

Roberts and Gillenwaters in Closing Arguments Today

Panel Expected to Start Study Early Tonight

(Continued from Page 1)

on sympathy, but evidence," he said. "I say this because the prosecutor knows his case is weak and he must rely on sympathy and eloquence."

Roberts discussed the Big Basin Lumber company litigation pending between the two offices. He said that it was Manning's only purpose to delay the foreclosure which would prevent someone from retaining his home.

Manning's Record Studied.

"Go back in your minds and think of the many times Horace Manning has been generous, honest in all dealings, upright and a community builder. Does this sound like a murderer?"

Continuing his reference to the litigation Roberts said:

"He called Ralph Horan for the purpose of learning if it would be agreeable to give an extension of time. There was no misunderstanding between his office and that of Ralph Horan and Claude McCulloch. He had built up these two men to their position in the community. He made them successful. Why should there be anything but friendly feeling?"

The state can show no premeditation.

"I am at a loss to understand upon what the state can base any theory of first degree murder. Why should they charge such a charge on the evidence they have except that the charge is not defensible."

Roberts explained that E. O. Heinrich, the criminologist, had in his possession "every bit of physical evidence in that office." He said the defense never had an opportunity to examine the exhibits until they were brought into the courtroom.

The Medford attorney, a noted trial lawyer, said the state started at Manning's actions at 10:00 o'clock on the morning of February 12 to show premeditation of murder.

"Mr. Manning pursued an ordinary course that day," Roberts said.

The attorney declared that there had been no feeling of malice or venom that morning. He said Manning spoke friendly to McCulloch, and that his activities of the defendant couldn't mean what the state said they did.

He spoke of the state's assertion that the defendant had been drinking and referred to Manning's taking a glass of beer with the district attorney in the afternoon.

"If the district attorney can take a glass of beer, it can't be so particularly bad. Horace Manning didn't want to drink. The district attorney or Scheffer insisted upon it."

"Mr. Manning was intoxicated, would the district attorney invite him to have a drink? It isn't reasonable."

Roberts went through the state witnesses who said they saw a bottle hurled from Manning's window. He reviewed the testimony of the defense, compared the two, and declared that the state must be wrong.

"The state case is based upon circumstantial evidence," he said. "If one link is broken then the state case falls."

He pointed to the testimony of J. Isted, who declared he had talked to Manning and said that he was not drunk, and the remarks of Howard Perrin.

"The evidence of intoxication came from someone associated with or formerly associated with the district attorney," the counsel declared.

Friendly Feeling Shown.

Roberts pointed to the testimony of various witnesses to show that nothing except friendly feeling had been harbored by the defendant toward Horan.

The counsel discussed the witnesses who said they had heard shots and compared the testimony of the state and defense. The state testimony indicated that there had been a considerable interval between the first and second volleys but the defense said they came close together.

The remarks of William Kittredge, who sat at the window of his apartment and heard only two shots, was offered as proof that other state witnesses, who said they heard four or five shots were wrong. Kittredge, who was a state witness, corroborated the defense testimony, Roberts declared.

After the morning recess, Roberts brought up the subject of the curtains in Manning's office.

"You'll notice," he stated, "that, according to the photographs taken that evening, the curtain of this window—where state witnesses said the gun bottle came from—this curtain is drawn. It would have been necessary for a man to pull the curtain aside with one hand and throw the bottle out with the other."

He illustrated the position of the window from the desk, the waste-paper basket beside the desk.

"Was Horace Manning supposed to have been in such a state of intoxication that he'd toss the bottle into the street, a crime in itself, in order to attract attention to the fact that he had been drinking? Wouldn't he naturally, if he had emptied a bottle, place it in the basket near him?"

The defense counsel attacked the testimony of Ed Richards, automobile mechanic, who had stated on the stand that the bottle came from the window. Richards, he claimed, as revealed by a defense witness, had told "Red" Piper only two days after the shooting

that he thought the bottle came from a car.

"Has the burden of proof gone over to our side?" he demanded. "Do we have to prove we are not guilty?"

