

Manning's Defense Counsel Scores on Heinrich Testimony

Marking Revealed on Weapon Found in Horan's Hand

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will take the stand this afternoon. Manning himself probably will be the last to take the stand with this coming late Tuesday or Wednesday.

Sidney Payne, fingerprint expert from the Portland police department, has been called to Klamath Falls by the defense. He arrived Sunday and probably will be a witness.

The state's case was closed without introducing evidence of a motive in the law office killing.

Heinrich was back on the stand Monday morning for the third consecutive day. Guy Gordon, assistant prosecutor, asked him a few questions before he was turned over to Roberts for cross-examination.

Describes Print Study Heinrich described his work with Leigh Ackerman, sergeant in the Klamath Falls police department who photographed fingerprints on the Iver Johnson revolver found in Horan's hand.

"One print under the barrel was a very good one. There were four fragments. I noticed a varying degree of freshness in the prints," the doctor said.

This discovery was made in his Berkeley laboratories. "I could not understand this. They were not Horan's so I started an investigation to determine whose they were."

Roberts objected to the witness use of narrative style of testimony. He told the court he believed it should be made to direct questions.

Judge Wilson overruled the defense, however, on the grounds that Heinrich was attempting to make explanatory remarks.

Was Own Print "I continued my examination of these prints last week after I arrived in Klamath Falls. I examined the prints of all persons who might have had occasion to examine the gun.

"I proved to myself the print on the end of the gun (State exhibit 51) under the sight was my own.

"There were two prints superimposed there," Heinrich said. At this point Roberts moved to strike out all testimony and eliminate all exhibits in connection with this. He said the exhibits were not in the same condition as when found in the Manning office.

The motion was denied. Quizzed on Record The state then turned over Heinrich for cross-examination which turned out to be one of the most interesting events of the trial thus far.

Roberts, who has been associated with Heinrich on previous cases, immediately delved into the criminologist's record. He asked him how many fingerprints he studied in a year's time.

"Ten would constitute a whole year," the criminologist said. Roberts quickly attacked the revelation that one fingerprint on the gun—the one Heinrich said was a "most excellent one"—had turned out to be the criminologist's.

"I did not know this print was mine," he said. "I discovered it Saturday afternoon when I was making a further check on my examination."

New Disclosure Made This was last Saturday after the early adjournment of the court. "Did you compare yours with the one on the gun?" Roberts inquired.

"No, I was trying to determine whether they were Horan's." Roberts' line of questioning then revealed that the witness had been unable to determine whether these prints represented tips, joints or the palm of the hand.

"Did you know he had four fingers, a thumb and joints?" the counsel asked. "Yes."

In regard to the apparent slip-up of the state's fingerprint evidence, Roberts smilingly asked the criminologist if he had conducted an examination. The reply was affirmative.

Prints Fragmentary "You had no means of comparing the palm or the second and third joints?"

"No," Heinrich said, because the prints were fragmentary. Roberts then went through the list of state exhibits showing fingerprint prints.

To each question Heinrich replied that he "couldn't say" just what section of the hand they represented.

"Did you take a lot of evidence to California?" Inquired Roberts. The criminologist said he did and that among these was the Iver Johnson weapon.

for three days, and that his work had been done carefully. "To further mention he said he had found the crack in the Horan chair and that he had searched the anteroom.

"Did you see a waste paper basket?" "Yes, to my recollection," he replied.

"Did you make a note of this?" "No."

Heinrich said he made copious notes of only the material associated with the action of the case. Heinrich said the basket, as he recalled it, stood under the wash basin. He said it was metal but not of a "brilliant color."

"Was the Baskets Topic?" "How many baskets did you see in the private office?"

The criminologist said he recalled only one under the Manning desk.

Roberts quizzed him to the effect of direct testimony saying he had found two.

Heinrich said he didn't recall such testimony.

Heinrich also said he didn't remove a gin label from the basket in the ante-room.

Roberts then inquired if a finger print on the trigger of a gun would disappear rapidly.

No Prints on Trigger He was told that the design might be obscured, but the trace would remain. In connection with this it was recalled no prints were discovered on the trigger.

It was explained by the witness that one man might make better prints than another and they would vary with physical conditions.

Heinrich said he could determine that the Iver Johnson had been fired twice. He explained that marks on the gun showed this was consistent.

"Did you find any papers or books or other articles on the desk?" Roberts asked.

First Defense Exhibit He said he did and produced an inventory. This was offered as the first defense exhibit.

