

THREE VERDICTS ARE POSSIBLE IS COURT DIRECTION

(Continued from page one)

contentions with conclusions of "Do you believe that?"

Ladder. Mentioned On the state's important evidence, the court asked the jurors: "Does not the evidence satisfy you that at least a part of the wood from which the ladder was built came out of the flooring of the attic of the defendant?"

"If you find that the murder was committed by the defendant in perpetrating a burglary it is murder in the first degree," the court said, "even though the killing was unintentional."

"If there is a reasonable doubt that the murder was committed by the defendant in perpetrating a burglary, he must be acquitted."

"If you find the defendant guilty of murder in the first degree, if you see fit, by your verdict and as a part thereof recommend imprisonment at hard labor for life."

He asked the jurors if there was any doubt in their minds as to the reliability of the testimony of Dr. John F. (Jafie) Condon, the ransom intermediary who said he paid Hauptmann Lindbergh's \$50,000.

Gang Theory Cited He asked them if they believed the defense contention that a gang perpetrated the crime.

Referring to the testimony of Arthur Koehler, wood expert, on the ladder, he said: "You should consider the marks upon the wood and give the evidence in respect thereto such weight as you think it entitled to after consideration of the credibility of the witness."

As to Hauptmann's own testimony: "His interest in the result may be taken into consideration on the question of whether he is telling the truth. His previous convictions of crime may be considered only as affecting his credit as a witness."

Hockmuth Testimony Important Of Amandus Hockmuth, the aged man who said he saw Hauptmann with a ladder in a car near the Lindbergh home on the day of the crime: "This testimony, if true, is highly significant. Do you think that there is any reason upon the whole to doubt the truth of the old man's testimony? May he not have well and early remembered the circumstances in view of the fact that that very night the child was carried away?"

When Justice Trenchard finished his charge he had to wait the spectators to cease their "humming and buzzing." He told the attorneys to argue any exceptions to his charge after the jury retired.

As to Hauptmann's alibi witnesses, the judge told the jury: "You should consider the fact, where it is the fact, that several of the witnesses have been convicted of crime and determine whether or not their credibility has been affected thereby. And where it appears that witnesses have made contradictory statements you should consider that fact and determine their credibility as affected thereby."

His remark on circumstantial evidence was: "Case Must Link Up "When the case against the defendant is made up wholly of a chain of circumstances and there is reasonable doubt as to any fact the existence of which is essential to establish guilt, the defendant should be acquitted."

"It is not sufficient that the circumstances prove, coincide with, account for and therefore render probable the hypothesis that is sought to be established by the prosecution. They must exclude a moral certainty every other hypothesis but the single one of guilt."

The jury was instructed that it may conclude from the evidence that Baby Lindbergh was stolen by someone who entered the nursery of the Lindbergh home through the window by means of a ladder.

Defense Claims Plaintiff The defense had contended the baby was carried down the stairs of the home by someone on the "inside" and that the ladder was a plant.

The court also charged the jury that it may conclude the baby's sleeping suit was stripped from it at the point at which the nurse Betty Gow said she found its thumbguard.

This evidence was important to the state's case because the baby's body was found in Mercer county. Hauptmann is charged with murder in Hunterdon county.

The state contends that the uncontradicted evidence of Colonel Lindbergh and Dr. (Charles) Mitchell and other evidence justifies the reasonable inference that the felonious stroke occurred in East Amwell township in Hunterdon county, when the child was seized and carried out of the nursery window and down the ladder by the defendant, and that death was instantaneous; and from the evidence you may conclude, if you see fit, that the child was feloniously stricken on the first day of March at this county and died as a result of that stroke."

Reviewing the ransom negotiations, in which Dr. John J. (Jafie) Condon said he paid Hauptmann Lindbergh's \$50,000 to Hauptmann, Justice Trenchard said:

Condon Corroborated "It is argued that Dr. Condon's testimony is inherently improbable and should in part be rejected by you, but you will observe that his testimony is corroborative in large part by several witnesses whose credibility has not been impeached in any manner whatsoever."

"Of course, if there is in the minds of the jury a reasonable doubt as to the truth of any testimony, such testimony should be rejected, but, upon the whole, is there any doubt in your mind as to the reliability of Dr. Condon's testimony?"

"It is argued," Justice Trenchard said, "that Colonel Lindbergh could not have identified that voice and that it is unlikely that the defendant would have talked with Condon."

HOLDS SCRIPT IN COURT DRAMA



This man holds the script in the most sensational court drama of modern history, the trial of Bruno Richard Hauptmann at Flemington, N. J., prompting the principal characters in their lines. He is Supreme Court Justice Thomas Trenchard, presiding judge during the trial. (Associated Press Photo)

Well, those questions are for the determination of this jury."