Roberts explained how Manning took some papers out of his drawer for Chris Blanas, and left the drawer open a little, discussing business rationally. He pointed out that two witnesses saw Manning at 5:30, only ten minutes before the "gin episode," and that Manning had made an appointment with his dentist for the next morning over the telephone, explaining that he was going south in a short time.

"Do these," he asked, "sound like the actions of an intoxicated man?"

Horan's Drinking Told.

Ralph Horan, he said, had been drinking whiskey with friends, and three highballs will affect a man in a little time. Manning had been drinking beer. He asked the jurors to judge from their own knowledge if Horan could have been sober on whiskey and a glass of beer, and Manning intoxicated on a few glasses of beer.

He cited the evidence brought out by the defense in cross-examination of Lloyd Low, to the effect that Low had found a bottle partially filled with whiskey in Horan's car. Low did not give this information during direct questioning, he said.

"I don't know if the state wanted to keep this evidence a secret or not. But Sheriff Low admitted it when I cross-examined him, and finally brought the partially filled bottle as an exhibit."

"Facts speak in this case, gentlemen," he stated, "and they are conclusive proof, when a dead body cannot speak the truth and these little white messengers of truth don't always carry messages." (He was referring to the cards found on the floor of Manning's office, called "messengers of truth" by Guy Gordon).

"There is a force behind the prosecution in this case," he claimed. "I don't necessarily mean the district attorney's office. But I mean the force behind the grand jury, and he was not called as a state's witness. He testified for the defense. Why didn't the state use him on the stand? Because he didn't agree with the state's theory of this case. Eller saw Horan shortly after 5:30 that day, and the prosecution wants to prove that Horan arrived at Manning's office much later to be killed immediately."

"I'm not going to try to dramatize this scene, gentlemen of the jury," Roberts said.

"But Ralph Horan comes in, he sits on the desk and talks to Mr. Manning who is in the black chair. Then he moves over to the red leather chair. Is that so impossible? Doesn't that sound logical?"

"There is quiet talk of two men who have been friends, whose families have visited back and forth, who have a simple business matter to discuss."

"Then Mr. Manning, from the kindness of his heart and the fatherly interest he felt in Mrs. Horan, save Ralph Horan a little advice. Told him he should be more considerate of his wife."

Ralph Horan may have been a little hot headed," continued Roberts. "I don't know. If he was inflamed by drink, if he was inflamed by something else that rancored in his heart—the same thing that he told before Mrs. Bokvist then he was more likely to become incensed."

Saw Gun in Drawer.

"And then he became inflamed more and more by Manning's mentioning he had done wrong in connection with a law case, had used knowledge that was supposed to be secret."

"He was sitting in this chair. (The red chair). He could see the gun in the drawer. He thought he had the advantage. He grabbed the gun."

"Manning did everything he could to stop the affair there. He had already decided to leave the office and thus end the matter. But Horan reached for the drawer. Manning grabbed his hand. But Ralph Horan took out the gun with his left hand, stuck it into Manning's abdomen, used cuffs, and said, 'I'll blow your guts out.'"

"What would you have done in that case, gentlemen? Wouldn't you have sat down?"

The defense counsel pointed out that the state was not able to tell where the chairs were, that they had no measurements— "even with a man at \$100 a day for five days in that office."

He stated that no one can say exactly in which spot Ralph Horan stood when he fired the gun; and that his right or left-handedness makes no difference in this case, because he actually had the gun in his left hand.

The state, he said, claims that the bullet in the law book is the wrong angle and does not agree with Manning's story. But the state's own witness, Heinrich, testified on the stand, with wrists crossing at right-angles, the angles from which the two bullets had been fired.

Taking up the matter of Manning's being able to shoot Horan's legs from under the desk, Roberts insisted that that was a ridiculous idea.

"If he had shot Ralph Horan in the leg, Mr. Manning would not be alive today."

Roberts sat in the oaken chair himself, and illustrated his idea of how uncomfortable and impossible it would have been for Horan

BETTING ODDS FAVOR MARTIN OVER MAHONEY

(Continued from Page One)

which this matter can be filed for a place on the May ballot.

Not a name has been filed with the county clerk for verification as a signature on recall petitions, and the consensus seems to be that the recall has "washed up."

Appearance on filing records of the deed in the Mahoney-Shaw property exchange affair is an interesting political side-light at this time.

