Dramatic Interest With Second Day of Manning Defense

Portland Expert Takes Fingerprint of H. M. Manning

terval of about fifteen minutes, quest A. F. Graham, pioneer resident of Klamath county, was the first defense witness when the Man-ning trial convened this morn-

ing. Graham told David Vandenberg, Manning's counsel, that he had seen Manning in the Klam-ath Hardware store about 3:00 o'clock on the afternoon of

o'clock on the afternoon of February 12.

He said Manning was normal in every respect and that there was nothing to lead him to be-lieve the defendant was intoxi-

cated.

State Re-checks Time
T. R. Gillenwaters, district attorney, merely re-checked the time with Graham on cross-examination for the state.

Fred K. Nelson, who has known Manning since 1927 and has lived in the county since 1923, met the defendant at Seventh and Main about 5:20 o'clock in the afternoon of February 12. He said they conversed for He said they conversed for about 10 minutes and that Manning introduced him to inman, who joined them in the conver-

He, too, told the defense counsel there was nothing about Manning's conduct to give the impression be was intoxicated.

"In my judgment he had not been drinking," he told Guy Cordon upon cross-examina-Former Employe on Stand

Mrs. Georgia L. Bokvist of the Spring Lake district was the third witness of the morning. Mrs. Bokvist said she and her husband lived for a time in a house in the rear of the Horan home and she assisted Mrs. Horan in the housework to meet

rental expense.

Upon questioning from Vandenberg she said she was in the Horan home in November of 1932.

"Do you recall any conversa-tion with Ralph Horan in which he made threats against the de-fendant?" she was asked. Her reply was this: "Since Mr. Manning had come back they had trouble and there would be trouble again and that some day it would either he Manning or he."

she attributed this state-ment to the slain legislator. Vandenberg asked her if Horan was left handed. "I've seen him pour whis-key with his left hand." she replied. "In some things he said he

"In some things he said he could use his left hand as well as his right," Mrs. Bokvist con-

The witness was considerably confused as to her dates under Gillenwaters' cross-examination.

Moved in 1933

She eventually said she and her husband had moved out of the house in September of 1933. Upon the request of the prose-

Upon the request of the prosector she repeated the sixtement attributed to Horan.

This was made, she explained, shortly after Don F. Hamlin became associated in law practice with the defendant. Manning had retired and gone to California, breaking up his original firm in which Horan was a partner. Later he returned to re-

ner. Later he returned to re-sume his practice in Klamath

R. D. Eller was then called for the defense. He said be knew both Horan and the de-fendant and that he had seen the representative park his car on North Seventh street about on North Seventh street about 5:30 o'clock on February 12.
They passed each other as Horan was going into the Seventh street entrance of the Underwood building and Eller was returning from Main street to his insurance office.

his insurance office.

Eller told the defense lawyer he was one of the winesses called by the grand jury in connection with the case.

Cordon cross-examined him to check the time and the nature of

their brief conversation.
"'Have any trouble keeping the hair out of your eyes these days," Eller said Horan asked

The witness said they were

friends and often made jocular greetings.

Driscoll on Stand

Eller said he saw nothing un-usual about Horan's appearance E. E. Driscoll, an attorney who has his offices in the Underwood building, followed Eller to the stand. He said he returned to his office about 6:00 o'clock on February 12 to get his bat. He entered on Main street and left on Seventh.

He said the entrances were dark.

The nature of this testimony was believed a point for the defense to contradict state witnesses who said they saw Manning standing in the Seventh street entrance about the same time Driscoll said he was leaving.

Driscoll told the state of

cross-examination he thought the reception room of the Manning office was dark as he passed. He could not tell if the private office were lighted. Mrs. Murial Garleh of the Me-

Mrs. Murial Garich of the Mc-Carthy apartments came next. Her apartment, she said, was across from the Manning office and that she was in the living room and office of the apart-ment around \$:00. At \$:15, she testified that she walked to the window and noticed a light in Manning's private office. She declared her window was on a slightly higher level and that she couldn't see it. The shade was up, she said. Earl Whitlock was recalled to

"Do you place the time Manofficers?" Gillenwaters asked the funeral home director. "I would say it was within 10

answered.

answered.

