

DEATH PENALTY FOR TRIO DEMANDED BY COX

State Attorney Brands Accused as Beastly Chief-tain of Middle Ages.

(Continued From Page 1)

tion, she had procured the poison, she was careful to take advantage of the absence of the men from the room, to swallow the poison. And then after she had swallowed even much more than a fatal dose, to be sure that her own suicide should be carried out and completed, she willingly kept the fact a secret for six long hours.

And even then when the inquiry of a third party forced her to reveal it, she exacted the promise that Stephenson should not be informed, and when he had been informed after that long and fatal lapse of time—after which all the medical aid of the world, could not have saved her life—what did he do? Did he evidence the intention of desire to kill or murder her?

Gave Her Milk

No. He poured a bottle of milk into her stomach, the very antidote which all the doctors would have given her. Then he wanted to take her to a hospital, and, as his wife, to have her stomach pumped out. She refused. Then he wanted her to go to Crown Point and marry him, and she refused.

"She by her own concealment of taking the poison, for six hours, made medical aid of no avail. She, by her own willful act of conduct, made it impossible for these men to save her life," thundered Inman.

The prosecution here is asking that the law which has safeguarded and sheltered the rights of men in all the history of the past shall now be broken down and blotted out. And that hereafter suicide—admitted, and out beyond dispute of everyone, by every doctor and every layman—shall hereafter be considered murder, merely to satisfy the fleeting whims and vengeance in this case.

This violent reversal of common sense, would contradict the law of man in every country and every age. It might satisfy the transient spirit of the mob for the moment being, but the mob itself after the savage thrill of its triumph had passed, would learn that fatal error had been made, and that the very members of its own ranks would need protection against this wild anarchistic subversion of the law.

"No one has stopped to consider that the statement of this woman for its effect upon her family and friends, and for the justification of herself, would naturally throw all the coloring in her favor in favor of herself—and it was all within her power—to free herself from any fault and place the blame solely upon others.

"She would naturally do this, and she did it. And with the learned, skillful, technical language of a designing young lawyer, who previously started to shake Mr. Stephenson down, she was enabled by this young lawyer's fine engineering, to make her statement look bad upon its face against those upon whom it was undertaken to fasten responsibility for her suicide."

"Has everybody lost his head? Are we all insane?" cried

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Inman, glancing at Remy. "I do not know. I do know I am willing to forgive. I sincerely believe that any unwarranted feeling that may sweep the spirit of those who wage this prosecution, now will pass, and allow their hearts to open again, and their reason in the end to resume it sway."

"Maybe, someone feels that I say such a conclusion is impossible to my own vision in this land where the law is supreme, running on and on forever, arching as the sky above the contingencies of an isolated case. Such a termination, gentlemen, is inconceivable to me."

Hatred and Prejudice

"The muddy water of prejudice and hatred, the fierce elements of hostility, and the devoted elements of friendly support may clash—may lash wildly around your feet. But thank God, this jury, standing fearlessly and solely for justice and supremacy of law, sacredly sworn and conscience bound, breathing the clear pure atmosphere and judgment and reason, far-removed from the foul murky air that lurks and poisons the regions below, will never suffer sanctity and innocence to be torn from their minds, to outrage and disgrace the civilization of this great State, merely to glut the vengeance of certain forces of hatred and persecution."

"Thank God, we can have juries in this great country who will stand at all hazards as pillars of safety against the swirling elements of the mere madness of men—and women?"

Pictures Imprisonment

Inman then drew a touching picture for the jury of the jail imprisonment of Stephenson and his mother.

"These men have been made helpless for seven long months by unwarranted and cruel. They have been forced to languish in their dungeons, for all this time, upon a charge which every man has known from the beginning could never be sustained, unless violence and outrage be committed upon the law. Unfriendly interest on the outside of jail, unhampered and free, have operated and designed, in savage glee, to compass the destruction of these three men."

Terrible Months

"And during all these terrible months, they have sat in their cells, through the sweltering summer days from the dawn of morning to the shadows of evening, unable to meet and cope with forces of hate that clamed round them from without."

"There has been a steated attempt by the State of Indiana, the men, who ought to get under the law like Atlas and hold it up, to try to disprove the presumption of innocence."

"These men," Christian cried out, pointing to the prosecutor's table, "who have allowed their anxiety, their lust of money to get the better of their hearts. If there's anything more sacred than our liberty, what can it be. Why, gentlemen, every war we've fought has been fought on that principle."

"Are we going to tear them down because Charles E. Cox comes here with his pocket full of money, his mouth full of blood and his hands full of mud? I don't believe you can beat logic by throwing mud, by calling a man a gorilla, a sexual pervert, an iron man."

"I could call Cox a weasel, just as well as he could call my client a gorilla, and it would fit him just as well."

Hissing Starts

In one corner of the courtroom a concerted hissing followed Christian's last remark. Then a laugh of derision, and Judge Sparks rapped sharply with his gavel.

"Why aren't they down in Indianapolis enforcing the laws down there. There wouldn't be so much notoriety down there. I guess they're afraid to—some politician down there might jump on their backs!"