As to the gang theory expounded by the defense chief, Edward J. Reilly, the court said: "It is argued by defendant's counsel that the kidnaping and murder was done by a gang and not by the defendant and that the defendant was in no wise concerned therein. The argument was to the effect that it was done by a gang with the help or connivance of some one or more servants of the Lindbergh or Morrow households."

"Now, do you believe that? Is there any evidence in this case whatsoever to support any such conclusion?"

The doors of the courtroom were locked as the charge was given. The Associated Press, the only news service subscribing to the official transcript of the proceedings, was able however to report the instructions as they were delivered.

The judge declared it a matter of importance as to whether Hauptmann wrote the original ransom note which was found in the Lindbergh nursery and the 13 notes that followed.

Note Witnesses Emphasized He recalled the numerous state experts testifying that Hauptmann wrote them. Hauptmann's denial and the testimony of one defense expert who said Hauptmann did not write them. He said:

"The weight of the evidence to prove the genuineness of handwriting is fully for the jury."

About the disputed panel in Hauptmann's closet which bore the pencilled telephone number and address of Dr. Condon, he said:

"If you believe that he did (write the notations on the panel) although he now denies it, you may conclude that it throws light upon the question whether or not he was dealing with Dr. Condon."

On the discovery of ransom money in Hauptmann's garage, the court remarked: "Does it not appear that many thousands of dollars of ransom bills were found in his garage, hidden in the walls or under the floor, that others were found on his person when he was arrested and others passed by him from time to time...?"

The defendant says that those ransom bills, money, were left with him by one (Leador) Plach, a man now dead. Do you believe that?"

He told the jury it might also consider the evidence that shortly after the delivery of the ransom Hauptmann began to purchase stock in a much larger way and to spend more freely. Then he asked: "Do you believe his testimony that the money was left with him in a shoe box, and that it rested on the top shelf in his closet for several months?"

"His wife, as I recall it, said she never saw the box and I do not recall that any witness, excepting the defendant, testified that they ever saw the shoe box there."

The instructions began shortly after court opened at 10:02 a. m. The judge polled the jury, asked if the

of the scene about the Lindbergh house when the baby was stolen. He recalled that Colonel Lindbergh testified he heard a crash that sounded like wood on wood, and that later a broken ladder was found. "Miss (Betty) Gow and Mrs. (Ollie) Whately testified that later, about April 1, 1932," the court went on, "they found the thumbguard which Miss Gow had securely tied to the wrist of the sleeping child's suit when she put him to bed, that they found this thumbguard in the road leading from the Lindbergh home and on the Lindbergh property, with the knot still untied, from which you may possibly conclude that the sleeping suit was stripped off of the child at that place."

TIGER BASKETEERS POINTS FOR TOUGH PELICAN INVADERS

With a basketball game between the Medford and Klamath high schools here Friday night, and the same teams meeting again in Klamath the next night, the local outfit is practicing diligently this week in anticipation of one of the hardest struggles of the year.

As usual, the team that is supposed to be the one to beat in southern Oregon this year, barely nosed out the Pelicans in two games, winning one 28-21 and one 23-20, so the Klamath outfit is considered a strong one.

According to various members of the Tiger squad, however, the locals think that they will win both games by safe margins.

"Stretch" Ettinger, lanky local center, will probably not see action in the two games, and Smith will probably take the leading post, a position for which he has already displayed remarkable propensities.

With Luman and Campbell or Sears at forwards, and VanDyke and Kuzman at guards, the squad will present a fast breaking offense that has worked neatly as a combination every time that they have played together this year. The lineup may be changed slightly, with some possibility of Sears starting at the guard post, but this is uncertain.

The reason given for playing one game here Friday night and the next over in Klamath Falls the following night is that Klamath teams invariably draw good crowds here, and Medford teams do the same in that city, and both teams are trying to get out of the financial hole that poor attendance has placed them in, and they think that this is their chance. Their opinion will probably be vindicated, for indications are that the games will be close and fast. A large delegation of Medford fans is planning on accompanying the team to the mountain valley, and a large delegation is promised when the Klamath team appears here.

Klamath high school always displays considerable loyalty to their traveling teams, 37 automobiles having been here with the football team when it played here last fall.

A real preliminary of interest is promised when the rapidly improving Tiger Cubs tangle with the Klamath "Wildcats" in a curtain-raiser slated to begin at 7 o'clock, one hour before the main event.

Each day in the year brings an average of about 20 visitors to the grave of O. Henry, the author, in Riverside cemetery at Asheville, N. C.

