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WEATHER
Maximum temp., F. 66 72
Minimum temp., F. 45 36
Humidity, 8 a. m., pct. ..100 89
Humidity, 5 p. m., pct. ... 72 51
Rain, inches ..... .03 .00

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DEFENSE HOLDS LADDER ISSUES BEFORE COURT

Idea That Bruno Made Contraption Again Is Scored From Stand

TRIAL NEARING END

Nail Holes Become Hot Point In Exchange of Testimony

FLEMINGTON, N. J., Feb. 7. —(AP)— Bruno Richard Hauptmann's defense, in the eleventh hour of its case, battled hard today to trump the state's ace testimony that all but put the Lindbergh kidnap ladder in the accused man's hands.

Charles A. De Bisschop, a Waterbury, Conn., contractor, housebuilder and roadbuilder, came to the stand near the end of today's session to assert that the rail in the kidnap ladder was a board entirely different from that in Hauptmann's attic.

"It would say they are an entirely different board," De Bisschop told the jury trying Hauptmann for the Lindbergh baby's murder.

Prosecutors leveled a sharp attack on his qualifications. Attorney General David T. Wilentz drew from the witness that his entire study of the ladder and connected exhibits took only about three hours.

When court adjourned, De Bisschop yet was on the stand, undergoing cross-examination.

May Rest Case

The defense chief, Edward J. Reilly, told Supreme Court Justice Thomas G. Trenchard that he would rest his case "by noon recess" tomorrow with the testimony of "one or two more witnesses."

Later the defense indicated they might call three to the stand, David Friedlander, manager of a New York theatre, Col. H. Norman Schwarzkopf, superintendent of New Jersey's state police, and an unnamed "wood expert."

Friedlander's theatre once employed Amanda Hochmuth, elderly police witness who said he saw Hauptmann with a ladder on "Lindy Lane" the day of the kidnaping, March 1, 1932. Colonel Schwarzkopf already has been called by the defense.

Sitting at the state's counsel table listening to De Bisschop's testimony was Arthur Koehler, the federal wood technologist, who had testified for the prosecution that the ladder rail was sawed from the floor in the Hauptmann attic.

Experts Disagree

Thus the defense closed a session approaching the end of the case with a renewal of its attack on the expert testimony of Koehler.

Dr. Erastus M. Hudson, New York criminologist, opened the session with his insistence he saw only one nail hole in the kidnap ladder when he first examined it 10 days after the kidnaping.

He refused to alter his belief in the face of photographs Wilentz said were taken after the ladder was found and which showed four nail holes Koehler testified matched those in the broken beam of Hauptmann's attic.

Reilly had stated unequivocally that the extra holes had been placed there "deliberately."

Today's parade of witnesses included:

Walter Mangey, a Bronx CWA painter, who said he came from a sick bed to testify he saw Hauptmann drinking coffee in the Fredericken bakery in the Bronx the night of the kidnaping.

Karl Henkel, husband of the sprightly blond Gerta, who said he never saw anything improper between his wife and Hauptmann who drank coffee together.

Borrowings Cited

Mrs. Amanda Hite, Mrs. Hinkel's mother-in-law, who said Fisch borrowed $4350 from her and did not pay it back.

Henry Uhlig, who said he was Fisch's best friend, had helped him in his "pie business," and accompanied him back to Germany in December, 1933. He swore Fisch had not loaned him money.

Stanley Seal, a Flemington paperhanger, who exhibited a device he said would show a nicked plane operated at various angles would cause grooves of varied width. He

(Continued to Page 3, Column 3)

Sunset Highway Measure Put Back Into Hopper in Senate

One Bill Seeks To Abolish State Patrol and Another Is Designed To Enlarge It Materially; Marriage Requirement Changes To Be Sought

PHOENIX, Feb. 7.—(AP)—Revived legislation shared honors with new bills today in busy sessions of the 12th legislature which saw the State's Pass highway bill brought back to the senate and the Colorado river suit appropriation measure restored to conference committees and apparently on the road to becoming a law.

Among 74 new bills received was one in the senate proposing to abolish the state highway patrol and one in the house which would substitute a department of state police for the patrol and increase the membership from 30 to 41 beginning July 1.

The bill to abolish the patrol was introduced by Senator E. H. McEachren of Gila county. The measure which would double the patrol membership and enlarge its scope was introduced by Representatives C. W. Gardner of Pima, Bernard P. Caine of Yuma, J. Melvin Goodwin and Harry J. Sullivan of Maricopa.

A six-hour marking period would be established for mines, electric light plants, cement works, smelters, coke ovens, blast furnaces and other industrial plants by a bill introduced in the house by Representatives Frank Bowling and M. A. Gray of Cochise.

