

STORIES HELD TO BE UNTRUE

Justice McBride of Supreme Court Takes Witness Stand Here

(Continued from Page 1.)

cross-examination by W. Lair Thompson of the prosecution was disappointed. Oscar Hayter of the staff merely asked him if he was and had been attorney for the Portland Telegram, which Mr. Joseph affirmed. The defense then rested, after having introduced a copy of the option given by John L. Hand and wife to Mannix and Wickey on a mining prospect in eastern Oregon, which option Joseph had contended indicated improper influence in view of the pendency of a Wemme case in which Mannix and Wickey were interested.

A. A. Binford, vice president of the Citizens' Bank of Portland was called after noon as the first witness in the prosecution's rebuttal. He testified that Condit, star witness for the defense, had been a customer of his bank and that his reputation was bad. Joseph Gault, a bookkeeper and cashier of Portland testified that Condit had secured her car through misrepresentation and sold it.

Condit's Partner Tells Of Having Liar

Homer C. Conser, former partner of Condit, testified that the firm had two or three cases of liquor which they obtained from a hi-jacker during the time of the Eike convention in the summer of 1925, and that it disappeared during his absence on account of illness. He said he did not know what had become of the liquor but that Condit had asked him to testify before the bar committee that it had been given to Mannix which he declined to do as he did not know what became of it. He said the general reputation of Condit for truth and veracity was bad.

Briefs and copies of decisions of the supreme court in certain of the cases referred to in the testimony were introduced as evidence.

Judge McBride Tells Of Long Record

Justice Thomas A. McBride, venerable, white-haired, stooped with age, then mounted the platform to the witness stand. Eighty-two years of age, he stated that he had been 47 years in public service in Oregon, member of the legislature in 1876; district attorney of the fifth district 1882-1892; justice of the circuit court, fifth district 1892-1909; justice

of the supreme court, 1909 to the present. He said he had known Mannix since 1911 and Condit since 1925, that he had probably met Condit first in Mannix's office.

Question by Thompson: "At the time you met Condit or any other time did Mannix or anyone else in the presence of Condit give you liquor to drink or did you drink liquor?"

"No, sir, absolutely not" replied the judge without hesitation.

"What was Condit interested in particularly?"

Condit Seeks to Sell Car for McBride's Daughter

Answer: "At that time I had thought some of buying a car for my daughter whose car was getting old, and he tried to demonstrate his car to me. He proposed to drive me down to his home. On two occasions he drove me to Salem. Once he or some one for him took me out on Sandy road for a demonstration."

He denied that Condit had ever been inside his house at Deer Island, that he had ever given him liquor. Once after Condit had driven him to Salem when he and his daughter came down from his room in the Marion he saw Condit in the lobby and invited him in to eat dinner with them. He said he never discussed any pending cases with Mannix or Condit, that the first he knew of the Condit vs. Condit divorce case was when the late Justice Burnett submitted his opinion for conference to fellow judges. Asked if he had ever said he would push a case ahead or put it in during the rush of business he replied "There is not a single word of truth in that."

He said he would not have permitted Condit to discuss his case with him.

E. R. Wolf Story Said Entirely False

He denied knowing E. R. Wolf and denied the Wolf story about taking drinks in Dan Power's office. "It is a lie out of whole cloth" he averred. He denied having a loan from Neppach in 1925. He was not cross-examined.

Dan Powers, bland and smiling, likewise denied the Wolf story of McBride's being liquored in his office. On cross-examination he admitted he was one of counsel in the first Wemme case and shared a \$15,000 fee. He recalled a visit of Wolf to his office and referred to a certain "incident" which he seemed bursting to tell, but was not asked about.

May McBride Newton, the judge's daughter corroborated her father's testimony about the dinner with Condit at the Marion, saying her mother was too ill at that time to share in meals with them. She denied that Condit ever took her father to their home at Deer Island or that he had supplied him with liquor there. She was not cross-examined.

