

DEFENSE OF STEPHENSON IS HINTED

Questions Asked Talesmen
Lead Observers to Believe
Inman Will Make Techni-
cal Fight on Theory of
Reasonable Doubt.

JUDGE SEEKS TO SPEED UP SLOW JURY PROCESS

Girl Witness, Former Secre-
tary of Accused and
Sorority Sister of Miss
Oberholtzer, Missing—
State Passes Twelve Men.

By John L. Niblack and
William L. Toms
Time Staff Correspondents

CIRCUIT COURTROOM,
NOBLESVILLE, Ind., Oct. 19.—
Defense of D. C. Stephenson,
Earl Klink and Earl Gentry,
on trial here on charges of
murdering Miss Madge Ober-
holtzer, Indianapolis, will be a
technical one, including the
theory of reasonable doubt that
the trio committed the crime as
alleged, it was indicated here
today by questions put to tales-
men by Eph Inman, chief de-
fense attorney.

Judge Will M. Sparks endeavored
to speed up the slow process of ob-
taining the jury as the second week
of the trial opened. He urged attor-
neys to limit their questioning of
prospective jurors to facts unques-
tionably pertinent.

Judge Sparks said that unless
prospects improved by Wednesday
he would call a third special venire
of 100 men.

Witness Missing

It was learned that one of the
State's chief witnesses Miss Marian
Darr of Greenfield, Ind., Stephenson's
former private secretary, is not
in the State, within reach of
the subpoena. It is said she has
gone to California. Miss Darr is a
member of the Pi Beta Phi Sorority
of Indiana University. Miss Ober-
holtzer was also a Pi Phi of the
Butler chapter.

The defendants paid comparatively
little attention to the routine
questioning of the talesmen, al-
though Stephenson, at times made
notes on their replies. The air of
tension evident as court adjourned
Friday was not present to such an
extent.

Among the spectators in court
were George Oberholtzer, father of
Madge, and her brother, Marshall, of
Linton, Ind.

Inman's Questions

Questions which Inman asked Muri
Lambert, 40, Sheridan, Ind., insurance
agent, the 109th man to be ex-
amined, were typical of those asked
other veniremen. Lambert said he
was married, had four children,
aged 12 to 18, including two daugh-
ters. He said he knew none of the
Oberholtzer family, State's attorneys
or Indianapolis detectives present.
He said he read of the case in the
papers.

"These men, under the law, are
presumed to be innocent of any
crime and everything they are
charged with," said Inman. "Would
you be willing to give them the bene-
fit of that law?"

"Absolutely."

"If you should sit as a juror and
hear the whole case to the end and
then have a reasonable doubt as to
their guilt, would you acquit them?
That's the law, and you'd do it,
wouldn't you?"

"Yes."

"The burden is on the State, you
know," said Inman. "These men
are not required to prove their in-
nocence, or prove anything. That's
the law. Would you yourself re-
quire them to prove their inno-
cence before you would vote for
acquittal?"

"Just state that again please,"
asked Lambert.

Stresses Doubt

Inman rephrased the question, ad-
ding that the State must prove the
defendant guilty beyond all reason-
able doubt before the law allows a
verdict of guilty.

"I expect the State to prove
them guilty," Lambert said finally.
Lambert said the sex question, the
fact that the person alleged to be
murdered was a woman, would not
make it a different murder trial than
if the deceased had been a man.

"Would you allow any outside
influence, any political influence or
the wishes or determination of
other friends or enemies of these
men to influence your verdict?"

"No sir, I would be fair to both
the State and defense," said the
talesman. "I would make up my
mind after I had heard the whole
case."

'ENGLISH EARL' IN PRISON HERE

Police Investigate Activities
of Alleged Lord—Woman
Also Held.

"Really, I can't understand why
the press is taking such a 'straordi-
nary interest in my case," said the
alleged Earl of Stafford of England
in his cell at city prison today.

The "Earl" was in jail because he
has not been able to explain so far
just why he had a large number
of big checks and telegrams—which
detectives say he sent to himself,
all hinting big business deals.

