



The Indianapolis Times

HOME

Partly cloudy tonight, followed by fair Wednesday, not

much change in temperature; lowest tonight about 28.

VOLUME 42—NUMBER 257

INDIANAPOLIS, TUESDAY, MARCH 3, 1931

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TWO CENTS Outside Marion County 3 Cents

SCHROEDER CAPTOR TELLS HOW HE NABBED FUGITIVE IN MOBILE HIDING PLACE

Special Deputy Describes Scene When He Crept Up to Murder Suspect and 'Snapped on the Cuffs.'

TRAILED WIFE TO HUSBAND'S REFUGE

Knife Alleged to Have Been Taken From Defendant in Alabama Jail Is Displayed Before Jury.

BY EDWARD C. FULKE

Graphic story of how a simple snare thwarted Harold Herbert Schroeder's flight three weeks after the gruesome High School road torch car tragedy, May 31, was told today to a criminal court jury at Schroeder's trial for alleged murder of an unknown man.

The scene in a deserted weed patch at Mobile, Ala., where a cowering fugitive submitted to arrest, was described by Earl C. Dykes, special deputy sheriff of Mobile county, from the witness stand.

State's attorneys laid vital points of their case before the jury as a crowd of record proportions watched developments with bated breath.

Dykes, a tall, gaunt figure, speaking with a typical southern drawl, narrated the sly bit of detective work that resulted in Schroeder's capture.

"I knew Schroeder for more than four years," Dykes testified. "On June 20, last year, I went out to the western part of the city (Mobile) to the weed patch. I had seen Mrs. Leah Schroeder get out of a car there three nights before.

"Found Schroeder in Weeds
"When I found him (Schroeder), he was lying on his side, with his head on his hand, in about five feet of weeds. I had crawled up to where he was.

"When Schroeder saw me, he looked up and said: 'Where did you come from?' Dykes narrated. "I'm surprised to see you," Dykes quoted Schroeder as saying. "Well, get up and go with me," Dykes said he told Schroeder.

"I thought you were a friend of mine, Dykes. I don't see why you should take me down. Say, get me a drink of water," Dykes quoted Schroeder.

"Schroeder then began to beg me to turn him loose," Dykes testified. "He said he wasn't guilty."

Prosecutors Herbert Wilson and Floyd Mattice interrupted Dykes, asking him to tell how he got the clew to Schroeder's hiding place.

Dykes disclosed that his sister lived in a house adjoining the weed patch. Dykes denied, however, that she had told him about the fugitive being there.

"I had followed Mrs. Schroeder to that spot before, and I suspected he was in those weeds," Dykes testified.

Knife Placed in Evidence
"When I put the cuffs on him, Schroeder begged me to let him go. He told me he wanted to go to Mexico," Dykes testified.

Jurors and spectators leaned forward at this point, when Mattice rose, carrying a large pocket knife. "This was introduced and identified by Dykes as the one removed from Schroeder's pocket at the Mobile jail.

Jurors were handed the weapon for inspection. A furor of excitement ran around the courtroom, with several women spectators whispering "That's it!"

About this time, Holmes asked to interpose a preliminary question to Dykes.

Had No Warrant
"Did you have a warrant for Schroeder's arrest?" he demanded. Dykes answered "No."

"Then you know the search and arrest was unlawful, do you not?" Dykes did not answer the question.

Proceeding Dykes on the stand, Robert Miles, garage employee, who hauled the burned car to a city garage after it and the charred torso were discovered, identified three photographs of the auto, and these were passed to jurors for inspection.

Holmes objected to their introduction and a long round of argument ensued, Baker overruled Holmes.

Alabama Man on Stand
Shortly before noon adjournment, John E. Mandeville, secretary to Bart B. Chamberlain, prosecutor at Mobile, took the stand and was questioned on how Schroeder's statement was obtained in a Mobile hotel.

That statement is the only one authorities ever obtained from Schroeder. It told of Schroeder's leaving Mobile twenty days before the High School road tragedy, and of the accident near Terre Haute, in which, Schroeder says, his hitchhiker passenger died of a broken neck when the car plunged into a ditch as Schroeder fell asleep.