Next Witness Also Calls Condit Liar

A. Neppach, tall, rather aged,

deep-voiced, cool, with pious mien but a mean tongue when discussing Condit, was the next witness on the rebuttal side. He denied making any loan to McBride, denied that Mannix gave McBride liquor in his presence, denied that McBride was in the Mannix office with him and Condit, denied that he ever discussed any pending case with McBride or that he ever heard pending cases discussed. Denied that he had asked Condit to supply liquor or that Condit had supplied liquor. Asked if he ever rode with Condit with liquor in the car replied, "Decidedly not." He branded as absolutely false the story that all three took drinks but Mannix didn't.

When questioned about Condit's reputation his responses were so acid that the mirth of the auditors was provoked. Judge Skippworth rapped frequently for order, and finally warned the audience and told the balliffs to preserve order in the court. Neppach called Condit a "liar and a thief," said his reputation was very bad, and quoted with approval the comment of another man that he was a "damn skunk."

Possible Reason For Opinion Brought Out

Cross examination brought out the fact that Neppach was now defendant in a suit brought by Condit, that he had fallen in a suit to get Condit's house, that he had solicited three persons to appear as character witnesses against Condit. Asked about his interest in the case he averred that he was more interested than the supreme justices "because George Joseph stole the biggest building in the state of Oregon from me. He induced me to enter into a stock company for \$500 of which Joseph took one share." The court stopped the witness from going into that subject. He claimed no animosity toward Joseph, "I kind of like Mr. Joseph; he has many likable ways."

He admitted that he had acquired all the assets of the bankrupt Condit & Conser Co. that he got from E. W. Wickey part of the Wemme estate property, that he had bought the interest of Mr. Hoy in the Brigham estate property and took Mr. Mannix' interest on account of money advanced in prosecuting the Brigham estate case. Asked about the Brigham estate he related that it consisted of a three story building in Portland, farms in Tillamook and Yamhill counties and other real estate. "The estate looks pretty good" he asserted.

Details of Wemme Deals Are Recounted

In the Wemme estate property he said he bought in for \$1000 16 lots in Overlook addition Portland with indebtedness of about \$9000, and that he had taken two notes from Wickey. He said he had employed Mannix as attorney ever since he left Joseph some 8 or 9 years ago.

Tom Mannix appeared somewhat nervous on the stand but

testified without hesitation, denying the liquor stories of Condit and the claims that he discussed pending cases with Justice McBride. He accounted for the justice's frequent visits to his office as due to their common interest in the classics and history. He said he prepared the Condit vs. Condit divorce case brief and submitted it in the usual way and never mentioned the case or other cases to anyone on the supreme bench. He denied the story told by E. L. Wolf, who was referred to by other witnesses as a former federal prohibition officer. Mannix said he did not drink himself. There was no cross-examination.

North Howell to Have Community Christmas Tree

NORTH HOWELL, Dec. 11.—The community club is working with the school teachers and pupils to make the next meeting of the club on the evening of December 20 lively one.

Committees have been appointed as follows:

Candy—Mrs. J. S. Coomler, Mrs. Anna Dunn, M. A. Dunn. Greeting committee—J. S. Coomler, A. B. Wiesner, Ellis Stevens.

Tree and decoration—Lozan Rutherford, Mable Drake, Roy Dunn, Ena Harmon, Gladys Waltman, Howard Coomler.

Solicitors—Wayne Wiesner, Carl Hagen, Raymond Jefferson, Anton Woelke, Dee Brooks, Clarence Rickard, John Coomler, Ernest Pickens, Jay Rutherford and Harry Selms.

Silverton Lad Accident Victim

SILVERTON, Dec. 11.—Frank Pettijohn, son of Mrs. Frank Pettijohn of North Second street broke his collar bone Saturday afternoon while practicing football on the local school grounds. Frank, who is 14 years of age and a member of the junior high school, collided with another player when the accident occurred. The break was quite serious and so close that it very nearly became a broken neck.

However the youth is getting along very well and no trouble is anticipated.

GOOSE HUNT SUCCESS

AIRLIE, Dec. 11.—Mrs. A. C. Staats and grandson Fred Ray have returned from a goose hunt in the northern part of California. They reported a good trip and a fine hunt. Their friends hope they make the trip every year as they have all enjoyed feasts since they returned.

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Military brush, comb, soap box, tooth brush holder, clothes brush, space for razor... in brown leather case.



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Novelty shape powder jar of frosted glass in dainty pastel color, filled with fragrant bath powder; large suff.

Mufflers for Christmas

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