

Title:Dr Willis F Westmoreland Sworn In For The Defendant, 117th To Testify
Category:LEO FRANK TRIAL BRIEF OF EVIDENCE

DR. WILLIS F. WESTMORELAND, sworn for the Defendant.

DIRECT EXAMINATION.

A practicing physician for twenty-eight years, general practice and surgery.

A professor of surgery for twenty years, and formerly president of the State Board of Health.

If the body of a girl between thirteen and fourteen years old was embalmed about ten hours after death, after taking out a gallon of fluid and putting in a gallon of embalming fluid, of which 8% is formaldehyde and the body was buried and nine or ten days after upon a post mortem examination a cut an inch and a half long cutting through to the skull in some places was found by the ear, and the skull was opened and on the inside of the skull no actual break of the skull was found, but a little hemorrhage under the skull corresponding to this point where the blow had been delivered and no pressure on the brain was caused, and no injury to the brain occurred it would be impossible to tell whether or not that would have produced unconsciousness before death.

Skull may be fractured without producing unconsciousness.

Death may be produced by a blow on the head that leaves very little outward signs.

From looking at such a wound without any knowledge of the amount of blood lost, one could not tell whether it was inflicted before or after death.

One could not tell from looking at a wound of that sort from which direction it was inflicted.

[In answer to question as to whether he had any personal feeling against Dr. Harris, witness answered "No," but that he had preferred charges with State Board of Health charging Dr. Harris with professional dishonesty].

A blunt surface can produce a wound that would look like a cut.

If in the case of the same patient the stomach was taken out and in it was found wheat bread and cabbage, some of the cabbage looking like that (State's Exhibit "G)," and thirty-two degrees of combined hydrochloric acid and substantially nothing in the small intestine, and feces some five feet away, it would be impossible to form a reliable opinion that cabbage and bread had been in that stomach before death, on that data or any other data, that could be found by looking at the stomach nine or ten days after death.

Many things retard digestion.

Much depends upon the particular stomach, and its affinity for particular foods.

There is a cycle of acidity and in the progress of digestion that increases, and then later it goes down.

Food that is not thoroughly emulsified will remain in the stomach indefinitely.

Cabbage like that (State's Exhibit "G") and wheat bread might remain in the stomach until the process of digestion is complete, which ordinarily would be from three and a half to four hours.

They might pass through the body undigested.

A formaldehyde embalming preparation would destroy the pancreatic juices, and also the pepsin in the stomach.

The probability is that some of the hydrochloric acid and maltose found upon an examination of the stomach in such a case would in no way determine how long food has been in the stomach.

If upon the post mortem above described, it was found that the epithelium had been so effected that it had been removed from the wall of the vagina in several places, and upon a microscopic test of the wall of the vagina it was found that some of the small blood vessels had congested blood in them, these facts would not necessarily indicate violence of any kind during life, it being also known that there had been a digital examination by the physician just after death and before embalming, and that the physician performing the post mortem had removed the wall of the vagina with his hand and scissors.

Any epithelium can be very easily stripped after death.

The digital examination could have stripped it.

So could the removal for purposes of post mortem examination.

If the subject had had a menstrual period a day or two before death and she was found in the act of menstruating at the time of death, this would account for the congested blood vessels, and it would also make the epithelium much easier to strip.

Even if an opinion could be expressed as to violence before death, it would be impossible to say that it occurred from five to fifteen minutes before death.

From an examination of the private parts of Leo M. Frank he appears to be a perfectly normal man.

A black eye could be inflicted after death.

As long as the blood is not coagulated.

A lick on the back of the head could produce a black eye.

CROSS EXAMINATION.

There are sexual inverters who are absolutely normal in physical appearance.

If I had a subject where there was a blow on the head, going practically to the skull, with no injury to the brain, and the face was livid, the tongue hanging out, with deep indentation in the neck, the flesh pushed out of place, with blue nails and lips, I would say that death was produced by strangulation, in the absence of other facts.

A blow on the eye could produce a swollen condition after death.

Even assuming that the doctor who went into the uterus and vagina with his fingers was very careful and did not rupture or injure the parts or cause dilation, and if the microscopical examination showed a dilation of the blood vessels of the vagina, discoloration of the walls, and swelling of the parts, the menses could have brought about this condition, and it would not necessarily be due to violence.

Menstruation would not produce discoloration except there would be an increased reddening on account of the increased amount of blood.

This change of color will be found wherever epithelium was, in the uterus and in the vagina.

It would produce swelling wherever the mucous membrane was.

A doctor could not look at cabbage in various stages of digestion and venture an opinion as to how long it had been in a woman's stomach.

Doctors do not know, even approximately, how soon after a stomach receives a certain substance before hydrochloric acid is found in a free state.

It may be delayed for hours, it may be found earlier.

Digestion has no fixed rule at all.

The usual rule is the hydrochloric acid is found within a range of about half an hour.

The time when it begins to descend depends upon the character of the food in the stomach and as to how the glands are acting.

RE-DIRECT EXAMINATION.

The human tongue could not produce any signs of violence in the vagina.

Where there is a skull wound an inch and a half long cutting through the little arteries like the wound described above, it would bleed and if the body lay in one place 30 or 40 minutes there would be bleeding and if the body is picked up and carried about 40 feet and dropped at another place I would expect to find blood there.

Skull wounds bleed very freely and there would be blood wherever the body was.