

the members on adjournment that it was their wish that he should still continue as Secretary and Director of the Laboratory."

"The President then made a short statement in support of his protest against the Secretary, and reiterated some of the charges made at the previous meeting, and in addition, made objection against the Secretary's action in sending out antitoxine No. 64, which had been shown by tests made in Washington to be of less potency than it was originally labelled and also condemning the Secretary for replacing Dr. Paullin and personally taking up the investigation of the malarial epidemic around the pond of the Central of Georgia Power Company. The President then stated that he would publish the charges against the Secretary if the Board did not take such action regarding them as he thought right and proper. At the conclusion of the President's address, a talk was made by Mr. Doughty, in which he took exception to the former's attitude, and insisted—"

"At the conclusion of the President's address a talk was made by Mr. Doughty, in which he took exception to the former's attitude, and insisted that every member of the Board wished to do what was best for the State Board of Health and the people of Georgia, and that everyone connected with the Board of Health should be willing to bow to the decision of this body. He deprecated strongly the idea of giving to the press charges the publication of which could do no good, and which could only result in harm."

"On the President and Secretary being recalled an hour later, the President pro tem. Mr. Benedict, read the following resolution, which had been unanimously adopted by the Board on motion of Mr. Harbin, seconded by Dr. Brown, the resolution having been drawn by a committee appointed by the Board, consisting of Doctors Benedict, Taylor and Doughty."

"That the committee appointed to frame a resolution expressing the opinion of the Board with regard to the charges preferred against the Secretary by the President of the Board in a report to the Governor, and upon which they are called upon to act, beg to report as follows:

"Resolved, That the members of the Board present, after carefully considering the charges and all evidence in its possession, unanimously agree that while there have been certain slight irregularities in the conduct of some departments of the laboratories of the State Board of Health, which should be corrected, these irregularities have not been so important in character or results as to call for or warrant the discontinuance of Dr. Harris as Secretary and director of laboratories as demanded by the President. The Board further directs that a copy of this resolution be transmitted to the Governor."

Following the reading of this resolution, Dr. Westmoreland tendered his resignation as President of the Board, a copy of which follows:

"Atlanta, Ga., Sept. 25th, 1911.

"To the members of the Georgia State Board of Health, Atlanta, Ga. Gentlemen: I hereby tender you my resignation to take effect at this meeting. Thanking you for the courtesies extended me, and for the honor conferred on me in the past, I am, very sincerely yours, W. F. Westmoreland, President."

"Now, on pages 164 and 165; that is the letter to the Governor, adopted by the Board, and sent to his Excellency, John M. Slaton, Governor, Atlanta, Ga."

The Court admitted these extracts from the minutes over the objections of defendant, as above stated, and in so doing committed error for said reasons.

This was prejudicial to the defendant and took the minds of the jury from the issues on the trial and centered them upon a medical row had between