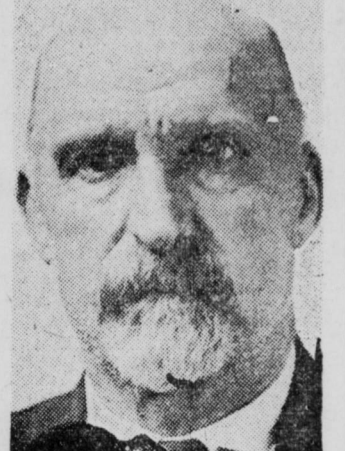
With him in "durance vile" was
Mrs. Bertha M. Sheesley, 40, and
erstwhile Lady Stafford to be, ac-
cording to detectives.

"Lady Stafford"

Proof that she was to be "Lady
Stafford" was contained in the will
of the "Earl," detectives said. The
Earl proposed to leave Mrs. Sheesley
all his English holdings, the incomes
from his Earlsburg, Stafford manor,
32,000 acres and all its residences,
as well as a residence at 2310 Lake-
wood Blvd., Cleveland, Ohio, and his
stocks and bonds and incomes from
his baronies.

The will stated that Mrs. Sheesley
was to receive the title of Lady of
Stafford upon his death. It was
made on stationery of a Kansas City
Hotel. Mrs. Sheesley's address was
given at Nelita, Okla.

"I refuse to confirm or deny that
I am an Earl," the alleged nobleman,
said.



Arthur Stafford, Alleged Earl of Stafford.

who gave the name of Arthur Jack-
son Howard Stafford, and his ad-
dress as Stafford, England, said.

At Boarding House
The couple were arrested at a
boarding house at 331 N. Illinois St.
Saturday night. Detectives refused
to say where they got their informa-
tion to make the arrest or how it
came about.

The "Earl" is 64, gray haired, well
dressed and talks with a decided
English accent.

Mrs. Sheesley said she met his
"Earlsburg" at Rosebud, Mont., last
August.

EXPECT SENATOR CHOICE IN WEEK

Politically Wise Say Gov-
ernor Will Make Appoint-
ment at Once.

Appointment of a Republican
to succeed Samuel M. Ralston
in the United States Senate is
expected before the end of the
week, according to reports cir-
culated by politicians interested
in the appointment.

Much of the talk today centered
about the possibility of Jackson re-
signing as Governor and of F.
Harold Van Orman, who would suc-
ceed him, appointing Jackson to the
Senate.

Jackson was silent on the appoint-
ment. A member of his family said
the Governor was forced to remain
in his room on account of a cold and
probably would not go to Marion
where he was to have spoken at the
city's centennial celebration today.

Meanwhile petitions were being
circulated by persons who were active
in Jackson's campaign for Governor
asking Jackson to become Senator.

Clyde I. Webb, Republican State
chairman, expressed the opinion
Jackson should not act not later than
next week (see page 5).

LEGION'S NEW HEAD ARRIVES

McQuigg Guest at Athletic
Club Luncheon.

John R. McQuigg, of Cleveland,
Ohio, was greeted by a large dele-
gation today on his first trip to Indian-
apolis as national commander of the
American Legion.

Citizens joined in welcoming Mc-
Quigg at a luncheon at the Indian-
apolis Athletic Club. William For-
tune of the Chamber of Commerce
presided.

William H. Kershner, adjutant
general of Indiana; James M. Ogden,
city corporation counsel, and
Clarence Jackson, Indiana depart-
ment commander of the Legion,
spoke.

His immediate task will be to fa-
miliarize Quigg himself with the Le-
gion's machinery to obtain 1,000,000
members, McQuigg said. Old mem-
bers will be signed before Jan. 1.

FLAPPER FANNY SAYS



A chaperon always looks bet-
ter if she looks the other way.

HIGHEST U. S. COURT RULES ON SEARCHES

Basing Decision on Fourth
Amendment, Tribunal
Holds Homes Can Not Be
Invaded Without Legal
Warrants.

CONSTITUTION GIVES PROTECTION TO ALL

Opinion Given in New York
Narcotic Case Is First
Direct Expression Made
on Subject—New Trial
Given Defendant.

Times Washington Bureau,
1522 New York Avenue.

WASHINGTON, Oct. 19.—

The United States Supreme
Court has declared the law with
regard to search warrants. This
is the law:

A private home can not be
entered and searched without a
legal warrant.

