Snook gave in the foregoing testimony, but they weren't convinced. When testimony concluded a few days later, jurors returned a guilty verdict on the charge of first degree murder in less than half an hour. They would have been quicker but they stopped to pray for guidance first.

Consider: a guy in his mid-forties meets a young woman half his age. He's married, established, respected. She's single, adventurous, willing. What happens next is an old story. Totally predictable.

Up to a point, that is. Up to the end.

Is it surprising that the end involved a ball-peen hammer, a pocket knife, and the electric chair? Or is the greater surprise that



more tales of midlife shenanigans don't turn into bloody messes? I don't know. But there's no doubt James Howard Snook finished Theora Hix off with a flourish.

To me there have always been two fundamental questions about the Snook-Hix Affair: why did he kill her, and why did he do such a poor job of covering up his crime?

First question first.

Forget the testimony you just read. The story Snook told on the stand about protecting himself from Theora's vicious oral sex assault is a bunch of hooey. Snook was a pathological liar. He spun a new version of what happened that night on the rifle range just about every time folks turned around, each more self-serving than the last. His testimony was the fabrication of a cornered man. On the stand, he not only disowned some of the details of his confession a month and a half earlier, he denied ever having said them at all. The attempted revision of his earlier confession was because the admission that he beat her unconscious then cut her throat "to relieve her suffering" did not particularly support his claim that he killed Theora in self-defense.

Snook's most ham-fisted revision attempt came later, however, on the day of his execution. On February 28<sup>th</sup>, 1930, Snook released a signed statement that dismissed both his initial confession *and* his trial testimony while trying to parley his (long since exhausted) credibility into some kind of last-minute stay:

*I repudiate absolutely both the confessions that were wrung from me by the police and prosecutor by third degree methods and the story of perversion I gave on the stand which did not originate with me.*

*I do this knowing that it may not stay the hand*

*of the thing they call justice in this case, but instead for the purpose of correcting a wrong impression that an infuriated and incensed public has had of those involved.*

*There was no one else involved in her death. I did not premeditate her death. I did not intend to kill her. I was under great nervous strain and in a weakened physical condition and I cracked.*

*This is the true story. If I must go to my death, I want an unsympathetic public to know the facts.*

In these four short paragraphs, Snook manages to spew a remarkable amount of self-serving nonsense: he once again lodges a complaint about police interrogation methods; insinuates that someone else created the perjury-laden yarn he told at trial; snipes about the justice of his conviction; pretends to take responsibility by saying no one else was involved (there was never any question of that); denies premeditation; and floats a test balloon to see if anyone is interested in a retrial based on an insanity plea, given that his self-defense gambit failed so utterly. No one was buying.

So why did Snook kill Theora? Of course we can never fully know. Was Theora really jealous of Helen Snook? Probably not: it seems unlikely Theora was really so deeply invested emotionally in the doctor, given her sexual involvement with another man, Marion Meyers, at the same time she was running around with Snook. Was she spinning out of control due to a growing drug problem? This theory seems strained given that no one else noticed particular changes in her behavior, which was, according to the testimony of everyone but Snook, restrained and decorous. These issues get at the root of the problem, because to

know what motivated Snook we need to try to piece together what Theora was about. What was she thinking and feeling? What did she want? There is no one to speak for her except her killer. In the aftermath of the affair, most of her friends claimed to have known virtually nothing about her personal life. Whether this was true or not is beside the point. Their silence left Snook alone with a free hand to recreate her in whatever way suited his needs. Theora remains a riddle. She did not leave enough of herself behind for us to understand what happened to her.

So imagination and theory step in, as they must.

Snook was, if nothing else, a consummate egotist. The kind of threat he would have been most motivated by would be one against himself, not his wife. I imagine a more mundane threat than “I will kill you, too.” Probably something involving a humiliating public exposure, the loss of his job, and the wreck of his marriage. What was Theora trying to gain? Attention? Time? Affection? Marriage? Money? Or maybe simply her freedom from Dr. Snook? Impossible to say. In any case: she wants, asks. Perhaps she demands. He sees his control of the situation slipping away, sees his position, his home, his life, threatened.

Hammer time.

The second question, why a clearly intelligent man like Snook did so poorly in avoiding detection, has always puzzled me. There can be no doubt Snook, as both an accomplished veterinary surgeon and as a gold-medal winning Olympic marksman, had nerves like steel rods. Christ, the man performed a vasectomy *on himself*. But unfold a guy like Snook, shake him, turn him on his head and an answer starts to emerge. Confidence becomes over-confidence, self-control the illusion of control over others. He believed, as unaccountable as it seems in retrospect, that he'd

gotten away with it. He'd washed the knife, put the hammer back in the toolbox, and had someone clean the car. He even finished up that uncomfortable business with the landlady. He'd gone about it all calmly and methodically, just as you would expect of a meticulous man.

He didn't do nearly enough, of course. Too much remained. Blood traces. Scattered keys and strange stains. Unburned remnants in the furnace. Worst of all, people—people who could put him and Theora together. The Mrs. Smalley's of the world buried him. He simply did not count on that. He had blown it. Blown it early in the game, long before he realized it. By the time he discovered his miscalculation, it was too late. He was in too deep, left spinning whatever stories he could think of in order to avoid his just desserts.

Back to that jury and their quick verdict. A lot of head scratching has gone on over the years regarding whether the crime was truly premeditated or not. I've pondered it plenty myself. Certainly Snook's half-assed attempts to eliminate evidence show that he didn't really plan this, don't they? I used to think so. Now, I think they just mean that he didn't plan very well. I'll let legal historians debate whether Jack Chester and the prosecution team really earned the verdict of first-degree murder the jury returned with. I've become convinced that the jury got it right regardless.

There's a point in the testimony where Snook, I think, accidentally gives the whole game away. When asked by his attorney, Max Seyfert, if he intended to kill Theora, Snook breaks down and says, "Heavens knows; she was a good friend of mine. I never thought she would do it—that I would do it."

*I never thought I would do it.*

Not *I didn't mean to do it*. Not *I had no such intention*. Not *the idea of killing her never occurred to me*. Rather, *I never thought I would do it*. The grammar is wrong for a man claiming self-defense. To say that he never thought he *would* do it suggests that he had at least thought about the possibility: he'd thought about it, but doubted he would go through with it. Sounds like some degree of premeditation to me, even if a bit conflicted.

Incarcerated on death row, Snook had frequent talks with Preston E. Thomas, Warden at the Ohio Penitentiary. After Snook's death, Thomas reported that the doctor had admitted to him that the killing was premeditated while insisting that it was not "cold blooded." It's an interesting distinction: the kind of a distinction that might be made by a man who had thought about killing but didn't think he would go through with it...and then discovered in the heat of the moment that he really had it in him after all. According to Warden Thomas, Snook said that having made up his mind to kill his lover, he carried his hammer and knife with him "always" during the final week, waiting for an opportunity.

That night on the rifle range, it knocked.