Marriage Measure

Representative William Wisener of Yuma would require all marriages to be solemnized by a judge of a record court or a justice of the peace, at a fee not to exceed $2. Those desiring to be married by a minister also would have to be wed by a judge or justice of the peace, if the bill becomes a law.

The senate received the uniform highway code prepared by the U. S. department of agriculture and recommended by President Roosevelt as a means of promoting greater safety on the highways. It contains recommendations made by a conference of western states at Salt Lake City last summer.

The bill would take the collection of automobile taxes and issuance of licenses out of the hands of tax assessors and impose the duty upon the state highway department, which would turn back to the counties 7 per cent of all collections.

Tax Changed

Under this setup, the property tax on automobiles would have to be paid before a license could be obtained, with no exemptions as under the present law, and car owners in all counties would pay a uniform property levy of 3 cents on a dollar of valuation.

It would provide greater public safety, authorize the use of variable speed limits in certain zones and pick up the present law almost in its entirety as drafted by Mr. Nelson of Navajo introduced the bill.

The Sloth's Pass designation bill bounced back into the senate even more quickly than it was kicked out under the house's jurisdiction motion Tuesday, made by McEachren. He cast the only dissenting vote when the senate reconsidered today on motion of Nelson of Navajo.

Goes To Committee

Senator Nellie T. Bush moved for suspension of the rules and the bill was sent to the committee on highways and bridges to start through the regular channels. The house already has adopted it.

The future of the bill, which has the Phoenix Chamber of Commerce solidly behind it, will be decided when it reaches the senate committee of the whole for debate.

The house paused and sent to the senate the senate's seven paper bill which would prohibit the insertion of legal notices in "hand bill" newspapers, or those not having a mailing permit for at least one year. An amendment voted by the house yesterday striking out mailing permit provision was withdrawn, leaving the senate text.

Two bills of interest to irrigation districts also passed the house and were sent to the senate. One would equalize tax assessments where federal loans are sought, and the other

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CAPITOL

Facts and Fancies

By TALBOT T. SMITH

PHOENIX, Feb. 7.—The State's Pass highway bill is not dead but sleeping. Just when southern Cochise county had decided that it had killed the measure designating the road through Willcox as a state highway, by the use of clever parliamentary tactics, Senator G. W. Nelson of Navajo moved a reconsideration.

Senator Nellie T. Bush of Yuma seconded the motion which started with McEachren, who had made the original motion to indefinitely postpone, as the only "no" vote that restored it to the status of any bill that has been placed on first reading and Collins immediately

(Continued to Page 4, Column 2)

STORM HELPING ARIZONA FARMS

Reservoirs Fill As Downpour Continues In Much of State

By ASSOCIATED PRESS

Great torrents of water raced down Arizona's rivers and streams and desert washes last night, much of it to be caught by the state's huge dams and stored up against the rainless months of next summer.

Rain and snow had fallen intermittently throughout the state for 68 hours at 6 p. m. Overcast skies indicated the storm was not yet over.

Every mountain gulley and desert wash in the great Salt River drainage area guided water toward the four reservoirs which serve the valley.

Officials of the Salt river project said storage of 180,000 to 125,000 acre feet was assured at 10 o'clock last night. An increase of 40,000 to 50,000 acre feet in the Roosevelt reserve was in sight. Roosevelt reservoir was gaining at the rate of more than 1,000 acre feet an hour.

Many communities received tremendous downpours.

At Phoenix 2.34 inches—only a trifle less than one-third a normal year's rainfall—had fallen in the two days and a half since the storm started. Temperatures in the central city were above normal, despite the storm, yesterday's two degree excess temperature increasing the accumulated excess for the year to 155 degrees.

A light hailstorm swept over Phoenix yesterday afternoon.

Snow was falling last night at Payson and in some other upland regions.

Yesterday's rain at Tucson measured .56 of an inch. Most of the water appeared to be soaking into the ground, and some washes still were dry, despite the prolonged rains.

Prescott measured two inches of snow yesterday morning, and more rain or snow was not unexpected. The reserve of water impounded by Watson dam, which supplies the Chino valley irrigation project, was growing rapidly, and observers said water probably would be pouring over the dam, which has not been full since 1902, if the storm continues.

Main highways throughout the state were reported open.

Justices Attend Dinner and Service, Not Topic Is Gold

WASHINGTON, Feb. 7.—(AP)—The capital chuckled tonight at the coincidence which sent the justices of the supreme court to the White House to dine with President Roosevelt—who perhaps more than any other person wants to know what their decision in the "gold clause" cases will be.

