

Dr. Heinrich, State Witness, Takes Stand Friday

Woolen Particles Declared Detected in Bullet Marking

Dr. E. O. Heinrich, Berkeley criminologist, testified in the Manning murder trial Friday that he found black woolen fibres imbedded in the bullet bruise on the back of the oaken chair in Horace M. Manning's law office.

The testimony is regarded as a major factor in the state's case in that it tends to connect the body of Ralph W. Horan with the chair at the time a bullet was fired through Horan's heart on the evening of February 12. The state hopes to show the fibres in the bullet mark came from Horan's coat.

The state hopes to prove that Horan was sitting in the oaken chair when he was killed. By medical evidence, supported by additional medical testimony Friday, it has attempted further to show that the bullet that passed through his heart and hit the chair was the first of two fired into his body.

The state hopes to prove this theory by a reasonable doubt, thus to forestall a self-defense theory of a scramble for guns and a duel.

The long-awaited Heinrich came to the stand in mid-afternoon Friday. Some 37 minutes were devoted to establishing his qualifications as an expert.

At the outset of questioning in the Manning case, Cordon asked Heinrich to hesitate before answering in order to give opposing counsel time to object to the question. The quiz then proceeded, with Heinrich giving lengthy answers to the questions asked him.

Checks Flat
He said he came here on February 14 at the request of Gillenwaters. He went with the district attorney and others to the offices of the defendant, Manning.

Cordon had the plat of the Manning office set up and Heinrich explained his observations. He said he was met there by W. S. Walker, state policeman. He went into the Manning private office out of the reception room. As the door opened, he said, his eyes fell on a fine mahogany desk, covered by a sheet of glass, and with the top littered with papers.

He said he saw the oaken chair in front of the desk and near the wall, and the red leather chair behind the desk. In the corner back of desk, he said, was a black leather upholstered arm chair. This is the chair the defense has insisted on locating in the room. Heinrich described other furniture in the room.

The criminologist said he first examined the room to detect evidences of action of firearms. He said that he immediately saw indications of bullet markings on the oaken chair, chair No. 2 in the case. He also saw evidences of bullet markings on the red leather chair. (No. 1).

Heinrich said the bullet mark on the red leather chair was a puncture and directly behind it in a book case was imbedded a bullet. He said there was a bruise on the book case where the cover of the book had been expanded by the entrance of the bullet.

Grazing Mark
Higher up, he said, there was a grazing mark where a bullet had passed, about the shelf. Heinrich said he called for information about firearms recovered from the law offices. He received them and examined them. At this point in his testimony, he identified the Smith and Wesson gun Manning handed officers the night of the shooting, and the Iver Johnson gun found in Horan's hand.

The witness said he examined the guns and cartridges, and learned four shots had been fired. Officers provided him with the bullets—one retrieved from Horan's body, one found in the book case behind Manning's chair, and one found on the floor under the oaken chair.

Studies Bullets
"I then worked on the bullet marks in the room," said Heinrich. "I wished from the bullets to determine which weapon was used in the shooting. I made a microscopic examination of the bullets to determine the character of the marks on them."

He said he found in that examination that the bullet picked up from under the chair had been fired from a Smith and Wesson revolver. The bullet in the body of Horan also came from a Smith and Wesson revolver. (Manning handed officers the Smith and Wesson gun, and this checked with the inference of his story.)

Heinrich said the flattened bullet which had been fired from the book case had been fired from an Iver Johnson revolver. The criminologist then went into a lengthy explanation to the jury of how he determined from what make of gun bullets have been discharged. This, he said, was by identifying the marks made by spiral rings in the barrel of a gun.

On the basis of his examination, he said, he found that two bullets from the book case came from an Iver Johnson gun.

The lines of fire, he said, crossed each other at an angle of 90 degrees.

The latter statement went through without a defense objection, although it is regarded of considerable significance in the case. Cross-fire does not fit into the dual theory.

Studies Chair
Heinrich said he then began the investigation of the oaken chair. He said he verified the mark on its back as a bullet

PATHOLOGIST TESTIFIES AT MURDER TRIAL

Testimony of Dr. Frank Menne, University of Oregon pathologist, supporting the state's theory that Ralph Horan was killed by the first bullet that struck him, was a feature of the early Friday afternoon session of the Manning trial. The defense also used Dr. Menne in developing testimony concerning the possibility that a person shot through the heart might walk and have certain muscular reactions pertaining to the defense theory of what happened in Horace Manning's law office the night of February 12.

Deputy District Attorney Van Vactor handed Menne a sheet of paper which, he said, purported to contain a hypothetical question. Dr. Menne stated that he had previously received and read the question. Van Vactor then read the question to the jury.

It gave as a hypothetical case, a young man approximately 20 years of age, approximately six feet in height, weighing approximately 130 to 140 pounds, a lawyer by profession, who had received two wounds, one in the arm and one in the chest, giving exact details of the wounds found on the body of Ralph Horan by Dr. C. V. Rugh and Dr. George H. Adler, county coroner. In this hypothetical case, would he have been received first.

Dr. Menne, replied that, in his opinion, the bullet through the heart was the first one received, passing as it did through two main chambers of the heart, which stops heart action and would produce the condition of very little blood around the arm wound.

"How quickly did the heart stop beating?" asked Van Vactor. "There was almost instantaneous unconsciousness," Dr. Menne replied. He first stated that this would occur in two minutes, later amending his statement to say that unconsciousness would occur in five seconds.

