

# Second jury finds Payne guilty in shooting death

"In March 1942, Mrs. Payne was tried in the Monroe County Circuit Court before a jury and Special Judge Charles B. Staff, with the state asking a verdict of life imprisonment on circumstantial evidence, as there was no witness to the firing of the actual shots." *Bloomington Telephone*, July 6, 1942.

It had been announced in March 1942, that the new trial of Caroline Payne for the murder of Charles Mattingly would begin on May 21, but she marked the first anniversary of her confinement to the Monroe County Jail on July 5. Mattingly, an attorney working for a state commission, didn't survive the five shots fired into him while he was visiting friends at a house on South Walnut Street.

In September Payne's attorney, Q. Austin East and J. Frank Regester, asked for a delay in the new trial. As the *Telephone* of Sept. 12 put it, "At an informal hearing yesterday afternoon, Special Judge Charles B. Staff was informed that Mrs. Caroline G. Payne, after spending over thirteen months in a cell in the Monroe County jail, is broken in health to the extent that she is not in condition to go on trial again next week and that it will be necessary to 'build up' Mrs. Payne's health by a course of careful diet and medication before she will have the



## Looking back

By Rose McIlveen

strength to go through a second trial."

Apparently Judge Staff agreed, since it did not begin until Nov. 19. A photo of Payne on the front page of the *Telephone* did not flatter her in the slightest bit. Her felt hat was pulled down over one eye to hide the scar resulting from an automobile accident.

Judge Staff ordered that 125 special prospective jurors names be drawn. The list contained only a few females, Elizabeth Bridgewaters, Blanche Denny, Stella Young, Harriet Weaver, Bernice Hudson and Bertha Beaumont. One prospective juror, James Shauntee who was a barber, was excused because he said, "I've heard the case tried many times in the barber shop."

As the case progressed, the prosecution followed the same strategy used in the first trial — the medical evidence, testimony of

the taxi driver, physical evidence at the scene and the matching of the bullets to one of Payne's weapons. If any of the witnesses had thought they would suffer from stage fright in the court room, they were probably relieved to see that the case drew very few spectators. Several people in one party attended almost all of them — the victim's widow, Lurayne Mattingly and some of her relatives.

Payne again took the stand in her own defense. She told the court about her meeting with Mattingly on the street in Indianapolis just before he was killed. She quoted Mattingly as having said that he hoped she would get better and find some happiness at last. Commented the *Telephone* of Dec. 2 about her court appearance, "Contrary to the history of most women in her position, she fights back the tears and any display of emotion. She is one woman who does not bring a woman's weapons into court."

Dr. J.W. Wiltshire and Dr. Leon Solomon, a Louisville physician, testified that they believed that the defendant "was of unsound mind."

The jury deliberated for six hours and five minutes and brought in a verdict of voluntary manslaughter, which carried a penalty of two to 21 years in prison. There were only about 50 persons present in the

court room when the verdict was read by Judge Staff.

Payne was paroled on Oct. 23, 1944. The *Telephone* predicted that after serving her term, Caroline Payne would return to Bloomington, and the newspaper was right. It must have taken guts and courage to do just that. At the time of her death on Feb. 28, 1969, she was the manager of the Lincoln Hotel at 212 N. Morton St.

In relating the end of the Caroline Payne story, several loose ends could be woven into the fabric of what happened. I grew up only a couple of doors south of Payne's home, (which she deeded to her attorneys to pay for the defense). My brother and I and some other neighborhood children were playing hide-and-seek on the corner of Eighth and Lincoln when the police came to arrest her, a most exciting event.

Pat Siddons, former publisher of the *Indiana Daily Student*, remembers riding his bicycle (with some friends) to the Nikas house so they could stick their fingers through the bullet holes in the kitchen window screen.

And, oh, yes. Of the original jury, Hatfield's first name was Cloudy, not Toddie, as erroneously reported by the *Telephone* on Feb. 23, 1942.

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