



Offbeat Oregon History: Unwritten law and murder



This panoramic lithograph shows the city of Portland as it appeared around the time of John W. Murray's shotgun murder of his brother-in-law.

By Finn JD John
For The Sentinel

The late 1880s in Oregon, and around the country, saw a substantial rise in the number of murderers who tried to invoke the “Unwritten Law” to justify their crimes.

The “Unwritten Law” is the idea that if a man (yes, man; the “law” didn’t apply to women) truly believed that another fellow was trying to “break up his happy home” by getting intimate with his wife, or was trying to “ruin” a young female relative by seducing her, he was not only justified in murdering the “home-wrecker” but morally obligated to do so.

The belief was that “no jury in the land” would sentence a man to hang for having “defended his home” or avenged the honor of his daughter, niece, sister, etc., because although the written law said murder was always wrong, an unwritten moral code demanded it. And for a time this worked in court, as you’ll know if you’re a long-time reader of this column; we’ve discussed several high-profile Unwritten Law cases in Offbeat Oregon History articles past.

The Unwritten Law didn’t come out of nowhere. Although the widespread enthusiasm for them wouldn’t appear until the mid-1890s, it was being used to justify homicide throughout the 1800s and even before — with a disturbing degree of success.

But in order to successfully claim the protection of the Unwritten Law, there were some requirements that a man had to meet. Those requirements

constituted a very low bar; a fellow might be a wife-beater and/or a philanderer without worrying too much about ruining his chance of being acquitted after murdering his wife’s boyfriend.

But he did have to make sure that the man he murdered was not his brother-in-law. And also, it was pretty important that he not be a bigamist who had abandoned a wife and several children back east to slink away to the West Coast and start a new family.

In early 1884, John W. Murray failed to clear both these bars, and in consequence, on Feb. 13, roughly a year later, he found himself standing on the gallows scaffold ready to answer for his crime.

The trouble started on Jan. 5, 1884, at the Foresters’ Ball, held at the Masonic Center in Portland. Murray, dressed to the nines, arrived and spotted his estranged wife, Annie, there with her brother, Alfred Yenke.

John and Annie had been married for four years, and had a three-year-old daughter. But the marriage had been stormy, and three weeks earlier — just before Christmas — Annie had taken the baby and moved back in with her parents. A divorce, on the grounds of excessive cruelty, was probably in the offing.

John seemed to be in the mood to smooth things over now. He approached Annie and pleasantly asked if she’d like to dance.

She turned him down. “I do not think we should be seen together,” she told him. “I would prefer not to associate with you any longer.”

John was instantly furious. “I’m going to watch you,” he raged. “If you go home with anyone I’ll

have you both arrested.”

Annie turned her back on him, leaving him still further incensed. They didn’t speak again that night; and at around midnight, when John returned to the boardinghouse where he now lived alone, he was still simmering. He had probably had a lot to drink as well.

His landlady was still up, and had also been at the dance. John got out his shotgun and threw it down on the table. “Here is the old gun,” he raged. “I am going to shoot any damned man that goes home with Annie, and then I am going to shoot her.”

The landlady pleaded with him not to do it — for his daughter’s sake. “Why do you want to kill her away from your beautiful little girl?” she said.

John seemed chagrined by this thought, and seemed to agree. But when he left the building a few minutes later, he took the shotgun with him.

Some time later, John spotted Annie. She was visiting with one of the other couples outside the dance. Then a man joined them, and the couple left going one way while Annie and the man strolled down the street toward Annie’s parents’ home.

They made it about two blocks before John caught up with them. “Now I’ve got you!” he shouted. The man turned — and caught the full charge from both barrels square in the chest. The blasts knocked him off the plank sidewalk and into the mud of the street.

That seems to have been the point at which John realized he’d just murdered his brother-in-law. It was Alfred Yenke who was lying there in the mud looking up at him with fast-glazing eyes.

At the murder trial, John’s attorney tried very hard to demonstrate that he was crazy — that, having already had some insanity in the family, the prospect of having his home broken up had driven him over the edge and out of his right mind. Granted, a terrible mistake had been made in thinking his wife’s brother was a marauding Lothario, but that mistake had led to temporary madness which should not be punished with death.

Against that, the prosecution brought forward some credible evidence that John might have actually intended to murder his brother-in-law all along, and that all that posturing and fuming about Anna “going home with someone” was intended to give him cover for the deed. He had asked his landlady’s daughter to keep his dog indoors that night, something he had never done before; the implication was that he feared the dog would run to greet Anna and Alfred and alert them to his presence, at which point they might see the shotgun in time to escape.

There were also a couple witnesses to whom John apparently spoke too freely at the dance, one of whom remembered John pointing out Alfred and saying, “I’ll get even with the [expletive redacted from original newspaper article] tonight. I’ll show him how the work is done.”

The verdict, when it came in, was guilty of first-degree murder.

John’s attorney appealed to the state Supreme Court, resulting in a nearly year-long delay of the execution. During this time, word filtered back from Amsterdam, New York, that John was a bigamist.

