

# Ward Holden Is Acquitted

## JURY AT BAKER REACHES VERDICT IN SHORT TIME

Judge Knowles, in Instructing Jury, Points to Fact That Man's Home is His Castle.

BAKER, Ore., May 2 (Special) — A jury of 12 men returned a verdict of not guilty in circuit court in the case of state versus Ward Holden, charged with murder in the second degree in connection with the slaying of Milton Hopkins, amid the cheers of a large demonstrative crowd.

Persons in the court room were so uproarious in their applause of the decision that Judge J. W. Knowles, of La Grande, presiding during the trial, was unable to subdue the noise for a time.

When the verdict was read by the clerk J. B. Smurthwaite Sr., Holden and his father, A. H. Holden, broke down and cried. Other relatives of the freed man also sobbed as relief from the strain overcame them. Many cheered and later congratulated the defense attorneys and Holden.

The first ballot is said to have been 10 to 6 in favor of acquittal. On the second ballot all of the jurors voted not guilty.

The jury was out two hours. It is said that the fact that Hopkins followed Holden to the defendant's home where the shooting occurred was the main factor in the jury's decision to vote for acquittal. Emphasis of this factor in the jurors' consideration was in line with the court's instructions.

Man's Home His Castle Judge Knowles' instructions included the following significant statement:

"I instruct you, gentlemen of the jury, that a person in his own dwelling house is not required to retreat or seek to escape when he is assaulted therein. The rule that a man's house is his castle is of ancient origin and deeply rooted in the elemental instincts of humanity, and a person assaulted in his own home is not bound to retreat to avoid killing his assailant, even though a retreat could be safely made. When he has retired to his home, he is not compelled to yield further to any assailing antagonist. When he has reached this refuge he may stand at bay and may turn on and kill his assailant if it be apparently necessary to save his own life or to save himself from great bodily injury.

In this case, the defendant had a right to defend himself in his own dwelling house from assault or personal violence, nor was he bound to retreat while therein. He had a right to arm himself, and, standing upon his own doorstep, defend himself to the last extremity against all assailants. In defending himself, he had a right to use such force as was necessary to do so, or as a reasonable man might have appeared to him at the time necessary. The defendant, being endowed with these rights, cannot be punished for exercising them. "If, therefore, you find from the evidence in this case that the deceased came to the home of the defendant for the purpose of assaulting him and doing violence to his person, and that he was accompanied by a third party whom the defendant honestly believed was about to, or did, take part in such assault, and that the defendant honestly feared danger to life or limb from such assault, then I instruct you that he had a right to defend himself from such assault; even to the extent of taking human life, and if you find such to be the facts, it then becomes your duty to find the defendant not guilty."

Persons experienced with court scenes said the demonstration was the most outstanding they had ever seen.

In the closing arguments for the defense late Friday, Frank C. McCulloch stated that "Hopkins had made up his mind that the next time Ward Holden bothered Holden's ex-wife he would beat him up. Hopkins was in effect a suicide because he decided to go through with it even if he had to face a gun. Hopkins made it absolutely necessary for Ward Holden to kill him.

"You are being asked in effect to make four other children fatherless for the balance of Ward Holden's natural life," Mr. McCulloch said.

Replying to the criticism of the defense of the introduction of salacious testimony into the case, District Attorney Finch said in his closing argument that "testimony relative to the intimacies between the two families was introduced in this case by defense counsel when he asked Mrs. Holden on cross examination if she and Milton Hopkins stayed in the Hopkins house in Baker one night last July.

Two Stories Told "The reason Mrs. Hopkins was not put on the witness stand by the state was because she told two different stories about what occurred in the Holden house the night of the tragedy. Testimony at the coroner's inquest was different in many respects from the testimony she gave at the trial."

The jury included Otto Lammert, Frank Bowman, H. A. Monday, Will H. Rohner, T. E. Kennedy, Jesse Brown, Charles Herring, W. H. Brown, Marx Surbeck, L. J. Lewis, Glen Thaxton and J. C. Harrison. Leo J. Brown and Sanford Adler were alternates.

