

State's Testimony Indicates Manning Left Between Shots

(Continued From Page 1)

the windows. The time, she said, was about 5:40 p. m. At 5:45, she said, her husband, Robert Stephens, came into the beauty shop. Five or six minutes after he arrived, she testified, she heard two shots. She said she remarked they were shots.

About 6 o'clock, she said, her husband left to drive friends to their home, and returned about 6:10 o'clock. She said she had just come in the door of the beauty shop, and she was walking toward the back of the shop, when she heard another volley of shots.

She described them as follows: "Bang! — — — Bang, Bang! She said she knew it was before 6:15 o'clock because she was hurrying to get to the Pine street market before that time.

Saw Man at Window
Mrs. Stephens was closely cross-examined by Defense Attorney Robert A. Cannon. As she sat on the stand, an automobile backed in the street outside the courthouse, and Roberts asked her if that noise was anything like those she heard the night of February 12. She answered the sounds she heard on February 12 were not muffled.

As was the case Thursday, it was the defense which brought out the Perrin angle.

Answering Roberts' Questions
Mrs. Stephens said she saw a man in a window of a room which she later learned was an auto-room of Manning's office. She said she now knows this man had to go through the Manning office to get out of the auto-room.

The man in the window, she said, was Howard Perrin, architect, and Manning's brother-in-law. The witness said she had been watching the window after the bottle had crashed on the street, and she suddenly saw the blind in the auto-room window go up.

Saw Perrin Leave
Inside, she said, she saw the figure of a man. He appeared to turn around and get a coat off a wall. She saw a reddish-brown overcoat swing past the window. Questioned later by the state, she said that Perrin, wearing the coat, left the Manning street entrance of the building in front of the time it required for him to get there from the window. She said this happened immediately after the bottle crashed on the street.

The witness said that in watching the windows across the street, she noticed a large log beyond the open window in Manning's private office. It was on the sidewalk. There was no light in the auto-room, she said.

Bottle Neck Identified
Mrs. Stephens identified a bottle neck, one of the state's exhibits, as an object which her husband recovered from the street when he came into the beauty shop the second time. The defense asked Mrs. Stephens if she told Mrs. Ruth McCulloch a day or two after February 12 that just after she, Mrs. Stephens, had heard two shots Perrin came out of the building. She answered in the negative. He then asked her if she did not say to Mrs. McCulloch that Perrin hardly had time to get to the street when the shots were heard. Again she answered in the negative.

Mrs. Stephens was followed on the stand by three state's witnesses who testified that in their opinion Manning left at about 5 o'clock, February 12, under the influence of intoxicating liquor.

The first witness was Mrs. Avis Young, stenographer in District Attorney Gillenwaters' private Underwood building office.

She said that at 5 o'clock on February 12, she met Manning just outside the hall door to Gillenwaters' reception room. She said she was stepping out to close the door and go home when Manning stopped her. "He told me to get back in my office," said Mrs. Young. "He told me I wasn't through with my work."

Mrs. Young said Manning told her he had seen Gillenwaters at Schaefer's (Palm Beer Garden) and Gillenwaters wanted her to work.

Manning, she said, had no overcoat on. She testified he sat down in a chair near the exit door of the office. "He sat with his eyes focused on me. Nothing particular happened," testified the witness.

Mrs. Young said she asked Manning if he wanted to see Orin Sizemore, whose private office adjoins the reception room. Sizemore, she said, at that time put his head in the door and asked Manning if he wanted to see him.

Asked directly by Gillenwaters about Manning's condition, Mrs. Young said it was her opinion Manning was under the influence of intoxicating liquor at the time.

Attorney on Stand
Hardy C. Blackmer, local attorney, next went on the stand and testified that about 5 o'clock on the evening of February 12, he visited Sizemore in his office. Just before he went into the office, he said, he saw Manning at the head of the Underwood building stairs.

Blackmer said that as he and Sizemore were leaving the latter's office, they met Manning in the hall, and went into Sizemore's office.

Manning, he testified, told them he had been at the Palm beer garden. He said they conversed about the recall, and that Manning said he was opposed to the recall. He said, however, Manning also said: "If I found out Ralph Horan was back of the recall I would keep my hands out of it."

Blackmer said the three stayed until 5:30 p. m.

"From your observations, was Mr. Manning under the influence of intoxicating liquor?" Gillenwaters asked the witness.

"To a certain extent. I wouldn't say how far."

Tipsey, Not Drunk
Blackmer said Manning had had enough drinks to brag about cases he had won in court. The young attorney said Manning was tipsey but not drunk, and that his tongue was thick.

