Murder on the McKenzie: 50 Years Ago

(CONTINUED FROM PAGE 1)

the truth." Next day, however, he changed his plea to "guilty of second degree murder as accessor after the fact."

Each took the stand in his own defense; each stuck to his original policy of accusing the other as principal.

Among the witnesses for Green was Mr. S. Smeede, of Walterville, who testified that the young man had worked for him several years and had shown himself trustworthy. When Green had returned from Eastern Oregon in June, his evident mental distress had aroused the suspicion of his former employer, who finally succeeded in getting from him a partial confession of his dreadful secret. Although the hour was midnight, Mr. Smeede insisted that Green go at once to Eugene to tell the authorities.

Among the state's exhibits brought from the scene of the crime were a slender 12-foot pole, probably torn from the corral fence and charred at one end; fire-blackened buttons and suspender buckles; the long-lost, blood-spattered ax; and a crumpled receipt for dues paid by John Linn to the Condon lodge of Woodmen of the World — an organization which aims to mark each member's grave with an monument inscribed "Here lies a Woodman of the World."

But for this member, there was no grave. In a small box handed around among the horrified jurors were his mortal remains: charred and splintered bits of bone, toe and finger bones, scattered teeth, and a three-inch fragment of skull.

From the testimony of the witnesses could be pieced together the story of the crime. In the spring of 1898, the two young men, far from their homes in the McKenzie valley, were working on neighboring ranches near Condon, a small desert town in north central Oregon. John Linn, a thrifty, industrious rancher, had employed Branton as cowboy. Five or six times that spring, Claude, meeting Courtland Green, had outlined a plan to decoy Linn away, rob and kill him. Revolted at first, Courtland finally agreed to help.

Branton knew that a man to whom Linn had lent $1000 had repaid the debt on the first of June, so they knew that he had ready cash. Branton finally persuaded Linn to drive all his horses over the mountains into the McKenzie valley, either to sell them there or to exchange them for an imaginary ranch which Branton said he owned there.

On the fifth of June, the party set out. First came Linn's horses, some of them wiry cayuses of the plains, led by the splendid black stallion for which he had paid $1500; then the three horsemen—the two cowboys, handsome, moustached, both 21, flanking the toil-stooped rancher. Many a mile they fared over the desert, at its flowery loveliest in June, like a brilliantly colored carpet unrolling to meet the sky. At last they were confronted by the Cascades, the great fence which divides the Pacific Northwest — on the east, the desert; on the west, the vast evergreen forests which sweep down to the sea.

Rugged Journey

Travel over the McKenzie Pass at that time was a terrible ordeal for man and beast. Steep, rutted, boulder-strewn, the trail lopped and twisted like a tortured snake. Vast floods of lava, pour out ages ago in some tremendous upheaval, had cooled off into fantastic chunks of porous black rock that rolled and clinked and shredded the stoutest boots from the feet of those who crossed them.

SCENE of the crime is shown in this old picture which was used as evidence. The fire which consumed Linn's body was built against the charred log in the right background. The burned pole behind the tree at right was used as a rake. In the foreground is the long-lost ax.

Up through the sparse pines of the eastern slope toiled the cavalcade. It was John Linn's funeral procession, and like that of a king, it included his steed and his dog. He was riding his favorite dappled grey; behind him limped his collie, loyal until death.

One of the homesick cowboys rode in silence; the other sang, played his harmonica, and pointed out the landmarks: the triple snowpeaks called the Three Sisters, Belknap Crater, and the 25-foot stumps, the slender trees, twisted like corkscrews by the snows, the nameless cairn, now marked in bronze, where mailman Craig perished in a blizzard in 1878. A horse broke its leg—they shot it. Like a string of ants they crawled along Eastward the cavalcade stumbled towards the sunset, headed for the last roundup, before a background whose eternal majesty emphasizes how puny is man, how fleeting his works.

Tomorrow

Tomorrow, thought Branton, we'll see the river again (Green and I). The old fool's walking right into the trap. Green will never dare open his mouth. Tomorrow I'll be a man among men, with all these horses and a thousand-dollar roll! After today, nobody'll ever see or hear of John Linn.

