

# STATE CASE NEAR END IN STEPHENSON TRIAL

## Chemist Professor Out-sharpens Inman in Grilling Cross-Examination.

(Continued From Page 1)

kidneys and other organs, laughed heartily.

"Then all those quotations counsel put in his questions about the guns being thrown in a berth and so forth had no effect on your answer?" "I don't think it did," said the doctor, as Inman disparaged Cox's question by his clever interrogation of the doctor.

The defense attorney puffed out his chest and strutted up and down in front of the jury in pompous style, in exaggerated mockery of Judge Cox's style. Again the spectators were greatly entertained.

Dr. Harger was severely cross-examined when he took the stand shortly after court opened.

The sum of his testimony was that Madge's kidneys, which he examined after her death, contained less bichloride of mercury than almost any others he had ever examined of persons who had died of that poison.

The State introduced this testimony to support its contention that the girl died of an infected wound and not of bichloride of mercury.

Dr. Harger sprang a sensation when he declared there was no antidote for bichloride of mercury poisoning.

"Careful experiments have shown there is no antidote that will render the drug harmless," he declared.

Harger's statement was regarded as a heavy blow to the defense which has sought to show that as soon as the defendants discovered Miss Oberholtzer's plight that they administered milk as an antidote. Dr. Harger's declaration, coming as it did from a recognized authority, was regarded as a triumph for the prosecution.

Inman, in his cross-examination of

the youthful chemist, was considerably less severe than on Tuesday afternoon when he and the remainder of the defense counsel tried to stampede the witness.

"Professor Harger—is that your title?"

"I'm an assistant professor, sir," Harger corrected him.

"Inman, now having become somewhat familiar with the terms common to chemistry and medicine, tried Dr. Harger out to determine his knowledge of the subject, and the explanations became a little too profound for the attorney.

"Does bichloride of mercury, when taken into the system, affect the nervous system?"

"It affects the vomiting centers."

"What are the antidotes for bichloride of mercury?"

"That depends on what you mean by antidotes."

"Well, what do you mean?"

"There are two purposes of an antidote, one to delay the poison, and one to stop it."

"What is the antidote for bichloride of mercury?"

"Careful experiments have shown there is no antidote for bichloride of mercury that will render the drug harmless."

"In what way does the poison attack the kidneys?"

"There are several theories regarding the exact mechanical process."

"The medical word, then, has never been able to figure out just how mercury attacks the body tissues?" Inman asked.

"You know of the results."

"What is protocolysis?"

"That is the treatment of continuous irrigation of the lower bowel."

No Temperature

"Does bichloride of mercury produce temperature?"

"Not a great deal."

"Well, some then?" Inman insisted.

"If any, it would be very small."

Harger's reply on this subject was another victory for the State because it bore out theories advanced by Dr. Virgil H. Moon, professor of pathology at the I. U. school of medicine, and Dr. J. A. Macdonald, both of whom have appeared as State witnesses. In addition it proved Professor Harger's familiarity with his subject, thus defeating the defense's move to show him up as an incompetent witness.

Harger was excused only after three or four false starts, either Cox or Inman calling him back to the stand.

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stand. The last time he was recalled, both Inman and Cox gave him their bottles of bichloride of mercury tablets. The State's bottle contains white tablets, and the defense bottle contains green tablets. The witness has previously examined both bottles but had not had them together.

Harger gave as his final testimony an opinion that tablets from either of the exhibits would kill a person with equal neatness, regardless of color, and after obtaining this information both attorneys finally allowed him to go.

Last Question

Inman's last question was: "What's your fee in this case, doctor?"

"I do not know," replied the witness wearily, as he had been subjected to a grilling cross-examination.

The crowd was not so large although the courtroom was comfortably filled. The expert medical testimony and opinion and the multitude of involved medical terms are not so interesting to spectators, many of whom went to sleep Tuesday afternoon. About four-fifths of the crowd who have been in attendance are girls and women. A monster throng is expected if it is announced that Stephenson will take the stand, as he is regarded in Noblesville as a man of mystery.

