

# Lively Tilts Mark the Hearing Of Testimony of Dr. Kendrick

Dr. William S. Kendrick, head of the chair of medicine of the new Atlanta Medical school and for the past thirty-eight years a general practitioner of medicine, was the first witness out on the stand Wednesday morning.

The physician on the stand declared the deductions of Dr. H. F. Harris, secretary of the state board of health, as to the time of Mary Phagan's death and the alleged violation as nothing more than guesswork.

On cross-examination the solicitor forced Dr. Kendrick to admit that he was no expert on digestion and that he had not read a medical treatise on the subject in ten years, or possibly in his life.

Many lively tilts occurred while the physician had the stand and in many instances the solicitor forced the witness to admit his ignorance on points pertaining to the subject.

Reuben Arnold outlined the condition in which it is said that Dr. Harris found the girl's body and asked the witness if he could tell from that whether or not she had been violated. Dr. Kendrick stated that he could not.

"Would it be merely conjecture or not to make such a deduction?"

"I would call it nothing else."

"Are you or not a stomach specialist?" Mr. Arnold next asked.

"No, I'm not a specialist of any kind, I am a general practitioner, but for the past thirty-five years I have been teaching of diseases of the stomach."

"Do you think that the stomachs of different people are different?"

"Yes, each stomach is a law unto itself."

**Deductions Merely Guesswork.**

"Do you think that by chemical methods or by any other methods a physician could tell how long this unchewed cabbage had been in a person's stomach before death?" Mr. Arnold asked, exhibiting the sample of food taken from the dead girl's stomach.

"No, it would be just a guess."

Mr. Dorsey took up the cross-examination.

"There are not many specialists in the state, are there, doctor?" was his first question.

"No, there are not many, but there are too many at that," the veteran physician replied.

"Well, doctor, is Dr. Willis Westmoreland a stomach specialist?" asked Mr. Dorsey, apparently somewhat taken back by the reply.

"Dr. Westmoreland is a surgeon, not a stomach specialist," the witness replied.

"Do you consider Dr. T. H. Hancock, surgeon to the Georgia Railway and Power company, a stomach specialist?"

"I do not."

Mr. Dorsey then outlined the condition of Mary Phagan's stomach, as told by Dr. Harris, and asked Dr. Kendrick if he could not give an opinion from such a condition. He replied that he could not.

"There are certain general rules governing what takes place in the stomach, aren't there, doctor?"

"Yes, there are, but there are other things, too. For instance, I can't eat cabbage without having to go to bed the next day," said the witness, and there was a general laugh.

"I don't care a rap about your stomach, with all respect to you," replied the solicitor. "We are talking about Mary Phagan's stomach and not yours, please remember that."

"I hold it's very pertinent," said Attorney Arnold.

**Frequent Clashes Occur.**

After a wordy war, in which some

bitterness was injected on both sides, Judge Roan ruled the reference to Dr. Kendrick's stomach out and the stenographer was ordered to wipe out all mention of it in the official records.

The next squabble came when Solicitor Dorsey inadvertently introduced Homer to the court. The Greek poet met with the same fate as the stomach of the witness on the stand.

Homer came in when the solicitor, in asking about what might be known from the presence of hydrochloric acid in the stomach, asked the witness if any teacher of medicine ought not to know what to judge from the amount of the acid found in a stomach at a given time.

"Some students excel their masters in that, too," was all Dr. Kendrick remarked, apparently referring to himself as the teacher and Dr. Harris as the student.

**Homer's 5,000 Masters.**

"Yes, Homer excelled his masters and there were about 5,000 people who afterwards claimed to have been his master, weren't there?" retorted the solicitor.

"Homer never was taught by anybody; he learned it all himself," commented Attorney Roan with a sarcastic smile.

"Well, I've been too busy earning my living by the sweat of my brow to keep up with Homer, although I used to teach Latin," remarked the physician on the stand.

After this a warm argument upon Greek history, with particular attention to the Homeric period enlivened the courtroom. Judge Roan ended it by ruling that the incomparable Greek had no place in the Frank trial.

"I don't suppose I've read a book on that in ten years; I know I have not, and possibly not in my life."

**Impossible to Fix Time of Death.**

Mr. Dorsey then outlined the condition of which Dr. Harris had told he found the dead girl's body, and asked the physician if he could not tell from that how much time had elapsed from the time she ate her meal until she met death.

"No living man could, I will say most emphatically in my judgment."

The solicitor kept pressing questions upon the physician about the appearance of cabbage in the stomach, and asked: "Dr. Kendrick, from a medical standpoint, would or would not cabbage grow in the stomach?"

**Retort of Witness Causes Mirth.**

"It would not grow in the stomach from a medical standpoint, but it might from a legal standpoint," replied the physician.

Deputies immediately began to threaten certain spectators with forcible ejection from the courtroom.

"You and Dr. Westmoreland are very bitter toward Dr. Harris, aren't you?" the solicitor then asked.

"There is no living man, woman or child who has ever heard me say anything about being bitter toward Dr. Harris," replied Dr. Kendrick.

"But you are, aren't you?"

"Well, I've given him every medical office he ever held except the present job as secretary of the state board of health, and I am not bitter toward him," the physician replied.

"Well, Westmoreland gave him that, didn't he?"

"Yes."

"And then couldn't take it away from him?" the solicitor replied, and then ended his cross-examination.

"Well, doctor, you have your opinion of Dr. Harris; think he's a crank or something like that, don't you?" asked Mr. Arnold.

After a short argument this was ruled out, and the witness was excused at 9:55 o'clock.