FISH STRIKE ABANDONED ASTORIA, Ore., May 2 (Sp)—Abandoning whatever plans had been made for a strike, commercial fishermen of the lower Columbia river were today riding the waters of Oregon's major commercial salmon fishing stream. The salmon season is from May 1 to Dec. 25, and from Sept. 10 to Dec. 31.

### COVE PERSONALS

By Mrs. A. G. Conklin (Observer Correspondent)

COVE (Special) — The benefit party sponsored by the Woman's club and held at the home of Mrs. L. E. Anderson, Friday, was a small party but a very pleasant affair. The committee in charge was Mrs. L. E. Anderson, Mrs. Conklin and Mrs. Betty. Seven tables of bridge were in play. Mrs. Bartholmea winning the high score for visitors. Mrs. Slater, of Union, second, and Mrs. LaViolette, high, for the home folks. Visitors were Mrs. Bartholmea from the valley, Mmes. Burrell, Biddle, Cook, Conklin, Gale, Holly, Hutchinson, Jackson, Miller, Parker, Schird, Slater and Ward from Union, Mrs. Paul Hansen and Mrs. Phil Lockwood, of La Grande. Luncheon was served after the games.

### JOSEPH PERSONALS

By Mrs. Maida Stevenson (Observer Correspondent)

JOSEPH (Special) — Mrs. Carl Phapp has bought the property known as the Hank Cole place, in cleaning up the ground and getting ready to paper and paint the house. Mr. and Mrs. Phapp will move from their present house as soon as they get the house ready.

Mrs. Harry Mays gave a birthday dinner Friday in honor of her husband, inviting members of the family and Mrs. Ted Mays and baby daughter, Mary Carol, and baby daughter, Delbert Mitchell, and sister, Miss Hattie, of Springfield, Ore., have been in Joseph visiting friends the past week. They formerly lived in Prairie creek where their parents owned a farm.

Selwyn Gaulke and wife came in from Big Sheep creek, Wednesday. Selwyn says that they have had some success with their sheep and a good lambing season, with a good average of lambs.

Mr. and Mrs. Doris Mitchell are rejoicing over the birth of a baby daughter, born April 25. The mother and baby are at the home of Mr. and Mrs. Max Wilson.

Mr. and Mrs. Edward Eben left for Portland Friday on the excursion for a ten days visit with their son, Maurice and family.

Mrs. Viola McAllister, of Enterprise, left Friday for Los Angeles to visit her daughter and family. Mrs. McAllister drove down.

Alex Gillaspie started a crew of men last Monday cleaning and repairing the Silver Lake ditch.

Max Wilson is reported as being ill of a cold.

Friday night the last dance given by the Commercial club to raise money to repair the roof on the Methodist church was held. A fair-sized crowd attended and a good time was had. A luncheon was served cafeteria style.

Mrs. Floyd Green was on the sick list last week.

Andrew Stewart went to the head of the lake Saturday, taking up some fox feces for the tax farm there.

Mrs. Eben Daggett visited last weekend with Mr. and Mrs. Andrew Stewart and Mr. and Mrs. Roy Daggett.

County Commissioner Steve Blevins is in the hospital at Wallowa ill of the flu.

Mrs. Hazel Berland, and son, Kelvin, of Enterprise, were at Joseph visiting Mrs. Mollie Mays and family Saturday.

Mr. and Mrs. F. D. McCully and Frank Jr. and Mrs. Maida Stevenson went to La Grande last week combining business and pleasure.

Mrs. S. E. Smith preached in the Methodist church here Sunday. Mrs. Smith has been visiting Mr. Smith at Hot Lake where he is convalescing from an operation.

