

Great interest in this trial continued today at the Court House being packed.

C. W. WATTS testified. Reside in Albany. Acquainted with deceased and Frank. Blackman and Hodges were there when I went out to the place. Was on jury. Henry was lying on back with head towards orchard. Head thrown back. Right hand on breast and left arm extended by side. Gun lying to left of and parallel with body three feet distant. Ground rather smooth with some straw. Examined gun; there was no dirt on it. Examined the shots; one went in head near left side of nose.

Blood all over face. Blood on forehead. Did not examine hat. Examined wounds in breast; two went in near left nipple about an inch apart. There was no blood in two wounds near nipple until body was turned over. Both balls went through body and lodged under skin on the back.

Have had much experience with guns. Examined breech of gun; took shell out of gun. Had a man shot a gun from where Henry stood towards where Frank was said to be standing the shot would have struck the hog pen or the trees. There was no shot in the house, hog pen or apple trees I examined. Might have shot up in the air without hitting an object. Took all the evidence in the house after examining body. Frank told us where he stood; did not show us. Pretty dark when we went there. Went to Henry's house next morning. Saw pleasant on stand in kitchen; looked like it had been killed the day before. Deceased had small pocket knife in his person. Meal had recently been eaten in Henry's kitchen. There was knife, fork and plate on table. Heard of it. Tell his story that night. He said there had been persons about his house. Told boy to wash dishes and go to bed. Told hired hand to go to watch stable and he would watch in the orchard. He went to an apple tree and watched until he became sleepy, and then heard a noise. He watched and saw a man approaching and told him "hands up" when the man shot at him. He then fired two shots. Then heard someone run and shot at him. Heard the man on the ground make a noise and then shot him in the face. He said he did not know who the dead man was until the coroner came. Corner of hog pen was 8 or 9 feet high.

Dr. W. H. DAVIS testified. Am physician. Was present at coroner's inquest. Got there at 11 o'clock at night. Found G. L. Blackman, two clerks, Frank Ingram, hired hand and Oakley boy. Found body lying on back; one hand on breast; the other parallel with body. Witness described course of wounds in face and body. Immediate effect of such a shot would be death. Went through brain. Examined wounds in breast; both went through heart; they were seven inches apart on back; one shot about half an inch above the other at entrance; they ranged down about 4 inches from a horizontal. The effect of these two shots would have been immediate death. There was much blood on face; some blood about wounds in the breast. There might have been wound on scalp though I examined it carefully. Next morning I examined the house, hog pen, trees and found no shot in any; shot could not have been fired at Frank without hitting some object, except at an angle of 25 degrees to the left. Was not at Henry's house next morning. Not likely anyone shot, as Henry was said to be, could exclaim "Oh, murder." Man shot in head first would bleed freely. Would not bleed so freely externally at heart as at head. The hired hand expert testimony as to effect of shot upon blood upon a large number of hypothetical conditions.

A man walking inclines forward, and would likely fall forward when shot in breast. Difficult to tell how a man would fall if shot in the heart or head while walking. Think deceased was five foot seven. In medical works cases are given where men have lived several minutes after being shot through the heart.

A. BREVINS testified. Reside in Tangent. Am acquainted with deft, and Henry Ingram. Examined trees and objects near place where Henry shot. If Henry had fired at Frank shot would have hit hog pen. Could have shot to the right without hitting an object if lower than the limbs of trees; could have shot off to left and at an angle upward without hitting an object.

Henry was about five foot eight. Witness testified at length upon the probable directions of shot made by one coming up as Frank says he did.

GEORGE LUTER testified. Reside five miles south of Albany near residence of defendant. Heard three shots on night of killing; they were distinct. Examined to see if there were shots in hog pen, house or trees. Witness stated that if Henry had shot towards Frank the shots would have hit the hog pen. Could have shot to left without hitting an object. Examined Henry's house. Kitchen had table with unwashed dishes. Looked like some one had recently eaten a meal. Testified at length about the probability of shots hitting objects being shot from various positions and distances.