He also had a rough sketch showing the position of each article.

Heinrich said he did not then note the position of the chair and other pieces of furniture in evidence before measurement. He said all this had been done by photographs.

He measured for size and not position, he declared.

"Are you sure you have no other measurements?" Roberts questioned.

The criminologist gave an emphatic "No."

Mrs. Horan was then called to the stand by the state. The young widow, whose voice could hardly be heard, identified clothing of her husband and said he was right handed.

In every respect, she explained, that she had noticed the button missing from the coat on Sunday before the shooting.

Low Recalled to Stand There was no cross-examination.

Lloyd Low, the sheriff, returned to the stand. He again stated finding Horan's car parked on Seventh street about 10:00 o'clock on February 12.

He said he was not present when Manning gave up the Smith and Wesson gun. Low also said he was present when Adler, the coroner, was in the office.

The state was ready to rest, but recalled Dr. Adler on the defense request.

Witnesses were being called. Roberts moved to eliminate three state exhibits and the testimony connected with each.

These were a gin label, a bottle neck, and pieces of glass. Judge Wilson refused the motion on the grounds that the exhibits and testimony with the action of the case.

Adler Questioned Adler told Roberts he had graduated from the University of Oregon medical school in 1927. He practiced at Linnton briefly, before coming to Klamath Falls in 1928.

press, Hull declared the service given by a free press was of "incalculable value."

"The gathering and dissemination of news along 'right lines,' he added, constituted a 'powerful influence for international understanding, friendship and peace.'"

"The most serious threats against peace today," he said, "are in those parts of the world where the press is controlled by government officials who have power either to declare war or to force war."

Most of the diplomatic chief-tain's address centered upon the Roosevelt administration's aims and hopes, and the pitfalls it hoped to avoid.

Among the recovery objectives named by him were preservation of the national credit, balancing of the budget as early as is practicable, avoidance of schemes for inflation, permanent exchange stabilization and monetary arrangements, restoration of American foreign trade, relief of unemployment and general improvement in working conditions and wages, and "necessary" governmental regulation for the general improvement of business, commerce and agriculture.

AMBASSADOR EXPLAINS MOVE OF JAPANESE

WASHINGTON, April 23. (UP)—Japan insists that western powers refrain from loans to China which may feed the flames of militarism but she has no intention of closing the "open door" of general trade with China.

Japanese Ambassador Hiroshi Salto told the United Press Saturday.

His view was an explanation of the recent Tokyo pronouncement of a policy of "hands off China" warning.

Loans Behind Action Indications that some Chinese use United States wheat and cotton loans and aviation aid from various powers for political purposes which increased threats against Asiatic peace were behind Japan's action, the ambassador suggested.

Simultaneously, Chinese Minister Alfred Sze issued a denial from his government of reports that CVHina had previous knowledge of Tokyo's statement of policy and acquiesced in it.

"The Japanese government's statement came to China as much of a shock as to the rest of the world."

Chinese officials suggested the report was inspired by Japanese seeking to lessen resistance of the powers.

More Care in Aid Japan is particularly susceptible to unrest or provocative action in China because she is a neighbor and has extensive business enterprises in China, Salto said.

For this reason Japan simply felt it necessary that distant powers be more careful what aid they extend China.

The Reconstruction Finance Corporation last year advanced \$50,000,000 for wheat and cotton loans to China, but only about \$10,000,000 was used. Japanese alleged that Chinese politicians derived prestige from the loans then terminated them because they could not fulfill the terms.

Japan Uneasy The Pan-American Airways, and a German airline recently opened services in China and an American airplane assembling plant was established there.

Four Injured In Accidents

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his father's automobile was struck at the intersection of Sumner's Lane and The Dalles-California highway.

According to Gourley's report, Alex Gooding, driver of car number two, failed to see him signal when he started to turn off the highway, and struck the turning car amidships.

The little boy received first aid treatment at a local hospital. Minor automobile accidents involving no injuries, were reported over the week-end as follows:

William H. Rous and Jess Pemberton, collision on Oregon avenue, Saturday evening, when car number one backed into the traffic lane without noticing the approach of car number two, minor damage reported; Mrs. C. V. Schmitz of Beatty and Gus Anderson of Klamath Falls, collision on Sixth street Saturday evening, with minor damages; Mrs. Jacques W. Steiger, Jr., and Goldie Mae Matson collided between Seventh and Eighth streets on Main street when car number one pulled out from curb without signal; damaged fenders, running board and tire reported by Mrs. Matson.