An automobile, wagon or boat
may be searched for contraband
goods without a warrant.

Where a legal arrest has just been
made in a home, search for things
connected with the crime and for
weapons, may legally be made with-
out a warrant.

An opinion just given in a New
York narcotic case is the first direct
ruling ever made on this question by
the Supreme Court.

Illegal Search

Frank Agnello and four other men
had been convicted of conspiracy to
violate the Federal narcotic act.
Revenue agents, watching through a
window of Stephen Alba's home,
saw the five sell cocaine to two men
employed by the government. The
agents entered the Alba home, ar-
rested the five, and then searched
the house for narcotics. This was
legal.

But while the five were on their
way to jail, the agents went to the
home of Frank Agnello and searched
that without a warrant. They found
a can of cocaine.

When the men were tried, this
can of cocaine was used as evidence
against Agnello.

Protection for All

Because the cocaine was found in
a search conducted without a war-
rant, the Supreme Court has held
that Agnello is entitled to a new
trial.

The court says:
"It has always been assumed
that one's house cannot lawfully
be searched without a warrant, ex-
cept as an incident to a legal ar-
rest therein."

"The protection of the fourth
amendment to the Constitution ex-
tends to all equally—to those justly
suspected or accused as well as to
the innocent. The search of a pri-
vate dwelling without a warrant is
in itself unreasonable and abhorrent
to our laws." The search of
Frank Agnello's house and seizure
of the can of cocaine violated the
fourth amendment.

FILE WARRANT BRIEF

Assert Law Gives Justices Wide
Warrant Authority.

That the law giving justices of
peace authority to issue warrants for
the search of premises outside of
townships where they have juris-
diction is constitutional, was con-
tended in a brief submitted to At-
torney General Arthur C. Gilliam to-
day.

The brief was submitted by De-
puty Attorney General of Marion
County, who plan to meet with
district attorneys to consider plans for
appealing to the State Supreme Court
a ruling made in Criminal Court by
Special Judge H. B. Pike. Pike
ruled search warrants issued by a
justice of the peace are illegal if
served in township other than the
one in which issued.

PINCHOT SEES COOLIDGE

President Told Law Enforcement Is
Under Grave Suspicion.

WASHINGTON, Oct. 19.—Law en-
forcement is under grave public sus-
picion throughout the United States,
Governor Pinchot of Pennsylvania
told President Coolidge today.

Pinchot came to Washington to
appeal to the President to extend his
leave of Gen. Smedley Butler of the
United States Marines, allowing him
to complete his work as public safety
commissioner of Philadelphia.

The Governor would not indicate
the President's response to his ap-
peal.

U. S. MEN SEIZE TWO

Federal Prohibition Agent George
Winkler Sunday arrested Bert Van
Ernst, colored, 126 Spring St., and
Joe Clark, colored, 341 W. Twelfth
St., on charges of violating the Fed-
eral prohibition law.

GIRL 43RD AUTO VICTIM OF YEAR



Miss Doris Spain

Fatally Injured When Struck While Walking in Street.

Death of Miss Doris Spain, 21,
of 417 N. Delaware St., raised the
total of auto victims in Indianapolis
this year to forty-three today.

Miss Spain was fatally injured
Sunday night when struck by a
machine driven by Paul Devening,
23, of 5543 Ferguson St., at Fifty-
Sixth and N. Meridian Sts.

She was walking south with
Miss Esther Moll, living at the
same address, and Robert Mueller
of Chicago. The three were forced
to walk in the street because there
are no sidewalks. Devening who
was driving in the same direction
said he was blinded by the lights
of an approaching automobile.
Mueller was slightly injured on the
leg, and Miss Moll escaped injury.
Devening was charged with as-
sault and battery.

The body will be removed today
to Warrensburg, Mo., the home of
Miss Spain's parents. Besides the
parents she is survived by a sister
and brother.

Mrs. Charlotte Maas, 63, of 1409
Spain Ave., was the forty-second
person to die.

Mrs. Maas died Sunday as a re-
sult of injuries received last April
when she was struck by an auto-
mobile on her way to church.
Three daughters and a son
survive. Funeral services for
Mrs. Maas will be held Wednes-
day at 2 p. m. at the Emmaus
Evangelical Lutheran Church.