Passing for the time his denunciation of the forces which he declared were "out to get Stephenson," Christian declared:

"Now let's leave this tirade of oratory and get down to this law suit. Let's find out whether Madge Oberholzer was murdered or committed suicide."

Christian read various legal opinions on the Indiana law regarding the amount of evidence necessary to overcome reasonable doubt, the theory on which Stephenson's defense definitely is being based.

Sympathy for Parents

"I have the deepest and the greatest sympathy for her and her parents, but gentlemen, are we going to try this case on sympathy and sentiment, or are we going to try it on evidence and fact?"

"The first question is 'Was she murdered?' This is not the story of Madge Oberholzer, but of that little fellow with his finger pushed up to his nose," Christian cried out as he pointed to Asa Smith. "The dying declaration, Smith and the vulture, Dean, hashed up," Christian declared as he shook the document in his hand.

"This old man, who looks like a vulture, and his gosling, Asa Smith, they didn't take the girl's good father and mother into the room when the statement was signed. Why? They wanted money, the root of all evil. They wanted to shake Stephenson down. It was you, Asa Smith, who had her throw that bottle out of the bathroom window and there was no window. You imagined it, Asa, you and your co-egg, Dean."

"Why didn't her father and mother go after her? She says she was forced to drink. I doubt it. The evidence shows she had been drinking from time to time. She went up to the busiest street in Indianapolis. Did she cry out? You mean she was

being kidnaped and never said a word? Rot!"

Crowd Spellbound

Christian's argument was replete with epigrammatic statements and he bound the audience spellbound in spite of the sporadic hissing that came from one corner of the room.

"Right down Illinois Street. Right down Washington Street. Right down the two busiest streets in Indianapolis—and never opened her mouth."

"She went into a car filled with people, and never said a word. Silent Madge, who said she was being kidnaped according to the gospel of Asa Smith.

"Waited at the elevator, fifteen feet from the desk. Where is your kidnaping theory? Did that originate in Madge Oberholzer's mind?"

"Why didn't she tell her mother? My God! The intimacy of this story. Would she be telling strangers, lawyers, this amazing story and yet not a word to her mother?"

"Then the spectators hissed. Reaching over to the desk Christian picked up the dying statement and the telegram Madge sent her mother and showed the signatures on each to the jurymen.

"Does the signature on the telegram look like it was written by a nervous hand?"

"When she got the poison did she say to the druggist, 'call the police?' Why didn't she take the \$15 and go home?"

"The first time I ever saw an attack case where the woman didn't resist. It looks like somewhere along the line she'd have let out a squawk."

"How did this girl happen to know about blichloride of mercury? What's that stuff generally used for?"

"This story went through too many hands to be a credible one. Suicide, Not Homicide."

"If the banker refuses to lend you money and you go home and shoot yourself, is he guilty of murder? No, No, I say. Suicide can't be homicide. Homicide can't be suicide."

Christian turned his assault on Dr. Virgil H. Moon, one of the State's witnesses, and Dr. John K. Kingsbury, who attended the dying girl.

"Moon, this fellow who isn't a doctor, but who cuts up Kingsbury patients after they're dead,

"Talk about horse doctors. I'd hate to trust a horse to the gang that wrestled this girl around in her bed, punctured her spine, played with her kidneys and never gave a drop of iodine to that wound which they later said caused her death."

"The proof of the death of Madge Oberholzer in this case is purely circumstantial evidence and you can't convict on 'might haves'."

Cox Eloquent

Although visibly fatigued after two hours of vigorous argument, Charles E. Cox, veteran State's attorney, who preceded Christian, wound up in a flow of eloquence said never to have been displayed before in this courtroom. Cox assailed each and everyone of Stephenson's witnesses as liars.

"The slime of the serpent of per-

jury is over them all," Cox declared.

"There is a man, and a woman in this courtroom now—a broken father and mother, who brought Madge Oberholzer into this world, who rejoiced in her coming, who brought her from her infancy into childhood, and young womanhood, and who— but Cox was so filled with the emotion that he did not finish the sentence.

"Well, there is Joe Sturdevant (Noblesville doctor who appeared for the defense), that even Ralph Kane, the big thunderbolt they're saving until the last, won't dare call a liar. Why Doc Joe said the wound on her breast could not have caused her death," Christian declared to his fellow countrymen on the jury in a neighbor to neighbor tone.

"The fact that she was taken through the Union Station, and guns were pulled and all that stuff they put in their hypothetical question. I suppose indicated to Dr. Moon something about whether she had the measles or the mumps. It was pure drivel," shouted Christian.

Praises MacDonald

"Then there was Dr. MacDonald, a State witness," said Christian changing his time. "I admire him. He's as fine a man as there is in the State. He couldn't countenance the stench going up by Dr. Moon. He's a fine doctor, and he treats 'em while they're alive and go to the grave. What did he say? He said there were one or two little abrasions on her breast, and another large bruise elsewhere, and that none of them was sufficient to cause death alone."

"Then there was Dr. Herger, who also has evidently changed his mind since the ball hearing in June. In this trial he said the amount of mercury taken from her kidney was much smaller than in ordinary cases of this kind, but last June he testified it was about the usual amount found.

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