Vanderberg, defense attorney, in cross examination, obtained from Sizemore the statement that Manning said nothing about Horan at the time that would alarm. Then the defense attorney asked Blackmer if it was not true that on February 15 Blackmer told Roberts and Vanderberg that Manning said in the office that night that "Ralph Horan is a fine young man and will go a long way."

Blackmer said he had heard Manning say something like that, but he does not believe it to be at the time in question. He said he could not say yes or no in direct answer to Vanderberg's question. Vanderberg also inquired Blackmer had told the defense attorneys that Manning had a few drinks but was not under the influence of liquor.

Orin Sizemore, associate of Gillenwaters in the law business, next took the stand. His testimony largely corroborated that of Blackmer and Mrs. Young. He told about conversing in his office with Manning and Blackmer. He could not remember any conversation about Horan.

Staggered on Feet
Answering Gillenwaters' questions, Sizemore said that from the conversation and demeanor of Manning, he would say he was under the influence of intoxicating liquor. He said the defendant was carrying on an intelligent conversation but as he got to his feet he staggered, and that occasionally he would drop into pronounced lapses during which he gazed out of the window and did not seem to realize there were others in the room.

Vanderberg, in cross-examination, asked Sizemore if it was not the usual thing for Manning to lapse into periods of silence and to gaze out of the window. Sizemore said this condition was more pronounced at the time in question. The witness said he had seen Manning when he was sober and had seen him when he had been drinking, and in his opinion Manning had been drinking when he talked to Blackmer and Sizemore February 12.

Vanderberg asked the witness if he was well acquainted with the Horan family. Sizemore said he was but denied he had stayed all night at the Horan home just before February 12 or at any other time. Answering Vanderberg, he said he had kept company with Horan's sister-in-law but not since three months before the Horan shooting.

Claude McCulloch, Horan's partner, was recalled to the stand this morning by the state. Gillenwaters questioned him regarding the bottle found in the legislator's parked car. McCulloch said it was moonshine he had given his partner several weeks before.

"I last saw it on Saturday before the death. It was back of the seat in Ralph's coupe," he said.

McCulloch didn't know if it were in the same condition now as it was then.

"Was Horan right or left handed?" Gillenwaters asked. "Right handed in all respects," he answered.

McCulloch Is Sure
Roberts cross-examined McCulloch for the defense and had the witness repeat information concerning the bottle. He said he was sure it was the same one he had seen in Horan's car.

Roberts questioned him as to whether Horan was ambidextrous.

"I never saw him write with his left hand," McCulloch said. Mary Misteky of Mallin was the next state witness. She spoke brokenly and it was with difficulty the defense attorney followed her remarks.

In relating her action the evening of February 12, the woman said she had come to Klamath Falls to consult her attorney, Theodore Gillenwaters (Gillenwaters was absent from the city). **Heard Two Reports**
When she learned this she went first to the Better Baking company, across the street, and then to the Pine Street market.

She was accompanied by her hired man, Al Bishop. She said it was warm and she was tired. She paused at the entrance into the grocery and told Bishop to go in and buy some meat.

"I step out and I hear big shot," she said. Gillenwaters asked her where Bishop was.

"He come right away out and walk behind me with meat and groceries."

Escapes Jail



Marjorie Terman, 16-year-old material witness in the Santa Rosa, Cal., "love murder" of her father, was the subject of a wide hunt after she, with the aid of a roommate, slugged a matron and broke jail. Her mother and two men face trial in the slaying of her father.

as he drove toward Mallin and observed Richards near the front part of the store.

William Kittridge, Klamath marsh rancher, testified that he had heard shots while he was sitting in his apartment at the McCarthy. He said it must have been about 6:00 o'clock because he and his wife had dinner at 5:45.

He told Roberts he was quite positive of the time. Sarah Galloway was the final witness before the morning recess. She too said she heard shots while she was in her apartment in the McCarthy.

She said she was sure of the time—6:00—for she was just preparing the evening meal and had looked at the kitchen clock. Vanderberg cross-examined her at length. He learned that she had told her son, Robert Galloway, and Mrs. Williams and Mrs. Garrich of the reports. This was a day or two later.

Mrs. Galloway said she knew Horan slightly, but admitted he was a close friend of her son.

Irrelevant and Immaterial

(Continued From Page One)

they will follow this plan for the rest of the trial. Judge Wilson informed Juryman Jesse Hanks that he could transact his private business, under the eye of a bailiff, with Mrs. Ida Odell Momyer at the first recess, since it had nothing to do with the trial.

Ted Gillenwaters wore a light suit Friday. His experience with a heavy dark suit in the hot courtroom the day before probably caused the change.

