

*Mr. Arnold.* I move to exclude that as grossly improper. He says he is arguing that some physician was brought here because he was the physician of some member of the jury, it's grossly unfair and it's grossly improper and insulting, even, to the jury.

*Mr. Dorsey.* I say it is eminently proper and absolutely a legitimate argument.

*Mr. Arnold.* I just record my objection, and if Your Honor lets it stay in, you can do it.

*Mr. Dorsey.* Yes, sir; that wouldn't scare me, Your Honor.

The COURT. Well, I want to try it right, and I suppose you do. Is there anything to authorize that inference to be drawn?

*Mr. Dorsey.* Why sure; the fact that you went out and got general practitioners, that know nothing about the analysis of the stomach, know nothing about pathology.

The COURT. Go on, then.

*Mr. Dorsey.* I thought so.

*Mr. Arnold.* Does Your Honor hold that is proper—"I thought so?"

The COURT. I hold that he can draw any inference legitimately from the testimony and argue it—I do not know whether or not there is anything to indicate that any of these physicians was the physician of the family.

*Mr. Rosser.* Let me make the suggestion, Your Honor ought to know that before you let him testify it.

The COURT. He says he does not know it, he's merely arguing it from an inference he has drawn.

I can't see any other reason in God's world for going out and getting these practitioners, who have never had any special training on stomach analysis, and who have not had any training with the analysis of tissues, like a pathologist has had, except upon that theory. And I am saying to you, gentlemen of the jury, that the number of doctors that these men put up here belie the statement of Mr. Rosser that he doesn't attach any importance to this cabbage proposition, because they knew, as you know, that it is a powerful factor in sustaining the State's case and breaking down the alibi of this defendant. It fastens and fixes and nails down with the accuracy only which a scientific fact can do, that this little girl met her death between the time she entered the office of the superintendent and the time Mrs. White came up the stairs at 12:35, to see her husband and found this defendant at the safe and saw him jump. You tell me that this Doctor Childs, this general practitioner, who don't