MR. A. SETTLEMIRE testified. Live on east side of Ingram place half mile distant and a quarter from Henry's. Was at home on the evening of the shooting. Heard no shots. Examined grounds where shooting was. Man could have shot off to left where Henry was without hitting an object. Went over there about noon. Saw Henry the evening of the shooting. Henry had been talking hay. Saw him a half hour by sun. Saw light at Henry's house that evening about 8. Light was plain. Looked like door was open. Did not hear shot in my field that

evening. Was working in my barn. Ash swale runs through my field. Runs about north. Pretty wide swale. Man looking through trees along swale could have discerned an object the other side of swale. Could have distinguished a man further than 10 feet. Henry Ingram would weigh 165 to 170 pounds. Was 5 feet 10 inches. He did not walk like most people. We left barn about three o'clock that evening. Saw light at Henry's house from my well. Think it was a little after 8 o'clock. Nothing between my house and Henry's. Ash swale runs clear through my place.

GEORGE WHITLOW testified. Live at Mr. Settlemire's. Heard three or four shots the evening of the killing. Saw light at Henry's that evening at about 8. Saw the light before the shots. Think none of the shots were shot from hog pen. Mr. Settlemire had been gone to bed 10 minutes before I saw the light at Henry's.

MRS. WHITLOW testified. Live at Mr. Settlemire's. Saw light at Henry's the evening of the shooting. Saw it at half past eight. Heard four shots at about 8 that evening. Heard shot about dusk in Settlemire's field that evening. Saw the man but did not know him. There were 3 or 4 shots. Did not notice any difference between shots in field and those after I went to bed. It was between 8 and 9 o'clock when I heard the shooting.

DT WYMAN testified. Reside in Albany. Was at place of shooting next day. Helped prepare body for burial. Washed head and removed blood. Saw scar half inch or three fourths on back or near top of head. My impression is that it was a slight wound. Do not know whether it bled. Hair was stuck to hat on inside. Would know the hat by the cut in the hat. Skin on wound was not torn up.

LW DEYER testified. Reside in Albany. Am acquainted with deft. He bought cartridges, powder and shot from me on the day of the killing. Cartridges were 44. Deft said he was getting the cartridges to defend himself against some one who was troubling him. He said some one was after his scalp.

MRS. GUESS testified. Am sister to deft. Washed the shirt that Henry wore the night he was shot.

WC MORGAN testified. Reside in Albany. Saw this hat before. It is in same condition as when I first saw it. Mr. Weatherford brought it to the grand jury room. There was no hair or blood round the cut in the hat when I first saw it.

DH JAMES testified. Am undertaker and furniture dealer. Went to place of killing next day. Washed Ingram's head thoroughly of blood. Saw scar three fourths of inch in length. Did not examine it closely. Was a recent injury. Gapped open very little. Scar on side of head above the ear. It was more of a bruise than a cut.

MR. WATTS recalled: Examined the ground where Henry lay. Saw nothing that a man could have fallen on to make scar on head.

Geo LUTER recalled: Examined the ground where Henry lay. Saw no snag or stub that would make a wound or bruise on the head. There was some dead weeds such as grow in an orchard.

DEFENSE.

JAMES G. CRAWFORD testified as follows: Reside in Albany. Am photographer. Have been in the business 22 years. Took photographic views of the premises where the killing took place. Compared photographs with map of premises presented by counsel for defense. Gave opinions based upon facts shown by map and photographs as to the probability of shooting from the point where Henry was killed without hitting objects on the premises. Thought shots from gun at an elevation of 20 degrees would miss objects. Gun would have to be turned to left 8 degrees to miss hog pen.

JOSEPH KOCH testified as follows: Reside in Albany. Occupation drafting. Made plat or map of the premises where Henry was killed. Witness explained distances on map with location of trees, hog pen, etc. Limbs branch out from big apple tree about 10 feet.

