

# 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 sions, will be 43-year-old Mrs. Caroline Payne, a gaunt, two-fisted Bloomington business-woman-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 Reger, former State Representative.

At the request of defending counsel, Judge Staff appointed Dr. David Boyd and Mrs. Payne 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.

## Sweethearts 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 blissful 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 get the part name for Mattingly" over the early bumps and gave him a start."

Relations between Mrs. Payne and Mattingly cooled suddenly in 1938 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.

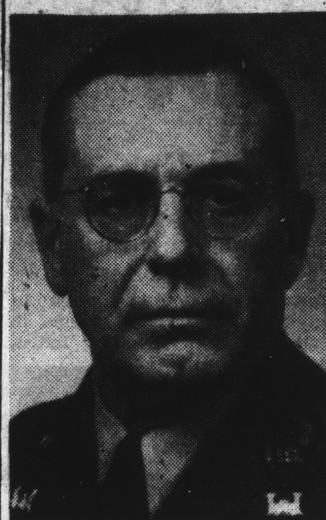
## Attorney Shot in Back

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-

## Lauds Plants



Gen. Rebold

## ARMY ENGINEER TELLS OF SPEED

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

#### 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 barrelled 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.

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

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

(2) Joe Fagan, 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 at the Texaco filling station at Second and Walnut Sts., a block and 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 1928, 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 I deem 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, "hounded and harassed him even after his marriage, much to the humiliation of Mrs. Mattingly."



## 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 a member of the St. Joan of Arc Catholic Church. He was inducted by the local Bar Association in the 1934 and 1936 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 in 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 it 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. Rebold 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 prevent 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. Rebold.

#### 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 regimented 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.

#### OFFICIAL WEATHER

##### U. S. Weather Bureau

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

Sunrise..... 7:37 / Sunset..... 6:22

Central War Time

TEMPERATURE

Feb. 16, 1942

7 a. m..... 26 3 p. m..... 34

Precipitation 24 hrs. ending 8 a. m..... 35

Total precipitation since Jan. 1..... 428

Deficiency since Jan. 1..... 428

The following table shows the minimum and maximum temperatures in other cities in the past 24 hours.

Station High Low

Albion, Ind. 31 45

Bloomington, Ill. 40 26

Boston 40 35

Chicago 33 44

Cleveland 43 37

Detroit 43 37

Evansville 53 45

Fargo 40 35

Fort Wayne 41 31

Kansas City, Mo. 49 33

Minneapolis-St. Paul 73 71

New Orleans 69 59

Omaha, Neb. 32 30

Pittsburgh 45 40

St. Louis 41 31

Washington, D. C. 46 44

Minneapolis Motor Transportation Club, luncheon, Lake Shore Country Club.

Lutheran Service Club and the Mercator Club, joint luncheon, Hotel Lincoln, noon.

Seventh District Federation of Clubs, luncheon, Hotel Alvarado, noon.

Alpha Tau Omega, luncheon, Hotel Severin, noon.

Indiana Motor Transportation Club, luncheon, Hotel Washington, 7 p. m.

Hotel Washington, 8 p. m.

Hotel Severin, 10 a. m.

MEETINGS TOMORROW

Associated General Contractors of America, convention, Claypool Hotel, all day.

Indiana Association of Ice Industries, board of directors meeting, Hotel Sverin, 8 a. m.

Alpha Tau Omega, luncheon, Hotel Severin, noon.

Indiana Chemical Society, luncheon, Hotel Severin, noon.

Exchange Club, luncheon, Hotel Severin, noon.

Indiana Motor Transportation Club, luncheon, Hotel Washington, noon.

Indiana Motor Transportation Club, luncheon, Hotel Washington, 7 p. m.

Hotel Washington, 8 p. m.

Hotel Severin, 10 a. m.

MEETINGS TODAY

Meeting, Hotel Washington, 7 p. m.

Hotel Washington, 8 p. m.

Hotel Severin, 10 a. m.

MEETINGS TOMORROW

Associated General Contractors of America, convention, Claypool Hotel, all day.

Indiana Association of Ice Industries, board of directors meeting, Hotel Sverin, 8 a. m.

Alpha Tau Omega, luncheon, Hotel Severin, noon.

Indiana Chemical Society, luncheon, Hotel Severin, noon.

Exchange Club, luncheon, Hotel Severin, noon.

Indiana Motor Transportation Club, luncheon, Hotel Washington, 7 p. m.

Hotel Washington, 8 p. m.

Hotel Severin, 10 a. m.

MEETINGS TOMORROW

Associated General Contractors of America, convention, Claypool Hotel, all day.

Indiana Association of Ice Industries, board of directors meeting, Hotel Sverin, 8 a. m.

Alpha Tau Omega, luncheon, Hotel Severin, noon.

Indiana Chemical Society, luncheon, Hotel Severin, noon.

Exchange Club, luncheon, Hotel Severin, noon.

Indiana Motor Transportation Club, luncheon, Hotel Washington, 7 p. m.

Hotel Washington, 8 p. m.

Hotel Severin, 10 a. m.

MEETINGS TOMORROW

Associated General Contractors of America, convention, Claypool Hotel, all day.

Indiana Association of Ice Industries, board of directors meeting, Hotel Sverin, 8 a. m.

Alpha Tau Omega, luncheon, Hotel Severin, noon.

Indiana Chemical Society, luncheon, Hotel Severin, noon.