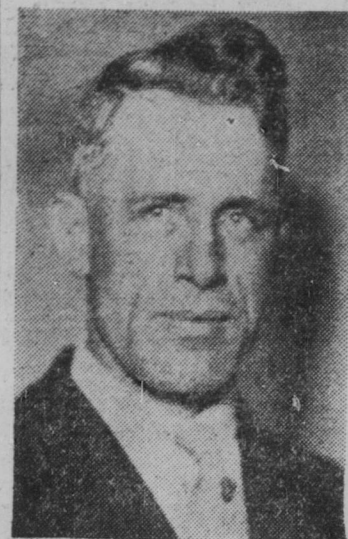
Holmes made no objection to introduction of excerpts of statement by prosecutors at this point.

"Schroeder repeatedly asserted he was not guilty," Mandeville testified.

Auto Salesman Here
Mandeville, Dykes and H. Daaron Wood, Mobile automobile salesman, arrived in the city this morning for the trial. Wood is said to have sold Schroeder the automobile which was burned on High School road.

W. J. Clark of Norfolk, Va., an auto insurance salesman who in-

Called in Torch Case



JOBLESS FIGHT N. Y. TROOPS

300 Clash With Soldiers in Legislative Hall in Albany.

By United Press
ALBANY, N. Y., March 3.—Three hundred unemployed, who marched into the state capitol to demand relief, rioted and clashed for forty-five minutes today with state troopers before they finally were forced from the assembly.

There were a number of casualties, though none appeared severe. Captain John Kiehl, commander of the state troop force guarding the assembly, was clawed and beaten and was saved from falling from the gallery into the assembly hall by a trooper who came to his aid.

William Bell, a senate page, was knocked unconscious and had to be treated in an emergency hospital after he had gone to the aid of Trooper (Spike) Sullivan, who was being pummeled by the demonstrators.

Other Troopers Clawed
Other state troopers were clawed and scratched when they went into the galleries to quiet the crowd shouting, jeering and booing state officers.

The 300 unemployed composed groups who had marched into Albany, mostly from New York City, to present to the legislature a program which included:

Unemployment insurance. State wages for jobless. General unemployment relief.

The marchers to the capitol and filled the east and west galleries and a small group—seventeen men and three women—went to the main floor, and were separated from the legislators only by a railing.

Had Promised Quiet
The clerk of the assembly started reading the journal for opening of the session when Jack Johnstone of New York City, one of the group on the main floor, arose and started shouting for relief.

The unemployed had given assurances they would be quiet if permitted to enter the hall.

The clerk finally started to resume his reading, raising his voice to drown out Johnstone.

Then the others in his immediate group rose and added their voices to Johnstone's demands.

Troopers falling to their knees, started ejecting the twenty in Johnstone's immediate party, one by one. The twenty were screaming, shouting and trying to cling to the railing, but all were ejected.

Meanwhile, the crowd in the gallery started shouting.

Troopers went into the galleries, where Emma Rollins, a red-haired woman, seemed to be the leader. The troopers attempted persuasion, but to no avail.

Soldiers Use Clubs
The unemployed became more riotous and started throwing rolled-up papers on the heads of the legislators and shouted epithets at the state leaders.

The troopers resorted to their clubs.

The unemployed fought back, clawing and hitting at the guards.

Finally reserve troopers arrived, took command of the situation and in a few minutes started pushing and shoving the unemployed down the various stairways—including the so-called "million dollar stairway"—to the outside.

Once outside, the crowd formed again—augmented by many who could not get inside the assembly—and there listened to speakers harangue the state government.

A cord of troopers formed at each entrance to prevent any of the group from re-entering the chamber.



Upper: Earl Dykes (left) and John E. Mandeville. Lower: H. Daaron Wood.

RESIDENTS of Mobile (Ala.), who figured in the life of Harold Herbert Schroeder, on trial for the alleged murder of an unknown man, were summoned to criminal court today to testify in the torch case.

Dykes is the special deputy sheriff who captured Schroeder in a weed patch near the latter's home after he had been the object of a nation-wide search for three weeks.

Mandeville, secretary to B. B. Chamberlain, Mobile county prosecutor, will testify how he obtained a statement from Schroeder after his capture and Wood will relate details of the sale of the Chrysler sedan to Schroeder. The car was found burning on the High School road, the body of the unidentified man inside.