DISASTER HITS DIRIGIBLE NEAR SAN FRANCISCO

(Continued from page one)

although their hurts are not serious. The message requesting ambulances as a precautionary measure did not identify the pair but previously Boat-swin's Mate P. M. Jackson was reported internally injured.

Sunk in 250 fathoms, the wrecked dirigible was a total loss. The navy contemplated no salvage plans. Summons, inquiries into the disaster were expedited today, primarily from the navy and congress.

Congressional leaders intimated the disaster would mean the defeat of further development of lighter than air craft, already under fire.

Third Tragic Disaster. It was the third, though less tragic, disaster to overtake great airships of the United States fleet. The Akron crashed with a loss of 173 lives, April 4, 1933, and the Shenandoah eight years earlier, with a loss of 14 of her crew.

If the two missing men are not recovered, the Macon crash will bring to 350 the number of lives lost in the 18 major dirigible crashes in the world in the last 23 years.

The remarkably small loss of life in the Macon wreck was attributed to naval discipline and the presence of a score of fighting craft with which the Macon had maneuvered off the California coast for a day and a half.

Exact Cause Unknown. The exact cause of the disaster apparently was not known by the naval officers themselves, whose cryptic wireless messages told the dramatic story of the end of the Macon and the rescue of most of her crew.

Rear-Admiral G. E. Courtney of the cruiser Richmond, which picked up 64 survivors, said the number 9 gas cell had burst. Earlier, Lieutenant-Commander Wiley had said it was cells 1 and 2.

Wiley's story of the crash follows: "While off Point Sur, a course north, all engines standard speed 63 knots, altitude 1250 feet, air equally, about 5:18 p. m. (P. S. T.), a casualty occurred in stern."

"I thought elevator control carried away. Ship took a bow up inclination, rose rapidly."

Ballast Dropped "Ordered all ballast and fuel slip tanks dropped aft of midship. Received prompt word No. 1 gas cell under fire was gone and stern was crumbling, and finally that No. 2 cell was gone."

"Tried to land ship near cruisers off Point Sur but could not see surface until shortly before landing."

"The ship landed stern first with no way on (no speed ahead) at 5:40. All hands took to rubber boats and saw ship finally sink. Discipline excellent and all hands had alarm in time to don life jackets."

The light house keeper at Point Sur told of seeing the airship suddenly sink and then rise rapidly and disappear from sight so that he could not see it through the fog even with powerful glasses.

One SOS Flashed Simultaneously Wiley sent out his only SOS, reporting the ship was "falling."

Naval craft in the immediate vicinity headed at once for the Macon's position, and Admiral J. M. Reeves,

COCKTAIL LOBBY CHANGE TACTICS TO WIN SUPPORT

(Continued from page one)

commanding the fleet's maneuvers, took charge of all air lanes to direct the search.

Thirty boats in the area, mostly fighting craft steaming for San Francisco bay where the Macon was a familiar sight, turned to her aid.

Six coast guard cutters were ordered to put out from various California ports — the Calypso, Tahoe, Shawnee, Ariadne, Perseus and the Hermes.

All Hands Stand By All hands in the Mare Island navy yard in San Francisco bay were ordered to stand by. The Red Cross directed nearby agencies to be ready to lend aid. The naval hospital ship Relief was ordered to speed to the scene from southern California.

The ability of the navy to amass so much aid immediately was impressive, but such ample help was unneeded.

Three ships breaking from the column of cruisers, with the aid of their powerful searchlights and calcium flares let off by the Macon, quickly picked up the 81 survivors. The Richmond took aboard 64, the Concord 11 and Cincinnati six.

After a futile search of the dark waters for two missing men, they continued to San Francisco.

Roosevelt Asks News President Roosevelt, as soon as he heard of the disaster, phoned the naval communications headquarters to obtain first hand information of the Macon's casualty.

As messages relating to the crash flashed into the capital, they were quickly relayed to the president's desk.

Former President Herbert Hoover received the startling news while he was attending a Lincoln day dinner in New York last night.

"This is very sad news indeed," said the former president. "The Macon was launched during my administration and I hope all of those aboard are alive and safe."

As a feature of a ball at the Hilo, Hawaii, Yacht club, a "President Roosevelt hula" was performed.

TRY THIS NEW FOOT REMEDY

(Continued from page one)

Costs Little and Makes Feet Feel Fine Foot sufferers gather round; get right up close and listen. Here's good news for you.

The real "Corn Killer" is here at last. Ice Mint, the New Discovery, is said to quickly end foot misery.

Hard corns, soft corns, or corns between the toes, also toughened callouses, just arrived up and lift off easy. It's wonderful. There is no pain or soreness when applying Ice-Mint or afterwards, and it doesn't even irritate the skin.