Whitlock declared this was approximately 6:32.

He said Horan's body was removed about 9:30 o'clock.

Whitlock said he didn't observe whether the door into the private office had been removed for the investigation but "pre-

for the investigation but "pre-sumed it was under the condi-tions Rex McMillan and Leigh Ackerman were working."

He reiterated his statement of Monday, saying that Dr. Adler was not present when the gun was taken from Man-ning.

ning.
Pets O'Conner, sheepman, told
the defense he parked at the gas
station at Seventh and Pine
streets about 6:00 o'clock on

streets about 6:00 o'clock on February 12.

"I heard two reports as I walked down Seventh street. At the alley I heard two more shots." he said.

He said he couldn't detect the direction but that he saw some-one across the street near the building's entrance.

Only Estimated Time
He told Gillenwaters he estimated the time at 6:00 because he saw so many cars and people on the streets.

He also said the space between the volleys was just about the length of time it required him to walk the length of the building on the east side of the street.

He said he heard of Horan's death about 9:38 that same night, He also told the state he first discussed hearing the sbots with David Vandenberg a week ago last Sunday.

Henry M. Gibson of \$33. No.

ago last Sunday.

Henry M. Gibson of 823 Pine street was called. He testified to hearing shots on the night of February 12 in the vicinity of 6:00 o'clock.

The record two followed the expert the various prints taken

5:09 o'clock.

The second two followed the first two within 30 seconds, he believed.

The state brought out that Gibson lived from 500 to 600 feet away from the Underwood building. Vandenberg pointed out on re-direct examination that there was very little obstruction between the Gibson home and

between the Gibson home and the building.

Mrs. Gibson followed her hus-band to the stand and said she heard some shots. She was not sure how many, but said her husband would know.

There was no cross-examina-

tion. Charlie Walsh was the next man to speak for the defense. He said he was walking down Seventh street about 6:00 o'clock when he heard four shots. He said the interval between the first two and the second two

He wis the last witness before the morning recess.

David R. Vandenberg, member of the defense counsel, next took the stand. Roberts asked the

questions.

Vandenberg said be was retained in the Manning case on February 13, 1933, and that later George M. Roberts became associated with him. He said he and Roberts approachsaid he and Roberts approach

said he and Roberts approached District Attorney T. R. Gillenwaters.

Before he could testify as to the purpose of their visit, Gillenwaters objected vehomently to admission of the testimony. He said that if it was the matter of the physical evidence in the case, which the state had withheld from the defense until the trial, that he would protest on the ground the affair had been settled by a ruling test on the ground the affair had been settled by a ruling of the judge.
Roberts insisted his purpose in

bringing out this testimony was in connection with state evidence that the Manning offices had been

in connection with state evidence that the Manning offices had been locked up from Monday until Friday. He said the defense wanted to show it tried to get in and could not.

Objection Sustained.

Judge Wilson sustained the state objection, and upon Gillenwaters' request, asked the jury not to consider the matter in any way in its deliberations. Roberts said he wanted to make an offer of proof, and retired with a court reporter to the antercom, Gillenwaters following.

When the defense attorneys returned, he questioned Vandenborg further, this time about a conversation the defense lawyers assertedly had with Hardin C. Blackmer shortly after the shooting.

He asked Vandenberg if it was true that Blackmer told Vandenberg and Roberts that Manning, on the afternoon of February 12, had said that he was against the recall, but that if Horan was in favor of it, he would keep his hands off. Vandenberg said Blackmer made such a statement. Roberts then asked Vanden-

Roborts then asked Vandenberg if Blackmer told them that Manning at the time said that "Horan was a fine fellow and aad a long way to go."

