

# STEPHENSON IS IDENTIFIED BY HOTEL CLERK

State Also Scores When Girl's Dying Story Is Admitted.

(Continued From Page 1)

ment in which the jury listened intently while several women spectators wept openly.

"Were you employed at the hotel during March, 1925," Remy first asked Wilson, after identifying him.

"Yes, I worked at night. My hours were 7 p. m. to 7 a. m." Wilson said he was acquainted with the schedule of the Monon Railroad.

## When Train Arrived

"What time did the train arrive in Hammond that leaves Indianapolis about 11 at night?"

"At 6:15 in the morning."

"Were you on duty the morning of March the 16th?"

"Yes."

"Did anyone register that morning while you were on duty?"

"A party registered as Mr. and Mrs. W. B. Morgan."

"Anyone else?" asked Remy.

"Yes, a party who registered as Earl Gentry."

"I hand you State's exhibit number two and ask you to tell what it is."

## Register Submitted

"It's the sheet from the register of the Indiana Hotel," said Wilson.

"Is that the sheet on which the parties registered? Those two names the third and fourth down, are they the ones you alluded to?"

"Yes," said Wilson looking at them.

"I see," said Remy.

"Did she see the woman?"

"Yes, she looked kind of tired and had no make-up on."

Inman did not understand.

"She wasn't wearing any rouge," explained the clerk.

"I didn't see her have any hat on," he said in reply to Remy's question.

"Are either of those men in the courtroom?"

"Yes, sir."

"Will you point them out?"

The witness turned in the witness chair and pointed first at Gentry and then at Stephenson.

"You have pointed out two men. Can you distinguish who is who?" asked Remy.

"If I could leave my seat, I could," said the witness.

"All right, leave your seat, go right ahead," said the prosecutor.

Dramatically leaving the stand, Wilson walked in front of Stephenson.

"That's the man who registered as Mr. and Mrs. W. D. Morgan."

Amid a dead hush, he then walked around the table and laid his hand on Earl Gentry.

## Stephenson Pales

As Wilson, who is about 27 years old, paused in front of Stephenson, the latter's face went white and he glared in the night clerk's face.

Gentry sat tense and immovable as the clerk dropped his hand on his shoulder. Spectators and jury watched every move intently as the hotel clerk forged another link in the chain of State's evidence. Then a rustle of excitement ran through the courtroom, as the witness resumed his seat on the witness stand.

"Were the parties assigned rooms?" Remy asked.

"Yes."

Inman then began a grilling cross-examination of the witness as to how she looked and if any wounds were visible.

## Asks About Baths

"Were there bathrooms in rooms 416 and 417?" Inman asked Wilson.

"Yes," he answered.

"Do they adjoin each other?"

"Yes but there is no connecting door."

"Are they outside rooms?"

"Yes, fronting south on State St. Up there hot and cold water in the rooms?"

"Is there a telephone in each of the two rooms?"

"Yes, sir."

"You can get a long distance telephone call from any of the rooms to any town or city in the United States?"

"And you can call the local police, Mayor, doctor, sheriff or anybody else?"

"Yes."

## Chart Displayed

Inman then displayed before Wilson a rough chart showing the arrangement of rooms and corridors on the fourth floor of the hotel. He quizzed Wilson in minute detail regarding the location of different distinguishing objects in the hotel lobby, such as the entrance, the desk, elevator, stairway and pillars.

"Was there a bed in each of the two rooms?"

"Yes, sir."

"Double-bed?"

"No, sir. They were what the hotels call three-quarter beds."

"Was there a dresser in each room?"

"Yes, sir."

Wilson told Inman the walls of the bathrooms are solid, with the exception of the door spaces, and that when a person enters one and closes the door, he is completely enclosed.

"When these people came to the hotel that morning did they come in a cab?"

"I don't know, sir, I was making calls at that time."

Saw Three Persons

"You saw three persons?"

"Yes, sir."

"Was one a woman?"

"Yes."

"Without a hat?"

"Yes."

"Did she have any make-up?"

"No."

"Who registered first?"

"The one who called himself W. B. Morgan."

"When he registered, where was the lady?"

"She was standing by the elevator door," Wilson said.

"As if waiting to go up?"

"Yes."

"Did they wear hats, the men?"

"One wore a cap."

"Which one?"

Stephenson Wore Cap

"The one who registered as W. B. Morgan."

"How else were they dressed?"

"The one who registered as W. B. Morgan wore leather faced boots, khaki breeches and a sweater."

"Was he closely shaven?"

"He was not."

"What time was it when they arrived in the lobby of the hotel?"

"Between 6:20 and 6:30."

"How was the other man dressed?"

All Dressed Up

"He was all dressed up—a black soft hat, and long black coat."

"Did she have long hair or bobbed hair?"