NO TRACE OF BUTLER FOUND

Stephenson's Secretary, In-
dicted Here, Is Fugitive.

Fred Butler, former secretary to
D. C. Stephenson wanted here on a
charge of conspiracy to commit
arson can not be found in Florida,
according to word received here to-
day by detectives.

Florida officials wired that Butler,
said to have been employed there by
a moving picture company, read of
his indictment on the conspiracy
charge, and left his job.

Butler was indicted jointly with
Stephenson, Earl Klink and Earl
Gentry.

LORA C. HOSS DEAD

Friends here today mourned the
death of Lora C. Hoss of Kokomo,
a director of Butler College and
president of the Kokomo Opalescent
Glass Works. He died at Battle
Creek, Mich., Saturday.

LAW KNOCKED OUT

WASHINGTON, Oct. 19.—The
United States Supreme Court today
held the Arizona minimum wage law
for women unconstitutional in a sec-
ond test case brought before it.

made millions out of the operations
of his concern, but he was un-
able to meet an appeal bond of
\$50,000 following his conviction in
the Federal Court at Indianapolis.

Regardless of whether he is the
owner of millions or whether his
pocketbook is flat, Hawkins is
convicted of his own innocence.

"I'm an innocent man, things
didn't break right for me, that's
all," he declared repeatedly, "and
they put me away for fifteen
years. But believe me I'll bet I
can make that bond in no time."

On arriving at the prison Hawkins
was the center of a large
group of prisoners sent up for
mail frauds.

To each of these he explained
how "the cards were stacked
against me and I didn't have a
chance."

It is reported that while Haw-
kins was a prisoner in the Marion
County jail at Indianapolis, that he

MERCURY AT LOW LEVEL FOR SEASON

City Shivers as Thermometer Goes
Down to 30—More Freezing
Temperature Forecast.

SNOW FALLS IN NORTHWEST

Three Die in Minnesota Storms—Slight
Flurry Reported Here.

While snows covered northwest portions of the country to-
day, Indiana also reported lower temperatures, but with clear
skies. Rain and clouds, which have marked October thus far,
made their exit.

Indianapolis shivered in below freezing temperature. A few
flakes of snow were noticed here this morning.

Three deaths in Minnesota were attributed to the snow.
Robert Schneider, 18, St. Paul, and Walter Fish, 20, Davenport,
Ia., were struck by a passenger train near Red Wing. Police
think they were blinded by the snow. Louis Benson, 60, Minne-
apolis, with his head down to avoid the stinging snow, also
walked in front of a train.

Iowa reported snow flurries and
freezing temperatures.

The mercury here stood at 30 at
6 a. m., the lowest mark for the sea-
son, according to the United States
weather bureau.

Below Normal

At 7 the thermometer registered 31
degrees, 17 below normal and 12 be-
low the mark for the same hour
Sunday. Temperature at noon was
38.

The forecast was for fair weather
with freezing temperature tonight.
Tuesday should be fair, with rising
temperature. The mercury may go
down to 28 tonight, J. H. Armstrong,
meteorologist, said.

Temperatures over Indiana ranged
from 30 in the north and central por-
tions to 34 in the south part of the
State.

To date October has been the
cloudiest ever in Indianapolis, Ar-
mington stated. A total of 3.28 inches
of rain has fallen, while normal fall
for the month is only 2.79 inches.

Seek Alcohol

The winter rush for alcohol by
motorists was begun today, garage
men reported.

Crops have practically all been
killed by frosts now. Frosts this
year were later than usual, the
weather bureau stated.

Motorists were warned against a
drop in temperature by T. D.
Stoops, secretary of the Hoosier
Motor Club.

"It would be wise for drivers to
put an alcohol mixture in their radi-
ators and be prepared for a sudden
cold spell. A mixture of one-third
alcohol and two-thirds water is a
safe solution," Stoops said.

DEMOCRAT GETS ON DAWES' SIDE

Underwood Announces He'll
Lead Fight on Senate Rules.

WASHINGTON, Oct. 19.—Senator
Underwood, Democrat, Alabama, an-
nounced today that he would intro-
duce a resolution when Congress re-
convenes in December, calling for a
detracture rule, if he can obtain prom-
ise of the rules committee that it
will be sincerely considered.

