

DEFENSE TEARS AT STATE CASE IN GIN TRIAL

Witnesses Seek to Refute
Picture of Kirkland
as Brute.

By Times Special
VALPARAISO, Ind., March 6.—Hammering away all day at the case built up by the state, defense for Virgil Kirkland brought witness after witness to counteract the picture of Kirkland as a brute who attacked and murdered Arlene Draves.

Kirkland's previous delinquencies were aired in court as his father bowed his head, as if to shut out from consciousness the knowledge he wanted never to possess.

Testimony about this came from Dr. Joseph Springer, Chicago criminologist, who examined the girl's body at an autopsy Wednesday. Dr. Springer testified that the girl died from the blow on the head, contradicting previous testimony of coroner's physician, Dr. James Burchan, who said repeated attacks, exhaustion, exposure and hemorrhages were death causes.

Crowd in Uproar

Prosecutor Underwood attempted to impeach testimony by Dr. Herman O. Seipel, former Porter county coroner, who corroborated Dr. Springer's statements, by accusations that he had been coached before taking the stand, by Dr. Orlando Scott, Northwestern university medical expert.

Failing, however, Underwood drove home one point that set the crowd into such an uproar that the gavel of Judge Grant Crumpacker banged repeatedly before the tumult was stilled.

"Where is the cerebrum located, doctor?" Underwood asked on cross-examination.

"In the back of the head," Dr. Seipel replied after a lengthy pause.

"Is the cerebrum located in the back of your own head?"

"Yes."

"My, my," Underwood mused. "All other medical authorities place the cerebrum in the front of the head."

Testify Girl Was Drinking

Following Dr. Seipel on the stand were Mr. and Mrs. Evan Madera, who attended the fateful gin party. Madera, who said he was "partner," declared Arlene drank a tumbler of wine and alcohol mixed, and said Kirkland drank freely.

Mrs. Madera said Miss Draves and Kirkland planned to be married and once on a party at the home of Harry Shirk, one of the four men accused of the crime, the entire party drove to Valparaiso with the intention of transforming the gathering into a bridal party for the couple. Both changed their minds, she said.

"Didn't you have a private conversation with Arlene in which she told you she never would marry Kirkland?" Underwood asked on cross-examination.

She said that—well, I was asking her about getting married that night, and about the plans, and she said she didn't think she would go through with it."

Martin Beier, 20, of Gary, was next on the stand. After acknowledging friendship with Kirkland and Miss Draves, Beier was asked to relate an incident occurring Friday before the girl's death Saturday night.

Gifts Are Hinted

With Kirkland, Arlene, and Dorothy Holmes, a pretty Gary girl called to the stand later, Beier said he went on an auto ride.

"Dorothy left us pretty soon, and the three of us drove downtown. Arlene wanted to make a deposit on a dress she was buying at one of the department stores.

"She asked Virgil to give her some money, and he gave her \$10. We waited outside while she went in. After a while she came out, her eyes bright, and she was giggling. Oh, boy, but that dress will be a hot number," she told us."

"When did you next see the dress?" Beier was asked.

"Well—it was when they buried Babe (Arlene's nickname). They dressed her in it."

Attempting further to portray a romance between the two, the defense then introduced Irene McQuade, clerk in a department store, who testified that Arlene and a boy whom she could not identify came to the store shortly before Thanksgiving, and the boy purchased a pair of gloves for Miss Draves.

Assail Friend's Testimony
Edlon Cook refuted testimony of Fred Phillips that Kirkland had threatened Arlene's honor two weeks before the tragedy, declaring that Phillips' reputation for veracity was very bad.

"Who said his reputation was bad?" Underwood demanded.

"Why, he is one of my friends."

"Name them."

Phillips listed several boys whom he said had told him Phillips was a liar.

A group of Kirkland's former buddies on athletic teams of Horace Mann high school crowded round him in the courtroom Thursday and his face flushed with happiness as one grinned.

"Stay in there and pitch."

"I think I'll score on this," Kirkland assured them. "How's chances for the regional basketball tourney this year?"

They told him the chances were good.

"I'll tell you what," Kirkland said. "I'm planning on going to the state meet in Indianapolis in a couple of weeks."

JOHN HAYES RITES HELD AT CATHEDRAL

Contractor Dies Following Operation at St. Vincent's.

