

MRS. PAYNE TRIAL SET FOR THURSDAY

Suspect in Slaying of Mattingly July 5 Files Plea Of Temporary Insanity; Psychiatrists To Examine Her.

By JOHN L. BOWEN
Times Staff Writer

BLOOMINGTON, Feb. 16.—Late this week, a jury in Monroe Circuit Court here will begin examination of this town's most widely publicized love affair—the one which ended in the slaying of Charles O. Mattingly last July 5.

Looking on, her future resting in the jury's conclusions, will be 43-year-old Mrs. Caroline Payne, a gaunt, two-fisted Bloomington businesswoman-politician with raven hair, black eyes of penetrating brilliance, high cheekbones and a square, defiant chin.

She is scheduled to go on trial Thursday before Special Judge Charles B. Staff on charges of first degree murder.

Insanity Plea Filed

A plea of temporary insanity already has been filed with Judge Staff by Mrs. Payne's attorneys, Q. Austin East, a former State Senator, and J. Frank Regester, former State Representative.

At the request of the defense, Judge Staff appointed Dr. David Boyd, Jr., professor at the Indiana University Medical Center in Indianapolis, and Dr. George S. Stevens, State Department of Public Welfare psychiatrist, as court alienists to examine Mrs. Payne's mental condition.

On petition of the prosecution, Judge Staff named Dr. Albert Crane, member of the staff of the Evansville State Hospital, to make a similar examination.

Dr. Crane was to have interviewed Mrs. Payne in her cell this morning. Dr. Boyd and Dr. Stevens will make their sanity test later.

Judge Staff indicated that none of the alienists will be called to testify until all other testimony has been concluded in Mrs. Payne's trial in the Mattingly killing.

Sweetheart's 15 Years.

At the time of his death, the Indianapolis man, handsome and chestnut haired, was attorney-examiner for the Indiana Public Service Commission.

Reportedly, he received this post through string pulling by Mrs. Payne, his sweetheart over blustery period dating from his entrance in 1923 to Indiana University as an ambitious but financially hamstrung law student.

Mrs. Payne has reiterated many times that "I helped Doc over the hump and gave him a start." Relations between Mrs. Payne and Mattingly cooled suddenly in 1939 under circumstances which are still unclear. Mattingly, who had been living at Mrs. Payne's imposing home in Bloomington, moved to Indianapolis. A few months later, he married quiet, dark-eyed Lorraine Oberholzer, who served as his secretary.

Attorney Shot in Back

The State will charge that Mrs. Payne, infuriated by Mattingly's marriage to a younger and more attractive woman, pumped five bullets into his back.

The shooting occurred at approximately 9:50 on the night of July 5 at the home of Gus Nickas, confectionery owner, at 702 S. Walnut St. Nickas, his wife and his daughter-in-law were entertaining Mattingly and his wife at a Dutch supper.

Mattingly, his coat removed, sat on a small chair with his back to the window in the north wall of the kitchen, a smile on his lips, a sand-

wich in one hand and a soft drink in the other.

Mrs. Mattingly, an expectant mother at the time, sat less than two feet to her husband's right. Nickas, his wife and his daughter-in-law, Mrs. Harry Nickas, were grouped about a kitchen table.

Shortly before he died 45 minutes later at Bloomington Hospital, Mattingly gasped to Monroe County Coroner R. A. DeMotte: "She shot me—Carolyn Payne."

Guns Given to Police

Mrs. Payne was arrested almost immediately. While she was being questioned at headquarters, a niece, Mrs. Myrtle Forth Henderson, who lived at Mrs. Payne's home, turned over to authorities two guns which she said belonged to Mrs. Payne.

Each gun was a highly polished, blue barreled Colt Automatic with embossed wooden handle plates. One fired .32 caliber bullets, the other .380.

According to Police Chief John Rawlins, subsequent ballistics tests conducted by Robert Borkenstein, head of the Indiana State Police Laboratory at Indianapolis, established definitely that the .380 Colt Automatic had fired the bullets killing Mattingly.

Rawlins maintained also that Mrs. Payne's right shoe matched perfectly with a plaster paris cast of a footprint in the sod beneath the window through which the attorney was shot.

Chief Outlines Evidence

On the morning after the shooting, the chief announced to reporters that:

(1) General Carr, a taxi driver, had identified Mrs. Payne as the fare he had hauled to Brown's Kitchen, a few yards south of the Nickas home, at approximately 9:45, a few minutes before the shooting.

