

OFFBEAT

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The court had not only granted her a divorce, but had given her sole custody of little Pearl.

They'd been separated for a little over a year when they reconciled and remarried. This time, though, Dickerson got his wife to sign a pre-nuptial agreement to the effect that if the marriage failed again, he would get custody of Pearl.

The new marriage lasted just a few months before Martha was once again suing for divorce. But this time, she needed more than just her freedom. She needed to make a strong enough case to the judge for her pre-nuptial custody contract to be set aside. It was clear that this detail was where Garrett came in. As one of Dickerson's more trusted employees, he'd seen and heard a lot — and Dickerson mentioned in his testimony that he had asked Garrett for advice on the case. Clearly Garrett knew, and was preparing to reveal on the witness stand, something that might very well take Pearl away from him in spite of the contract.

This didn't prove anything, of course. But it did establish another possible motive for Dickerson's shooting him. And it also created some problems with the story Dickerson tried to tell in court.

"She begged me to take her back," he testified. "I told her I

would take her back if she had learned her lesson, and would treat me right, as I had always treated her."

Dickerson then tried to paint a picture of the happily remarried couple before the arrival of the interloper Garrett, apparently keen to make sure the jury knew a contented, happy home had been wrecked by his predations.

It was clearly a tough sell — especially considering that the couple's plans for re-divorce had been covered prominently in the Oregonian less than a month before. As every newspaper reader knew, the divorce had been precipitated by Dickerson coming home drunk, accusing his wife of infidelity, firing a rifle shot through the roof of the house and threatening to kill her. All of this was a matter of public record, along with the testimony of drunkenness and abuse that had resulted in the couple's first divorce.

On the other hand, there were some letters that had been found in Garrett's trunk, which Martha had written to him, which made it very clear that she was quite fond of him. There was nothing to support Dickerson's claim that they'd had an affair, but plenty to suggest that Garrett planned to woo Martha after the divorce was finalized. It wasn't much — but for Dickerson's defense team, it was all they had to go on.

In closing arguments, Deputy District Attorney Fitzgerald unleashed a rhetorical broadside that clearly resonated: "When a man goes out in broad daylight and shoots his victim down like a dog he has to get his lawyer to concoct some sort of a defense for him," he said. "If there ever were any criminal relations between Mrs. Dickerson and this poor devil Garrett, Dickerson never knew anything about them except by idle rumors. Dickerson never saw those letters written to Garrett by Mrs. Dickerson until after the murder was committed."

Against this, defense attorney Seneca Fouts, had little to offer besides the usual Unwritten Law exhortation: that, in the Oregonian's words, "the verdict of this jury (would) be watched by all the libertines in the country" and "the verdict ought to be such that it would be a warning to such men."

Dickerson's other defense attorney was even less subtle: "I do not think you men will declare by your verdict that the seducer of women and smasher of homes can ply his wicked vocation unrebuked right here in Portland."

It wasn't looking good for Dickerson as the jury retired to think on his fate. Seven of the 12 were for throwing the book at him with a conviction of first-degree murder — which would have meant a hanging — against

five who favored acquittal. But over the subsequent 11 ballots, compromises were suggested — first second-degree murder, and then manslaughter — and the jury finally decided to convict him of manslaughter.

When the verdict was read, Dickerson was visibly shocked. "He evidently expected acquittal," the reporter wrote. "He paled a little as he stood while the verdict was read."

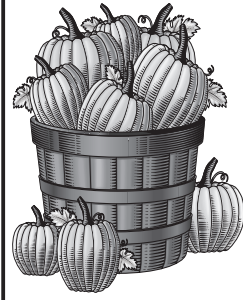
He was sentenced to three years in the penitentiary — a sentence which, although not as stiff as it could have been, sent the first clear message out that The Unwritten Law could no longer be relied upon to justify murder.

(Sources: Portland Morning Oregonian: 26 May; 22 and 23 June; 10, 15 and 16 Sept., 1909)

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