Vandenberg said Blackmer had made this statement. This evidence was offered to impeach Blackmer's testimony for the state, when he denied having made such statements to the defense attorneys.

The next witness was S. R. Payne, Bertillion expert of the Portland police department. Payne, employed by the defense, said he began fingerprint studies in 1921. He has been with the Portland police department since 1922, and is now in charge of the bureau of

Defendant Tells Dramatic Story of Pistol Duel as Eddle—was to care for the detail work. "There was a lot of work," be

tention to my personal affairs. You're telling lies about me'." Horan Makes Accusations Manning said then Horan re-ferred to the Wood river water litigation matter, and that Man-ning admitted he had criticized Horan in that connection but it was a closed incident. The witness said Horan made

minutes after I arrived," he other accusations, finally stating Manning had told an attorney that he. Horan, was a crook and that Manning could have him put in the penitentiary.

put in the penitentiary.

Manning said he denied the charge, and decided to put Horan out of the office. He said he then decided to get out himself rather than fight, and as he started to get up he noticed the open drawer with the Iver Johnson gun visible. At that moment, he said, Horan made a

identification. He said he classifies as many as 1900 fin-gerprints a month. Answering Roberts' questions,

gerprints a month.

Answering Roberts' questions.

the witness said that different parts of the surface of the hand or foot make prints. In answering a question, he seemed to say the could identify one surface by the print of another, but in cross-examination explained that he could tell whether a print was that of the ball of a finger, the paim, etc.

Manning moved with his fampling declaration.

"It doesn't necessarily mean, when there is no print on the trigger or trigger guard of a gun, that either has been wiped?"

asked the attorney.

"Not necessarily," answered Payne.

Roberts then showed the expert the various prints taken from the Iver Johnson gun.

Referring to exhibit Na, 47.
Payne said he couldn't tell whether it was a hand or foot, lie thought possibly No. 46 was from a paim, but couldn't be sure and couldn't identify it. On No. 48 he sighted a few ridges but not enough for identify to the continued:

"In the summer when I was not in school I worked in the stages for Captain Applegate and accumulated a little money.

"I attended the state normal school at Ashland in 1897 and prints are counsel urged.

"When there is no print on the in the summer when I was field, among the sheep, drove stages for Captain Applegate and accumulated a little money.

"I attended the state normal school at Ashland in 1897 and before counsel urged.

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"Owns to accumulated a little money.

"Then where did you go." the defense counsel urged.

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"Owns to ack the state normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ashland in 1897 and the stage normal school at Ash and couldn't identify it. On No. 48 he sighted a few ridges but not enough for identification. No. 49 showed a few ridges and two points, but not enough for identification. No. 50 brought the same comment.

Then Roberts showed him what he described as "the now-famous Exhibit 51." This was the print E. O. Heinrich, state witness, described as a perfect print and

scribed as a perfect print and later admitted was his own.

Payne said exhibit No. 51 was a good print. He said there was nothing in any of the prints except this one that could be iden-

The Portland expert then gav the jury a demonstration of fin-gerprinting, getting the equip-ment out of his pocket. Roberts suggested that a jurger finger be printed, but Judge Wilson told Roberts to submit as the demon-

Manning "Printed."

As Roberts returned to the de-fense table, Manning whispered

Roberts announced that Mau-Roberts announced that Mau-ning's prints would be taken.

The defendant walked for-ward and Payne took the im-pressions of his lingers, in printer's ink. There was a stir-in the courtroom during this preserveding.

Mauning's prims had not previously been taken, although sheriff Lloyd Low said Tuesday that he and the county jailer asked Manning before Roberts to permit them to take his prints but the defendant at that time refused. Low said they have been sa they had examined dishes and silverware used by the defend-ant, but under a microscope could only find lint.

could only find lint.

Roberts offered Manning's prints as defense exhibit B.

Payne then testified that the defense got in touch with him Saturday evening, and that the next morning Portland papers carried a story he was going to Klamath Pails.