(2) Joe Pagan, the Nickas' next door neighbor, identified Mrs. Payne as the woman who emerged from the darkened narrow yard between his home and Nickas' shortly after the shooting.

(3) Carr said that he had been called "sometime around 10 o'clock" to pick up a woman fare at the Texaco filling station at Second and Walnut Sts., a block and a half north of the shooting scene. That woman, Carr said, was Mrs. Payne.

Prosecutor Floyd F. Cook gave the first intimation of the State's case when he divulged the contents of two letters taken from a packet of 100 which Mrs. Payne carried in her pocketbook.

In one of the letters, written by Mattingly in 1938, he addressed Mrs. Payne as "my pretty peacock" and concluded a series of endearing remarks with, "It sure makes me happy to know that I will soon have a home with you in it. It sure encourages me to know that you will be the sweetest wife and mother in the world."

"Dear Payne"

In another letter under date of Dec. 26, 1939, Mattingly addressed Mrs. Payne simply and bluntly as "Dear Payne" and proceeded to detail a "financial settlement" deemed fair and proper under the circumstances.

This "financial settlement," Cook maintained, brought to a climax Mattingly's hitherto unsuccessful efforts to break off relations with his erstwhile sweetheart, who, Cook said, "hounded and harassed him even after his marriage, much to the humiliation of Mrs. Mattingly."

Lauds Plants

ARMY ENGINEER TELLS OF SPEED

Red Tape Eliminated and Will Help Win War, Contractors Told.

Teamwork of all Americans—citizens as well as men in the armed services—will win the war, Maj. Gen. Eugene Reybold, chief of Army engineers, told the 23d annual convention of the Associated General Contractors today.

Gen. Reybold spoke at the opening session of the three-day convention at the Claypool.

"The military situation at the moment is not so good," he observed. "Although the situation may be serious, in the long range it is full of hope. It is full of hope because the indomitable spirit of the men in those immortal foxholes of Bataan is being matched by the spirit of an aroused and awakened America."

Foe Seeks Cheap Victory

"Our enemies have played for the quick and cheap victory. Failing to attain that—and they have failed—they can face only ultimate defeat, be their transient victories what they may."

The vastness of the war construction program in America was described by the general. The cost of the program aggregates six billion dollars and 56 per cent of this has already been completed, he said.

Workers engaged in the construction program total near 1,000,000 men, he said.

"This army of employees—and it really is an army—is larger than you would get by combining U. S. Steel with American Telegraph & Telephone," he added.

Fight for Old Order

Gen. Reybold said the nation is at war in order to preserve the "old American order."

"In a nutshell, we are fighting to preserve our country as we know it," he declared. "We are fighting to maintain our national security and our spiritual heritage. We are fighting to insure material prosperity for ourselves and our children. We are fighting to preserve what might be called 'the old American order.'"

A major achievement of teamwork between the Government, represented by Army engineers, and private industry, represented by contractors of the nation, was cited by Gen. Reybold.

Eliminates Red Tape

"We have made it possible for division engineers to execute contracts involving expenditures up to \$5,000,000 with nothing more than telegraphic approval from Washington," he said. "The same thing applies to district engineers for contracts involving expenditures up to \$1,000,000."

"This is the negation of red tape. It is the kind of procedure that would be unthinkable in the regulated construction industry of Germany. It is a glowing tribute to our 'old American order.'"

William E. Mohler, general chairman of the convention, made the speech welcoming the delegates to Indianapolis.

3 MORE SEEKING COUNTY OFFICES

Judge Markey, Rep. Johnson And Edward R. Kealing Enter May Races.

Three more candidates today announced their entry into primary races May 5 for county offices. They were:

Judge Joseph T. Markey, Democrat, seeking his third term in Superior Court 1.

State Rep. Emsley W. Johnson Jr., Republican, for Superior Court 3.

Edward R. Kealing, former City Council member, Republican, for Third District Councilman.

Judge Markey, in his announcement, said that if renominated and re-elected, he would "continue to dispose of all litigation before me honestly and fairly. My policy has been at all times to conduct the court along the lines of liberty and equality, with justice and fair dealing to all, and protection to property and property rights and maintenance of the home for husbands, wives and children." He pointed to his record in important tax cases and others.

