

Title:Dr J C Olmstead Sworn In For The Defendant, 118th To Testify
Category:LEO FRANK TRIAL BRIEF OF EVIDENCE

DR. J. C. OLMSTEAD, sworn for the Defendant.

Practicing physician for 36 years.

Given the facts that a young lady 13 or 14 years old died and 8 or 10 hours after death the body was embalmed with a preparation containing 8% formaldehyde, and the body is exhumed at the end of 9 or 10 days, and a post-mortem examination shows a wound on the left side of the back of the head about an inch and a half long, with cuts through to the skull, but no actual fracture of the skull, but a hemorrhage under the skull corresponding to the point where the blow was delivered, with no injury to the brain, it would not be possible for a physician to determine whether or not that wound produced unconsciousness before death.

Such a wound could have been made within a short while after death.

It is impossible to tell from the mere fact of discoloration whether an eye was blackened before or after death.

If the post-mortem made on the same subject 9 or 10 days after death showed upon an examination of the contents of the stomach a mixture of wheat bread and cabbage like this (State's Exhibit G), it being possible to distinguish a cabbage leaf, and 32 degrees of acidity, it would not be possible to determine from these facts or any other chemical facts that might be found there how long that had been in the stomach with any degree of accuracy.

It is impossible to tell when hydro-chloric acid begins to be secreted in a given case.

The hydro-chloric acid follows a curve; as a rule it ordinarily begins slowly until it reaches a certain point and then gradually goes off according to the character of the food and the amount in the stomach.

After death free hydro-chloric acid and pepsin do not remain in such a state in the stomach that you could tell 9 days afterward the exact time of death.

The hydrochloric acid disappears after death, and neither it nor the pepsin would be present in any degree 9 or 10 days after death.

Embalming fluid destroys the pancreatic juices so that it would be impossible to find them.

Cabbage like that (State's Exhibit G) is liable to obstruct the opening of the pylorus, and to delay digestion.

Food of that character might remain in the stomach undigested for 10 or 12 hours irrespective of the acid found there.

If shortly after death a doctor makes a digital and visual examination of the vagina, opening the walls of the vagina with his hand and finds no signs of violence and then 9 or 10 days after death a post-mortem examination shows the epithelium detached from the walls of the vagina in a number of places, and a microscope shows on parts of the vagina removed from the body that the blood vessels are congested, this may be due to menstruation or the natural gravitation of blood to those parts and is not necessarily indicative of violence.

Manipulation of the membrane would account for the displacing of the epithelium.

The use of embalming fluid would make a diagnosis of violence utterly unreliable.

Strangulation might result in a distension of the blood vessels.

The entire pelvic vessels are always more or less congested during menstruation.

No one could make a digital examination of the vagina of a corpse without disturbing the epithelium.

It would be impossible for a doctor finding those conditions in the vagina by means of a microscope 9 or 10 days after death to tell that violence had been inflicted from 5 to 15 minutes before death.

CROSS EXAMINATION.

There are medical tables showing that wheat bread digests in about 2 1-2 hours and cabbage in about 4 1-2 hours.

If cabbage cooked in the same way and bolted down in the same way is taken from the stomach of a living person within 30 or 50 minutes after having been eaten and is found in a similar condition to that of cabbage taken from the dead person's stomach 10 days after death, that would not necessarily mean that the latter cabbage had been in the stomach an equal length of time.