Guy Cordon did the cross-examining. He questioned Payne further about his qualifications, and then ted him into a new discussion of finger-printing.

then led him into a new discus-sion of finger-printing.

The special prosecutor wanted to know if it would not be pos-sible to identify prints by meas-uring the length of ridges on the hands, as well as by the usual methods involving swirls, loops, etc.

etc.
The questioner seemed to The questioner seemed implying that there was another method of identification that would qualify in studying the would qualify prints of the im-

would qualify in studying the prosecution's prints of the impressions found on the gun, although he did not say so.

Cordon then handed Payne the blue steel gun in the Manning case. He asked him how the gun could be held so that no prints would be left on it. Payne held it by the edge of the trigger-guard and by the edge of the trigger-guard and by the edge of the trigger-guard and by the edge of the triggerit by the edge of the trigger-guard and by the end of the bar-

grab, and that started the action that culminated in the shooting.

Defendant Manning, composed and apparently dent, went to the witness stand exactly at 1:30 o'clock this afternoon. He crossed his knees, rested his chin on his right hand and began the story of his life.

George Roberts, chief defense counsel for the veteran attorney and his friend for many years, conducted the examination for the defense.

The couriroom was filled.
There was a quiet hush over the entire audience.
Tells of Family Manning, to only occasional questions, said his full name was Horace Milton Manning and that

he resided in Klamath county. He lived with his wife and one miner son, aged 8. The defendant, looking fre-quently at the members of the quently at the members of the jury, said he was born in Jack-sonville, Ore., on September 20, 1879. He will be 55 on his next

nervous breakdown."

The defendant told the jury

he and Horan had been very busy with the State vs. Nacker case. Horan had done consid-erable of the work because of

Manning's illness.
"My physician advised me
to take a rest. The partnership had been running four

"I didn't know how long I would be iii, so we took up the question of selling my interest. I gave them all a con-

"I reserved the right to re-enter practice in Klamath Falls." Manning said: "My relations with all three

atorium, spent much time playing golf, and did much mountain climbing. "I then thought I could return

were pleasant, close and friendly,
"I turned the practice over to
the new firm and left for California. That was in the middle
of January, 1931.
"I went to the Twin Pine san-

depot. "Eventually I started east for "Eventually I started the North-"Eventually I started east for Chicago to attend the North-western School of Law."

Manning explained that he left here in 1899 and took special work at Chicago to make up deficiencies in credits. He finally secured the necessary subjects and was admitted to the law school.

Children at Trial
"I graduated in the spring of

Children at Trial
"I graduated in the spring of
1908. Prior to that time I had
married and had two children,"
Manning explained.
His two children, James and
Elizabeth, were present in the
courtroom as their father testi-

"Owing to illness in the fam-ily, I quit school for a year. I finally succeeded in finishing."

finally succeeded in finishing."
Manning said he practiced in
Chicago for some time.
"During my time in college
while raising a family, it was necessary for me to work nights. I
left my lecture at 5:30 in the
atternoon and worked until 2:00
the following merling. I usually
managed to get to bed about 2:30
and was up at 7:00.

a rest or it would be an enforced "So I sent my family to Klam-

ath Falls. I finished up my work in Chicago and came to Klamath Falls myself."

Manning continued:
"I arrived in Klamath Falls in
March of 1909 and was admitted to the bar the same year."

Manning then explained his acquaintance with Richard Shore Smith, whom he referred to as Dick Smith; Smith is a banker at Eugene and one of the leading citizens of the state. The two were old classmates.

He stepped in with Smith and they started to practice law. He

citizens and one of the leading citizens of the state. The two were old classmates.

He stepped in with Smith and they started to practice law. He said be had been here almost continuously except for a ten-month period in 1931.

Tells of Associates.

The defense counsel, Roberts, then asked him with whom he had been associated during and prior to 1930.