"I judge it was bobbed."

"Did she wear a coat?"

"Yes, a long coat, I think brown."

"Yes, I finished."

"I didn't notice."

The atmosphere in the courtroom became extremely tense. Stephenson had edged forward in his chair, and was eyeing the witness intently.

"When did you next see these gentlemen?"

"It was in the courthouse at Indianapolis."

Inman was jumping from one subject to another in an effort to be fuddle the witness.

"Was there a bolt on the inside of the doors to rooms 416 and 417?"

"Yes, sir, what they call a night latch."

"To whom was 416 assigned?"

"To Mr. and Mrs. W. B. Morgan."

Inman jumped 150 miles to the next question.

"Were you taken to the Marion County Jail to identify Gentry?"

"No, sir."

"Are you sure?"

"I am absolutely sure," was Wilson's indignant reply.

Wilson's indignant reply

"Was Mr. Ayres taken to identify him?"

"I don't know anything about Mr. Ayres' business," Wilson fired right back at him. Dean Ayres is day clerk at the hotel.

Inman took another hop in his next question.

"Now, Mr. Wilson, is this a correct sketch of the fourth floor of the hotel?"

State's attorneys stamped their feet as they objected to the character of the question, and Judge Sparks admitted that it was not proper cross-examination, but he allowed it to be answered for a technical reason.

Wilson surveyed the sketch with apparent scorn and replied, "Yes—yes, it's a good amateur sketch."

His remark relieved the tension, and the spectators laughed.

"That's a good answer, it describes it," Judge Sparks smilingly commented.

Inman seemed determined to get at least one answer from Wilson the way he wanted it.

"I'll ask you again, Mr. Witness, if you were not taken to identify Gentry?"

Wilson, his eyes flaming with anger, rose in his chair, shot a piercing glance at Inman, and replied in a loud voice, "No, sir, not at any time."

"That's all."

Prosecutor Remy adjusted himself in his chair.

"I'll ask you if Mr. Floyd Christian and another man didn't come to you later at Hammond and ask you if you had identified the men before?"

Remy asked.

"Yes, sir, Christian and a Mr. Setters. The two belong to Stephenson's defense squad."

"And did they talk with you?"

"Yes, sir."

"What did they ask you?"

Truth Asked

"All they said to me was that I should tell the truth. The clerk then left the stand."

At times during his testimony, which was made in a frank and straightforward style, spectators gwent through a pantomime of clapping their hands. Fear of Judge Sparks, however, prevented any audible cheering, such as marked the ball hearing held here in June, when Judge Fred Hines announced that Stephenson would be denied liberty on bond.

Inman then offered a drawing of the premises of the hotel and surroundings. Judge Sparks refused to allow it, saying it was too late to introduce it by that witness.

Day Clerk Called

Remy then called Ayres, the day clerk, who testified briefly.

"Were you in the hotel about 3 or 3:30 on March the sixteenth?"

"I was," replied the witness who could not remember what day of the week it was however.

"Now, Mr. Ayres while you were there in the lobby, did you notice an automobile about the place?"

"Yes, I saw a big closed car with the driver in the front seat."

"Describe what happened."

"The driver came in the hotel and asked for a man named Earl Gentry."

"Was he tall or short?"

"He was short."

"Late in the afternoon, did you see that car in front of the hotel?"

"Yes."

"What did you see in reference to anyone getting into the car?"

"Three Got in Car"

"Three people checked out and the driver entered the car."

The three people who entered the car, did you notice them?

"Yes, sir, there were two men and one woman."

"Now, do you see any of the men who got in the car here in this courtroom?"

"Yes, sir." The large crowd stirred expectantly.

"Can you point them out?" asked Remy.

"This gentleman here, and that gentleman there," said the witness waving his left arm in the general direction of Gentry and Stephenson.

"Did the jury see?" asked Remy turning to the jury.

Most of the jurors nodded, but Judge Sparks interposed, "Maybe it would be better if he got up."

The witness arose from the stand, and walking to the defense table, pointed directly at Gentry and then at Stephenson, as had done his predecessor. Then he took the chair again.

"Will you describe the lady?"

"She walked out, as if—like what they call intoxicated, as if she were walking a line, as if trying to hold her balance."

"Dizzy, you might say?"

Defense Objects

"Oh, we object," cried four or five defense attorneys in varying tones.

"It may go out," said Judge Sparks.

"Did anyone support her?"

"As they left the desk, one gentleman took her arm and helped her out."

"Which one took her arm?"

"That gentleman," said the witness, pointing at Stephenson.

"Mr. Morgan, took her arm."

Stephenson curled his upper lip in a sneer.

"The gentleman registered as Mr. Morgan?"

"Yes."

"Was the driver registered at your hotel?"

