

semen that had been on the body from ten o'clock on Tuesday night until twelve o'clock on Wednesday night?

(Objected to.)

(Objection overruled.)

(Question repeated.)

A. No, sir; I don't think so.

Q. Why, Doctor why do you say you don't think so? A. Well, semen would not remain in the moistened condition for that length of time and spermatazo that I have referred to would have undergone degenerated changes in that time, so it would have been beyond recognition.

CROSS-EXAMINATION.

Q. In what time, you said in that time, what time? A. The time he referred to.

Q. What was that? A. From about ten o'clock on Tuesday night until about eleven or twelve o'clock on the following night, Wednesday night.

Q. It was two days old, was it? A. I don't know how old it was.

Q. Did you say Wednesday night? A. That is what I understood Mr. Green to say.

Q. I thought you didn't see those specimens until the morning of the 11th? A. I didn't say when I saw them.

Q. When did you see them? A. He asked me on or about the 9th and I said on or thereabouts, I don't know what date it was.

Q. 9th of what? A. Of August.

Q. Then you saw these specimens? A. About what time?

Q. I think you are a little mistaken about that, at what time of day was it? A. I don't recall the time of day, I think it

was in the morning, I believe about eleven o'clock, I am not sure about that.

Q. Did you immediately make the experiment of examination? A. Yes; just as soon as Doctor Hopkins asked me I stained the slides and looked at them immediately.

Q. How long do spermatozo live? A. How long will they live?

Q. Yes. A. Where?

Q. On the body; just where you say they were taken from; on the parts of the limb? A. They would live if the semen dries; they only live an hour or so.

Q. You say they were moist when brought to you? A. No, sir; I did not.

Q. Was it dry? A. It was on the slide dry.

Q. How do you say it only lives for an hour or so if dry, and how can you account for it that it was living at the time? A. I didn't say it was living.

Q. It was not living? A. No, sir.

Q. It was dead? A. Yes, sir.

Q. Now, Doctor, now tell me how long it will generally live on the parts of a woman, in the vagina? A. Do you mean externally or internally?

Q. Internally? A. Not more than four to six hours.

Q. Not more than four to six hours? A. No, sir.

Q. If that be the case, suppose it was said here by Mr. Brandon that on the night of the 7th, between 10 and 11 o'clock, that he had marital relations with his wife; supposing that the semen remained, she going to sleep, remained on the inside now the next day; you know her condition, that she was very heavy with child, seven months? A. I heard the testimony here.

Q. Is there not a secretion that comes from a woman in that condition generally? A. Yes.

Q. Could this secretion have been mixed with the semen and flown to the parts of the woman and remained there? A. Yes, they could; but the semen that has been deposited there the night before you referred to?

Q. Yes. A. The spermatozo would have been killed by the acid in the vagina secretion.

Q. When you say it was killed—— A. Yes; not only by the said acid secretion of the vagina, but in a normal condition it would have been killed; degenerated in the spermatozo so that probably you would not have been able to recognize it.

Q. Do you know when it degenerated? A. No; he would tell you.

Q. It was dead? A. Dead when I saw it.

Q. I understood you to say that the secretion that naturally flows from a woman in the condition that it was stated Mrs. Brandon was in, it could have been brought forth and mixed, and be in the condition it was when Dr. Hopkins found it; is that right? A. I would not think so.

Q. Why not? From what you said I thought you did think so. A. He said this material, as I understood him, was not on the vulva, but between the legs.

Q. It was in the hair, I think, and the legs. A. Probably would not have been in that position. Where did he obtain the smears?

(Mr. Green): Mr. Stenographer, refer back to Dr. Hopkins' testimony.

(Note.—Stenographer reads from Dr. Hopkins' testimony, as follows: "While the woman was lying in the bed I noticed mucous secretion between the legs right near the vulva and on the hairs * * * Of this mucous secretion between the legs I took two specimens which I kept until the next morning, when I went to Baltimore and took them to the University Hospital

to Dr. Litz, turned them over to Dr. Litz, and asked him to stain them, which he did in my presence, and after the examination they were returned to me and I took them back to Aunapolis and turned them over to the State's Attorney."

Q. A woman in the stage of pregnancy that Mrs. Brandon was described as being in, having intercourse with her husband the night before at 10 o'clock, between 10 and 11, and she having slept the entire night and the next morning had gotten up, could not part of the semen discharge remaining on the interior, as I understood you to say, with the secretion that comes naturally from a woman in that state; could that not have been the same semen of the night of the 7th?

(Objected to.)

(Mr. Green): These specimens were not taken until 12 o'clock on the night of the succeeding day.

(The Court): That is true.

Q. I will ask you if that secretion could not have contained the spermatozo? A. Not for that length of time.

Q. Not for that length of time? A. In my opinion.

Q. Had there been any there and flown out, where do you think it would have gone unless the lady had cleansed herself?
A. I don't know what you mean.

Q. Suppose that the lady had not cleansed herself that day, and this spermatozo had come out on this secretion and remained where the doctor found it; that is what I asked for; where do you think that would have gone? A. That is only a conjecture; I can't say.

Q. It could have come out and could have been found on the body? A. It could have been washed out mechanically.

Q. Could it not come out naturally with the secretion which I say flows frequently from a woman in that condition? A. It may have.

Q. Then the secretion that Dr. Hopkins, from what you saw brought to you, the specimen, could have been the semen of the

night before, from what you say? A. It is possible, but not probable.

REDIRECT EXAMINATION.

Q. You mean to say that it would have been alive that long?

(Mr. Brady): It was not alive when he saw it.

(Mr. Green): There would not have been any other change in it, any indication of the life in it; would there have been any change in the form so you would not have been able to recognize it at that time? A. Yes.

RE-CROSS-EXAMINATION.

Q. Dead? A. When I saw it.

Q. Had a thing died there could have been a change taken place? A. The change may have taken place before it died.

Q. It may have died that morning, would you say four hours afterwards—what may have died, you don't say, Doctor, that any change could have taken place if it was dead? A. No, sir; I didn't say that, I said the change had taken place before it died.

Q. But you say it would die within four hours? A. Four to six hours.

Q. Then I say no change could take place if it were dead, am I right? A. I could not answer that question.

Q. You can't answer that question? A. No.

Q. But you won't say and you say it is possible it could have been the semen of the night before, you do say that? A. I did say that.

RE-RE-DIRECT EXAMINATION.

Q. I understand you said that if it had flown out and had been the semen of the night before mixed with this secretion