This is considered a victory for
Vice President Dawes, who has been
campaigning the country in behalf
of the project to revise Senate pro-
cedure so that filibusters cannot
hold up legislation.

Senator Underwood, Republican leader
and chairman of the rules commit-
tee, promised that the resolution will
be given consideration, but said he
doubted whether it can be passed.

DEATH TAKES RECTOR

The Rev. Richard Dies at Hospital
After Illness.

The Rev. P. Odo Richard, O. F.
M. of Sacred Heart Church died Sun-
day night at St. Francis Hospital,
Beech Grove, following an illness of
several weeks. He had been rector
of Sacred Heart Church for many
years, having been ordained here in
1894.

Burial will be in St. Joseph Cem-
tery, Wednesday morning, following
services and mass at Sacred Heart
Church.

LINEMAN IS INJURED

Telephone Company Employee Falls
When Pole Breaks.

Everett Cunningham, 35, of 1018
Tecumseh St., a lineman for the
Indiana Bell Telephone Company, is
in St. Vincent Hospital today suf-
fering with two broken ribs, a frac-
tured left hip and left leg.

Cunningham was injured Saturday
when he fell twenty-five feet when a
telephone pole broke, eight miles
southwest of the city. Witnesses
said the pole was rotten at the base.

HOURLY TEMPERATURE

6 a. m.	30	10 a. m.	34
7 a. m.	31	11 a. m.	37
8 a. m.	32	12 noon	38
9 a. m.	33	1 p. m.	39

MYERS STATES MERIT SYSTEM WILL BE USED

Democratic Candidate for
Mayor Replies to C. of C.
Questions.

Citing a section of the city charter
which provides city employees shall
be selected and advanced upon basis
of fitness, the Chamber of Com-
merce has directed questions to
Walter Myers, Democrat, and John
L. Duval, Republican, nominees for
Mayor, asking what their policies
will be in this regard.

Myers, the Chamber announced to-
day, has replied, stating definitely he
intends to pursue the merit system
and abolish the spoils system.

Duval, the Chamber said, has not
replied.

"The notion that public employ-
ment constitutes a legitimate means
of rewarding persons who have
worked for the election of a public
official, in our opinion, is fundamen-
tally wrong. It results in the pub-
lic's paying political debts all too
frequently at the expense of pub-
lic service," wrote Frank S. Fish-
back, president, and William A. For-
tune, chairman of the civic affairs
committee of the Chamber to Myers
and Duval.

View in Speech

Myers replied that his view was
expressed in a speech Oct. 14, as
follows:

"It is our purpose to stop the
waste of public funds. In the first
place, employ men and women, who
are qualified to do the work for
which they are hired. In the next
place, see to it that these employ-
ees are kept busy at their jobs instead
of spending their time on optical
errands and business. Finally, give
the man or woman, who shows merit
encouragement by way of pro-
motion; give them something to
which their ambitions may aspire.
The private business is conducted on
this plan. Why not apply the same rules
to the public service?"

Principles Given

Myers issued a statement setting
out twelve principles for honest, de-
cent conduct of city government,
which he advocates.

He favors ridding the city of sin-
ister influences, holding the city pay
roll down, getting a dollars' worth
of service or goods for every dollar
spent; appointing boards or high
character; appointing a police chief
from the ranks; seeking advice from
well informed citizens and fostering
of proper improvements.

Myers spoke at Nordyke and Mar-
mon plant at noon today. Tonight
he will speak at Morris and West
Sts., at Michigan and West Sts. and
Green's Theater, 2340 School St.

Duval spoke to the employees of the
Stutz Motor Company at noon,
and will speak at four places to-
night: 927 English Ave., a Jeweled
Community House, 41 N. Rural St.,
Twenty-Fifth and Northwestern
Ave. and Fulton and North Sts.

NEW MEN TAKE OFFICE

Administration to Be Installed by
Rotary Club Tuesday.

Plans were being completed today
to start off the new administration
of the Indianapolis Rotary Club.
The administration was selected
recently in the annual election of the
club and will start with a luncheon
Tuesday in the Riley room of the
Claypool Hotel. At the luncheon,
various phases of the Indianapolis
Community Fund will be presented.