RING LARDNER ILL

In Sanitarium to Avert Nervous Breakdown.

By United Press
TUCSON, Ariz., March 3.—Ring Lardner, humorist and baseball writer, has entered the Desert Sanitarium for a rest to avert a nervous breakdown, it was learned today.

He entered the institution Saturday night and expects to remain for several weeks.

WAGE BILL SIGNED

Contractors Required to Pay Highest Scale.

By United Press
WASHINGTON, March 3.—President Hoover today signed a bill requiring contractors on government work to pay the highest prevailing wage scale of the communities where the work is being done.

ARREST ILLINOIS MAYOR
Charged With Breaking Poll Workers' Nose During Primary.

By United Press
LA SALLE, Ill., March 3.—Mayor Charles Spurr of Oglesby, was arrested today and freed on \$2,000 bond after an alleged attack on Walter Olewski, worker for John Gorgiat, Spurr's opponent in the mayoralty primaries held today.

Spurr was charged with breaking Olewski's nose with a cane.

BOOZE BELIEVED SEIZED
Freight Car Under Guard; Said to Contain 3,000 Cases of Whisky.

By United Press
A freight car, believed to contain 3,000 cases of whisky, was seized today at Evansville, Ind., by police on orders from Charles Britz, deputy prohibition agent, at Indianapolis, he said.

URGES SENATE CONTINUE SURVEY
Governor Harry G. Leslie today requested the Indiana senate continue the survey committee for the Negro orphan's home, another two years.

CHILDHOOD SWEETHEART DEVELOPS BAD DISPOSITION, MAN TELLS COURT.
By United Press
ST. LOUIS, Mo., March 3.—Ten marriages developed a "jealous and disagreeable temperament" in his childhood sweetheart, Charles F. Stutzman recited in his petition for a divorce. He married her, he said, when he met her after years of separation before learning of her intermediate experiences. The divorce was granted.

When the smoke of some fiery debate had cleared away, the good ship "Kitty Hawk" slowly was sinking beneath the waves.

Crawford's opening shot was a motion to eliminate the entire appropriation. This had the "Kitty Hawk" in distress, but Crawford hadn't limbered up his heavy armament yet.

"This is my idea of how to effect some logical economy," said Crawford, "and while I am not speaking for the majority and only for Earl Crawford, I think we might eliminate this \$40,000.

"Indiana needs a navy about as bad as Rockefeller needs money. Yes, they've got a boat called the 'Kitty Hawk' up there on Lake Michigan, but it's all covered with barnacles."

One representative, a landlubber, interrupted at this point to murmur, "What is a barnacle?" But Crawford had "blood in his eye."

"As a matter of fact," he continued, "I think this got into the appropriation bill because the naval militia has been promising the budget committee a ride and they haven't even obtained that yet."

This drew a laugh when members recalled insinuations that Representative John D. T. Bold (Dem., Vanderburgh) and other ways and means committee members were swayed in their vote for the Mars Hill airport appropriation because National Guard officers took them on flights.

Crawford has opposed the naval militia appropriation since the ap-

OPEN BATTLE OF DEFENSE TO SAVE KIRKLAND

Judge Denies Motion to Direct Verdict of Not Guilty.

DOCTOR IS ON STAND

Toxicologist Testifies He Found Alcohol in Contents of Girl's Stomach.

By United Press
VALPARAISO, Ind., March 3.—Plea of Oscar Thiel, defense attorney, to free Virgil Kirkland on the charge of murdering Arlene Draves failed today when Judge Grant Crumpacker overruled a motion to direct a verdict of not guilty, made by Thiel on grounds that the state had not proved a crime.

There has been no direct evidence of a crime. All evidence has been circumstantial, proving only one violation, that of the prohibition law," Thiel declared.

"It has been shown that the defendant voluntarily took Arlene to a physician, notified her family and then submitted to arrest."

"There has been no evidence that he struck a fatal blow. The only evidence in Kirkland's own confession is that he slapped Arlene on the cheek to revive her from a drunken stupor."