In September, 1933, when Mahoney was running for mayor, J. R. Shaw, his campaign manager, deeded him a piece of property in Hot Springs. It was reported at that time the transfer was made to qualify Mahoney as a property-holder.

The deed to the same property, filed Wednesday, reveals that Mahoney transferred the property back to Shaw in February, 1933, about a month and a half after the mayor took office.

"The state," he said, "has never produced the articles found in Horan's pockets."

"The state isn't accurate. It tries to make every little position of feet, arm, body, of great significance."

The Medford attorney then targeted the baggage of his target on the testimony of Dr. George Adler, county coroner.

He pointed out that Manning distrusted Adler, that the doctor didn't like Manning who had supported Earl Whitlock in his last political campaign.

He ridiculed the idea of 1400 autopsies in four or five years.

"The doctor," stated Roberts, was the only man to see Horace Manning take a handkerchief out of his pocket before he took out the gun. And other people say he wasn't even there."

"This practitioner and the state want to infer that Horace Manning wiped the handle of the gun to hide a crime."

Roberts then went over the medical testimony, pointing out that the greater number of doctors had claimed the arm wound came first.

"Dr. Menne has never practiced medicine, although he has a wide knowledge. He thought the heart wound came first. Only the great Dr. Adler has the wide experience at autopsies necessary to claim definitely that Horan was dead before he was shot in the arm."

Roberts declared there "hasn't been a scintilla of evidence Manning was intoxicated when the officers arrived at his office that night." He said if the state had such evidence, it would have been given from the stand.

E. O. Heinrich ridiculed referring to the gin label which a state witness claimed was picked up from a waste basket in the Manning ante-room. Roberts declared that "if such a label was picked up, it was done in the fiction room by a man trying to find out how to be a good sleuth."

The attorney then turned his fire on E. O. Heinrich. He ridiculed Heinrich for spending 35 minutes giving his qualifications. He said Heinrich worked himself up to a point where it appeared he was going to disclose a vital factor in the case.

"Then he said the prints on that gun were not Ralph Horan's. He knew that was not a full and complete statement of fact."

"I will never be able to forget the fact that in a first degree murder case a man who is supposed to know, testified that Ralph Horan's prints were not on that gun."

Roberts asked the jury if it knew that there was a negative of a print on the gun that was lost and destroyed.

Referring to the fingerprint Heinrich admitted was his own, Roberts declared that print was super-imposed over another print and the latter was Ralph Horan's.

The defense counsel said that according to testimony, the Iver Johnson gun was supposed to have been dusted only once. He asked when and how Heinrich's print got on the gun, and declared he would like to know when Heinrich dusted it.

Deception Is Charged

"Heinrich deceived the district attorney," he declared. This jury," shouted the speaker, who allied Heinrich admitted his mistake on the witness stand when he found out the defense was to get an expert fingerprint man to check the evidence.

Referring to Heinrich's testimony, he declared "the chain of

Lindbergh Money Reported Found

(Continued from Page One)

time during the last week of March, was acquainted with a Boston gangster and "knew something" about the Lindbergh kidnaping.

WASHINGTON, April 26, (AP)—The department of justice said today reports that large quantities of Lindbergh ransom had been found in New England were "without any foundation whatever."

Earlier Attorney General Cummings told reporters at his press conference that there was no concentration of federal agents in Vermont.

TRENTON, N. J., April 26, (AP)—Major Charles H. Schoeffel, deputy superintendent of the New Jersey state police, said today he felt "confident" no large quantities of the Lindbergh ransom money had been found in the New England area.

Schoeffel also said the state police "know nothing about concentration of federal agents in Vermont, reputedly in connection with the Lindbergh case."

WASHINGTON, April 26, (AP)—A measure to permit the death penalty for interstate kidnapings was approved today by the house judiciary committee.

NOTES SENT ASKING BIG CASH RANSOM

(Continued from Page 1)

bles called in authorities and word of the girl's kidnaping spread quickly.

Ranchers and cowboys quickly offered their services in the search for the granddaughter of Bernabe Robles, wealthy Spanish rancher of a family that has lived in this vicinity since the Spanish land grant days, and whose ranch nearby has been a landmark for 50 years.