Funeral services for John Hayes, 52, 2016 North Capitol avenue, were held at 9 today at the SS. Peter and Paul cathedral. Mrs. Hayes was taken to the St. Vincent's hospital two weeks ago, and died Tuesday night following an operation.

He was a member of the Hayes Construction Company and the Pre-Cote Corporation of America. He was born in Dunkirk, and moved to Indianapolis ten years ago. Survivors are the widow, Mrs. Nona Hayes; a daughter, George Ann; three brothers, Lawrence, William, and Joseph Hayes; and two sisters, Mrs. Agnes Smith and Mrs. Rose Duffy, both of Dunkirk. Burial will be in Holy Cross cemetery.

Won by Smile



MRS. LEVINE, WIFE OF FLIER, SEEKS DIVORCE

Two American and Two French Lawyers Are Hired to Press Paris Case.

By United Press
PARIS, March 6.—Happy days are just around the corner for the Paris divorce industry after a slump of eighteen months during which lawyers and clerks, hotel keepers and cabaret owners took their losses and lamented the good old days when Paris out-Renoed Reno.

The arrival in Paris of Mrs. Charles Levine for the announced purpose of obtaining a divorce from the trans-Atlantic flier, can be said to have marked the turning of bad times toward Happy days.

During the present month, thus far, there have been twenty-two applications filed in Paris, Versailles and Nice courts for the divorce of American couples. That is more than triple any other month for the past year and a half.

Mrs. Levine already has taken two American and two French lawyers despite the fact that her case is unprotested.

Jugoslavia's hopes for international beauty honors rest with vivacious Katarina Urban. Her flashing smile helped a committee of fellow countrymen to decide that she was the fairest in all the land.

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THE INDIANAPOLIS TIMES

SENATORS TO STUDY JOBLESS INSURANCE

Wagner, Glenn and Hebert to Conduct Tour of Inspection.

By Scripps-Howard Newspaper Alliance
WASHINGTON, March 6.—The senate committee appointed to investigate unemployment insurance during the recess of congress will meet March 13th, in Senator Robert F. Wagner's New York office, to plan a schedule of meetings through the spring and summer.

Wagner, author of the resolution authorizing the investigation, was named first to membership by Vice-President Curtis, and presumably will be chairman. The other members are Glenn of Illinois and Hebert of Rhode Island, both Republicans.

Wagner said today the committee probably will visit some of the larger industrial plants where unemployment insurance has been voluntarily installed for the benefit of employees.

"Undies" Are Stolen
Women's silk undergarments, samples, valued at \$300, were stolen from an auto of D. P. Murray, Selma, Ind., here Thursday night, he told police. Lowell Brevier, Napanee, said clothing worth \$100 was taken from his auto.

Cermak, immigrant from Bohemia, who rose to power and riches as a Cook county politician, is expected to shear away all of Capone's power, political and otherwise, if elected.

Police will be instructed, said Cermak, to arrest all Capone's vice, gambling and liquor workers on sight, while the city hall will be swept clean of all politicians favorable to Thompson and the somewhat indefinite political phrase, "Thompsonism."

Under the Thompson regime, Capone and the men believed to be his "higher-ups," have ruled Chicago's underworld with a spiked club. Death has been the penalty for those who have attempted to "muscle in" on the Capone "beverage racket."

Should Cermak be elected and carry out his promised war against the Capone forces, the United Press was informed, Scarface Al's billion-dollar extra-legal business will be swarmed over by scores of plug-uglies who have been waiting years for just such an opportunity.

The minor racketeers, all hoping to become "big shots," will kill Capone the first opportunity they get, the information added, and then settle down to killing each other for the millions of dollars involved yearly in the satisfying of illicit thirsts.

The police department is expected to do its utmost to handle the situation, to place gangsters in jail.

AL CAPONE TO DIE IF BIG BILL LOSES, IS HINT

Foes Await Cermak Drive on Gang King to Snuff Him From Picture.

By FREDERICK C. OTHMAN
United Press Staff Correspondent

CHICAGO, March 6.—Chicago's mayoralty election still is a month away, but politicians, gangsters and police already have begun to worry about what may be momentous after-effects of the voting.

The latter include confident predictions of the murder of Scarface Al Capone, either the slaying or jailming of most of his followers and likely as not the setting up of two or three rival beer barons to take his place.

The predictions all are based on the 6 to 1 betting that Anton J. Cermak, Democrat, will beat Mayor William Hale Thompson, Republican, who is running for re-election on April 7.

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