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JURY DISAGREES IN MOREY MURDER CASE

SPEEDY TRIAL YESTERDAY GOES FOR NAUGHT

Defense Stands on "Unwritten Law" But Court Instructions To Jury Preclude Acquittal

First case on trial when Circuit court convened Monday morning was the State of Oregon vs. Charles Morey, charged with murder in the second degree for the shooting to death of Alfred Schafer on December 11th of last year.

Morey and Schafer were neighbors living some 20 miles north of Lexington and until about the time of the shooting were considered the best of friends.

On the fatal morning Morey, according to his own statement, strapped his revolver on, rode to the field where Schafer was plowing and shot him to death. He then rode home, took his car and drove to Lexington where he gave himself up to Deputy Sheriff W. G. Scott telling that officer what he had done.

Joe J. Nys appeared for the defendant and District Attorney S. E. Notson prosecuted the case.

There was but little delay in securing a jury, the following men qualifying as jurors within an hour:

C. E. Jones, J. B. Cason, Malcolm Church, A. C. Allison, C. H. Furlong, L. V. Carlson, W. H. Cronk, N. E. Pettyjohn, O. M. Whittington, E. R. Lundell, W. P. Prophet and M. D. Clark.

When the grand jury considered the case some time ago an indictment of murder in the second degree as returned.

Witnesses for the state were—Gibson, a neighbor, who saw Morey riding toward Schafer's place that morning; A. W. Finley, who was one of the party who removed the body from the field to the house before the arrival of the coroner, believing that Schafer had been kicked to death by the mule plow team, M. L. Case, coroner, who discovered the bullet wounds, and W. G. Scott, to whom Morey surrendered and confessed the killing. Their evidence was only to establish a record and threw no new light on the case, and was quickly completed.

Attorney Nys' statement of the case for the defense revealed that the line of defense would be the "unwritten law" that a man is justified in killing another who violates the sanctity of his home.

The defendant took the stand in his own behalf and retold the story of the killing. In brief he told how on the morning of December 11th, Mrs. Morey told him how, in the previous September, Schafer had gone to the Morey home during Morey's absence, and, against the woman's will, had forced her to submit to his advances. Morey at once took his gun, rode to Schafer's field and asked him if the story was true. Schafer admitted that it was true and asked Morey what he proposed to do about it. Morey then demanded that Schafer sell out immediately and leave the country. Schafer refused to do so and Morey shot him.

Mrs. Morey then took the stand and swore that Schafer had, previous to September made rather broad "breaks" to her and on the evening of September 8th he went to her home and spent the evening. About nine o'clock, after the children were in bed he asked her to go outside and take a walk. They went out in the yard and took a seat in an automobile standing there and it was there she swore that the first offense was committed. Several days later the offense was repeated at the Morey barn. She did not tell her husband of the occurrences until December eleven.

A young son of the Moreys' following his mother on the stand but his testimony threw little new light on the case.

Arguments by the attorneys occupied but a few moments. Judge Phelps instructed the jury that they should return but one of two verdicts—murder in the second degree or manslaughter. The case was given to the jury at 3 o'clock p. m., and shortly after court convened at 9 o'clock this morning the jury reported to the court that they were hopelessly in disagreement. The court however sent them back to the jury room for further deliberation.

Just before noon Judge Phelps called the jury out and repeated his instructions of yesterday, and sent them back to their room. At 3:00

SENIOR CLASS PLAY

Senior class Heppner Hi. will put on the two-act comedy, "Step Lively," in the auditorium Wednesday evening, May 21. The play has been carefully cast and the two acts will occupy two hours. Fourteen people will take part and a fine evening's entertainment is promised.

COUNTY COURT TAKES IMPORTANT ACTION

ROAD BOND ELECTIONS ORDERED FOR JUNE THIRD

Regular Bills Allowed, Local Road Petitions Considered, Routine Matters Attended To

It was an important meeting of the county court that was in session last week for at that time an order for the road bond election was made, thus formally launching the biggest improvement campaign in the history of Morrow county. Legal notices calling for the election have been posted in every precinct in the county and every step is being taken with the greatest care to insure against any error creeping in that might invalidate the road-building project.