Basin Lumber company had a mechanic's lien against the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mering of \$4000 on the property. Mrs. Lang, of Dorris, had a mering to fine the property. Mrs. Lang, of Dorris, had a mering age of \$4000 on the property. Mrs. Lang, of Dorris, had a mering of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage of \$4000 on the property. Mrs. Lang, of Dorris, had a mort-gage

prior to 1930.

Manning said Smith eventually Manning said Smith eventually moved to Eugene because of his wife's, ill health. The defendant then associated himself with John Irwin, Klemath Falls attorney and candidate for circuit Judge, until Irwin was elected district attorney. The two purchased Smith's library and moved into his office.

his office.

In 1919 Manning said he met
a young man by the name of Ganong—also a Klamath Falls attorney and judgeship candidate—
and employed him in his office.
Fator the year Later the two formed a partner ship.

Various associates came into contact with Manning in the pro-Cordon then obtained from the witness the statement that the reason fingertips are used in print work is that they constitute the active portion of the hand.

As Payne left the stand, Roberts announced that the defense has only one more witness, presumably was when the control of the contro

advised her to come in at such time.

One evening, Manning said, he met Horan and asked him about the case. He wanted to know why Mrs. Lang had not been served.

Horan told him Napler was representing Mrs. Lang and that the Big Basin Lumber company was thinking of entering a default in the case.

Manning said he was surprised to learn Napler represented Mrs. Lang, and checked up on the situation. He learned from Napler that a mistake had been made, probably by a stenographer, and that Napler dod not know he had been listed as representing Mrs. Lang. The matter was explained to Judge W. M. Duncan.

Manning then entered an ap-pearance for 2. Lang. He call-ed Horan again and told him his

following August he m the Underwood building.

Roberts then asked the witness about litigation pending between

cide there was one case," said

Manning.

He then explained the details of the case of Long Bell Sales corporation versus Dr. A. A. Soule, Mrs. Soule and Jennie

Lang.
This case involved the Soule sanitarium property. The Big Basin Lumber company had a me-

the offices, "At the time of the hor

Colloch and Driscoll was organized.

Manning explained that he later permitted McColloch and Driscoll to purchase an interest, McColloch 38 per cent interest, McColloch 38 per cent and Driscoll 12 per cent. Driscoll—who was referred to as Eddle—was to care for the detail work.

There was a lot of work," he said.

"A young man by the name of Ralph Horan, whom I besieve and twee and twee needed help, We had five rooms and a library, so we decided to hire him. I started him at 875 per week."

The defendant went on:

"Horan was an active boy—an nice boy—he worked with me and under me."

Manning said McColloch did considerable office practice, but he himself took Horan and Eddle not cases.

"I found both loyal and capable young men. I was putting in a lot of hard licks at that time."

The Oregon Bank building was

wrote her, telling her to come in before he went to Stockton.

There was a conference in Manning's office of the defendant parties in the guit and Dr. Soule wanted more time because he thought he could raise some money.

Manning said that he conferred with Horan over the telephone and said he would need more time, to February 15, to flie the answer. He said he called Don F. Hamilin, his associate, and told him to prepare a stipulation until February 15, Hamilin, he said, by some mistake or misunderstanding, made it March 15.

When the stipulation was taken to McColloch's office, Manning said, McColloch refused to sign it, "which I think was proper," said the witness. The time, he explained, was too long. Hamilin came back and said McColloch would not sign and Horan was out because his wife was in the hos.

"Where he the stipulation was taken to McColloch's office, Manning said, McColloch refused to sign it, "which I think was proper," said the witness. The time, he explained, was too long. Hamilin came back and said McColloch would not sign and Horan was out because his wife was the liver-Johnson. "In the front room about 2 o'clock. (This was in Chicago.) "There was someone standing in the bedroom entrance. It was aman. I felt helpiess. The next moving I went down and purchased the Iver-Johnson." "Where has it been for the last several years?" Roberts inquired. "During these years it has been in my office desk. Sometimes at home. In 1931—after selling my partnership—I gave it to Mrs. Manning. She had to make a number of long trips to see me in California.

