

# STEPHENSON CASE ARGUMENT IS STARTED

## Remy Reads Dying Story Piece by Piece and Cites Substantiation.

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kind of a girl they said she was she would have gone to a hospital as his wife, or would have married him.

### Clean, Decent Girl

"No, Madge Oberholzer was not that kind of a girl. She was a clean, decent, honorable girl, who had been trapped by these fiends, and wouldn't have anything more to do with them," said Remy in a triumphant shout. "That's to her everlasting honor."

At intervals during his speech Remy would advance to the counsel table and shake his fist in challenge to defense attorneys.

"Where is Shorty De Fries? (Stephenson's chauffeur on the trip) Where's Shorty De Fries? He would make the greatest witness in the world for the defense. If this story wasn't true, where is Shorty today? Answer, Mr. Inman or Mr. Holmes or whoever is going to make the argument," the prosecutor said, pausing before the defense table.

"I'd believe Mrs. Schultz before ten thousand Rigdons," Remy said at another point. "The State has the testimony of witnesses who don't belong to any gang, testimony of witnesses not hired by Madge Oberholzer—who are working for their living, a railroad conductor, Pullman porter, railroad men, hotel men."

### Flays Holmes

"Oh yes," said Remy, remembering something, "Mr. Holmes you asked the hotel clerk Ayres, if he had not been paid to testify, and if he had not told a man named Rosen. The question you asked Ayres was just a dirty insinuation against Leo Ayres, Mr. Holmes, but you didn't dare back it up, you didn't produce Rosen, you didn't dare back it up," Remy thundered at Holmes, who sat in his chair looking straight ahead, as if not hearing the charge.

Remy turned to the testimony of Levi Thomas, porter on the Pullman car in which she was conveyed to Hammond.

And the girl said 'Oh dear, put the gun up,' and Remy again walked over to Inman and shook his head in Inman's face as he eyed him. "But I'm coming to that later," Remy said as he stepped himself and turned to another subject.

"And the testimony of Beatrice Sprattley, the nurse. And the man who was summoned to Madge Oberholzer's bedside—the best Indiana had. Men who made a monkey out of Eph Inman when he tried to cross question them."

"Madge Oberholzer had beaten the poison and had it not been for the supuration that set in, she would have lived."

"Dr. Virgil H. Moon, professor of pathology at the Indiana University School of Medicine, the school where half the defense's medical witnesses

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## Too Tired To Go Out Nights? Beware of Chronic Fatigue

Thousands of men and women think that is because they work too hard that they are "all-in" every evening—too tired to go out to a show, or to play with their children—when in the great majority of cases the real cause of their work, worn-out feeling is that they are victims of chronic fatigue.

Don't confuse chronic fatigue with the "healthy" fatigue you feel after vigorous exercise. Chronic fatigue comes from within. Your organs and muscles have become debilitated due to lack of sufficient organic iron in your blood.

To conquer chronic fatigue you must strengthen your system by restoring

graduated. Dr. Moon, recognized officially by the county officer, whose duty it was to arrange the autopsy said that wound, that wound on her breast, that abscess on her lung, was brought on by the fang of D. C. Stephenson.

"Remember how Dr. Harger modestly and unassumingly sat here on this stand and answered those rapid-fire questions? They not only were expert, but they were experts on this case."

### Shotgun Defense

"Well, there was a defense. Not a well organized defense. Not a straightforward defense. It was a sort of shotgun defense."

"And the defense said 'We'll get Eph Inman, and sometime he'll catch a witness and we'll prove an alibi.' I've handled more than half a hundred murder cases and this is the first time I ever saw a defense that didn't know what its defense was going to be—didn't even give an opening statement."

"The State of Indiana made its opening statement, told the jury what its case was going to be; even told who its witnesses were going to be."

Striding over to a point near the defense table, Remy faced the defendants and their group of attorneys and shouted in their ears, "If you had a defense, why did you change the defendants, day by day, from chair to chair, and why did you, Mr. Holmes, sit in front of one of the defendants until you had to be moved?"

"Why the evidence shows that Earl Klink was a deputy sheriff and the prisoners didn't even know him. He was a deputy sheriff assigned to the particular service of D. C. Stephenson, the man who said he was the law in Indiana, and Marion County paid the bill."

"Doesn't that Klink alibi show the way the wind blows? Doesn't that show them up? I'll say that it shows them up," Remy declared emphatically.

"They tried to alibi Klink."