Today the Morgan McDermott post of the American Legion was ready to mobilize its members to aid in the far-flung search for the little girl.

Three Arrested

Late last night three unnamed men were taken into custody by police after a newsboy said they resembled the trio who offered him \$10 to take a note to June's father. Two of them were released early today. Police said a third, a college student who admitted making the offer to Newsboy Leon Castor as a "practical joke," would be held in jail overnight, chiefly to "teach him a lesson." No charges were preferred.

With every road in this vicinity watched, authorities today searched every corner of the city with the same determination they showed a few months ago in capturing Dillinger, notorious mid-Western desperado, and three of his companions.

Meanwhile police sought identity of the man who gave young Estrada 25 cents to take the ransom note to the girl's father, with instructions to bring an answer back to an automobile parking lot near the store of the father.

When the boy returned with the answer the man was gone. Ray Orcutt, operator of the parking stand, later told the police the man was an American about 30 years old, and was dressed in dirty gray suit and brown slouch hat. His face, Orcutt said, was heavily tanned.

WOMAN SLAIN

PHILADELPHIA, April 26, (AP)—A woman resident of Washington was shot and critically wounded in suburban Upper Darby early today, police said, after she had been kidnaped from the national capital to prevent her from testifying about the gangland murder of a friend.

Police said she was Mary or

JAPAN POLICY KEPT SECRET BY ROOSEVELT

(Continued from Page 1)

comment on the day's developments.

Phillips said he had no report from the American ambassador at Tokyo on his visit to the Japanese foreign office today.

NANKING, April 26 (AP)—Word that the United States ambassador had asked a further elucidation of Japan's new hands-off China policy created a sensation today.

The news of the request was front page material for all vernacular newspapers. They expressed the belief editorially that the United States and Great Britain have agreed on a common policy toward the far east.

TOKYO, April 26, (AP)—American concern over Japan's declared intention to oppose occidental dealings with China which from Japan's own viewpoint "endanger the peace of Eastern Asia," found official expression today.

The United States attitude was carried to Foreign Minister Koki Hirota by the American ambassador, Joseph C. Grew.

Although the ambassador, according to the foreign office version of the interview, delivered no note and made no representations, merely requesting an authoritative version of Japan's restatement of policy toward China, the visit profoundly impressed Japanese officialdom.

Tokyo government leaders were impressed particularly because Grew's visit indicated Washington intends a further thorough study of the declaration, made public April 17, before deciding on its course.

Additional significance was attached to the call in high circles here because it followed close upon a visit made yesterday by Sir Francis Lindley, British ambassador.

CHILD RETURNED

(Continued from Page 1)

MINNEAPOLIS, April 26, (AP)—Five-year-old Mary Lou Carline was found and returned to her Minneapolis home today less than four hours after she had been forced into an automobile by a strange man.

The child was located alone in Powderhorn park, about a mile and a half from where she was picked up near her home.

She was taken to a hospital for an examination to determine whether she had been attacked.

The little girl was at play with other children near her home when a strange man pulled her into an old motor car, drew her in, and sped away.

HIGH MARK HIT IN IRRIGATION

Irrigation water sent through the main government canal reached a point of 830 second feet Thursday, the highest figure ever recorded for so early in the season, according to the hydrographer for the local reclamation bureau.

At the peak of last year's irrigation season, which occurred early in June, 930 second feet of water went through the canal.

It is probable that this year's peak will exceed last year's figures, although reclamationists hope to hold the water to present figures for some time, if possible.

Peace Officers Pressing Search

(Continued from Page One)

Hamilton, were shot and wounded while raiding the First National bank of Mason City, Iowa, March 13.

The officer, Dr. N. G. Mortensen, was suspended by John McDonald, commissioner of public safety, after federal agents disclosed Dr. Mortensen had been forced to dress wounds Dillinger and Hamilton suffered in the Mason City robbery.

Confident of Verdict

Roberts then advanced into the final stage of his argument by stating whatever the district attorney might say to the jury in the final address, evidence had been adduced from the witness stand to dissolve every vital point against Horace Manning.