Deputy Prosecutor John Underwood said the state charged and had proved "forcible rape." Kirkland slugged the girl and then attacked her," he charged.

Found Alcohol in Stomach
First witness for the defense was Dr. N. Harger, toxicologist at the University of Indiana school of medicine, who examined contents of Miss Draves' stomach.

"What did you find?" Thiel queried.

"Grain alcohol, a trace of wood alcohol and a trace of formaldehyde," he replied.

"Enough wood alcohol or formaldehyde to cause death?"

"No. I tested the contents of the stomach on a rabbit and it suffered no ill effects," Harger said.

Dr. Harger was followed on the stand by Howard Nelson, 23, Gary chauffeur for the undertakers, to whose parlor the girl's body was taken. He said he watched Dr. James Burcham, coroner's physician, perform the autopsy and take the contents of the stomach for Dr. Harger's examination.

Before court opened today the defense indicated it might request exhumation of Miss Draves' body from a cemetery in Reynolds, Ind., but later attorneys said they had not determined what course they would take in that matter.

State's Case Rested
The state rested its case late Monday after summoning Murrell Clemens, brother-in-law of the girl, and second member of her family to take the stand against Kirkland.

Clemens' testimony recited graphically the incident at his home after Arlene's death, when Kirkland appeared to notify him and his wife.

"My wife and I had just retired. I heard the doorbell ring, and my wife went down to answer it. I went down, too. I heard some one shout 'Open quick, it's Virgil.'"

Clemens said that was wrong.

"Babe's dead," he said. My wife collapsed and I carried her in the bedroom.

"We all were drinking—we all were drinking Virgil's money."

He was carrying Babe's coat. We asked what was wrong.

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Faces Kirkland



Elsie Draves
A hushed courtroom Monday heard the testimony of Elsie Draves, the sister of Arlene, for whose death Virgil Kirkland is on trial at Valparaiso. She identified her sister's clothes and wept tears as the garments were held up.

BUDGET BILL CUT REDUCED

House Rules Suspended to Pass Measure On to Senate.

Voting 72 to 17 to suspend the constitutional rules, the Indiana house today prepared to pass on to the senate the \$76,000,000 biennial appropriation bill.

Amendments in preparation likely to add considerably to the \$459,382.32 reduction effected Monday by the house as a committee of the whole.

Giving practically an entire day and night session to the bill, the committee of the whole had lopped off some \$200,000 after an hour's consideration Monday and it appeared for a time that the \$750,000 scheduled reduction might be reached.

However, the Democratic insurgents swung over to the Republican minority on many items and the slash dwindled sharply.

Reductions Are Voted
Representative Earl Crawford, Milton banker and Democratic caucus chairman, was spokesman for the majority and offered in addition to amendments prepared at a joint session of the ways and means public expenditures and budget committees, some ideas of his own.

Chief reductions of the session, slashes of \$200,000 from the Governor's emergency contingent fund of \$400,000 for the two years, brought in some bitter debate.

Crawford charged there has been a loose construction placed on the word "emergency" during the Leslie administration and quoted from The Times in connection with purchases of expensive bribe-a-brac for the Governor's mansion.

Representative Fred S. Galloway (Dem., Marion) won a fight to reduce the Governor's \$10,000 household fund to \$5,000 a year. A personal clash within the Democratic ranks developed when Representative Delph L. McKesson (Dem., Elkhart) moved to eliminate the Governor's \$10,000 civil and military fund.

"I can't see where he needs this fund when he has a huge emergency fund," declared Egan. Representative H. Curtis (Dem., Dearborn) and McKesson, budget committee member, interrupted with, "what do you know about it?"

Egan continued his remarks in support of his motion and Bennett again interrupted. "What do you know about it?" he repeated.

"You're just from Lake county," Representative Delph L. McKesson (Dem., Elkhart) retorted.

McKesson, Democratic floor leader and acting chairman, gavelled vigorously to stop the heckling.

THEATRE MAGNATE TO TAKE DAY OFF FOR TRIP TO STILLWATER.

By United Press
STILLWATER, Minn., March 3.—Roxey promised his home town folks here today that he will pay them a visit next week.

