

The Solicitor-General, in his concluding argument, referring to the visit of the defendant to Bloomfield's undertaking establishment, on April 27, made the following remarks to the jury:

Frank says that he visited the morgue not only once but twice. If he went down there and visited that morgue, and saw that child and identified her body, and it tore him all to pieces, as he tells you it did, let any honest man, I don't care who he be, on this jury, seek to fathom the mystery of this thing; tell me why it was, except for the answer I give you, he went down there to view that body again. Rogers says he didn't look at it; Black says he didn't see him look at it.

Whereupon the following occurred:

Mr. Rosser: He is mis-stating the evidence. Rogers never said he didn't look at the body, he said he was behind him, and didn't know whether he did or not; and Black says he didn't know whether he did or not.

Mr. Dorsey: Rogers said he never did look at that body.

Mr. Arnold: I insist that isn't the evidence. Rogers said he didn't know, and couldn't answer whether he saw it or not, and Black said the same thing.

Mr. Dorsey (resuming): I am not going to quibble with you. The truth is, and you know it, that when that man Frank went down there to look at that body of that poor girl, to identify her, that he never went in that room, and if he did look at her long enough to identify her, neither John Black nor Rogers nor Gheesling knew it. I tell you, gentlemen of the jury, that the truth of this thing is that Frank never looked at the body of that poor girl, but if he did, it was just a glance, as the electric light was flashed on and immediately turned and went into another room.

Mr. Rosser: There isn't a bit of proof that he went into another room, I object again, sir, there isn't a particle of proof of that.

The Court: Look it up and see what was said.

Mr. Dorsey: I know this evidence.

Mr. Rosser: If your Honor allows it to go on, there's no use looking it up. He never said anything about going into another room.

The Court: What is your remembrance about that.

Mr. Rosser: It isn't true, your Honor.

Mr. Dorsey: I challenge you to produce it.

Mr. Rosser: There's no use to challenge it, if he goes on and makes the argument they make, those deductions for which there's no basis, but when he makes a mis-statement of the evidence, it's perfectly useless to go on and look it up, and we decline to look it up.

Mr. Dorsey: I insist that they look it up. I insist that I am sticking to the facts.

Mr. Rosser: No, your are not.

The Court: Well, if you'll give me the record, I'll look it up. Mr. Haas, look that up, and see what is the fact about it.

Mr. Dorsey: I know what Boots Rogers said myself.

The Court: The jury knows what was said.

Mr. Dorsey: That's quibbling.

Mr. Arnold: Is that correct, your Honor?

The Court: No, that's not correct; whenever they object, Mr. Dorsey, if you don't agree upon any record, have it looked up, and if they are right and you know it, and you are wrong, or if they are wrong and you also know it, if they are wrong they are quibbling, and if they are right they are not quibbling. Now, just go on.