

DEFENSE HAS BEST DAY SINCE TRIAL OF FRANK BEGAN

Called by Defense to Give Testimony for Leo M. Frank

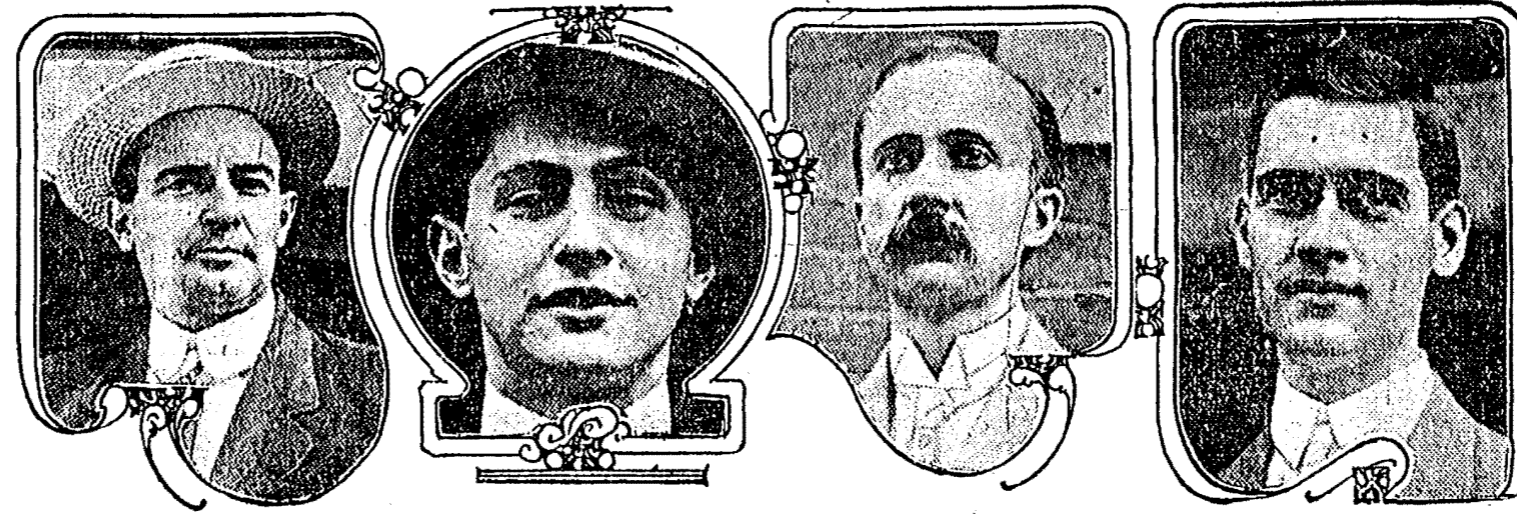


Photo by Francis E. Price, Staff Photographer.

From left to right: John S. Finley, Herbert G. Schiff, Professor George Bachman and L. Guinn.

AS WILD GUESSES PHYSICIANS TERM TESTIMONY GIVEN BY DR. ROY HARRIS

Assert It Is Impossible to Tell Accurately Just How Long It Takes for the Digestion of Cabbage—One Doctor Tells of Experiments He Had Made on Several Patients to Settle This Point. Doubt Value of Testimony. About Violence.

OLD ROW OF DOCTORS BOBS UP IN TESTIMONY OF DR. WESTMORELAND

Declares That He Accused Dr. Harris of Scientific Dishonesty and Then Resigned From Board When It Refused to Discharge the Secretary—Joel Hunter Goes on Stand to Testify as to the Amount of Time Necessary on Frank's Books.

When Monday's session of the Leo M. Frank trial came to an end, it was generally conceded that it had been the best day the defense has thus far had.

True, there were no sensational developments and there was nothing particularly startling in the testimony. It was merely the drip, drip of the water on the stone which eventually wears it away—the stone in this case being the story told by Jim Conley and the statement made by Dr. H. F. Harris that Mary Phagan must have met her death within three-quarters of an hour after she had eaten her breakfast of cabbage and bread.

The damage to Conley's story came in the testimony of Herbert Schiff, assistant superintendent of the National Pencil factory, an extremely bright young man, who was on the stand Saturday when court took a recess, and the most rigid cross-examination by Solicitor Dorsey failed to shake him or to make him alter his testimony in any material point. He had a mass of information at his tongue's end regarding the financial statement which Frank says he made out the Saturday afternoon of the murder. Schiff finally admitted that Frank might have done part of the work in the morning, but he stuck to the statement that the work would

have required at least three and one-half hours. This statement was later corroborated by Joel Hunter, an expert accountant, who verified the mathematical work entering into the financial statement. He said it would have taken him fully that length of time.

Defense Trains Guns on Harris.

The big guns of the defense were trained on the expert testimony of Dr. Harris, who made a post-mortem examination of Mary Phagan's body and who testified with a finality which was startling that Mary Phagan's death must have occurred within a half to three-quarters of an hour after eating.

The consensus of expert opinion testifying for the defense was that Dr. Harris was hazarding the wildest sort of a guess.

An interesting echo of the recent differences between Dr. Willis Westmoreland and Dr. Harris was heard while Dr. Westmoreland was on the stand. It will be recalled that Dr. Westmoreland was formerly president of the state board of health and preferred charges against Dr. Harris. When the board failed to remove him, Dr. Westmoreland resigned.

On the stand Monday, Dr. Westmoreland was asked by Solicitor Dorsey what his feelings were toward Dr. Harris. He replied that he had none. Asked as to the trouble he had had with him he replied that he had "found Dr. Harris scientifically dis-

honest" and had so reported to the board.

The physicians called to refute Dr. Harris were Dr. George Bachman, Dr. T. H. Hancock, Dr. Willis Westmoreland and Dr. John C. Olmstead.

Blood Could Flow Out.

Dr. Hancock testified that blood could and probably would flow out of a wound after a person was dead. Dr. Harris testified that this would be improbable.

He told of having made several tests on persons eating cabbage and bread and exhibited samples taken from the stomachs of these persons at various times. The net result of these experiments was to show that cabbage takes three and one-half to four hours to digest.

Dr. Hancock stated that he had made an examination of Leo M. Frank and found him to be normal, so far as he could discover. He confessed, however, that he was not an authority on homosexuality. He also said he was not an expert on stomach trouble.

Dr. Willis Westmoreland stated in reply to a hypothetical question that if a physician made a post-mortem examination for one side in a litigation and failed to preserve the samples from which he had made microscopical examinations so that the other side could have the advantage of making similar examinations it would be against the ethics of the profession and contrary to good practice. It was a rule, he said, to lay aside a part of all specimens.

Speaking of the conclusion of Dr. Harris that Mary Phagan had been violated—the question was again stated hypothetically—Dr. Westmoreland said:

"It is about the wildest guess I ever heard of."

Dr. Westmoreland stated that he had made an examination of Frank and found him to be normal.

In reply to a question by Solicitor Dorsey to the effect that many inverts are otherwise normal he replied that they were.

"There are three classes of inverts, are there not?" asked Mr. Dorsey.

"I should say there were nearer forty," was the reply.

Dr. J. C. Olmstead's testimony was along practically the same lines as that of Dr. Westmoreland. Dr. Bachman also contradicted the conclusions reached by Dr. Harris.