"I have had it at my cabin at the year." I have had it at my cabin at "I found both loyal and capa-ble young men. I was putting in a lot of hard licks at that time."
The Oregon Bank building was under construction and Manning said the firm moved into a five-room suite there in 1930.
He explained also that he had been absent part of the time in 1928 through illness.
In the meantime Horan was taken into the firm.
The partnership continued un-The partnership continued un-til January of 1931, "At that time I had a complete

sign and Horan was out be-

Manning said this was his last day to answer—Jan, 26 or 27—and Judge Duncan was asked to prepare an order. He did so, extending it to March 15. It was when Manning saw the order he realized a mistake had been made and he immediately called McColloch, informing him his answer would be in by February 15 and that he had not intended to ask for such a long extension.

12 his time was nearly up and he had informed Peterson he

"I then thought I could return —that was in September of the same year—and continue my practice.
"So I came home."
Manning then told of the marriage of Ralph Horan and Clarice Elliott. He described Miss Elliott as a fine girl of good family. He said he "knew she would make Ralph a wonderful wife, which she has."

In January, 1930, when the

he had informed Peterson he would leave with him for Stockton, by February 15.

The morning of that day, he said, he came down to the office to get out some papers for the dissolution of the Arcade Brewing company.

After he arrived at his office, about 10:80 a. m., he telephoned the McColloch and Horan office and asked if Horan was in. McColloch said Horan was out of town so Manning left his telephone number. ber.

The witness said he went home for lunch and returned at 2:00 o'clock. He said he remembered

she has."

In January, 1930, when the firm moved to the bank building, the witness said, he was in San Francisco for a diabetes check-up. While he was in the south, Horan and Miss Elliott were married.

Manning recalled that he wrote them a letter of congratulation and the firm decided to raise Ralph's salary to \$175 per month. He said he contributed \$75 to the wedding expense. o'clock. He said he remembered chatting that afternoon—about 3 o'clock—with Al Graham, an old friend. He was with Graham about haif an hour.

He then told about meeting Gillenwaters and having a drink of beer with him in the Paim Garden. He said they talked briefly of the recall, and that he at first refused to take the slass expense.

"Clarice Horan would be a credit to any man, and I think she brought credit to Ralph Horan," said Manning.

"Did you return to practice when you came home?" asked Roberts.

The witness explained that he carried disability insurance in two companies. He said on his return he had an examination by Dr.

Manning said he practiced in Chicago for some time.

"During my time in college when you came home?" asked Roberts.

The witness explained that he carried disability insurance in two companies. He said on his return afternoon and worked until 2:00 the following merains. I usually managed to get to bed about 2:30 and was up at 7:00.

Returns to Klamath.
"I kept this up until I finished my course. My weight went down from 220 to 162 pounds. My doctor said I would have to take a rest or it would be an enforced."

Horan," said Manning.
"Did you return to practice when you came home?" asked home? asked him to take it. He said he bearied disability insurance in two companies. He said on his return he had an examination by Dr. George Merryman and was told he could return to work. He got rooms in the First National bank building and began practice again November 15, 1931.

He said the office was rather noisy and expensive, and in the fice. He telephoned Dr. Hardin Carter about dental work, making a date for the next morning at 8:39 a. m.

Manning said that while he was in the office two men came in, asking him to represent them in a case. This he refused to do because he had been approached by a party on the other side of the case.

by a party on the other called the case.

The witness said he then called up Chris Blanas of the brewing company informing him that the dissolution papers would be ready after 5 o'clock and to bring the

company secretary up to have them signed.

Met Mr. Isted.

He said as he stepped out of his office he met Mr. Isted, em-ploye of Perrin's office. He chat-ted with Isted a moment and ted with Isted a moment and then went into the reception room of T. R. Gillenwaters' office. He said he kidded Avis Young, Gil-ilenwaters' stenographer, telling her he had seen Gillenwaters, her boss, and that she had work

her boss, and that she had work
to do.