It was because the government men learned that Dillinger was about to leave the Little Bohemia resort, said Hoover, that they struck at night.

But the shots fired when Boiesonau was killed gave Dillinger the alarm.

Hoover, in his official statement of what happened, said waterdogs began to bark when the federal men crept close to the resort.

As they did, three men emerged, got into a car, and started to turn it around. The government men ordered them to halt, and

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DILLINGER'S GANG FIGHTS OFF POLICE

(Continued from Page One)

piercing the top of the deputy's automobile. The car then turned and sped away.

TWO MEN SLAIN. MERCER, Wis., April 23. (AP)—John "Wooden Gun" Dillinger, will-o-the-wisp terrorist, again eluded an army of federal agents and deputy sheriffs early today in a north woods hideout, where he and six men and five women companions had hidden in an armed camp since last Friday.

His latest escape cost the lives of two men and the serious wounding of four others.

Dillinger and six members of his machine gun gang were at bay in the woods of the Lac Du Flambeau resort region. They were fleeing over roads soft from melting snow, and a force of 50 was close behind.

Justice Man Dies. One department of justice agent was among the dead and another was wounded.

Cornered late last night in Little Bohemia, a Spider lake dance and tavern nine miles southeast of Mercer, Dillinger had the narrowest escape of the weeks of pursuit in which the government men have trailed them about the country.

Three young women were left behind, and surrendered when the besetting forces filled the resort, a sprawling building housing living quarters, a bar and a cabaret, with tear gas.

Bystander Is Victim. The first victim, a bystander, was Eugene Boiesonau, killed outright by the federal agents' fire as he and two companions drove away from the resort.

The shots wounded Dillinger and his band, who had taken forcible possession of the resort Friday, mounting a machine gun on the roof and posting lookouts.

They fled out a rear door and separated in the thick Wisconsin woods.

Machine Gun Used. Three turned up a few minutes later at Mitchell's resort, commandeered a car, and drove off ahead of the federal men. One, carrying a machine gun over his arm, ran into a nearby tavern, Turner's resort, and demanded of Alvin Turner that he furnish him a car.

Before Turner could reply, an auto containing two government men and a constable drew up outside.

Shouting "Who's that?" the desperado ran out and opened fire with his machine gun.

W. Carter Baum, a Chicago federal agent, was killed, Constable Carl C. Christensen of Spider Lake, Wis., was critically wounded; and J. C. Newman of Chicago, a department of justice agent, was seriously wounded.

The gunplay had taken four lives and left four wounded. Two of Boiesonau's companions were struck by bullets.

The department of justice, in its official report, said Dillinger and three followers, among them John Hamilton, his first lieutenant, escaped from the resort to the lake shore at its rear door.

Between midnight and dawn, the guns were silent. The federal agents then approached the house, forced open the door, and three in the gas bombs.

Hamilton With Gang. Three young women, between 20 and 25 years of age, ran out, gasping and choking. Their names were withheld by the government agents.

The department named as the three with Dillinger; John Hamilton, escaped Michigan City, Ind., convict; Tom Carroll, St. Paul bank robber.

Homer Van Meter, with a record as a kidnaper and stickup man.

"Dillinger came to the camp from Sault Ste Marie, said J. Edgar Hoover, head of the federal investigating bureau. Arriving at the camp Friday, the gang held a continuous "party" since then.

Dillinger left his luggage behind. In a suitcase identified as his was found an assortment of pajamas and silk shirts.

After the three women surrendered, the agents shot out the resort windows, and as soon as the gas had lifted, searched it thoroughly. Meanwhile about two dozen others—from Chicago, St. Paul and other offices of the government—took up the hunt, confident that they were close behind the elusive Indiana gunman.

Roads in Iron and Vilas county were in bad condition, local authorities said, and the good ones were few enough to permit careful watch.

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"It's True, Boys, We're Engaged"



Norma Talmadge smiled but didn't "have a thing to say" when, as shown at right in upper photo, she arrived in New York after securing a Mexican divorce from Joseph Schenck. But George Jessel, stage and film comedian, was not so reticent. He is shown (right, below) as he emerged from his hotel suite to tell reporters, "It's true, boys, we're engaged." Jessel's cousin, Mrs. Robert Milford, met Norma at the train.

when they failed to obey, opened fire.

It contained Boiesonau, who was 38 and lived in Mercer, John Morris, 59, an official of a CCC camp near Mercer, and John Hoffman, 28, a gas station attendant.