The Ladies Aid tea was held Thursday at the home of Mrs. F. D. McCully. A short program was given, a pianologue by Mrs. Tom Williamson, a Japanese play by Mrs. Parker and Mrs. Nina Gibson, of Enterprise. About 45 women were present. Refreshments of chicken sandwiches, doughnuts and coffee were served. Mrs. McCully, Mrs. Gillaspie, Mrs. McClain and daughter, Marjorie, and Mrs. Stevenson were hostesses.

Mrs. Ted Mays and daughter left Saturday for La Grande to visit for

### SHREVEPORT PLAY WITH SHREVEPORT

SHREVEPORT, La. (Sp) — Two of baseball's veteran catchers — Mickey O'Neil, formerly with the Boston Braves, and Wally Schang, onetime Yankee backstop — are catching for Shreveport in the Texas league. Aaron Ward, another Yankee star of other days, is playing second base for the same club.

### D. A. R.'s Hear First Lady



Guest of honor at the congress of the Daughters of the American Revolution in Washington, Mrs. Herbert Hoover is shown here (right) as she addressed the assembled delegates. Mrs. Lowell Fletcher Herbert (left), president of the D. A. R., denounced hunger marchers and warned of "revolutionary plots" against the government.

### Quite a Come-Down!



Remember Professor Picard's voyage into the stratosphere a year ago? Well, they're only now rescuing his balloon gondola from the snows of the Tyrolean Alps. Here you see workmen inspecting the gondola, deeply imbedded in a glacier after it plunged down a mountainside during attempts to recover it from its original landing point.

### First Prize to This Child Study



"Ooh, Daddy, I'm so big," is what this little Czechoslovakian girl cried when her picture was taken for the national photographic exhibition held in Karlsbad. The picture won first prize in child study.

## CLASSIFIED ADS

THE MARKET PLACE OF UNION & WALLOWA COUNTIES

(Count five average words to the line.)

Per line, 1st insertion	10c
Per line, each added consec.	8c
Minimum charge on one order	25c

RATES BY MONTH

2 lines, per month	\$2.50
3 lines, per month	\$3.50
4 lines, per month	\$4.50
5 lines, per month	\$5.75
Each additional line over five charged at 50c per line per month.	

### WANTED

WE NEED 3 MEN, should have car. Good compensation, 103 Fir St. 4-25-1 f.

### FOR SALE

FURNITURE, overstuffed, dining set, Frigidair, bed room suite, etc., 1303-8th St. 5-2-6 tp

### GOOD PAY—STEADY WORK

Several choice openings in Cities and Towns for ambitious men and women. Experience unnecessary. We finance you if required. Write today. Mr. Thomas, Superintendent, 426 Third St., Oakland, Calif. 5-2-1 tp

### How Annoying

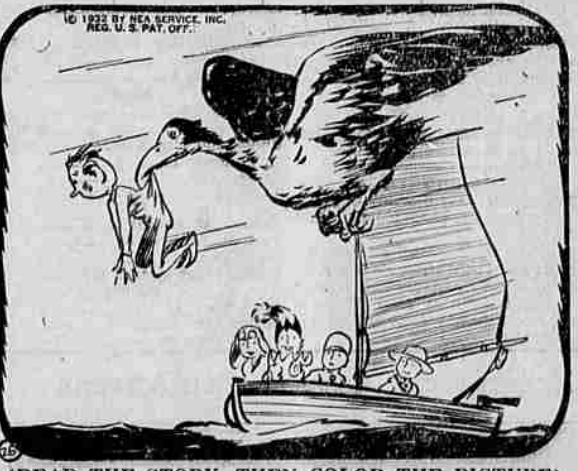
A woman explorer says the saddest moment in the jungle is when the permanent wave finally goes. And that, presumably, is when one needs a fierce beast at a disadvantage.

### Faces Gallows



Clarence Woolery, 14, 144 at Baker, Ore., on charge of killing his foster-mother, who upbraided him for neglecting his chores. If the juvenile court decides in favor of a circuit court trial, the lad will face the death penalty.