"No, sir. He came in and asked for a Mr. Gentry. I said they had just arrived and were probably sleeping. He said he wanted to talk to him, and called him on the phone. He said 'This is Shorty' and went up to the room."

"Were you there when these people arrived there that morning?"

The witness said he was not and further, he did not remember how the lady was dressed or if she wore a hat.

Map Entered

Inman then got out his map of the hotel premises and advanced to the judge's desk. This time he was successful in introducing it as an exhibit, following a squabble with State's attorneys which was terminated by Judge Sparks:

"I don't see what difference it makes anyhow."

In the cross-questioning of Ayres, Inman drew from him substantially the same testimony regarding the premises.

"Had you ever seen these gentlemen before?"

"No, sir."

"What were you doing when you saw them go outside to the car?"

"Taking my farewell smoke before going behind the desk."

"How was the gentleman who registered as W. B. Morgan dressed?"

Wore Derby

"A gray overcoat, and a dark hat, probably black. And if I remember right, it was a derby."

"Did you notice what kind of shoes he wore on his feet?"

"No, sir."

"Was he a smooth shaven gentleman?"

"Yes."

"How was the other gentleman dressed?"

"He wore a dark overcoat and a hat. I noticed his face, as we often have to do with strangers."

"You don't know whether the lady wore a hat or not?"

"No."

"Did she wear a coat?"

"I don't recall. It might have been a coat or a jacket suit. I don't know which. I paid more attention to her attitude."

Inman then tried to draw from Ayres, an admission that he had been taken to the Marion County Jail to pick Gentry out of a group of prisoners. Ayres denied this.

Remy was plainly jubilant over Judge Sparks' refusal to strike the entire deathbed manuscript from the record of evidence, as the defense had attempted through multitudinous motions.

The fact that Sparks did not de-

lete one single important clause from the document spurred Remy on.

In contrast with Remy's high pleasure over his accomplishment, thus far, came an air of resignation on the part of the defense attorneys.

Still Confident

One of the principal moves on which hope had been based for an acquittal of the trio, had been thwarted. However, the defense was not completely taken back by the sudden reverse, and defense attorneys declared "We still are going to make a real case out of this."

These excerpts were stricken from the dying statement:

1. "At that time he (Stephenson) seemed to take a great liking to me and danced several dances with me. During the dances he said he liked me very much." In the same paragraph Judge Sparks allowed the following statement of Miss Oberholzer to remain as evidence:

"I first met David C. Stephenson at the banquet given for Governor Jackson at the Athletic Club early in January, 1925. At that time I was impressed with Stephenson's power and influence."

2. Regarding occasions when Stephenson and Miss Oberholzer were together subsequent to meeting at Governor Jackson's banquet, Judge Sparks deleted:

"This was while the Legislature was in session. Then we drove back home and he acted toward me in a gentlemanly manner, although he said to me, I thought jokingly, 'are you afraid of me?' He said, too, that I should not be so aloof from him and said 'I always get what I want.'"

3. In her reference to several dinner dates she had with Stephenson at the Washington Hotel, Judge Sparks deleted:

"At that time he said to me 'I would never hurt you even if you asked me to, and you know that, and I believed him. I was at first attracted by his apparent influence and power with State officials and his general political influence and because of his respectful attitude and conduct toward me, I believed that he was my friend.'"

4. "The two evenings I took dinner with Stephenson at the Washington Hotel he drove me home, and

was very nice to me. Whenever we met, during these times, he was especially nice to me, and once, when he overheard me talking about wishing to kill a bill in the Legislature, providing for the abolishment of my office—that of business manager of the Teachers' and Young Peoples' Reading Circle of Indiana—he said to me that I should have come to him and that he would use his influence to kill it, and the bill was killed."

5. Judge Sparks deleted the following from her story of taking the tablets to sell them to the tablets."

6. In her story of her stay in the Hammond hotel room, Judge Sparks struck out in reference to "Shorty" DeFries, Stephenson's chauffeur, who befriended her: "And he said to me that he had never mistreated a girl in his life."

7. "And Shorty saw evidence of this in the cuspidor," referring to the blood she had vomited after taking the poison.

Prosecutor Remy expressed himself as keenly pleased over Judge Sparks' action and especially over the fact that not one of the really vital points in the death-bed statement was removed.

"The action will not hinder the State's case in the least," Remy declared jubilantly.

In his free and easy manner, Remy procured the declaration after it was edited by the court and read it to the jury in his characteristically methodical way.

Friday Resume

Friday's session of court—the second day of the actual trial—began with an hour's argument by defense attorneys to Judge Sparks that he should stop the trial, discharge the jury and start all over again with a new jury. The judge made prejudicial remarks to the jury, the defense alleged, intimating the girl could not have committed suicide.