George Coddling, district attorney of Jackson county, was in court Thursday. He was here last summer during the Felt trial.

The jurymen were to be taken to the wrestling match at the Legion hall Friday night. One of the bailiffs claimed that the 14 men on the jury are getting a good rest, going to bed early and having very regular hours.

Judge Wilson walked out of a restaurant Thursday with the wrong hat on his head. He had gone half a block before the owner caught up with him. He says he doesn't know who the man was, and hopes the man didn't recognize him.

W. P. Myers manages to get a seat with the press every day. Ted Gillenwaters' hair is turning gray at the temples. He is 30 years old. Perhaps the district attorney's job isn't the snap some people claim.

The jury was taken to a moving picture Wednesday night. They get 15 copies of newspapers every day—five local copies, five Oregonians and five Journals—all carefully clipped as to news about the Manning case. Playing cards also are furnished them.

The detective work required by the district attorney's office in ferreting out persons who had heard or seen something on Feb. 12 shows plenty of hard, systematic effort.

Defense Attorney Roberts' voice can be very soft and pleading, as well as forceful and indignant.

Cannon Tells of Anti-Smith Election Fund

WASHINGTON, April 19. (UP)—Bishop James Cannon, Jr., a little grayer, a little feebler than in the days when he was the field marshal of prohibition, today reviewed from a witness chair the story of how he broke the solid south and helped defeat the presidential candidacy of Alfred E. Smith in 1928.

He was charged with conspiracy to violate the corrupt practices act by failure to report to congress all of the \$65,000 he collected for the anti-Smith fund. Nearby, a big hat shielding her full moon face, sat the middle-aged secretary, Ada L. Burroughs, co-defendant.

Money Not Reported
Many of the facts Cannon related have been worn threadbare by time, but a packed courtroom drank them in because this is the first time Cannon has been put under oath and compelled to answer "yes" or "no." He progressed only into the prologue of the story today. Tomorrow he will continue his testimony in District of Columbia supreme court.

The chief item in Cannon's testimony was the account of how he lobbied into the office of E. C. Jameson, New York insurance man, that for perhaps 30 minutes and came out with a \$50,000 contribution to the anti-Smith forces. Much of that money, the government contends, never was reported to congress.

Pickets March on Detroit Factories

DETROIT, April 19. (UP)—The tool and die strike, sponsored by the Mechanics Educational Society of America, today was marked by disturbances on the part of pickets and the charges of an expelled M. E. S. A. representative that only a minority favored strike action.

Approximately 200 pickets advanced on the plant of the Star Tool & Die Works, hurling bricks and smashing windows. A lone policeman on guard attempted to make an arrest but was immediately surrounded by a protesting crowd. Additional policemen were quickly summoned to the scene.

Highlights of Day in Court

By Jane Epley

Thursday. This is the fourth day of the Manning trial and people expect exciting things to happen. The courtroom has been packed since 8:35. Court starts ten minutes late. "They couldn't get the jury un-juried," someone laughs.

Finally the jurors file into the box. Charles Pfeiffer has a panny in his buttonhole. Sheriff Lloyd Low is continuing his testimony from the day before. Van Vector is absent from the state's table.

New exhibits are introduced—the neck of a bottle, pieces of glass, a lead slug—but the spectators, for all their craning of necks, cannot see them very well. Sheriff Low seems at home on the witness stand. When Roberts says sternly, "You were in error when you said nothing was removed, weren't you?" Low answers with a smile.

"That's not a bad error." A stir goes around the courtroom when Thelma Guthrie's name is called. The cards found near Horan's body had her name on them.

She is dressed in white. Her voice gets a little hoarse, and Judge Wilson gives her a glass of water to drink. Van Vector enters the courtroom. It is a disappointment to find that the cards were left with Horan before Jan. 29, more than three weeks before the shooting.

Cordon, the special prosecutor, has nice looking hands. Yesterday he had 20 or 25 strings on the fingers of one hand—or maybe it was one long string. Anyway, there is no string on them now. Perhaps he has remembered everything he wanted to remember.

Court Reporter Crane asks Dr. Rugh, after the latter's testimony, to give him a little help in spelling. Dr. Adler gets up from the floor, where he has been demonstrating how Horan's body lay when he came into Manning's office Feb. 12. The doctor-coroner has an expression on his face like that of a little boy caught playing hooky.

He is the kind of expert witness that spectators like, however. He explains technical things in understandable language. When he demonstrates how Manning took his gun from his pocket to give to authorities, he uses his right hand, and takes the weapon from his right rear trousers pocket. Manning is left-handed.