## THE TINNITES



(READ THE STORY, THEN COLOR THE PICTURE)

THE messenger bird just looked around, quite satisfied that it had found the skinny who had stowed away inside the Tinnies' boat. The Tinnites were puzzled when it suddenly cried out again. The bird would shake all over when a sound came from its throat. Then Scouty to the skinny said, "Explain this, son. Go right ahead. It seems you've seen this bird before. What is it doing here?" "And you think 'twill start a fuss, perhaps by biting some of us? We want to be all set to fight, if there is cause for fear." "YES, tell us quickly what to do," wee Duncy snapped. "It's something new to have a great bird like that just calmly sit and stare." "If it just wants to rest a bit upon our boat, we don't mind it, but if it wants to fight we'll chase it right up in the air." The little skinny sadly sighed and then jumped up and boldly cried, "Now, don't you worry 'bout that bird. It's friendly as can be." "You see, it lives in my home land and makes all skinnies stay on hand. The other skinnies missed me and they sent the bird for me." "AND thus no harm will come to you, if I do what I ought to do. If I walk right up to the bird 'twill grab me good and tight." "And soon 'twill sail off in the air. The strength of that bird's really rare." And then the skinny, to the bird, said, "Come, let's start our flight." The bird began to flap its wings and, my, but they were great big things. And then it grabbed the skinny and sprang up with all its might. "Goodby!" the skinny loudly cried. "I'm homeward bound, upon this side." The Tinnies waved and waved until the bird was out of sight. (Copyright 1932, NEA Service, Inc.) (The Tinnies meet a funny old fellow in the next story.)

HOLLYWOOD or Hanson White Leg-horn baby chicks, \$3.00 per 100; 500 \$35.00. Shipped C. O. D. prepaid, May 4, 11 or 17. Pacific Hatchery, Tangent, Ore. 5-2-3 tp.

### FOR RENT

FOR RENT—Mod. house with 1 acre land. Adults. Main 299. 5-2-3 tp.

### FOR SALE

FURNITURE, overstuffed, dining set, Frigidair, bed room suite, etc., 1303-8th St. 5-2-6 tp

### FOR SALE—FURNITURE, 1101 O Ave.

4-30-6 tp

### GOOD SEED POTATOES but not certified. F. A. Brown, Union.

4-30-3 tp

### 1 STANDARD 30 Caterpillar tractor.

Good condition, \$1000.00. Chandler Tractor & Equip. Co., Allis Chalmers dealers, Elgin. 4-30-2 tp

### FOR SALE—5-rm. mod. furn. house.

Will consider car and terms, 903 Spring St. Ph. 285 W. 4-29-2 tp

### 5-RMS. and conservatory, mod. furn.

closure. Best offer takes, 1400 9th. 4-29-6 f.

### NEITED GEM seed potatoes. Call potatoes for hog feed. Call F. 20X.

4-29-4 f.

### DRY WOOD, posts. Also truck for hire anywhere. Insured carrier. Ph. 1051-W. Frank Seward. 4-28-1 m.

### DRY WOOD, any kind or length. Wm. Reese. Ph. 326 W. 4-27-1 mp.

### MILL WOOD, Archie Conley. 137-J. 4-26-6 tp.

### OLD GROWTH red fir 16" cordwood \$40 cord. Phone 937-J. 4-25-1 m.

### TYPEWRITERS for rent or sale. Let us show you our stock of new and used portables. E. C. Tuckey's Typewriter Exchange, 109 Depot St. 4-15-1 f.

### LUMBER SPECIAL

Now is the time to build or do that repair work on your house or garage. You can buy lumber for less than ever before. We have 2x4 to 2x12 dimension at \$10.00 per thousand and a good supply of shingles, siding and flooring at very reasonable prices. There is a limited supply of Dry Chain Wood at \$4.50 per load and 12" Red Fir Wood at \$6.25 per cord. Call Main 8.

### BOWMAN-HICKS LUMBER CO.

4-13-1 f.