Judge Sparks overruled the motion, and ordered the trial to go on.

The defense theory is that Madge committed suicide.

Asa J. Smith, Oberholzer family attorney, was the first witness. He told how he wrote down Madge's dying declaration from memory and notes made at various conversations

with her. Inman accused Smith of forging Madge's signature, which he denied.

Settlement Talked

Inman accused Smith of attempting to settle the case with Stephenson for \$100,000, asking him if he did not go to Stephenson's office with the declaration, or to the office of his attorney, Robert I. Marsh.

"That is not correct," replied Smith.

Griffith D. Dean, Smith's law partner, followed Smith. He said they had attempted to settle with Stephenson for the sum mentioned. It was not just Smith alone, he said, that made the attempt. When Stephenson replied "I have been blackmailed before by experts, and amateurs can't get away with it," refusing to pay, the statement was given the grand jury," he said.

The State scored another point when the judge said the crime would be considered by him as having commenced when Madge left home with a man to go to the Stephenson home and continued until she was carried into her home poisoned.

Chum Heard

Miss Ermina Moore, Madge's best friend, was the last witness of the day. She also told how the dying statement was prepared and read to

Madge for her corroboration or disapproval as to its truth, and how Madge approved it, except in three or four places.

**Preacher, Girl Face Former's Wife**

By United Press

CHICAGO, Oct. 31.—The Rev. George Sturtevant, 51, itinerant evangelist, today was brought into domestic relations court to tell why he left his wife and kept company with Ethel McKee, 24, a pretty "sawdust trail usher." The couple was brought back here from Lansing, Mich. Mrs. Emma Sturtevant, the wife, charges desertion.

Detectives charge the evangelist and Miss McKee entered a love pact, a copy of which they said they found on the couple. The pact reads:

"We do hereby pledge our love and fidelity to each other as long as we shall both live, and we will, as soon as the way is open, become man and wife."

**AUTO PLATES ARE PUZZLING**

The last Legislature passed a law giving the secretary of State authority to adopt permanent license plates for automobiles. Since then Secretary F. E. Schortemeier has been unable to find a plate which he believes would last satisfactorily any length of time, he announced today.

Among those which have been presented to him is a plate made of thick, unenameled aluminum with the numbers punched in. With this plate in use the motorist would register each year and receive an aluminum date which he would insert on the larger plate.

Schortemeier said he has not yet found a plate which could be used to any great saving to the State. The aluminum one, among the cheapest, would cost 30 cents as compared with 12 cents for the plates now in use.

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6:20	2:22	8:22	9:00	1:05	7:05		
6:50	3:00	9:00	8:30	12:30	6:30		
7:32	3:40	9:40	7:47	11:47	5:47		
7:50	3:57	9:57	7:31	11:31	5:29		
8:15	4:25	10:25	7:10	11:10	5:05		
8:57	5:10	11:10	6:30	10:30	4:20		
P. M.	P. M.	A. M.	A. M.	A. M.	P. M.		

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### MARION FLYER

Between Indianapolis and Wabash

Read Down	P. M.	Read Up	A. M.
5:00	LV.....Indianapolis.....Ar	9:50	
6:20	.....Anderson.....	8:35	
6:42	.....Alexandria.....	8:10	
7:45	.....Marion.....	7:20	
8:25	Ar.....Wabash.....Lv	6:30	

### MUNCIE METEOR

Between Indianapolis and Muncie

Read Down	P. M.	Read Up	P. M.
8:00	LV.....Muncie.....Ar	6:50	
9:45	Ar.....Indianapolis.....Lv	5:00	

### "WABASH VALLEY FLYERS"

Via Tipton, Kokomo and Peru

Read Down	P. M.	P. M.	A. M.	Read Up	A. M.	P. M.	P. M.
7:00	1:00	7:00	11:20	6:45	9:30		
7:55	1:55	7:55	10:25	5:53	8:35		
8:30	2:22	8:22	9:55	5:25	8:10		
9:00	2:55	8:55	9:25	4:55	7:25		
9:35	3:30	9:30	8:45	4:20	7:00		
9:53	3:53	9:53	8:16	3:53	6:25		
10:27	4:27	10:26	7:43	3:23	6:03		
11:10	5:10	11:10	7:00	2:40	5:20		
P. M.	P. M.	A. M.	A. M.	P. M.	P. M.		

### KOKOMO TRAVELER

Between Logansport, Kokomo and Indianapolis

Read Down	A. M.	Read Up	P. M.
7:30	LV.....Logansport.....Ar	7:55	
8:20	.....Kokomo.....	6:55	
8:50	.....Tipton.....	6:22	
9:15	.....Noblesville.....	5:53	
10:10	Ar.....Indianapolis.....Lv	5:00	

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