“He was known there as Amsterdam Jack, and he fled that part of the country about eight years ago, leaving a wife and two children,” the Portland Evening Telegram reported. “She is working for the support of herself and children in one of the knitting mills at that place.”

Although the news arrived too late to affect the outcome of the trial, it may have had some impact on the decisions of the appellate courts and the Supreme Court. Eventually the Supreme Court denied the motion for a new trial; the judge re-sentenced John Murray to be hanged; and on Feb. 13, it was done.

As a side note, the gallows used to hang John W. Murray was equipped with an electrically-controlled trap door, which was sprung open with the push of a button. It was the first use of electricity in an execution in Oregon history, and possibly in American history as well.

Dr. Fuhrman: Children's diet and their school performance

By Joel Fuhrman, MD
For The Sentinel

The standard American diet, full of soda and other sugary drinks, fast foods, and other low-nutrient foods, can have a major impact on the health and lives of our children. Rising rates of childhood obesity driven by this way of eating have received much attention; however, low-nutrient foods are still having negative effects on the physical and mental health of children who are not overweight. Children are not immune to the damaging health effects of the standard American diet, which can set them up for a lifetime of poor health, ranging from heart disease to behavior problems and lower cognitive performance.

On average, U.S. children and teens consume over 200 calories a day from soda and other sugary drinks, and it is estimated that about 14 percent of their calories come from fast food. As a result of the poor diets of American children, more than one-third of

normal-weight teenagers (and about half of overweight teenagers) have at least one diet-related risk factor for heart disease. These dietary patterns have the potential to dramatically affect not only public health but the productivity of our future adult population; studies have implicated poor diet in limiting intelligence and academic performance, and also has drawn parallels between consumption of sweets during childhood and violence in adulthood.

A study on soda consumption found an increase in behavior and attention problems in five-year-old children (as assessed by their mothers) with increasing daily consumption of soda. Forty-three percent of the five-year-olds in the study drank soda at least once a day. The authors adjusted their results for potential confounding factors that might affect behavior, such as hours of television and a stressful home environment, and still found a significant association between soda consumption and aggression, withdrawn behavior and poor attention. They proposed that caffeine and/or fluctuations in blood sugar might be responsible for the association between soda and behavior problems.⁶ Blood glucose levels do affect the workings of the brain, and habitual high sugar intake

has been shown to impair cognitive function. Several previous studies on high school students have also associated soda consumption with aggressive behavior, as well as depression and self-harm. Plus, higher sugar sweetened beverage consumption is linked to diabetes, cardiovascular disease, and cancers.

In addition to soda, higher fast food consumption in fifth grade (four or more times per week) has been associated with poorer academic progress in math, reading and science between fifth grade and eighth grade. Children who ate fast food one to three times per week—a common level of intake—compared to those who ate no fast food had lower scores in math. These results suggest that children eating fast food frequently could slow their academic progress.

The food habits children develop in their early years have a substantial impact on their physical health and mental well-being throughout the rest of our lives. Parents need to know this information, so that they can help their children to live healthfully, maintain a positive mindset, and reach their full cognitive potential.

LETTERS TO THE EDITOR

Two cents on petition

Idealistic reformers are dangerous because their idealism has no roots in love, but is simply a hysterical and unbalanced rage for order amidst their own chaos. William Irwin Thompson

If we could truly see into the soul of those that we’d like to punish we would find enough grief and suffering to make us stop wishing any more harm to them. Source Unknown