At last they drove the weary horses into Isham's corral. Branton, searching through the dense underbrush for fire-wood, found a rusty ax, its handle rotted away. The calloused hands of Linn were soon busy whittling a new one from a piece of vine maple.

"See? Ay make him goot as new," he said, pleased with his work.

They built a fire and fried bacon. Linn, eating his last supper, watched the sun skin a welter of red and yellow, like mingled blood and flame. Then he wrapped his blanket around him and lay down with his dog beside the fire. Peacefully he drifted away into sleep, and death.

For two hours nothing was heard except the crackle of the fire, the murmurs and whispers of the colossal Douglas firs—huge and ancient when Columbus sailed—and of the men who crouched beneath them. Finally Branton rose, stood over the sleeping man and fired three revolver shots into him. Green, sickened by the spurting blood, hugged the frightened dog and tried to quiet its howls. From his victim's pocket Branton pulled the long buckskin poke that Linn had carried a dozen years, and had marked with three notches "to make it mine." It yielded $61.40. Branton also took Linn's pocketknife and watch. (Later he hurled these into White Creek). But the big roll—the thousand dollars—he couldn't find. He did not know that the same day the money had been paid back, Linn had lent it again.

While Linn Burned

Forcing Green to help him, Branton dumped the body, face down, into the fire; with the ax he knocked poles from the fence to build up a roaring blaze. Then he sat on a log and played his harmonica.

From the leafy darkness 60 pairs of wondering eyes watched a scene such as Gustave Dore drew for Dante's Inferno—the dog, sharer of man's campfire since creation, howling his grief to the midnight sky; the dark figure of the fiend silhouetted against the flames, turning the body over with a long pole, swinging over his head the ax—by its new handle—chopping the body apart, tossing the pieces back into the blaze.

With the dawn the men raked the larger bones from the embers, carried them in a pan to a distant slab of lava, smashed them to bits with the ax and hid the fragments under the slab.

This was the story the jurors heard. They were out one hour. To Green they voted life imprisonment; to Branton, death by hanging. Returning to jail after the verdict, Branton suddenly sprang on Deputy Day and had almost wrestled his revolver from him when Sheriff Withers beat him back.

Shortly after the trial Green was taken to the penitentiary at Salem to begin his sentence. Standing before Branton's cell he spoke hesitatingly, "Goodbye, Claude." The condemned man looked at him a moment, then with a flash of his old good humor, answered, "Goodbye, Court." They did not shake hands.

(In 1910, Governor Benson believing that Green had been influenced and dominated by Branton in the Linn murder, granted a pardon to Green, who changed his name, moved to a distant state and became a useful and respected citizen.)

With the approach of Dec. 23, the day set for the hanging, the prisoner became very sullen. He made a desperate attempt to bluff the sheriff with a revolver made of carved potatoes and tin foil. On the nineteenth, the Supreme Court granted a stay of execution, but turned down a plea for rehearing with a change of venue. In April the court reaffirmed the conviction and setMay 12 for the final scene.

Revenge

Realizing that a man under death sentence is, by that very extremity, beyond the law, Branton apparently determined to revenge himself upon State's Attorney Harris. "Tell him I want to see him," the prisoner had said, and the lawyer went to his cell.

Warned that in an intercepted letter Branton had prophesied "a quiet death here soon," the caller took care to keep out of the prisoner's reach. Branton had nothing special to say to him, and pacing his cell like a lion, soon lapsed into sullen silence. "I believe he intended to choke me," commented Harris.

To Hang or Not

As the fatal day approached, a wordy war broke out locally over capital punishment. Among those upholding it was Rev. J. R. Kellems whose daughter, Vivien, has lately been called U. S. Business Woman No. 1. There had never been an execution in Lane County and many thought there never should be. Others, recalling that there had been 19 murders and **only two life sentences, thought it** was high time that the 40-year record should be broken.