The proposition calls for the issuance of \$250,000 worth of ten-year five and one-half percent bonds and this amount will, if approved by the voters be expended as follows:

On the Willow Creek section of the Oregon-Washington Highway, from Heppner to the Gilliam county line, \$125,000.

On the Oregon-Washington Highway from Heppner east towards Lena, on Little Butter creek, \$40,000.

On the Lena-Pine City road, from Lena down Little Butter creek, \$10,000.

On the Lexington-Sand Hollow-Jarmon road, \$5,000.

On the Lone-Gooseberry road, \$25,000.

On the Heppner-Hardman-Parkers Mill road from Heppner to the Grant county line, \$70,000.

On the Heppner-Ditch creek road, from Heppner up Willow creek, \$15,000.

It is believed the bond issue will carry in the county by a heavy majority but those in charge of the matter do not propose to take any chances and it is understood that an active campaign will be carried on to insure a complete understanding of the matter by the voters and to urge every friend of the measure to go to the election and vote.

Other matters passed upon by the court at this session were the auditing of regular bills and the following road petitions:

Petition of E. Bergstrom, et al. for a county road; continued to the June term.

Petition of Lee White, et al. for a county road; report of viewers read and approved and road ordered opened.

Petition of Ed Hunt, et al. for a county road; dismissed because of defect in petition.

In the matter of the appointment of a deputy county clerk the appointment of Gay M. Anderson was approved and salary fixed at \$100 per month.

BACCALAURATE SERMON SUNDAY EVENING, MAY 18

The Baccalaureate Sermon for the Heppner High School graduating class will be delivered by Rev. H. A. Noyes, at the Federated Church, Sunday evening, May 18th, at 8 o'clock.

All patrons of the school, friends and relatives of the graduates and the public are generally invited to attend this interesting service.

TURPIN ACQUITTED

The Turpin case went to the jury just before noon and at 1:30 the jury returned a verdict of not guilty.

At 3 o'clock the jury was again called out and dismissed.

Methodist Centenary Brings Smiles to Wee French Lass



"Smiles"—one of 50 little French girls who have found a real home in the Methodist Episcopal orphanage in Ecull, near Lyons, France.

This orphanage was the former home of a Swiss painter who left hurriedly at the outbreak of the war, leaving \$10,000 worth of paintings which will be sold for the kiddies.

In addition to the five orphanages the church already has in France and Italy others will be established very shortly. The centenary movement of the Methodist Episcopal church is making a drive for \$105,000,000 to rebuild the world and out of that a certain sum will be set aside to create homes for the fatherless children of France and Italy.

J. T. KIRK WRITES INTERESTINGLY OF HIS TRIP TO ALSEA VALLEY

Alsea, Benton Co. Oregon, May 9, 1919

Editor Herald:

I left good old Heppner, April 25, 1919, for the Alsea valley. Honey Grove being my destination.

I hooked up Billy and Buster, the buckskins to my half hack and started on my journey down to Ione. There I visited over night with F. B. Ritchie and family, my son-in-law and daughter. The next morning I was joined by Clifford Thomas, son of James Thomas, of Lexington who accompanied me. He trailed a span of horses equipped with collars, behind the rig. We left Ione at 3 o'clock a. m., and traveled down Willow creek to Horse-shoe bend. From there we went over on East Shuttler flat, stopped all night at T. J. Dean's and were royally entertained by those good old timers. They have lived for 33 years on that fine farm of 650 acres.

The next morning we hooked up and started on our way. At Eightmile we struck the old immigrant trail that I traveled with my parents in 1855. I have to be a little careful here or I will be telling my age. We traveled west across West Shuttler flat—a fine farming country quite different now to what it was when I crossed it 41 years ago when I came to Heppner, then Umatilla county.