That handkerchief happened to be in Dr. Adler's pocket very advantageously. Somebody wonders if the doctor knew he was supposed to demonstrate that very action.

It is interesting to follow his testimony to see if he answers the questions the same as Dr. Rugh did. He is very easy to follow, as he talks in every-day language, or explains the medical terms he uses.

The electric fan on the judge's bench is turning back and forth efficiently. It blows Van Vector's hair down on his forehead. The judge sneezes. And sneezes again.

The morning passes quickly. Everyone is looking forward to more and more excitement. One-half of the courtroom door is open at 12:55, and the spectators' section is packed at 1:00 o'clock. Again there are many people left standing in the hall.

Dr. Adler is still on the stand. People seem glad he took some measurements of the table and bookcases in Manning's office. Rex McMillan and Walter Walker were almost scolded by the defense for not having made measurements the night of the shooting.

When Leigh Ackerman mentions giving one of the guns to E. O. Heinrich, there is a murmur from spectators. They seem to be waiting expectantly for the Berkeley criminologist to testify.

There is a gasp when Ackerman states that there were no finger prints on the handle or trigger of the gun found near Horan's hand.

It is getting warmer in the circuit courtroom. The air is sultry. Perhaps there will be a storm tomorrow. The heat in which the gun is kept certainly looks like a cigar box. A newspaperman wonders who smoked the cigars.

Claude McCulloch makes the spectators smile when he says he was supposed to get home at five o'clock to turn on the stove and bake some potatoes. He said he didn't get home until 5:10 and realized he was late.

Murmured chuckles run around when Albert DeHall, negro shoe-shine operator at the Oregon Bank building, tells about people asking him for the time. "Sometimes I have to look at my watch three times in one minute," he testifies.

Even the judge breaks down—despite his statement Wednesday that there is nothing funny in the trial—at Dr. Roenke's mistake. The young dentist, after being sworn in as a witness, walks up to Manning's red leather chair, state's exhibit No. 3. He puts his hat on Manning's desk, exhibit No. 13. Then he sits down in the red leather chair, crosses his legs, and leans back.

After he leaves the courtroom, the laughter starts again. It is **TOO LATE TO CLASSIFY**

renewed when Ed Richards hesitates by the exhibit chair and appears to contemplate sitting in it. Well, after all, it does look comfortable. Mrs. Frank T. Horan appears very frail on the witness stand. Her son looked very much like her.

It is getting hotter and hotter. What if this trial had been set for July or August. Geraldine Houston, a high school girl, makes a good witness. When she is on her way to the stand, the judge, very gallantly, wishes her to avoid embarrassment.

"Sit up here, please," he calls, and waves his hand largely toward the witness chair. There is a murmur of appreciation from the spectators.

Van Vector calls her "Miss Houston" and Roberts calls her "Geraldine." Robert Stevens says "north," where Ed Richards has said

"east." In describing the sidewalk opposite the Underwood building on North Seventh street. After all, it is just about north-east. Helen Houston's sleeveless blue dress attracts the eye of feminine spectators, of which there are many. It looks cool, with its white bow near the shoulder.

When Roberts questions her knowledge of the time under consideration, someone whispers, "I always know the time, every minute, between five and six o'clock."

Judge Wilson looks kindly at the attorneys when he says, "It's been a hard day for you." Women in the room start powdering noses as he warns the jury, in the usual way, not to talk.

Court is adjourned at 5:45 p. m. The Rock of Gibraltar is 1400 feet high at its greatest elevation.

INDUSTRIAL LOANS GAIN NEW SUPPORT

WASHINGTON, April 20 (AP) President Roosevelt today approved the proposed legislation authorizing the federal reserve banks to make direct loans to industry.

Senator Glass (D., Va.) and Governor Black of the federal reserve board went over their bill with the president and, upon leaving the White House, said they had the go ahead signal to push it through congress.

Undergoes Operation—Kathleen Mueller of St. Francis Park, underwent an appendicitis operation Thursday morning at the Klamath Valley hospital.

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Strawberries 4 Cups		25c

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SUGAR Pure Cane cloth bag	10 Lbs.	53c
CLOROX	2 Quart Bottles	29c
COFFEE Schilling's, drip or percolator	lb.	31c
MILK Libby's or Morning	6 CANS	35c
Tomatoes Bagley Puree	2 No. 2 1/2 Cans	25c
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Crab		29c
Pot Roast, Lb.		8c
Boil Beef, Lb. . .		5c
Beef Roast California Boneless Lb.		15c
Halibut Whole or half.	1 lb.	12 1/2c
Rabbits Fancy Fryers		22c
Veal Roast, Lb.		12c
Hamburger 6 Lbs.		25c

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