### GRIMM and common alfalfa, white sweet clover, seeds at lowest prices.

O. W. Bond, Haines, or Owen Ledridge, Ph. 47, Union. 4-7-1 m.

### FOR SALE—10 A. mod. improvements.

Or will sell 5 A. all in orchard. Good location. Ph. 408 J. 4-1-1 m.

### ALFALFA and clover seed. Send for samples. Weiser Grain and Feed Co. Weiser, Idaho. 3-4-2 mp.

### Professional Directory

#### Hospitals

DR. LEE B. DOUVY Eye, Ear, Nose and Throat Hospital 7th Floor Foley Bldg.—Ph. Main 18.

#### Osteopathic Physicians

DRS. J. L. & MARGARET INGLE General Practice and Obstetrics Summer Bldg. Office, Main 108 Res. Main 443

#### Miscellaneous

ASTROLOGER MRS. FREDERICK BALMES 203 N. Ave. Readings Daily.

MODERN ROOMS—Comfortable steam heated rooms \$3 per week and up. Hot and cold water. Close in. Pleasant surroundings. 1909 Second St. 2 blocks west Montgomery Ward on Washington St. 4-11-13tp

### FOR RENT

FOR RENT—Mod. house with 1 acre land. Adults. Main 299. 5-2-3 tp.

### SMALL FURN. HOUSE, 2122 Adams.

Call 324 W. 5-2-3 t.

### FOR RENT—Mod. 5-rm. furn. house.

garden, fruit, garage, \$15. 1904 V Ave. Ph. 373 W. 5-2-3 f.

### FOR RENT—Apt. Ph. 481 W. 4-30-3 f.

### FOR RENT—Half or duplex house.

furnished and heated. Garage, 1104 M Ave. 4-30-3 t.

### SADDLE HORSES for rent by the day or hour. 902 1st, Cor. 1 Ave.

4-30-3 tp

### 5-RM. MOD. HOUSE, garage, \$10.

Ph. Main 900, 2113 2nd. 4-30-2 tp

### FOR RENT—3-rm. and 5-rm. furn. apartment. 1905 Adams. 4-23-1 f.

### 5-RM. FURN. HOUSE Adults, Garage.

Ph. 438 J. Fannie Allison. 4-22-1 f.

### FOR RENT—Modern 6-rm. furn. house. Inquire 2115 Pine. 4-12-1 f.

### FURN. HOUSES AND APTS. — With bath, clean, quiet, lowest rent.

Adults, 1810 Greenwood. 4-2-1 m.

### FOR RENT—Safely deposit boxes. La Grande Investment Co. 3-12-1 m.

### FOR RENT—Bays and Apts. La Grande Investment Co. 3-12-1 m.

### MISCELLANEOUS

MOREMEN'S SCHOOL of Beauty Culture is recommended by shop owners for its thoroughness in training. Spring classes now forming. For information call or write 23 West Main St., Walla Walla, Wa. 4-28-1 mp

FOR BUILDING and shop work call M 900. Pete Bousquet. 4-4-1 mp

DOWELL BROS. CLEAN-UP—We will clean up your ashes, papers, etc. Phone 323-J. 3-8-5 f.

RAISE, MOVE, repair and rebuild houses. John Mars. 4-2-1 f.

EASTERN OREGON School of Music, violin, piano, voice. Credits. I. O. O. F. temple. 447-J. 9-8-1 m.

MONEY TO LOAN—We are representatives for the Prudential Ins. Co. and can make city loans at attractive rates of interest. Chas. H. Reynolds, Insurance, loans and bonds. 9-1-1 m.

LA GRANDE MATTRESS and Upholstering and Rug Cleaning Works. Ph. 424-W. Chas. Edwards Prop. 12-1-1 m.

### FOR TRADE

100 A. FARM, cows, horses, wagons; harness to trade. Write Observer. 4-29-3 tp.

## FRECKLES AND HIS FRIENDS

One in a Million! By Blosser



## THE NEW FANGLES (Mom'n Pop) Party Preparations