Think of it: just a touch or two of that cooling, soothing Ice-Mint, and real foot joy is yours.

Ice-Mint prevents foot-corns and keeps them away and comfortable. It is the real secret for fine, healthy feet, and keeps you free from foot troubles. Every person who has suffered with stubborn corns or tender feet can appreciate the cooling, soothing comfort that it brings; especially women who wear high-heeled shoes, and men who have to stand all day on their feet. Try it. Get a few cents worth of Ice-Mint from your drugist today and give your poor, tired, suffering, burning feet the treat of their lives. There is nothing better.

Defeated in their endeavors to secure enactment of a blanket provision authorizing hotels and restaurants to dispense whiskey, cocktails, fortified wines and the like by the glass with meals throughout the state by determined up-state opposition, the cocktail lobby today changed their tactics.

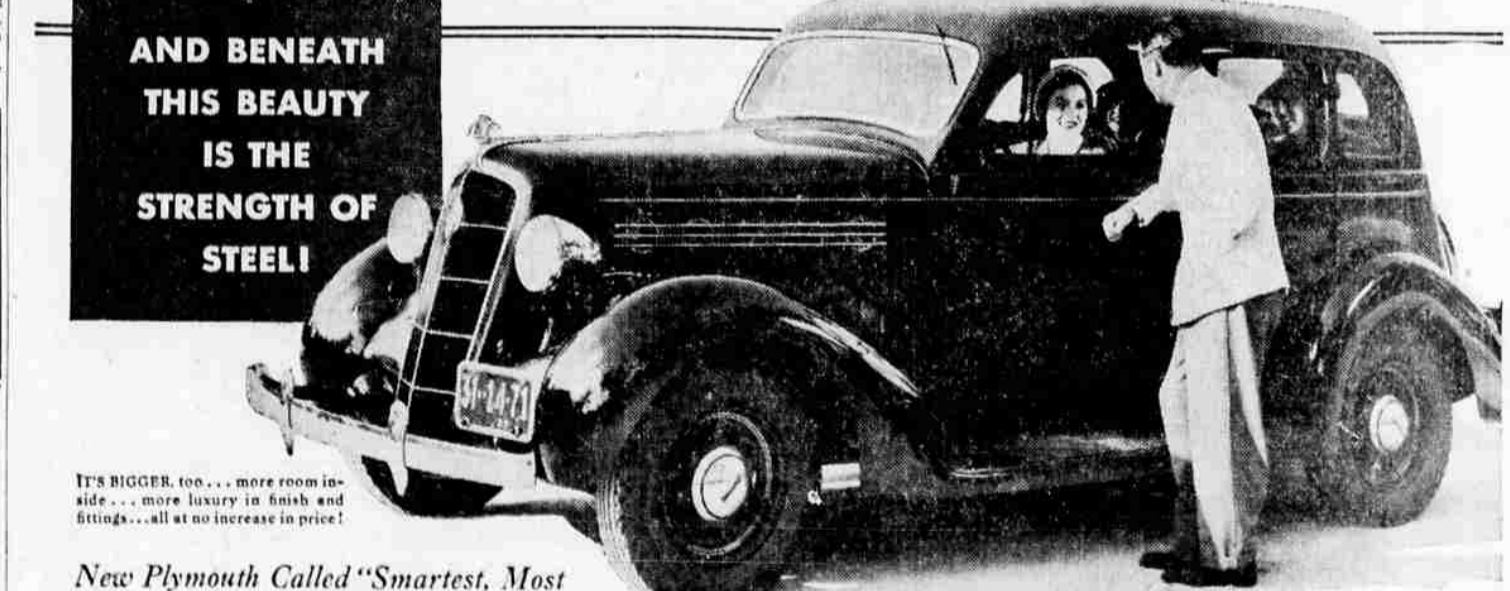
They proposed an amendment providing that the state liquor commission "may in its discretion" license hotels and restaurants and any other place of business they may see fit, "in counties of 100,000 or more population" to sell any and all alcoholic liquors by the glass for consumption on the premises.

A further amendment was proposed to permit the liquor commission to grant such licenses in smaller counties at the request of the county court.

WIDOW OF BISHOP DIES AT HOME IN PORTLAND PORTLAND, Ore., Feb. 13.—(AP)—Mrs. Laura P. Barker, 89, widow of the Right Rev. William Morris Bar-

Advertisement for Old Gold cigarettes featuring a woman's portrait and the text: 'Delicious!... THESE SMOOTH OLD GOLDS!' says Lili Damita. THE THROAT-EASE CIGARETTE.

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tribution of weight in the famous "Air-flow" cars now give Plymouth the same "Floating Ride." New-type springs, shock absorbers and sway eliminator end bumps, jolts and lurches.

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