### No Defense

"If they had a defense, why did they try to explain things the way they did? Madge Oberholzer tells you how she got those wounds and it isn't denied in the evidence."

"They had to admit the trip; they had to admit the wounds; they had to admit it all so they fell back on the suicide theory."

"Oh, that was shameful, Mr. Inman, to bring out such kind of testimony."

"Stephenson's own personal physician, who had treated him for alcoholism—that expert, he tried to tell you that it didn't hurt her ride from Hammond to Indianapolis, in an automobile, that it didn't hurt her to spend the night in a garage, because nothing could have helped her. That's what they want you to believe."

"Dr. William gives up too quickly. A good doctor doesn't do that. He hangs on to the end, like a criminal lawyer in a desperate case who hangs on until the last ray of hope is gone."

"Then they started in to write the blackest page in this case. It was the last resort. The best toxicologists in Indianapolis had testified for the State and they had tried to blacken the girl's character, and they used some mighty good blackening."

Remy then reviewed for the jury, the cross-examination of the defense witnesses who appeared to tell of Madge's acquaintance with Stephenson.

### No Dates

"There was Dr. Allstock—by the way, the only time the defense fixed a definite date was in the Klink alibi. They didn't dare fix dates. You knew we'd blow you out of water if you did," screamed Remy. "We did blow you out of the water that time, and you never tried it again, Mr. Inman."

Remy made the rafters ring. At other times he would lower his voice so that only the jury could hear what was said. He was unsparing of the defendants and their attorneys, hurling bitter charges at them time after time. At other times he became sarcastic, especially when he would frequently quote the now famous phrase, "I am the law in Indiana," or "I have been in a worse mess and got out."

"There was Allstock, a Klan organizer under Stephenson. There was Mrs. Schultz, who said she had never been in Stephenson's home. A few moments later her husband took the stand, and it developed he was an organizer under Stephenson, and he said his wife had been in Stephenson's home, and that he had taken her herself."

### Calls Rigdon Loafers

"Then there was Rigdon, another defense witness. Anything anybody would testify to, he would. Loafing around the Legislature; in Stephenson's office every day, interested he said, in watching politicians manipulate the Legislature. There in Stephenson's office with Klink, a deputy sheriff of Marion County paid by the people. Yeah, I am the law." No wonder he said it.

"Donahue, another organizer, ap-

## Chosen Inspector of Police



Arthur R. McGee, named police inspector by Mayor-Elect John L. Du Vall.

peared to blacken the girl's character. My goodness, what an array. Strader, Stephenson's former secretary, who has been at the trial every day, but one, why they didn't produce anybody, but the gang to testify against this girl and that was when all else had been blown to the winds. Maxine Elliott, Stephenson's stenographer, in the office every day, told of seeing Madge there, but contradicted the others, she in that office every day, never saw Madge there until January, she said."

At this point Remy stopped for noon recess. Court took an hour for lunch, and resumed at 1 p. m.

Remy began talking shortly before 10 a. m., after Judge Sparks had ordered argument to start.

### Remy Confident

Without any preliminaries, Remy rose from his chair, strode across the floor with the confidence of a field marshal, straightened his slender body and faced the jury, a congenial smile on his face.

In his characteristically low but audible voice, he said:

"Gentlemen of the jury, we've had some rather trying days. We've had to give unsparingly of our precious time."

"The State has done its duty in this case to the best of its ability. It is now for the jury to determine whether the evidence against D. C. Stephenson, Earl Klink and Earl Gentry has removed beyond a reasonable doubt the question of their guilt."

### Fair Trial

"I don't know of any case in the history of jurisprudence, where the defense has had a fairer trial, a fair judge. I know the State is satisfied, and I'm going to speak to you briefly. Brevity, in the law means nothing. The delay and delay and delay in the law by artifice and all those other cunning means—"

Although Klink and Gentry, were listening intently to what Remy said, Stephenson wrote furiously on a scratch pad, held on his knee. A sneer played on his countenance.

### Reads Law

After reading the definition of first degree murder as set out in the Indiana statutes, Remy, laying the book aside, again faced the jury. "Gentlemen, Madge Oberholzer is dead. She would be alive today were it not for the unlawful act of D. C. Stephenson, Earl Klink and Earl Gentry. They have destroyed her body and have tried to destroy her soul, and in the last few days they have tried to dishonor her name."

Already Remy had reached the heart of his argument, and was swinging his body to and fro, as he became more and more eloquent. "Oh! They didn't attack her character directly—they didn't dare do that. They knew if they tried it they would open the very flood gate of evidence. So they tried it by innuendo. All the means they had at their command, however few, they tried," Remy shouted fervently.