The volley which killed Boiesonau wounded Morris in the kidney and twice in the shoulder. Hoffman was hit in the left elbow and was cut by flying glass as the shots shattered the windshield.

Of the three on which the lone bandit opened fire at Turner's resort, Christensen was most critically wounded. He was shot five times in the body and legs, and was not expected to live. Federal Agent J. C. Newman had regained consciousness by noon.

WASHINGTON, April 23. (AP)—Carter Baum, department of justice agent, was most critically wounded. He was shot five times in the body and legs, and was not expected to live. Federal Agent J. C. Newman had regained consciousness by noon.

He held an LL.B. degree from Washington university and was a member of the bars of the District of Columbia and Virginia.

RHINELANDER, Wis., April 23. (AP)—Emil Wanatka, proprietor of the Little Bohemia resort, knew since Friday that one of his guests was John Dillinger, fugitive outlaw, he told authorities today.

"I played cards with him every day. Those Chicago cops couldn't find him, and in Indiana they couldn't hold him. So why should I have tried to take him.

"Say, he had a roll of money big enough to choke a cow."

Wanatka said that he and his two employees were virtual prisoners of the desperadoes and their women. Wanatka said one of the gang was always on guard.

"There were four women and six men with Dillinger," he said. "John was the only one of them I knew."

Klamath's Voting List Drops 222

SALEM, Ore., April 23. (UP)—Klamath county's voting list of 14,817, is 222 less than two years ago.

Republican registration decreased from 8,597 to 7,379, while democrats increased from 5,946 to 6,954, according to state department figures.

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Progress of Science Told to Physicians

CHICAGO, April 23. (UP)—A century hence, Dr. Meakins said, for every member of the human race was set today as a goal for medical science by Dr. Jonathan C. Meakins of Montreal as he became president of the important American College of Physicians.

Fifty years ago life ended for the average person at 40. Today the majority of men live beyond the three score mark. A half century hence, Dr. Meakins said any person willing to use his intelligence and will power may reasonably expect to live 100 years.

Best Americans? "Time will tell which are the best Americans—those who believe that the racketeering, the financial juggling, and the exploitation of workers and consumers must be ended once for all; or those who believe it more important that some insiders should be allowed to manipulate materials, natural forces and social institutions for their own good."

Some critics, he said, have carpentered on the idea that the agricultural adjustment administration as a "regimenting agency" designed to put all American farmers under the administration's thumb. This theory is mistaken, he said, and is disproved by the way the AAA is working.

He said that the new deal's philosophy could not be labeled socialism, or fascism or communism. That is unfortunate, he said, because it is a human impulse to seek an apt tag for any new movement.

Success Objection. Tugwell said the real objection of the new deal critics is not to its method, but to its success. If the president's program were junked, he said, the United States could expect a recurrence of the 1929 debacle.

The two essential features of the "Rooseveltian method" he explained, "are the modernized democratic processes which it fosters and the experimental nature of its approach to and its handling of problems."

He said that a "servile" press representing the will of a political dictatorship could destroy business prosperity. He indicated, however, his belief that the servile press never would be American and promised:

Free Press Annexed "The democratic process or the experimental method will never threaten the real freedom of the press. The press—the free press—has everything to gain from such changes as are taking place.

Association Indicts American Education CHICAGO, April 23. (UP)—A severe indictment of American education was made Saturday at the closing session of the North Central Association of Colleges and Secondary Schools.

The association, which disbands seven colleges and universities and 15 high schools from its accredited list and warned 180 other schools to "men their ways" or face similar drastic action.

Low scholastic standards, poor equipment, improperly trained faculty and "deplorable athletic conditions" were the principal charges which the executive committee of the association sustained against the schools.

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Dairying Control Program Revoked

(Continued From Page One) feeding methods, and institute the disease eradication and relief purchase measures provided for by congress.

Opposition Rises Opposition to the proposed dairy plan arose immediately following its announcement a month ago. Representatives of dairy organizations met here late last month and, in addition to passing resolutions denouncing the program, organized what they designated as the "dairy cooperative defense committee" which has been active in opposing the plan at Washington and in the various regional meetings.

The administration added it was prepared to initiate a production control plan when it became evidence the dairy industry would accept.

Battle Just Begun Tugwell explained the philosophy behind President Roosevelt's

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Can You Answer This Question? HERE is a question that was asked recently: "Is it true that a small funeral establishment—without a handsome building, without fine motor equipment or a special Chapel—can provide services at lower cost?"

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