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Commercial National Bank

Capital, \$50,000.00. Resources, \$300,000.00

CHARACTER TESTIMONY.

(Continued from page 1.)

was engaged in buying wheat and farming. His testimony corresponded with the preceding witness.

Judge Fitz Gerald city recorder, in addition to the question as to the reputation of the deceased for honesty was also asked, "Was a complaint ever made to you, as judge of the police court, about Bob Estes having robbed anybody prior to the time that it is alleged he was killed by Mr. McManus?" This question was objected to and the objection sustained.

Burt Huffman next took the stand and said he was acquainted with the reputation of Estes for honesty and that it was bad.

James Beck stated that he had seen Estes in Lynde, Washington, and that he knew the city marshal in that place. "Did you ever see the city marshal meet Bob Estes on the street and require him to leave the city of Lynde?" asked Judge Fee. The objection to this question was sustained.

Thomas Thompson of Pendleton stated that he was engaged in farming and that he knew Bob Estes and his reputation, and that it was bad for honesty.

At 10:45 the court allowed a short recess.

Another Purpose for Gun.

The defense attempted to show by George Carnes and Owen Carnes, merchants of Pilot Rock, that McManus had ordered a gun, or asked to have one sent for, through their firm, for the purpose of shooting game, but the court ruled it out as being too remote. Neither was their testimony in regard to what McManus had told them about the robbery allowed to go in.

After nearly all of the objections had been made by the prosecution and sustained by the court, the counsel for the defense dictated to the reporter his statement of what he wished to prove. As this was done to one side much time was consumed this morning.

George Peebler.

Upon the reconvening of court George Peebler was called to the stand. He said he knew Bob Estes and that he knew his reputation for honesty and that it was bad.

George Ernest was next called and said he had also resided at Baker City. While there he knew Estes, but he was not allowed to testify as to his reputation there.

J. A. Esteb was then sworn and said that while practicing law at Baker City he had known Estes. But objection was made by the state to his telling of his reputation there, the objection being that it was not shown that Estes was ever residing there, whereas the language of the statute is that only a man's reputation in the community wherever he resides may be shown.

In a ringing reply Judge Fee held that it mattered not how long a man resided in a place and that while in Baker City for but a short time the deceased may have established a reputation that followed him to his grave.

After much parleying Judge Bean sustained the objection on the ground that the question should not have been confined to Estes' reputation at Baker City.

Judge Fee took exception to this ruling and then dictated into the record what he expected the witness to testify to had he been allowed to testify.

Esteb was not cross-examined.

William Temple.

William Temple was next called. He had known Estes for 23 years. He said Estes' reputation was not very good.

John McCourt.

John McCourt, city attorney, was then called and admitted he was city attorney, a partner with District Attorney Phelps and that he was his deputy. He knew W. L. Gibbs and was asked if he had ever made complaint against Estes for having been robbed by the deceased. But he was not allowed to testify upon that point. His answer was dictated into the record.

Palmer Edwards.

Palmer Edwards was then called and said he had worked in Elliott's lunch counter and while there McManus had been there about 12 o'clock one night; that McManus had some money with him; that he was accompanied by a man named McCarty. McManus had \$5 which Edwards saw. They left the place and three hours later Edwards heard of McManus being robbed.

Afternoon Session.

When the court convened at 2 o'clock this afternoon, Dr. L. K. Blakeslee was called to the stand.

"If a bullet entered the right side between the 10th and 11th ribs and lodged immediately under the skin under the 6th rib four inches right of the spine, in what position would the man shot have been standing?" asked Judge Fee, who also specified the organs through which McManus' bullet passed into Estes' body.

The question was objected to by Mr. Phelps on the ground that Judge Fee's description of the bullet's course did not tally with that of Dr. East. Judge Bean instructed the stenographer to transcribe that portion of Dr. East's testimony.

The Hypothetical Question.

After referring to the notes the question was then put as follows:

"In what position, doctor, would a man be standing who was wounded by a bullet entering his body on the right side between the 10th and 11th rib four inches from the center of the spine, external measurement, passing through the upper part of the right kidney, penetrating the right side of the first lumbar vertebra, making a slight groove on the same, thence through the inferior vena cava, the upper border of the pancreas, the left lobe of the liver, not penetrating the stomach, and finally passing through the anterior end of the sixth rib on the left side at its articulation with the central carti-

lage and lodging immediately under the skin?"

In reply to the question Dr. Blakeslee gave it as his opinion that the body must have been in a stooping position and leaning slightly to the left.

Dr. Smith's Opinion.

Dr. Smith was called and the same hypothetical question put to him as to Dr. Blakeslee. Dr. Smith said that, barring deflections, the position of the body would be as illustrated. The doctor then took a position leaning to the left and slightly stooping.

On cross-examination the witness said that tissue might deflect a bullet where it passed from a soft tissue to a harder one.

He said that it was not impossible for a bullet striking the vertebra to have been deflected upward. But that the vertebrae were much softer than most of the other bones and were rather spongy and easily punctured.

Dr. Vincent Verifies Others.

The same question that was asked Dr. Blakeslee and Dr. Smith was asked Dr. F. W. Vincent. In order for the bullet to take the course described in the question, Dr. Vincent said that the body would be in a stooping position at an angle of about 45 degrees, and in illustrating assumed the same position as had the previous medical experts.

Dr. Vincent said that the probability of the bullet being deflected was not very great, but that it might be changed from its course. A great deal would depend on the vertebrae. The bullet might strike the vertebra, glance around it, and shoot upward back of the stomach.

Dr. W. G. Cole on the Stand.

Dr. W. G. Cole, after qualifying and having read to him the same question, also testified that a man to have the internal organs punctured in the manner described would be in a position leaning forward and to the left.

Human Skeleton in Court.

"Have you a skeleton, doctor, to illustrate with?" asked Judge Fee. "I have," replied the witness. A large green bag was then produced and a human skeleton brought forth from its folds.

The bleached bones were then suspended by the head with a string from the chandelier immediately in front of the jury. Dr. Cole indicated the place where the bullet entered, its course, the vertebra struck and approximately where it lodged.

At 3:15 Dr. Cole was on the stand with his examination practically completed.

FUNERAL OF MISS MOLLIE TODD.

From the Christian Church at 2 O'clock This Afternoon.

At 2 o'clock this afternoon the funeral of Mollie C. Todd was held from the Christian church and was attended by many friends of the dead girl student and the Todd family. The service was conducted by Rev. Victor Dorris, pastor of the Christian church. The pallbearers were as follows: Walter Whitman, William McDaniel, Arthur Hatton, C. W. Steele, George Hill and John Hill-yard.

Aside from the pallbearers six girl friends of the deceased served as honorary pallbearers. They were Misses Ida McDaniel, Adrian McDaniel, Gertrude Campbell, Irene Shee, Mary Shea and Alice Bessinger. The degree team of the Woodcraft circle, of which the deceased was a member, also attended the funeral in a body.

Ty-co-na Indicted.

Ty-co-na, a Umatilla Indian, who was arrested for stealing a horse on the Umatilla reservation a short time ago, has been indicted by the federal grand jury in Portland.

E. A. Moritz of Oregon, has been appointed assistant engineer in the reclamation service.

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