"Their own private little coterie of men who frequented Stephenson's home, and who received their appointments at Stephenson's hand—those were the men they put on the stand. Because they could find no others."

Waving the dying declaration of Madge Oberholzer, Remy cried out: "Madge Oberholzer's story still stands unshaken!"

### Packed Audience

Remy was appearing before the largest audience that has been in the courtroom thus far. The tiny room was literally packed.

"Her dying declaration is before you again with corroborating and supporting evidence from witness after witness, credible witnesses," Remy continued. "It stands not only with the solemnity of the declaration of a person who faces certain death, it still stands, most of it not even denied. They didn't dare deny it."

Taking the copy of the dying declaration from his desk, the prosecutor read it sentence by sentence to the jury, touching on the State's evidence and giving his argument on each point.

"I first met David C. Stephenson Jan. 12. That is corroborated by the best evidence the State could possibly have brought here, the man who introduced Madge Oberholzer to Stephenson."

"Soon a Mr. Gentry came for me," Remy read, then said:

### Proved by Mother

"This part is corroborated by the telephone company who identified the telephone number as Stephenson's number. It is corroborated by Mrs. Oberholzer and by the fact

that Madge left her home with some friend. If Mrs. Oberholzer has wanted to tell untruths in this case she could just have named the man."

"I was afraid not to drink the liquor and took three small drinks."

"This is corroborated by Levi Thomas, porter on the Pullman car, who said she was ill and vomited in the Pullman drawing room."

Remy then read the part about how Stephenson said he was going to Chicago and wanted Madge to go with him, but that she objected.

"They didn't go to Chicago," Remy said. "No, if they had gone to Chicago they would have crossed the State line in a railroad train and that would have violated the Federal law, and even D. C. Stephenson doesn't think he is the law in the whole United States. He limits himself, I hope, to Indiana."

The prosecutor then touched on the part of the declaration concerning the revolver Stephenson carried and how cartridges were found in the hotel, saying this part was not denied by anyone.

"Cubertson, the clerk of the Washington Hotel, says he made reservations for tickets in Stephenson's name. This is not even denied by any person in this case," Remy said.

### Madge "Forced"

Remy then took up the argument as to whether Madge went voluntarily on the party.

"That Gentry was taken at the last minute, gentlemen of the jury, these men who are trying to escape the consequences of their act, at the last minute, come here and ask you to believe that Madge Oberholzer went voluntarily on this trip. Ask them to explain why Gentry had to be in the courtroom, if it was that kind of a party."

Answering to the defense table and shaking his fist at the crowd of attorneys and defendants, Remy yelled:

"Explain that Mr. Inman, if you can. Explain that, any of you men, why Gentry had to be taken along, if this was a voluntary excursion on Madge Oberholzer's part? If it was a voluntary excursion, why didn't they let her get her hat?"

"The conductor picked out Klink as the man who gave him the tickets. Even if Klink was sitting behind twenty-five persons, who were shifting around continually Klink couldn't hide any more than Gentry could hide behind Holmes while a witness was looking for him."

### Trip to Station

Remy touched on the trip to the station and Madge's statement that Stephenson and Gentry sat beside her in the auto.

"The only man who denied this is a man who went out on the street to buy a newspaper. He saw a woman on March 15 sitting in a sedan with the window down. He had never met the woman but once in a hotel. That was when she asked him to locate a man for her. A man who said 'I've never talked to Mr. Holmes or a living soul about this case until I took the stand.'"

"Mr. Holmes is a pretty smart lawyer, but he is no mind reader. Mr. Holmes, the man who tried to give the alibi for Klink, is generally pretty sure of what his witness will say. Why, it's ridiculous. So much for that witness."

The jury paid strict attention to what the prosecutor said. On occasions the spectators laughed at Remy's irony and they were grieved into silence by Judge Sparks.

"He said he was the law in Indiana," Remy read.

"That's what he told Madge Oberholzer and circumstances surrounding this case must leave every thinking man in the State to think that he was the law, and sometimes I, myself, think he was the law—that is, in some places. I don't believe D. C. Stephenson is, or ever will be the law in Hamilton County—at least he must know it by this time."

"Oh! he attacked her, . . . And it isn't denied by any evidence in the case, gentlemen of the jury."

Remy was relating a coherent story of the case from its beginning until the hour of her death step by step. He turned to time when Madge Oberholzer, after her harrowing experience was returned to her home.