WB BARR testified as follows: Reside in Albany. Assisted Mr. Koch in making measurements to make plat of premises where killing occurred. Witness explained distances of objects from each other on the premises. Observed limb on apple tree that had been clipped. Showed on map and photograph how a shot from the point where Henry was found aimed in general direction of Frank might not hit any object.

MONROE NEEDHAM testified as follows: Reside a mile and a half south west of Frank Ingram's. Heard 8 shots on the evening of Oct. 8. Shots were a little in the direction of Frank Ingram's.

GUESS testified as follows: Reside near Rock Hill. Was at Frank Ingram's on Friday prior to the killing of Henry. In the right I saw a man at the window. Hired hand I went out. Hired man saw the man run from the widow. I saw the man run down towards the barn. Deft was not at home. He had gone to town. Was on inside of house when I first saw the man. Dog was on the porch. Louden went out first. Said nothing to Louden about seeing man. Louden was 20 feet ahead of me. Man was 20 or 30 ahead of Louden. Did not know who the man was. Did not think it was Henry. Louden shot above the head of the man.

LOUDEN testified as follows: Came from Woodburn and went to work for Frank Ingram in Sept. On Friday night before the killing Guess, Mrs. Guess and John Oakley were at Frank's. About 8 o'clock dog barked fiercely. Went out and looked around and saw a man close to the window. He ran along side of house and into corn patch and along the fence. I went back to house and gave the alarm. Mrs. Guess told me to take gun and scare him away. All went out. I followed out to another corn patch and lay down half an hour. Heard noise in other patch, then in stubble, then across slough, then I could see him. I lay quietly then I poked the gun out and fired in the air. He ran hurriedly away when I came back and told the folks when we finally went to bed. Next day ask Frank to come to town with me and then I told him about the man. He said he would arm himself. Frank said on Sunday he was going to Sebo to get a pistol. On Monday night the dog barked again and I turned him loose. He ran down on the slough and came back. We all went but did not see any one. Came back and went to bed. Next morning went down slough and saw tracks. Tuesday night all was quiet. Wednesday when I came from town about 9 o'clock in the evening I went into the barnyard and saw a man under a tree. He ran along slowly and saw him with something in his hand

which I took to be a gun. When I got to the house I told Frank there was a man at the barn. Took musket and went out. Saw man running in stubble. Then I asked where he was. We heard Frank standing in another field. Then I followed on some distance and lay down. Soon I heard him say two men. One tall and the other is not. One had a gun. They came on near to Henry's. Then I lost sight of them. I went back and met Frank. Frank said the man wanted to kill me or burn me out. Frank and I went to Bill Looney's and got his old gun. Then we went back and I went to bed. Frank went to the barn and slept. Next evening Frank told me to take shot gun after supper and watch the barn. He told Oakley to wash the dishes. While I was doing my work of caring for the horses when I heard a shot. Some time after I heard the shooting commenced. It was awful shooting. After it was over Frank called me back. Oakley told me Frank said he had killed a man. Frank says I got one of them, look-out there is another one here. I went up and saw it was a man sure enough with a gun lying near him. I went to town to tell the sheriff. Frank said when I started to town that he did not know who it was. When I came back saw the man lying with face up with hand on his breast. There was hat on the dead man's head, on the back of the head. Shooting was a few minutes before 8 o'clock. Saw moon when I went out to barn. Did not see any moon when the shooting occurred. Never heard of any one being about the house until the Friday night before the killing. Guess said the tracks we found in the corn patch corresponded with Henry's. Don't think I told Goulet that it might be Henry Ingram. Frank did not tell me on Wednesday night to go and watch Henry's house. Did not tell Vanny Smith that Frank told me on Wednesday evening to watch Henry's house and that I did and saw two men. Frank did not tell me how Henry shot. He said Henry fired it. Did not know it was a shot gun by Henry until I came back from town. Frank told me when I came from the barn that he had shot the man three times.