But gold definitely was not a subject for discussion, despite the curious, and to some humorous, reminder brought about when the table was set with the famous "gold service, customary for formal annual dinners such as the affair tonight.

Year in and year out, the dinner to the supreme court is held at about this time. Invitations were sent out some time ago when it looked as if the gold case would be history before February 7.

Two associate justices, William D. Brandeis and Willis van Devanter, did not attend. Justice Brandeis does not go out at night because of his health and Justice van Devanter has gone to no social functions since the death of his wife last summer.

But the other seven—Chief Justice Charles Evans Hughes and Associate Justices James Clark McReynolds, George Sutherland, Harlan F. Stone, Pierce Butler, Owen J. Roberts and Benjamin N. Cardozo—marched into the state dining room with some of the ceremony of tread that will take them to the bench—for the gold decision.

Other distinguished guests were present: the Attorney General and Mrs. Cummings, ranking members of the house and senate judiciary committees, the Solicitor General and Mrs. James C. Biggs, Mr. and Mrs. Bernard Baruch, Raymond Moley and Roland Redmond, counsel for the New York stock exchange.

CROSS-COUNTRY CAR TRIP WITH DEAD MAN ENDS

Murder Charge Pending As Michigan Youth Admits Slaying

WIRE BRINGS ARREST

Holdups Financed Wild Journey, Frechette Tells Officers

NEVADA CITY, Calif. Feb. 7.—(AP)—A macabre 2,000-mile dash for liberty with the corpse of the man he admittedly slew because of jealousy ended today for Clarence Frechette, 25, Michigan's notorious "flying bandit."

In a stolen automobile containing three unsuspecting passengers and a trunk into which the body of the 180-pound victim, Robert Brown, 24, of Kalamazoo, had been stuffed, Frechette drove up to the California line last night and into the arms of waiting officers near Truckee.

As if they suspected nothing, the officers asked Frechette and his passengers to come into their checking station and warm themselves. Then one official pried open the trunk to peer directly into the lifeless eyes of the victim.

Pistols were shoved into the ribs of Frechette and his male companion, John Malcolm Rivas, Salt Lake City miner. Frechette at first denied he was the man sought, and said he was Brown.

Assassinated Flier

At the same time officers identified him as the man who assassinated Harry W. Anderson, flying instructor, during a flight at Kalamazoo.

When the plane was 2,000 feet up, Frechette allegedly seized a hammer, knocked Anderson senseless, landed the ship in highgrass and then went through it for valuables. He was sentenced to serve six to ten years but was released after serving his minimum term.

After some sharp questioning, however, Captain Joseph Blake of the state highway patrol announced Frechette had confessed the killing. He also admitted confession contained, with no exceptions as under the present law, and car owners in all counties would pay a uniform property levy of 3 cents on a dollar of valuation.

It would provide greater public safety, authorize the use of variable speed limits in certain zones and pick up the present law almost in its entirety as drafted by Mr. Nelson of Navajo introduced the bill.

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(Continued to Page 4, Column 1)

SLANDER ASSERTED IN DOUBLEDAY SUIT

NEW YORK, Feb. 7.—(AP)—Two affidavits to support her $100,000 slander suit against Major Max C. Fleischmann, yeast manufacturer, were filed in the supreme court today by Mrs. Rhoda Tanner Doubleday as Justice Louis A. Valente signed a warrant attaching $5,000 of the defendant's property in this state.

Mrs. Doubleday, former wife of Felix Doubleday, son of the publisher, presented an affidavit by Holden A. Evans of Santa Barbara, Calif., stating he had overheard Fleischman say at the Valley club, Santa Barbara, that Mrs. Doubleday's privileges should be revoked and made remarks casting aspersions on the plaintiff's character and breeding.

The second affidavit was by Mrs. Doubleday's sister relating her education in fashionable schools, it said:

"In 1928 and 1930 I visited England. I have entertained the Prince of Wales at my home and have been in the summer of 1927, and have entertained other members of the English royal family, including the Duke and Duchess of York, Princess Beatrice, the Duke of Connaught, and Prince and Princess Arthur of Connaught."

She charged that because of her social status in this country and abroad she had suffered "shame and anguish" as a result of the alleged slander.

Prevailing Wage Amendment Brings Latest Blow to President's Work-Relief Measure; Byrnes Leads Fight to Uphold FDR's Plan

Sea Serpent Yarn Finally Ends as Sea Gives Answer

NEWPORT BEACH, Calif. Feb. 7.—(AP)—King Neptune, with one mighty heave, sent upon the sands here today the apparent solution to the mystery of last summer's "sea serpent" store. It was the carcass of a sea elephant of huge proportions.

