

idence I have listened to. I would say that indicated that digestion had been progressing less than an hour.

*Cross-examined.* Couldn't presume to say how long that cabbage lay in Mary Phagan's stomach; if it had been a live, healthy stomach and the process of digestion was going on ordinarily, it would be pulverized in four or five hours. It would be more broken up and tricleated than it is.

*Dr. John Funk.* Am professor of pathology and bacteriologist; was shown by Dr. Harris sections from the vaginal wall of Mary Phagan. They showed that the epithelium wall was torn off at points immediately beneath

that covering in the tissues below, and there was infiltrated pressure of blood. They were engorged, and the white blood cells in those blood vessels were more numerous than you will find in a normal blood vessel. Those conditions must have been produced prior to death, because the blood could not invade the tissues after death. I would say that under those conditions that the epithelium was torn off before death; would not express an opinion as to how long cabbage had been in the stomach, from the appearance of the cabbage itself. It is reasonable to assume that the digestion had progressed probably an hour.

#### EVIDENCE FOR PRISONER IN SUR-REBUTTAL

*T. Y. Brent.* Have heard Geo. Kendley on several occasions express himself very bitterly towards Leo Frank. He said Frank was nothing but an old Jew and they ought to take him out and hang him anyhow.

*M. E. Stahl.* Have heard Geo. Kendley, the conductor, express his feelings toward Leo Frank. He said that Frank was as guilty as a snake, and should be hung,

and that if the court didn't convict him that he would be one of five or seven that would get him.

*Miss C. S. Haas.* Heard Kendley two weeks ago talk about the Frank case so loud that the entire street car heard it. He said that 90 per cent of the best people in the city, including himself, thought that Frank was guilty and ought to hang.

The State offered in evidence the following:

Frank's statement made before Lanford, Chief of Detectives, on Monday morning, April 28:

Am general superintendent and director of the National Pencil Company. Saturday, April 26th, was a holiday with our company, and the factory was shut down. There were several people who came in during the morning. The office boy and the stenographer were in the office with me until noon. They left about 12 or a little after. We have a day watchman there. He left shortly before 12 o'clock. After the office boy and the stenographer left, this little girl, Mary Phagan, came in, but at the time I didn't know that was her name. She came in between 12:05 and 12:10, to get her pay envelope, her salary. I paid her, and she went out of the office. I was in the inner