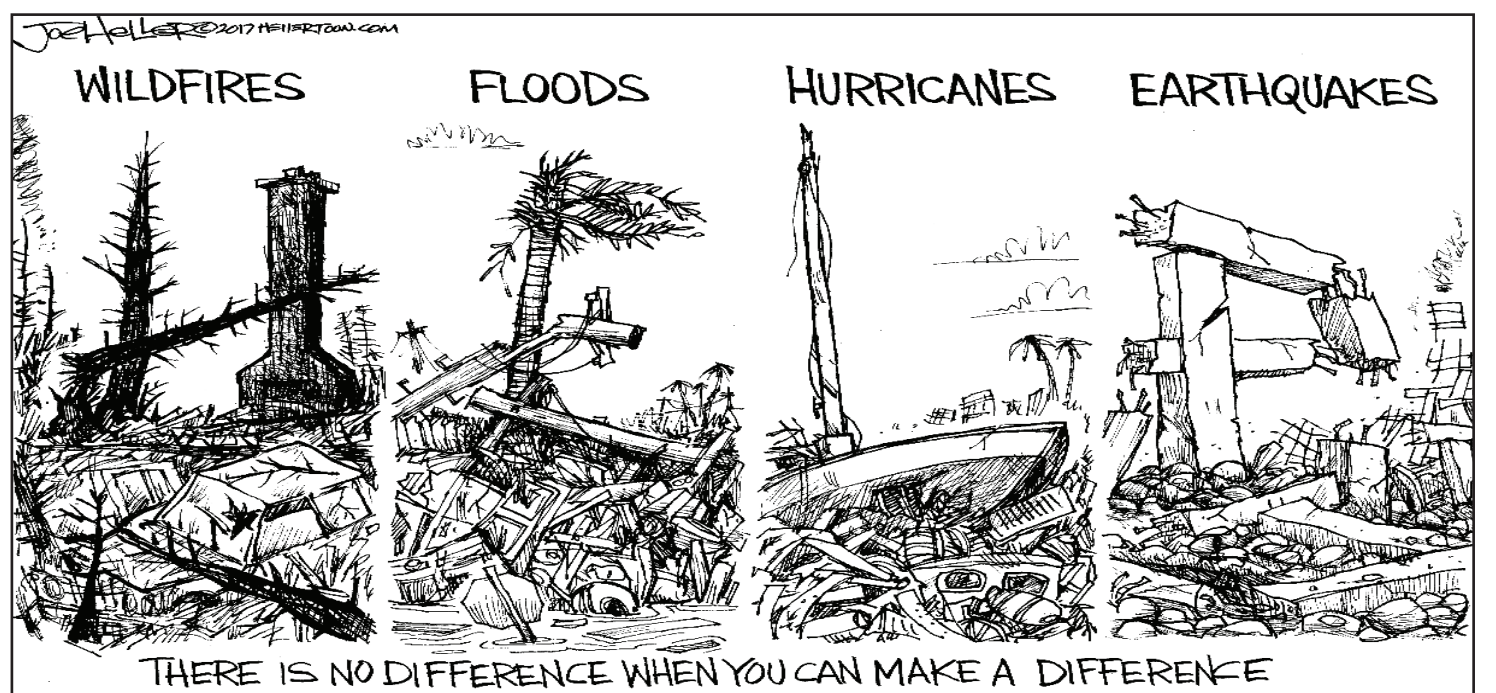
On the outskirts of every agony sits some observant fellow who points. Sylvia Plath

We have just religion enough to make us hate, but not enough to make us love one another. Jonathan Swift

Life is just a short walk from the cradle to the grave - and it sure behooves us to be kind to one another along the way. Alice Childress

Intolerance is the first sign of an inadequate education. An ill-educated person behaves with arrogant impatience, whereas truly profound education breeds humility. Alexander Solzhenitsyn

Let the one without sin cast the first stone. Jesus Remember Him? Stephen Swiftfox Cottage Grove



Letters to the Editor policy

The Cottage Grove Sentinel receives many letters to the editor. In order to ensure that your letter will be printed, letters must be under 300 words and submitted by Friday at 5 p.m. Letters must be signed and must include an address, city and phone number or e-mail address for verification purposes. No anonymous letters will be printed. Letters must be of interest to local readers. Personal attacks and name calling in response to letters are uncalled for and unnecessary. If you would like to submit an opinion piece, Another View must be no longer than 600 words. To avoid transcription errors, the Sentinel would prefer editorial and news content be sent electronically via email or electronic media. Hand written submissions will be accepted, but we may need to call to verify spelling, which could delay the publishing of the submission.

Cottage Grove Sentinel

(541) 942-3325

Administration

James Rand, Regional Publisher

Gary Manly, General Manager Ext. 207
gmanly@cgsentinel.com

Aaron Ames, Marketing Specialist Ext. 216
aames@cgsentinel.com

Tammy Sayre, Marketing Specialist Ext. 213
tsayre@cgsentinel.com

Editorial

Caitlyn May, Editor Ext. 212
cmay@cgsentinel.com

Zach Silva, Sport Editor Ext. 204
zsilva@cgsentinel.com

Customer Service

Carla Williams, Office Manager Ext. 200
Legals, Classifieds Ext. 200
cwilliams@cgsentinel.com

Production

Ron Annis, Production Supervisor Ext. 215
graphics@cgsentinel.com

(USP 133880)

Subscription Mail Rates in Lane and Portions of Douglas Counties:
Ten Weeks \$9.10
One year \$36.15
e-Edition year \$36.00

Rates in all other areas of United States: Ten Weeks \$11.70; one year, \$46.35, e-Edition \$43.00.

In foreign countries, postage extra.

No subscription for less than Ten Weeks. Subscription rates are subject to change upon 30 days' notice. All subscriptions must be paid prior to beginning the subscription and are non-refundable.

Periodicals postage paid at Cottage Grove, Oregon.

Postmaster: Send address changes to P.O. Box 35, Cottage Grove, OR 97424.

Local Mail Service:

If you don't receive your Cottage Grove Sentinel on the Wednesday of publication, please let us know. Call 942-3325 between 8:30 a.m. and 5 p.m.

Advertising Ownership:

All advertising copy and illustrations prepared by the Cottage Grove Sentinel on the Wednesday of publication, please let us know. Call 942-3325 between 8:30 a.m. and 5 p.m.

Copyright Notice: Entire contents ©2017 Cottage Grove Sentinel.