"I have no recollection of
staring at her," said the witness, referring to Miss Young's
statement on the witness stand.
In a moment, he said, Orth
Sisemore opened the door and
invited him to come into Sisemore's office. He described
his conversation there with
Sisemore and Hardin Blacknier.

Siscmore and Hardin Blackmer.

"As I remember," said Manning, "there was some kind of a feud between Ted Gillenwaters and Ralph Horan. In speaking of the recall, I think I made the remark that if it was a fight between Ted and Ralph, I would keep out of it."

He said he believed he said that Horan was a bright young man who would go some distance, He didn't remember if a disparaging remark about Horan

disparaging remark about Horan by Blackmer provoked the re-

As Payne left the stand, Roberts announced that the defense-has only one more witness, presumably meaning Manning. He said that it would be unfortunate to break into the continuity of his testimony by a noon hour, and asked for an adjournment until afternoon. This was granted by the court.

E. E. Driscoli, too, entered client had not been served with a summons.

"I needed the services of a Manning demurred to the combinate of the complex of the said that it would be unfortunate to break into the continuity of his testimony by a noon hour, and asked for an adjournment until afternoon. This was granted by the court.

"We needed larger quarters so we moved to a suite of rooms I had over Swansen's."

"We needed the services of a Manning demurred to the combination two grounds, he said. Some time later the case was argued and Duncan overruled Manning said he returned to the combination two grounds, he said. Some time later the case was argued and Duncan overruled Manning said he took the papers in his private office and put the to answer.

We needed the services of a Manning demurred to the combination two grounds, he said.

"We needed the services of a Manning demurred to the combinate of time time time to answer.

We needed the services of a Manning demurred to the combinate of the case was argued and Duncan overruled Manning said he returned to the combinate of the combination to mark.

Manning said he returned to his office about 5:20 p. m. The stenographer was through with the brewing firm papers. Manning said he took the papers into his private office and put them in the central drawer of his desk.

Blanas soon came in as the theory was the contral drawer of his desk.

home. In 1931—after selling my partnership—I gave it to Mrs. Manning. She had to make a number of long trips to see me in California.

"I have had it at my cabin at the Lake o' the Woods. It has been in the possession of Mrs. Manning when I'm out of Klamath Falls.

"She kept it in her bedroom."

"The little boy began to be back."

The defendant spoke emphatithe window curtains in the anteroom which he said were made by his wife.

He said they would not raise with the lower windows.

One of the jurors asked a question about the curtain and Manning answered, calling the juror by name, "Mr. Donart."

curious about it, and sometime early in January Mrs. Manning caught him with it.

"She thought I had better take it. I took it to the office early in January, and tossed it into my desk. Never thought much about it again. It hay on the right hand side of the drawer. There were no cartridges other than what were in the gun."

"Have you heard the testimony concerning a bottle thrown out of your office windows?" the counsel asked.

"Yes."

"Now, gentlemen," said

or your office windows!" Insecounsel asked,
"Yes."
"Now, gentlemen," said
Manning, turning to the jury,"
"There was never on the entire day of February 12, a
gin bottle in my office. There was no gin bottle thrown out of a window by myself or anyone else in my presence.
"I heard Rex McMillan testify that a label was found in a waste paper basket in the reception room."
Roberts spoke to Manning and the witness changed his remarks to refer to the ante room.
"The last time I was is my reception room was before I went into Gillenwaters office or before I went to the Eagle pool room for some cigarettes. There was not a wastepaper basket there."
"I have a heavy mahogany desk I purchased along with a chair and a wastebasket and telephone stand to match.
Manning said there was no other basket in his office or in the anteroom.
"There never has been a basket in the anteroom as long as I have been in that office. There was none there on. February 13 when I last was in there."
Manning said he was in the room about 5:30 when he went to get his hat.
"No label was inken off a gin bottle that day by me and as I remember, none for several days back."

The defendant spoke emphatically.

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