

Circumstantial Evidence Wins In Murder Case

Prosecution Groups Most Remarkable Coincidences Students of Criminal History Have Ever Encountered but Unable to Prove Premeditation in Atrocious Crime

By ROBERT T. SMALL
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New York, June 2.—Circumstantial evidence has won another victory in a noted murder trial, sending Harry L. Hoffman, moving picture operator to the penitentiary for from 20 years to life imprisonment for the murder of Mrs. A. Bauer on Staten Island some two months ago.

The jury found Hoffman guilty of murder in the second degree. The people of the city today were stunned by the mildness of the verdict, for the murder itself was one of the most atrocious crimes the Metropolitan district has known. But strong as was the chain of circumstances linked about Hoffman, the prosecution was unable to prove the premeditation which might have sent the young man to the electric chair.

Medical experts who have observed Hoffman during his trial are of the opinion that Hoffman really has only himself to blame for much of the testimony used against him. In a panicky condition after the crime Hoffman so conducted himself that guilty circumstances rose up as if

by magic to accuse him. If Hoffman is innocent, as he still claims, the circumstances which convicted him are the most remarkable coincidences students of criminal history ever have encountered. It was nearly a month before the moving picture operator was suspected, but now it seems that his every act since the crime has proved to be a guilty one.

The murder itself was an atrocious affair, being particularly deplorable in the fact that the fate which overtook Mrs. Bauer might just as easily have claimed any other of Staten Island with her mother as victim. This lady was out motoring. Something went wrong with the car and Mrs. Bauer started to walk to the nearest village to get assistance, leaving her mother with the car. She had gone but a few hundred yards when a young man in a Ford sedan stopped and offered to give her a lift. She told him her plight and gladly accepted the offer. The waiting mother saw her daughter enter the car. When she emerged but a

Hey, Babies, Need a Nursemaid?



"Snooky," known as the most intelligent chimpanzee in the world, likes nothing better than playing nursemaid to Joan Henrietta, and the baby doesn't mind a bit as long as she gets her bottle.

few minutes later she was dead—brutally beaten and shot. The theory of the crime from the first has been that the young man in the sedan attacked the woman and because of her resistance she was slain. If only the police could have proved the attack came first and the wo-

man was killed afterward to cover the crime, this would have constituted premeditation and a first degree

verdict might have resulted.

In attacking the case the police had but two tangible bits of evidence to go on. One was that a Ford sedan was used. The second was that a little girl noticed the man in the car wore a brown felt hat. They also knew that the murder was committed with a .25 calibre automatic pistol and that evidently the man had committed assaults on other women by inviting them into his car.

There are so many brown hats in the world and perhaps even more Ford sedans that the task of checking up seemed all but insurmountable. Yet the police tackled it. They announced that the owner of every Ford sedan on Staten Island would be quizzed.

Just here the hand of fate began to work against Harry Hoffman. He knew he owned a Ford Sedan. He knew that he had worn a brown felt hat on the day of the murder. He knew that he owned a .25 calibre automatic, which he had bought just last February. He also knew that he resembled the description of the little girl had given of the man she had seen in the murder car. He knew also that he possessed certain desires which he could not always master and which had led him to attack at least three women in his car.

Then, according to his own testimony, Hoffman began to act like a "damn fool." This was the only explanation he could give of the various moves which tangled him inextricably with the heinous crime. Hoffman says there was a hue and a cry for a victim—some one must suffer for the death of Mrs. Bauer.

Hoffman mailed his pistol to his brother in Manhattan and told him

to guard it at all hazards from the prying police. Hoffman burned the special holster he had bought for the pistol. Hoffman met a brother motion picture operator and with him "framed up" a perfect alibi for the hour of crime. He told the operator he knew he would be suspected and that it would be difficult to prove just where he had been; therefore the connected alibi was necessary. The brown hat quickly was disposed of.

But the Ford sedan remained and the Ford proved the solution of the crime. For when it came time to check up on Hoffman's car things began to happen. There was more difficulty in getting a jury than there was in obtaining the ultimate conviction. Scores of prospective jurymen said they would not adjudge a man guilty on circumstances alone. The state had no eye-witnesses. Its case was entirely one of accusing circumstances.

A unique phase of the case was the testimony of a pistol expert that no two pistol firing pins are alike and that under microscopic examination it is possible to identify the revolver which fired certain shells. Two shells were found with Mrs. Bauer's body. The expert said the impressions on these shells were made by Hoffman's gun.

AUTOMOBILE SALES SLOW

New Orleans, June 2.—Sales of automobiles here are slow and business is running much under that of last year. Stocks of both new and used cars in dealers' hands are large.

Bank Robber Gets Hints From Magazine Fiction

Missing Bank Cashier Goes One Step Too Far in Imitating "Gray Personality" in Novel and Authorities Believe They Will Ultimately Apprehend Him.

By L. C. OWEN
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San Francisco, June 2.—Truth may be stranger than fiction, but sometimes it borrows from fiction, as Dale Rowan, missing bank cashier, has just demonstrated.

Three years ago a popular magazine published a fiction story in which a clever crook assumed a "gray personality," secured a position of trust in a bank and looted it of many thousands. When the hue and cry got under way, it was discovered that nobody knew nothing about the thief. His "gray personality" role had been applied to his appearance and the only description available was one that would fit almost any of a thousand persons met on a crowded city street.

Its just that situation that the authorities are up against in trying to find 24 year-old Dale Rowan, who a day or two ago walked out of the Bank of Italy here with \$47,200. here are many evidences that Rowan patterned his crime after the "gray personality" story.

The worn handbag in which he carried off the his loot was the same one in which, day after day, month after month, he had brought his noonday lunch to the bank. That was the way the fictional "gray personality" worked it.

Rowan sought employment at the Bank of Italy shortly after the "Gray Personality" story appeared. Emulating the fictional crook, he gave a false address both in his application for employment and to the bonding company which signed his bond.

In the two years and eight months that he was with the bank, working up from a humble clerkship to the post of chief teller, everything shows that he played his "gray personality" role continuously and scrupulously. He had no intimate friends within the bank and outside he kept entirely to himself. The bank officials thought he was a married man and the father of two small children. His disappearance discloses his family to be purely fictitious.

The bonding company has a photograph of Rowan submitted with his application for a surety bond. But it is a photograph that tells little, and might be that of almost any average man of 24 years. In the same category is the description given by bank officials. Rowan had no outstanding characteristics. He was just an average looking young man.

The very fact of the absconding teller's close adherence to the "gray personality" story however, leads the authorities to believe they will ultimately apprehend him. In his ef-

forts to carry out a "perfect crime" they think he will make the slip of carrying emulation of the "gray personality" just a step too far.

There are, they insist, no "perfect" crimes."

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