"Not knowing about Mrs. Schultz being at home, Klink brought her there. Didn't knock just opened the door—but Mrs. Schultz was there. Providence."

"And Klink, caught, turned his head one way and then the other to avoid the Cavalier Motion Picture Company. He said, 'I'm Mr. Johnson of Kokomo. She's got hurt in an automobile accident.'"

"And Klink wants you to believe he took prisoners to the Indiana State Farm and got back by 11 o'clock the same morning. Oh, if the Marion County sheriff's office had shown such speed, D. C. Stephenson was under indictment, and was being sought—and they later found him conveniently waiting in his office—armed."

Paraphrasing Madge's allegations in the deathbed statement Remy continued:

"Took her off a train at Hammond. Stephenson threatened to shoot her. She said 'I saw the conductor.' And that conductor, standing right there, picked them out, first one and then the other."

"Oh, they tried and tried and tried to break down that identification some way, and they couldn't do it. She begged Stephenson to wire her mother. The first thing she thought of was her mother."

Remy fondled the original telegram, the office copy and the delivered message. He walked over to Inman and flicked them in Inman's face.

"Leaning forward Remy said, 'When we produced these telegrams Mr. Inman's face got so long his chin tore a hole in his shirt,' stamping his feet."

Remy then procured the sheet from the register of the Indiana Hotel at Hammond, which bore the signatures of W. D. Morgan and wife, Franklin, and Earl Gentry, Indianapolis.

"And when those hotel clerks

came in her they said 'There's one and there's the other.'"

### Gentry "Nurse Maid"

Remy read extracts from the dying statement where Miss Oberholzer said, "Gentry put hot towels on me, and bathed my wounds in witch hazel."

"Now, wasn't that kind of Gentry? Gentry, the nursemaid, tenderly ministering into the wounds of Madge Oberholzer in that hotel," Remy cried out in mock seriousness.

Again Remy read from the dying statement: "Stephenson said he was sorry, but that he was three degrees less than a brute. I said he was worse than that."

"I guess there's no controversy about that," Remy declared. "She had lost everything that a good woman had. When she got her hat she knew just what she was going to do."

"Stephenson and his quart of boys, Oh, how they have camped on that quart of milk!"

Sur-rebuttal of the defense this morning was brief. Defense attorneys first asked half an hour delay for the purpose of rounding up their witnesses.

Eph Inman and Ira Holmes, helmsmen of the defense craft told Judge Sparks that their witnesses had been obliged to travel a considerable distance, and asked the court's indulgence for a half hour.

Judge Sparks acquiesced, but replied: "I've ridden about as far as the witnesses." Sparks, who has been spending his entire time in Noblesville, went to Rushville, his home town, Wednesday night to attend a function given by the Bible class over which he presides.

Frank Stone, 25, 1129 Larch St., Indianapolis, automobile race driver, was the first witness. He testified in sur-rebuttal for the defense that on Wednesday night he was in Mr. Stephenson's office and saw Stanley Hill and Madge Oberholzer there. The three were discussing plans for the seating arrangement at the banquet."

On cross-examination Attorney Cox accused the witness of having been in the employ of Stephenson as a whiskey runner from Florida to Indianapolis. This the witness denied.

Despite the rain a large crowd jammed the courtroom at 9 o'clock impatient to hear the "pleadings."

"Mr. Stone are you acquainted with D. C. Stephenson," asked Eph Inman chief defense attorney.

"I am, I have known him somewhere in the neighborhood of three years."

"Ever work in connection with Klan headquarters?"

"I did, indirectly. I had charge of the shipment of supplies."

"Stone, have you ever met Stanley Hill?"

"I have."

### Testified Wednesday

Stanley Hill was chairman of the committee in charge of the Governor's inaugural ball and banquet the night of Jan. 12 at the Indianapolis Athletic Club. Appearing Wednesday as a State rebuttal witness, Hill testified that Madge Oberholzer was his guest at the banquet and on that fateful occasion he introduced her to Stephenson. Hill's testimony was offered to strengthen the same statement in Madge's dying declaration to refute defense testimony that Stephenson and Madge went around together in 1924.

"Did you ever see Madge Oberholzer?"

"I have. I saw her in Mr. Stephenson's office."

Dr. Roscoe Carpenter, Indianapolis, head of the Cavalier Motion Picture Company, was the last witness in sur-rebuttal. He said the David C. Stephenson did not own any stock in his company, as testified Wednesday by Ralph Roubush, a State witness.