By a curious coincidence, that spring of 1899, a man named Olberman was also awaiting execution in Roseburg. Like Branton, he had cold-bloodedly shot to death a sleeping man. In Douglas County there had been 21 murders and only one execution—and that one was really a lynching after the law had failed. The hanging of Olberman had been set for April 28, just two weeks before Branton's. Olberman displayed great calmness and fortitude, amusing himself working arithmetic problems even while the scaffold was being nailed together in the jail yard, and the rope tested with a 200-pound sack of sand.

Invitations to his hanging, printed in gilt letters on black cards, were sent to various officials, among them Sheriff Withers and Marshal J. E. Stiles of Eugene. They left for Roseburg April 27 to be on hand next morning for the execution. At 5:30 that afternoon a telegram from Governor Geer commuted Olberman's sentence to life imprisonment.

"I never once thought they'd really hang me," remarked the smiling prisoner, continuing his arithmetic problems while the scaffold was being knocked down and carted away.

Back from Roseburg, Sheriff Withers nevertheless went ahead with his plans. A scaffold with a high fence around it was erected at the east end of the jail. During these ominous preparations Branton kept his nerve. The Olberman fiasco had no doubt reassured him. He urged the sheriff to wait until the last minute, in hopes that a yellow slip from the governor's office might arrive to save his life. But from both Douglas and Lane Counties too many indignant messages had bombarded Governor Geer.

The twelfth of May dawned, and the slip had not come. At 9:30 that morning Branton's relatives were admitted for their last farewell. His long-suffering mother, armed with a petition, had been imploring the governor to save her son. Now she must tell her boy that there was no hope.

At ten, the sheriff solemnly read him the death warrant. The prisoner, his dark eyes filled with tears, shook hands with him, Deputy Day and Guard Andrews before they strapped his arms. "Nobody could have been kinder to me than you've been," he said; "I forgive you, and I believe God will forgive me, too."

Waiting outside were 50 men as witnesses. And one woman! Up in the clock tower of the new courthouse next door, opened on May 1, the janitor, standing on a box, made way beside him for his wife!

Last Prayer

Flanked by two young divinity students, John Handsaker and E. M. Patterson, who had baptized him, Branton mounted the scaffold calmly and looked out over the forested hills, lovely in the spring sunshine. His knees and ankles were strapped. Mr. Patterson earnestly prayed divine forgiveness for the doomed man. Then, tottering on the brink of eternity, Branton spoke:

"I hope people will learn a lesson from my fate and tread the straight path. I hope to meet you all in the next world. I ask this for Jesus' sake. Amen."

The noose and the black cap was adjusted. A thud—and the killer of John Linn spun round and round at rope's end.

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HOME EDITION **LYONS HOME FREEZING NEWS** VOL 1, NO. 2

MONDAY, JULY 5, 1948, EUGENE, ORE.

Rain Is The Cause

Lyons Weekly News Service

EUGENE, Ore., July 5—The best laid plans of mice and farmers often times have gone astray. Our statement last week, "Meat will be lower in price by mid-summer" has definitely gone astray. The Portland wholesale houses and distributors opened for the first time since the flood last Tuesday and the price of meat has skyrocketed to wartime costs. During the flood every stockyard and distributor loaded their pigs and cows on barges and sold them for next to nothing in Portland . . . now there is greater demand and less product.

The price of chicken is way down, in spite of the high cost of grain. In fact, if the price drops much below 35c a lb., you can bet your life that depression will descend also. Turkeys are high and scarce and will be until the Thanksgiving market opens. The price of pork should fall in another week . . . unless we have a snowstorm. From these facts we hope you can discover what to buy for your home freezing.

You eat better when you invest in the General Electric Home Freezer. Think of eating strawberries in December, oysters in July and your own garden vegetables garden-fresh the year 'round. You save money, you eat like a king—all for the practical price of the G.E. Home Freezer. See it tomorrow buy on Lyons easy . . . G.E. dealer, any.

Shortage of Cherries

The element of rain stepped in again and sprinkled the cherries at a very critical time in their growth. In spite of the shortage the Public Market is offering you a pound for just 20c . . . that price is not likely to drop any lower . . . so if you plan on freezing cherries, freeze them now while they're still on the market. The best varieties for freezing are Lambert, Bing, Deacon, Royal Ann and Republican. They should be steamed and washed, pitting is not necessary but desirable. Then drain, pack and cover the cherries with simple syrup.