Part of the monster, which weighs perhaps a ton and a half and was 16 feet in length, had been destroyed. Its snout had been torn away, indicating it probably met death in a submarine joust with some voracious champion at sea.

Sea elephants as a rule seldom venture this far north.

Last summer, residents of Newport Beach and Huntington Beach had reported sighting a sea serpent with whiskers.

PAYROLL LEVIES CALLED ILLEGAL

Justice Department Has Plan To Check On Security Bill

WASHINGTON, Feb. 7.—(AP)—A contention that the payroll tax in the administration's social security bill is unconstitutional brought the disclosure today that the justice department is studying that very phase of the measure.

The argument was advanced by James A. Emery, general counsel for the National Association of Manufacturers, one of the last witnesses before the house ways and means committee.

The bill will be considered for possible amendments next week in secret committee session.

Emery did not use the word "unconstitutional" but in advancing his view of the unemployment insurance tax of 3 per cent on payrolls he suggested:

Admits Holdup

1. That he admits stuffed Brown's body in the trunk of the automobile and headed westward, thereby "disturbing" and "dangerous burden in California and Nevada," and

2. That he held up two drug stores and a restaurant in Denver obtaining $41 in all to help finance his strange trip.

That he went to a dance in Salt Lake City, leaving the automobile and ghastly cargo parked in the street outside the dance hall.

4. Picked up the three passengers in Salt Lake City, accepting their offer to take them to the coast for $6 each.

5. Sent a telegram from Elko, Nev., to Brown's father, Ray Brown, in Michigan, saying it "Robert" was dead and that $50 be telegraphed to him. The telegram led to his arrest.

Passes As Salesman

All the way from Michigan to Salt Lake City, Frechette posed as a model young man trying to get ahead in the world by seeking business for a trucking firm. Blithely he played the role of the automobile salesman. He was polite to his passengers and quite talkative.

When the party was brought here — Frechette to the county jail to await removal to Michigan, Rivas and Frechette's other two passengers, Mrs. Victor Messenger of Klamath, Calif., and her small son, were held in technical custody but officers freed them tonight.

Apparently little the worse for his wild eight-day flight and a night in a cramped cell, the dapper little ex-convict dozed in his cell for a short time but awoke soon and talked freely to interviewers.

"I'm not sorry for what I did," said Frechette. "I'd have done it again, and if I hadn't somebody else would have."

Again he went over the story of the killing, at Howell, Mich., Junction.

"We were on the outskirts of town. Brown became jealous of his conquest of many women and I told him there was one beyond his reach.

"He asked who, and I told him I meant my girl, Grace Carter.

Frechette said Brown then remarked with an oath that he had been intimate with the girl.

"I knocked him down," the assistant confession then went on. "He crawled to the car and reached in a pocket and grabbed that gun and I grabbed the pistol that was found in the death car.

"He pointed it at me and I grabbed his hand. I don't know whether it was his finger or mine slid it, but the gun fired twice.

"I put him in the trunk. I didn't know whether he was dead or alive. I knew if I was caught I'd spend the rest of my life in prison."

SMOKE BLANKET IS AID ON COLD DAYS

NEW YORK, Feb. 7.—(AP)—New Yorkers kept warm today under a blanket of smoke.

While city dwellers enjoyed a comfortable winter day of about 20 degrees, their neighbors in some nearby suburbs endured temperatures of 10 and 11 degrees below zero.

Dr. James H. Shaw, U. S. weather observer, credited the difference in climate to the city's smoke.

Would Add Millions To Cost of Bill, Says Administration

LABOR FOSTERS IDEA

Final Action Is Awaiting Committee Members From Islands

WASHINGTON, Feb. 7.—(AP)—Another vital committee slash at the President's $4,880,000,000 work-relief bill, requiring the payment of "prevailing" wages to those employed, tonight caused the administration to marshal strength in an effort to reverse this decision.

Stunned by the adoption by the insurgent-studded senate appropriations committee of the "prevailing wage" amendment by vote of 12 to 8, regarded by the President as writing his new array from existing jobs to relief work, several Democrats today including Chairman Glass (D., Va.) of their plans to force reconsideration.

The amendment is in direct conflict with Roosevelt's program to remove about 3,500,000 men from the relief rolls and put them to work at about $50 a month. It was estimated payment of prevailing wages would increase the cost of work relief by many millions, and, reversed in its entirety, would militate against those on relief work from seeking employment in private industry.

Senator Byrnes (D., S. C.), who is leading the administration's fight for the bill against the committee insurgents, said he expected to muster enough support to eliminate the amendment restored upon by the American Federation of Labor