Dr. Warvel Followed

"What is the usual minimum fatal dose?" he was asked by Cox.

"Several cases have been reported as low as five grains."

"What is the average fatal dose?"

"I believe, about seven and one-half grains—the effect depends on the amount absorbed."

"Is bichloride of mercury, taken through the mouth uniformly fatal?"

"No sir. Usually we say the mortality varies between six and fifteen percent."

Dr. Warvel said that the period of fatality ranged from forty-eight hours minimum to ten or twelve days, and declared that the patient's chances for recovery are exceedingly good if he lives beyond the twenty-fifth day, after taking the poison.

"If death comes after the twenty-fifth day, it is probable, that there was an intervening factor?" Cox asked.

"In the light of medical literature, I should say there was an intervening factor."

"What experience did you have with the illness and death of Madge Oberholtzer?"

Examined Blood

"I made several blood examinations."

"Did you visit her home?"

"Yes, my first visit was the twenty-third of March."

Dr. Warvel testified that after making a blood test on March 21 he found seven and six tenths milligrams of creatinine.

Creatinine, Dr. Warvel said, is an

element discharged into the blood from body tissues which are in the process of destruction. The creatinine, he said, later is eliminated by the kidneys.

"We are usually of the opinion that when the creatinine exceeds six milligrams the case will be fatal."

From an examination of March 23 Dr. Warvel said he found an even higher content of creatinine and a greater retention of poisonous elements in the blood.

Corpuscles Counted

On April 2, the day prior to the blood transfusion, he said he found that the red corpuscles had decreased from 5,000,000 to 1,183,000, and noted only a slight increase in the white corpuscles.

Asked as to her condition on April 6, he said:

"I thought she would recover from the nephritis—the creatinine, for the first time in my experience, had fallen from far above six to about normal. Other doctors, however, have observed the creatinine rise as high as twelve, return to normal, and the patient recovered."

On April 9, he said he noted a general improvement in her condition, but evidences that the infection had increased. On April 10, he tested two other persons to determine whether their blood was compatible with that of the patient for the purpose of performing a second transfusion.

A marked increase in the albumen found in the urine was noted, April 11.

"She had a great many pus cells on this date."

Her urine was loaded with pus on the thirteenth, the day prior to her death," Dr. Warvel said.

Cox then recited his hypothetical question to Dr. Warvel, in which he reiterated the salient details of the dying statement.

Gosh, Ennui

Cox took some ten or fifteen minutes to read the question, during which time the jury registered ennuui. Juror No. 3 took a nap. It was old stuff to the jury, which had heard it on two or three other occasions. The question follows the dying statement, which has also been read twice, and it duplicates Dr. Kingsbury's testimony also.

Christian objected at great length, but was overruled by Judge Sparks. When the witness was finally allowed to answer, he said:

"The cause of her death was some secondary infection, superimposed upon the nephritis."

The doctor was then cross-examined by Inman, who has spent much time of recent nights studying medicine.

Stephenson read results of the Indianapolis election most of the morning, studying the returns carefully. Although his double chin is prominent after seven months in jail on a good diet, the ex-Klan leader these days is wearing as haggard a look as it is

possible for a well-fed, fat man to register.

Gentry sits all day with his hands folded or holding his knee. Gentry pays more attention to the proceedings than the other two defendants. He wears a serious air at all times.

Klink weighs 215 pounds after his seven months in prison. He towers well over six feet in height. Klink, an ex-deputy sheriff of Marion County, and once a preliminary prizefighter in the stable of the "Prisco Kid," sits at the press table, spending his time reading now and then or picking his teeth. He is the least worried of the three from appearances.

"But for the infection, doctor, what would have been the patient's chances for recovery from the bichloride of mercury poisoning?" Cox asked him.

"I believe she would have recovered."

On cross-examination, Inman spent a considerable time brushing up on some of the new theories Dr. Warvel had brought into his testimony. Inman drew from him a statement that the same deadly affect of bichloride of mercury poisoning can be accomplished by introducing the mercury in any of the body cavities.