### No More Witnesses

As no more defense witnesses were present, Judge Sparks ordered the arguments to begin. Attorney Ira M. Holmes then presented Judge Sparks with typewritten instructions which the defense was given the jury. They were 61 in number. The prosecution will also offer their ideas on instructions. Judge Sparks will give such as he thinks necessary.

### Blasted Story

Roubush had blasted the testimony of two defense witnesses Dr. Valley Allstock, and Dr. Chester L. Cleveland, both of Columbus, who had testified that one night in January they had talked with Stephenson, in Columbus and that Miss Oberholzer was with Stephenson at that time. Roubush had stoutly denied the presence of any woman in Stephenson's automobile on the night in question.

### Rebuttal Closed

The State closed its rebuttal suddenly Wednesday afternoon at 3:30 after a record crowd of spectators had waited through a two hour recess. When court reconvened after the noon hour, Judge Sparks announced a new recess to 3 p. m. to enable Remy to gather his witnesses.

Roubush was the final witness. Roubush, a poultry man living near Noblesville, declared he was in Columbus the night of Jan. 14 or 15 and saw Stephenson and Dr. Valley Allstock on the street. Dr. Allstock had previously testified that Miss Oberholzer was in Stephenson's company this night.

Roubush said he stopped and talked with Stephenson and did not see any woman in his automobile.

### I'm the Law

Asked what he discussed with Stephenson, Roubush said:

"Well I asked Mr. Stephenson about some stock I'd bought in the Cavalier Motion Picture Company. He said he guessed the company had fallen through and he said, 'It's no use to complain. You know I'm the law in Indiana and I've got the money to back me up—so what can you do?'"

Roubush said he did not see Dr. Chester L. Cleveland, a Columbus character, who testified he was along when Stephenson, Miss Oberholzer and Allstock were together.

## WIDOW BARES NAVY PRESSURE

(Continued From Page 1)

the effect of retracting her earlier criticism of the Navy Department and making a false statement.

3. That this communication was delivered to her by Mrs. George W. Steele, wife of the commander of the Lakehurst naval air station, who told her Foley had written it.

4. That it bore no signature or mark of identification and that she tore it up soon after she received it.

5. That Foley came to see her before she testified at the inquiry and attempted to get her to rehearse her testimony.

6. That she declined to enter into any argument regarding her testimony and informed Foley she would testify as to matters the Navy court had been avoiding.

Dressed in mourning she told testimony in straight forward manner, unaided by the board of generals.

Under cross-examination, Mrs. Lansdowne told in detail about Foley's call at the home of her uncle, Dr. William B. Mason.

"Did you talk with Captain Gerhardt of the Navy, Sept. 4, 1925, at Lakeview, N. J.," she was asked.

"No," she said to him then that the things in the papers quoting you as criticizing the Navy Department and officials were lies."

"I did not."

Denial Qualified

"Did you deny newspaper statements quoting you?"

"I only denied that I had said the Secretary of the Navy was a murderer. I only denied that I criticized the secretary personally."

"Did you tell a newspaper reporter that Commander Lansdowne had made no protest against the Shenandoah flight?"

"No, I said he had made official protests against making the flight."

"At the time he called on me, Captain Foley said he wanted to impress me with the importance of the court," she went on. "He said it had all the powers that a Federal court had."

"I said I did not wish to make any statement before I went before the court. He kept insisting that I tell him what I had on my mind."

### Insist on Facts

"Despite the denial by Secretary of the Navy Wilbur I told him that the official correspondence showed that my husband protested against the flight. That official correspondence was gone over."

At the insistence of Moreland, Mrs. Lansdowne named Mrs. George W. Steele, wife of the commander of the Lakehurst (N. J.) station as the woman who delivered the "false statement" to her.

"There was nothing in that statement to show that it came from Captain Foley or the Navy Department, except the Government water mark," Mrs. Lansdowne said.

"Was there any sign on the paper?" asked Maj. Gen. William S. Graves.

"No, sir."

### RAILWAY COMPANY WINS

Federal Jury Returns Verdict for Defendant in Suit.

Verdict for the Indiana Harbor Belt Railway Company, defendant in a suit filed by William Bradford, Boston, Mass., former president of the Chicago, Cincinnati & Louisville Railway, was returned by the Federal jury Wednesday. Bradford sought \$300,000 from the Harbor Railway Company for the use of the railway spur which he built on the Illinois Central tracks near Indiana Harbor.

Bradford has filed a similar suit against the same company asking for \$600,000.

### RIB FRACTURED; FREED