FRANK S. INGRAM, the defendant, testified: Am defendant. Was at Albany on Friday prior to killing. Went to public speaking. Came to town Saturday. Louden came to town with me. Told me he had something to tell me. On the way to town he told me that a man had been at my house the night before. I did not know what it meant. Felt that it meant mischief. Witness repeated the story told by Louden of following and watching the man. Sunday morning found tracks in the garden and along the fence. Went to Jim Nanny's to look after sheep. After talking the matter over I concluded I would prepare for trouble. Went to Sebo for revolver. Came home Monday noon. Monday night between 8 and 9 o'clock dog barked fiercely. He turned the dog loose. Dog ran down into corn patch and barked fiercely. Fearing to go down there. (The witness pointed out various objects on map of premises of killing, naming directions, distances, etc.) Watched most all Monday night. Everything was quiet Tuesday night. Last up nearly all night. On Wednesday night early went out to burn some straw. Burning straw made much light. Boy and I went to bed at 8 o'clock. Shortly after heard some one call me saying there is a man at the barn. It was Louden whom I had sent off with cattle. Louden took gun and went out to barn. Hired man followed and so did I in another direction. Felt down and discharged my gun. Louden followed some time but

finally came back and said he saw two men. One was taller than the other. One had something like a gun. We went back to house. We then went down to Bill Looney's and borrowed his gun. I watched at barn all night. I did not know what it meant. Did not know what the prowlers meant, whether to kill me or to destroy my property. Went to John Scott's to see him about insurance on my property. Scott told me he would come down in about a week. Came back and hitched up six horse team. Helped him to start to harrow. Came to town about 12 o'clock. Went to Straney's to do some business. Was sleepy and went into his barn and slept a little while. Went to Straney's and ate dinner. Then went to Mr. Weatherford's office, then to the Oregon Bank, the First National Bank and other places. Went back home about sundown. Got supper. Called boys in to supper. After supper spoke to boys about the trouble. Told Louden to take shotgun and go to barn and take any one prisoner and punish him accordingly. Witness said he took position by apple tree near hog pen. Described the objects and localities of premises. Was sleepy while standing by tree. Heard footsteps approaching and awakened. Saw object coming. It was a man. Called to him "hands up," when he immediately shot. As soon as I saw the flash I fired. I stepped out and saw another man running away. Heard a shot farther away. Saw movement of gun of man down on the ground. Shot him in the head. I watched the other man until he ran off. Then called Louden. He asked me where I was. Told him here I am. He and boy came out. Asked me if I was hurt. Told him no. Told him I had got a man. Louden asked me who it was. Told him I did not know. Asked me if it was Henry. Told him it might be. Told him to look and see who it was. Louden said no, we had no right to touch him. Sent Louden to town to tell sheriff. Boy and I went in and he made a fire. Sat down and read the Herald awhile. After while the coroner's jury came. Before shooting had no difficulty with that man nor struck him on the head. Last time I had had any conversation with Henry was about the first of the summer. He warned me to work on the road, he being road supervisor. He was not in the habit of coming to my place. Did not see either of the men on Wednesday night. Louden described them to me. Thought the men intended to kill me.

On Saturday morning prior to the killing was the first I had heard of any one prowling about my house. It was on Monday morning that I examined the tracks; could not measure them in the house ground. Did not think at time they were Henry's tracks. Did not send Louden down to watch Henry's house. Could not distinguish a man on Wednesday night as to who he was, but could tell him from an animal. Guess left Sunday morning. Was not at the dead body until after coroner came. Did not strike a match to see who it was. Did not tell Oakley that it was Henry; from the size of the man I thought it was Henry before the coroner came. Oakley said it was Henry. His face was up when I shot the third time; I stood about his knees when I shot the third time; the body was on my right; I shot with my right hand. Shot final shot at Henry before shooting at the man running. Did not go close to body after shooting at man running. Louden then looked at man on ground; said he thought the man was dead. Nothing said about taking man into house and

[Continued on 4th page.]

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