Roxey or Samuel L. Rothapel, as he was known here before he went to New York to seek and find his fortune in the theatre business, will take a day off from his appearances in Minneapolis to revisit the scene of his boyhood, he wrote friends here.

Stillwater has made plans to receive him in style.

KILL OIL IMPORT BILL
Senate Action Is Virtual Death of Capper Measure.

By United Press
WASHINGTON, March 3.—The senate today laid over without a vote the Capper bill to limit the importation of foreign crude oil and its products. This action, taken during consideration of bills to pass with unanimous consent, virtually killed the measure.

NEW YORK, March 3.—The New York theatre, in an effort to avert legislative censorship, has formed its own board of censors, to "control offenses against public decency in the theatre."

Creation of the board was decided on at a meeting of representatives of the Actors' Equity Association, the Dramatists' Guild, and the League of New York Theaters, Inc., the producers' organization.

Notified by Mrs. Mary Lunford, 1002 Holt road, that she had found a mound of fresh earth, resembling a grave, on her land, Craig and Lindsey rushed to the scene and began digging.

After digging down six feet, they gave up and returned to the jail to dig out a bottle of liniment for their backs.

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SENATE OLD AGE PENSION BILL IS PASSED BY HOUSE; NOW GOES TO GOV. LESLIE

Vote of 61 to 30 Brings Victory After Crusade of Nine Years; Democrats Bolt, Despite Pledge.

NEJDL IS JUBILANT OVER TRIUMPH

Veteran Lake County Legislator Has Devoted Main Part of His Career to Determined Fight for Relief.

At the end of a nine-year crusade, the legislature today passed the old age pension bill and its fate rests with Governor Leslie.

This morning, by a vote of 61 to 30, the Indiana house substituted the bill passed some time ago by the senate for its own measure.

This strategy was agreed upon by the sponsors of the measure, in the belief that in the closing days of the session the more drastic provisions of the Black-Galloway bill would have no chance of passage and that the present bill, fathered by Senator James Nejd (Rep., Lake) and Chambers (Dem., Henry, Hancock and Madison) would establish the principle involved.

Chief differences between house and senate bills are the provision for an optional vote by counties and raising of the age of pensioners from 65 to 70.

This line of policy was adopted after the difficulties encountered by Nejd and his dramatic defense of the measure showed that only an insistent public demand for its enactment had secured the necessary twenty-six votes for the milder measure.

Democrats Quit Fold
Several Democrats bolted the bill, which was a platform pledge, with the excuse that it would fall unfairly as between counties.

The real opposition came from powerful financial and industrial interests which fought the bill as socialistic.

Reconsideration of the house vote was obtained by prompt action by Representatives Delph McKesson (Marshall) Democratic floor leader, and Jacob Weiss (Dem., Marion), who threatened a parliamentary blockade against a maneuver to kill the bill by this route.

Nejd Is Jubilant
"It is the end of a nine-year fight," said Nejd, overjoyed at the success.

The bill has been the chief consideration of his long legislative career, and he went to the extreme of threatening to quit the Republican party if his fellow workers refused to vote for the bill at this session.

Deliberations will call upon the Governor, urging his approval because of a broad public sentiment among voters of both parties in its behalf.

HOLDS UP BANK WITH CAP PISTOL, ARRESTED
Charles Carl, 17, Imprisoned After Banditry Attempt.

By United Press
PLYMOUTH, Ind., March 3.—Every window in the Marshall county jail was broken out today as the result of efforts of Charles Carl, 17-year-old Bourbon high school pupil's attempts to convince officers he didn't like confinement. The sheriff, however, was unable to place Carl in solitary confinement as he was the jail's only occupant.

Carl was arrested Monday after he allegedly attempted to rob the bank of Bourbon of \$1,000. When his demands were unheeded, he was said to have drawn a toy cap pistol but was overpowered and arrested.

Downey outlined operations as receiver and pointed to the large amount of work necessary due to the connections of the bank with various real estate operations.

WASHINGTON, March 3.—An eleven-car train rushed toward Michael Lamana, a track walker for the Long Island railroad, who threw himself face downward between the rails.

The train passed over him and curved away into the distance. Lamana arose, walked away brushing his clothes and bitterly complaining because he had scratched his hand on a pebble in the road bed.

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