Defense Attorney Roberts obtained from Menne the admission that a person shot through the heart might walk, and that in the muscular reaction his feet might go back and forth or up and down.

Charles Schafer, proprietor of the Palm beer garden, next took the stand. He said Manning and T. R. Gillenwaters were in his place of business after 4 o'clock, February 12, and that at his request the three of them had six-ounce glasses of beer. He said Manning talked about the recall, and said it was not fair to attempt to recall Gillenwaters. Schafer said Manning talked freely as if he had had a drink or two.

Gillenwaters then took the stand, and was questioned by Guy Cordon. He told of the same incident that Schafer had related. He said that at first Manning stated he did not want a drink or any beer, but finally took the beer. Gillenwaters said he asked Manning to go to Medford with him, but the latter refused. He said Manning appeared to have been drinking but was not intoxicated. Asked by Roberts if he himself had been drinking, Gillenwaters said he had not.

Medford Child Burns With Home

MEDFORD, Ore., April 21. (AP)—Two-year-old Dolores Everhard was burned to death late Friday, when the family residence in the West Phoenix district was destroyed by fire.

Two other children escaped. State police believe the children had been playing with matches. The fire broke out while the children's mother was visiting the mail box a quarter of a mile away. She had left the children alone while going for the mail.

Highlights of Yesterday's Session of Manning Trial

By JANE EPLEY

Friday morning. The courtroom was filled an hour before time to open. Defense Attorney Vandenberg starts the jury's electric fan at 8:51. The corner would have no ventilation otherwise.

The jury starts the day in the box with a little manual labor. Fred Coffey, Clyde Williams and A. B. Keenan turn the latter's swivel chair—jury seat No. 6—upside down, while Keenan operates a large oil can in the mechanism.

Roberts asks Claude McColech, on the witness stand, what kind of whiskey was in the bottle he gave Ralph Horan. McColech says "moonshine."

Mary Mistecky of Malin is a colorful witness and her accent is delicious. When Roberts asks her if she can read English, she answers:

"Ask him," pointing to Gillenwaters, "he's my attorney."

Al Bishop looks like the hired man in a picture illustrating "The Farmer in the Dell."

The courtroom is cool this morning.

Mrs. Sarah Galloway provokes smiles when she explains why she hasn't told her landlady definitely that she heard shots.

"I didn't want to get mixed up in this business," says Mrs. Galloway. "This court business, I mean. I've never been in such a place."

Mrs. Gladys Stephens looks like a witness in a moving picture courtroom scene. Her poise, dress and features make her the kind of witness juries are supposed to fall for.

Sammy Gordon comes to the open courtroom door with a thick bunch of handbills advertising the wrestling match. A bailiff draws him back into the hall.

Judge Wilson turns the switch on the electric fan to make it go faster. Juror Frank Howard opens his coat to let the current in. Juror J. M. Justin turns up his face as if he feels a breeze.

There is a murmur among spectators when Hardin Blackmer testifies that Manning told him he was against the recall, but would keep out of it if Ralph Horan were backing it.

While questioning Orth Sizemore, Defense Attorney Vandenberg sits in exhibit No. 3, Manning's red leather chair, puts his papers on exhibit No. 13, Manning's office desk, and cross-examines the witness.

A tone of disapproval runs around the spectators' section when Gillenwaters asks that

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with emphasis, "but he was not intoxicated."

Roberts cross-examines him, but does not try to confuse him. "How many glasses of beer did you have with Manning?" he asks.

"One," answered Gillenwaters with a smile. "We didn't have time for any more."

Balliffs go around tables with pitchers containing fresh water and, at last, tinkling tea.

It almost seems as if applause is in order, when Heinrich's name is called. Everyone has been waiting for him to take the stand.

He comes in, all eyes upon him, loaded down with luggage. People stand up to get a better view.

He is a pale man with a red nose.

Perhaps the most noticeable thing about him is a prominent wisp of hair. It is like a thin cloud trailing off over the bald part of his head and ending in an ephemeral curl on his forehead.

When the electric fan blows it, the illusion is complete.

He talks with a slightly broad "a."

Another electric fan, smaller than the first, is now doing duty at the other end of the judge's bench.

It blows the brown curtains on each side of Judge Wilson. It is probably hotter up high where he is, than down in the seats. Well, everyone is plenty warm, much too warm.

It takes Heinrich, answering questions, exactly 36 minutes to recite his qualifications as an expert. He began at 2:24 and ends finally at 4.

The secret of who put the Iver Johnson revolver in the

At Vox Theatre

Greta Garbo and John Gilbert in "Queen Christina"

Greta Garbo and John Gilbert in "Queen Christina," which opens Sunday at the Vox theatre for an entire week. Garbo and Gilbert are supported in the picture by Ian Keith, Lewis Stone, Elizabeth Young, C. Aubrey Smith and others.

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Children Warned Against Canals

Police officers have been detailed on special duty to patrol the banks of the government canal in the city limits, according to announcement from Chief of Police Frank Hamm Friday.

Youngsters have been playing upon the banks of the canal into which irrigation water has been turned, and the summer menace of drowning again confronts the city, the chief asserted.

Parents are asked to cooperate with the police department and to keep their children away from the treacherous body of water.

Everyone, for once, would like to be in the jury's place just long enough for a peek. It is a relief to get out of the hot courtroom into the fresh air.

Court is adjourned at 5 p. m.

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