"Horace Manning is not a murderer," said Roberts, sweeping his arm toward the defendant. "He's not the type of individual to commit a murder."

"Can you believe he would premeditate a murder. It had to be premeditated if it happened the way the state claims it happened."

Gentlemen; knowing that the state has not proved its case, knowing there is nothing in the state's theory that we have not successfully and completely refuted, I leave this case confidently to the conscience of the members of this jury. I know your verdict will be not guilty."

Irrelevant and Immaterial

(Continued from Page One)

opportunity to have their suits pressed. Perhaps none had room for an extra suit in his luggage.

Their suits are now badly wrinkled and uncleaned. They sit all day, and their trousers show it. The coats of their pockets bulge but they look well-rested every morning as they march into the jury box.

There is a story going the rounds of the courtroom which tells how Lloyd Low greeted the information that the best fingerprint on the gun was Heinrich's own print.

His mouth fell open, it is said, and he turned to the criminologist, crying:

"My—! Did it take you two months to recognize your own fingerprint?"

TO CONFER DEGREES

Two E. A. degrees and one F. C. degree will be conferred by Klamath Lodge No. 77 A. F. & A. M., at the lodge hall in the Leominer building at a special communication to be held Monday evening, April 30.

TOO LATE TO CLASSIFY

FULLY equipped dairy, 20 cows, to rent. R. H. Bunnell, Rt. 2, Box 17, Phone 1458. 0637

WANTED—Housekeeper for two children. Phone 1295. 0590

WOMAN SLAIN

PHILADELPHIA, April 26, (AP)—A woman resident of Washington was shot and critically wounded in suburban Upper Darby early today, police said, after she had been kidnaped from the national capital to prevent her from testifying about the gangland murder of a friend.

Police said she was Mary or

Jordan's Pleas Will Be Studied

(Continued from Page One)

"vindictive, demanding type." Postcards appealing to the executive department for a commutation of Jordan's sentence from death to life imprisonment have deluged the governor, more than 3,000 having been received recently.

Enjoy "BUSTER BROWN" Quality

AT NO EXTRA COST BUSTER BROWN SHOE STORE

WHAT IF THIS CORD BROKE IN YOUR TIRE?

only GOODYEAR combines Supertwist Cord safety with All-Weather grip

WHEN one tire outsells any other for nineteen successive years, it must be a better and safer tire and a greater value!

That's the undisputed record of the famous Goodyear All-Weather—and we can show you why.

One big reason is Supertwist Cord in every ply—extra resilience with longer-lasting strength—assuring greater safety from blowouts.

Another big reason is All-Weather traction—long-lasting grip centered where tread and road meet—assuring quicker stops and starts.

Let us demonstrate both these superiorities.

Buy no tire this Spring until you see how tires differ and why more people ride on Goodyear All-Weathers than on any other tire.

The public's FIRST-choice for 19 years

GOODYEAR ALL-WEATHER

PRICES START AT	\$7.40	4.40-21
4.50-21	\$8.15	5.00-19
4.75-19	\$8.65	5.25-18
Other sizes in proportion		

Let us show you this simple test of safety described on the center pages of The Saturday Evening Post, April 28, under title of "The cord that BROKE—and the cord that DIDN'T"

1934 V-8 Ford Truck

Quality, performance, economy, dual down-draft carburetion, new bronze connecting rod bearing, cylinder wall and crank case water jackets, torque tube and radius rods, full-floating rear end.

Balsiger Motor Co.

Main and Esplanade Phone 2100

Cycology Sez:

The jury of folks who drink OLD FORT DAIRY milk always gives a verdict in FAVOR of this superior product. Produced in Klamath county to assure perfect freshness.

OLD FORT DAIRY

H.M. MALLORY, Prop.

PHONE 1749 243 OREGON AVE.

"MALE DEFENDANTS ARE SLICKING UP A WHOLE LOT SINCE WOMEN TOOK UP JURY DUTY."

1934 V-8 Ford Truck

Quality, performance, economy, dual down-draft carburetion, new bronze connecting rod bearing, cylinder wall and crank case water jackets, torque tube and radius rods, full-floating rear end.

Balsiger Motor Co.

Main and Esplanade Phone 2100