Markey Lifelong Resident

Judge Markey has been a lifelong resident of the city, is married and lives with his wife and two children at 5001 Washington Blvd. He is a member of the Knights of Columbus, Elks and Moose orders, the Indianapolis, Indiana and American Bar Associations and is a member of the St. Joan of Arc Catholic Church. He was inducted by the local Bar Association in the 1934 and 1938 primary elections.

Mr. Johnson served in the House during the 1941 Legislature and was co-author of the Gross Income Tax amendment revising the rate for retail merchants. He has been active in G. O. P. organization work, serving as chairman of the County Committee's educational program.

He announced that "I will endeavor to handle all litigation that might come before me fairly, honestly and without prejudice." He is a director of the Indianapolis Orphan Asylum and the Y. M. C. A. and is a former member of the Indianapolis Junior Boy Scout Council.

Law School and is a member of the law firm of Johnson, Zechel and Johnson. He is a member of the American, Indiana and Indianapolis Bar Associations, Young Lawyers Association, Tabernacle Presbyterian Church, Delta Tau Delta Fraternity, Mystic Tie Lodge, Scottish Rite, Minute Men and Elephants Club.

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He is married and has two children. A lifelong city resident, he is a member of Logan Lodge, F. & A. M., Sahara Grotto and Red Men's. He is a member of the Methodist Church.

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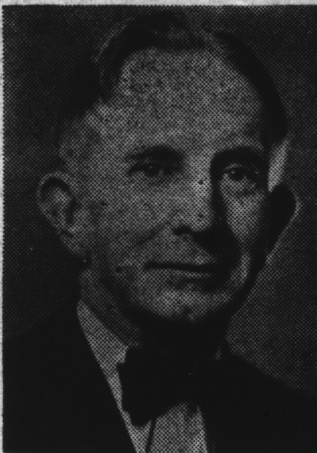
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FASTER SCHOOL TEMPO OPPOSED

Parents and Teachers of State Against Longer Hours for Pupils.

Both parents and teachers of pupils in Indiana schools were on record today as opposing any intensification of the public school program for wartime training and industrial purposes.

The Indiana State Teachers Association, and the Indiana Congress of Parents and Teachers, in a joint statement, criticized suggestions to lengthen the school day or week and eliminate proper vacation periods for the purpose of intensifying and shortening the training period. This would be a definite hazard to health, the statement said.

"The necessity for child labor on the farms and elsewhere must be considered only as an emergency measure," the statement went on. "Blanket dismissals of pupils for such purposes seem wholly indefensible. It is imperative that children be protected from the emotional pressure of war."

The two groups joined in other resolutions, including recommendations for the schools' co-operation with civilian defense, revision of physical education programs, training of defense workers.

CLAIMS HART WAS KILLED

BERLIN, Feb. 16 (U. P.).—An official Japanese news agency dispatch from Soerabaya, said that Admiral Thomas C. Hart of the United States Navy was killed Feb. 4 in a naval battle off the Java coast.

(Hart recently resigned as commander of United Nations naval forces because of ill health, the Navy announced.)

REPORT CAMP NAMED AFTER ATTERBURY

Camp Atterbury will be the name of the new Army Camp under construction in south-central Indiana, it was reported in Washington today.

The camp is to be named after the late Brig. Gen. W. W. Atterbury, native Hoosier, who became president of the Pennsylvania Railroad System.

Born at New Albany in 1868, Gen. Atterbury began his railroad career in the yards and roundhouses at Altoona, Pa., after graduation from Yale University.

From 1893 to 1896 he was master mechanic at Ft. Wayne.

In 1917, he was granted a leave of absence to direct construction of the American military railroad in France and was commissioned a brigadier general.

In 1919, he returned to the United States to resume the presidency of the Pennsylvania. He was awarded the distinguished service medal for his services in France.

He died in Philadelphia in 1935, a year after he retired.

OFFICIAL WEATHER

U. S. Weather Bureau

INDIANAPOLIS FORECAST—Rain this afternoon becoming colder by night and decidedly colder tonight with rain changing to snow.

Surfice..... 7:37 (Sunset)..... 6:22

Central War Time

TEMPERATURE

—Feb. 16, 1942—

7 a. m. 28 2 p. m. 34

Precipitation 24 hrs. ending 8 a. m. 35

Total precipitation since Jan. 1 4.38

Deficiency since Jan. 1 11

The following table shows the minimum and maximum temperatures in other cities