Ridicule Falls

Appearing as an expert witness for the State late Tuesday Dr. Harger told of the process through which he determined the mercurial content of the girl's kidneys and liver. During the direct examination of Dr. Harger, defense attorneys got the notion that the chemist, who is only 35 years old, was something of a dumb-bell, and proceeded to ridicule him.

When Dr. Harger was yielded to the defense, Inman came down on him with the bluster of a March hurricane.

"What are you?" Inman shouted in his ears.

"I am a professor in biochemistry," the young scientist replied in a low, modulated voice.

"Where did you go to school," Inman shrieked.

"I attended the University of Kansas and Yale."

Not a Doctor

"Then you are not a doctor of medicine. Just hold a degree in chemistry," Inman roared.

Dr. Harger admitted the disclosure was correct.

"You experiment largely on animals, such as guinea pigs and rabbits," Inman screamed.

"That's it."

"But you don't experiment much on humans."

"No, Mr. Inman, that isn't so generally popular," was the reply that caused Inman's lower jaw to drop. Completely bested in the art of repartee, Inman took a few moments to draw his scattered thoughts together.

"What do you say you teach at

the school of medicine?" Inman asked in a tone appreciably more congenial.

"Toxicology—the art of discovering and treating the human poisons," Dr. Harger disclosed to the enlightenment of Inman.

"We'll want this witness tomorrow," Inman told the court just before adjournment.

Laugh at Answers

The defense's plan to befuddle the witness became apparent when the young scientist appeared on the stand as a State's witness. Defense attorneys made it a point to laugh heartily at every answer he made. After each question had been put by the State, Christian would phrase a long objection attacking the witness's competence to testify, and after every answer another motion to strike out the testimony would be offered.

Judge Sparks overruled them all, retaining his composure in spite of the fact that the strategy was essayed secondarily to harass him.

Remy has saved some of his best evidence for rebuttal it is said, if there be a rebuttal. Remy, the 32-year-old Marion County prosecutor, has presented his case step by step in masterly fashion, even the defense attorneys admit.

Defense Not Revealed

What the defense will be is a matter of conjecture. Observers, however, from a careful analysis of strategy on cross-examination, believe the defendants will rely on technicalities and the theory of "reasonable doubt," of which so much was heard from Eph Inman, defense chief, during the weeks of impenetrable jury.

It is certain there will be an appeal to the Supreme Court—the court of last appeal in murder cases—with the main contention that, even admitting the facts, they do not constitute murder under the letter of the law.

Points on which the defense have

seized with eagerness are testimony. Stephenson made Madge drink a bottle of milk as soon as he learned she had taken poison, milk being one of the recognized antidotes; that she was given two small doses of morphine the day she signed her statement, the drug being necessary because of extra suffering just at that period; the suicide theory; a doctor's testimony the bichloride might have been used as prophylactic in too large quantities, with the result Madge inflicted her own wounds in her anguish.

Whether Stephenson takes the stand is not known. If he does it will probably be in the next few days.

WOUNDS TWO; KILLS SELF

By Times Special COLUMBUS, Ohio, Nov. 4.—After shooting and wounding his wife, Marjorie Meeker Wing, and his father-in-law, Claude Meeker, well-known Columbus broker, Shirley Wing committed suicide Tuesday evening in his home at Worthington, Ohio.

continued until 2 p. m. Thursday. Case of John H. Keegler, cashier of the First National Bank at Seymour, charged with embezzling \$10,000, was continued until the afternoon session.

THREE MEN GET YEAR AND DAY

November Term of Federal Court Opens.

Federal Judge Robert C. Baltzell today sentenced three men to serve sentences of one year and a day at Lavenworth for violation of Federal laws during the opening session of the November term of court. They were: John W. Harris, white slave charges; George Rizer, narcotic and Charles Rice, liquor charges.

Others sentenced, the charges and their sentences are: Charlie Long, narcotic, sixty days; Tom Anderson, liquor violations, sixty days; Percy Saunders, narcotic, sixty days; Frank Davis, liquor charges, six months and \$500 and Mrs. Frank Davis, fined \$500.

Case of Abe Levin, Louisville, held on white slave charges, was

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