You save money when you invest in the General Electric Home Freezer; because you save when you buy food in quantities . . . you save when you buy food when prices are lowest . . . and you save by avoiding wasted foods. . . While the average family throws away unused portions, you just freeze them.

Apricots are in the Pink

Day by day prices have fallen on apricots until they have reached a low price for freezing. That is about 10c a pound. The best varieties for freezing are Royal, Blenheim, Tilton, Wenatchee and Moorpark. We recommend halving and pitting. You may either dip in boiling water for one-half minute to prevent discoloration or add ascorbic acid to syrup. For light colored fruits (apples, apricots, figs, peaches and prunes) by adding ascorbic acid to the syrup in the proportion of 150 milligrams (one-eighth of teaspoon) for each pint of fruit, the darkening or oxidation of the fruit will be retarded. One-half teaspoon of crystalline ascorbic acid is approximately 1200 milligrams; enough for eight pints or four quarts of fruit. Ascorbic acid may be obtained at most drugstores.

The Home Freezer you want is the one that will give you the most dependable service. When you compare, you'll agree the G.E. Home Freezer is your best buy at any price. See it tomorrow on display at Lyons.

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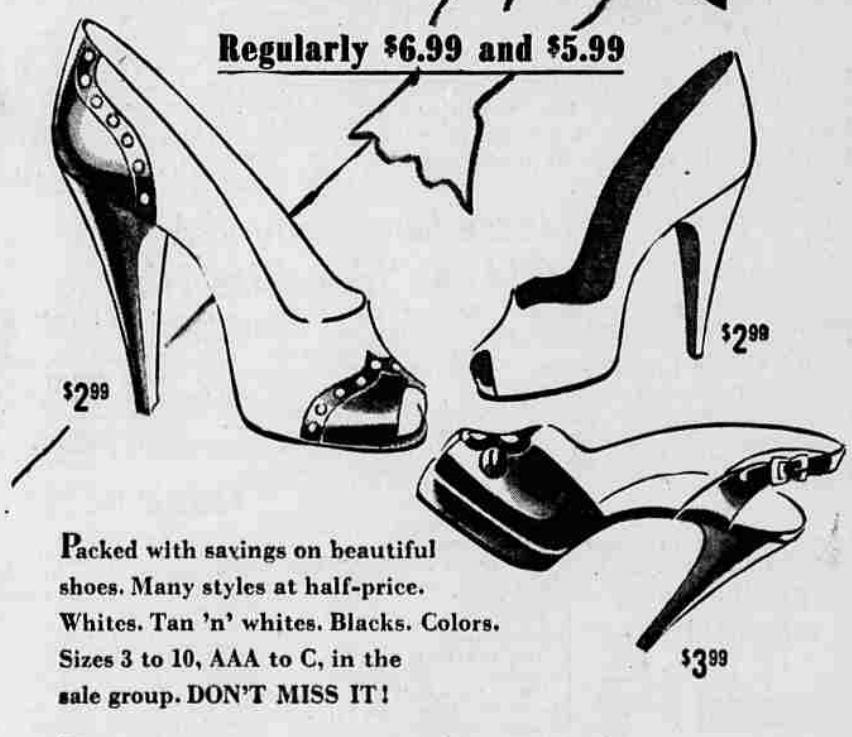

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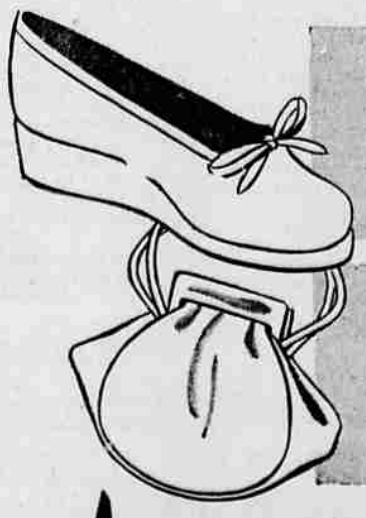

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