

6

indicated in every instance, from 38 to 70 minutes in every single instance, the cabbage was practically digested, practically altogether so.

Over objections made as is above stated, the Court permitted this testimony to go to the jury and in doing so committed prejudicial error. Experts can testify from the given state of any science, but cannot explain the process or results of particular experiments made by themselves.

20. Because the Court permitted the witness Harris to testify as follows:

"I wish to say that I made a microscopic examination of those contents of the stomachs, and while I found in Mary Phagan's case, except in the case of particles of cabbage that were chewed up too small to give sufficient indication the cabbage that was in the stomach gives every indication of having been introduced into it within three quarters of an hour; the microscopic examination showed plainly that it had not begun to dissolve, or at least only a very slight degree, and it indicated that the process of digestion had not go on to any extent at the time this girl was rendered unconscious at any rate.

I wish further to state that on examining Mary Phagan's stomach I found that the starch she had eaten had undergone practically no alteration: there were a few of the starch cells which showed the beginning of the process of digestion, having changed into the substance called erthro-dextrine, but these were very much rarer than is the case in a normal stomach where the contents are exposed to the actions of the digestive fluids for something like, say 50 or 60 minutes. The contents taken from the little girl's stomach were examined chemically, and the result of the chemical examination showed that there were only slight traces of the first action of the digestive juices on the starch thus confirming my microscopic examination, and showed clearly that only the very beginning of digestion had proceeded in this case

"As I was saying, of even greater importance in this matter it was found that there were 160 cubical solids, or about five and a half ounces of total contents remaining in the stomach, and after an ordinary meal of cabbage and bread, this is not the case. Under ordinary conditions, we get out perhaps on

77