We hit Rock Creek about eight miles above John Day river and went down to the ferry where we nooned on the north side of the river. There Cliff discovered that he had left his collars at Mr. Dean's. We called the ferryman over and crossed on the other side and pulled up a long grade to get up on top again. There we found as fine farming country as ever laid out of doors. We passed down through Wasco and saw a prosperous farming country with the grain from one to two feet high—not one acre but thousands of them. I asked a farmer what such wheat made per acre and he said from 35 to 50 bushels and I believed him. We passed on down a creek (I did not get the name) to the beautiful Columbia River and tried to get to stay all night as we had traveled about 40 miles that day. They sent us on down to the next place and there was nothing doing. We went on to Willows toll bridge and tried to stop there; he sent us on to the next place on top of the hill, 1 1/4 miles and he put up the plea that he had no place for us to lodge. We told him we had our own beds and

ATTENTION RED CROSS WORKERS

All auxiliaries and branches that have not reported number of sewers and knitters for November 1, 1918, and February 28, 1919, are requested to do so at once. MARY FARNSWORTH Secretary Morrow County Chapter, A. R. C.

LENA CITIZENS ARE FOR PROGRESSION

GOOD ROADS, BETTER MAIL SERVICE WANTED

Town Will Stage Round-Up July 4 Make Pendleton Sit Up And Take Notice

That the progressive and prosperous citizens of Lena precinct are awake to the importance of the wave of modern progress that is just beginning to sweep over the country and of which Morrow county is now planning to secure her quota was evidenced last Friday evening when Hon. James S. Stewart, formerly of Fossil, but now claiming his home at Corvallis but who is now a sort of a citizen-at-large of the state, living with his hat and shoes on most of the time while spreading the gospel of good roads throughout the state, made a good roads address to a big crowd assembled for a dance in the Lena hall.

A party of Heppner men had planned to go to Lena in the interest of the proposed rural free delivery route between Heppner and Lena and Mr. Stewart happened to drop in just in time to join the party and a combination rural route-good roads meeting was the result.

Lena people got a pretty hard deal last winter when they had occasion to come to Heppner on account of the condition of the new grade over the Jones hill which was completed just as the fall rains began and soon became a mire of muck. However, since the new grade has become settled and the county court has given assurance that steps will be taken to keep the grade in passable condition until such time as the permanent mecadam improvement can be made, the community is strong for every phase of the good road program as well as for a daily mail connection with the county seat.

Besides talking good roads and mail routes the wide awake people of Lena stirred the Heppner visitors up on the John Day project and also on improved train service between Heppner and Portland. They wanted to know what the Heppner Commercial Club is for if not to get behind such matters and boost. One speaker declared that the minutes of every meeting of the commercial club should bear some reference to these important matters.

The dance Friday evening was a great success and everyone present seemed to be having the time of their lives.

Mayor Tom Johnson of Lena who recently moved there from Heppner started a store and assumed every city office from mayor down, is enthusiastic over the future prospects of that community. Most every Saturday lately they pull off a round-up performance and, the mayor says, arrangements are now being made for a big celebration July 4th when a round-up will be staged that will make Pendleton sit up and take notice.

Those who went out from Heppner Friday evening included Chas. Thomson, M. D. Clark, Wm. Haylor, F. R. Brown, S. A. Pattison, W. L. McCaleb, Henry Cohn, Dr. Condon and Hon. Jas. S. Stewart. Mr. Stewart refused to dance any on the ground that, being a Scotchman, he was never able to quit before day light, once he started, and as Dr. Condon and Mac Clark are both married men the Herald will not say whether they danced much or little.

HEPPNER LODGE OF ELKS MAKES GROWTH

BIG CLASS INITIATED AT ROUSING MEETING THURSDAY

New Home to be Erected This Summer Attracts Many Members

That progress begets progress is being proven at every meeting of Heppner lodge No. 358 Benevolent and Protective Order of Elks.

As soon as the decision was made to erect a new building as a modern lodge home, the membership began to grow by leaps and bounds and the record last Thursday evening shows that Heppner is soon going to be some lodge in point of membership as it has always been in point of personnel.

At Thursday's meeting 46 applications for membership were favorably balloted upon, 24 new members were received into the lodge by initiation and 24 new applications were presented.

Heppner lodge is unique in being the only organization of Elks holding a charter from the Grand Lodge in a town of less than 5000 inhabitants, a special dispensation having been granted the lodge making this concession at the time of its organization because of the vast territory tributary to Heppner. Members of Heppner lodge come from four counties, Morrow, Gilliam, Grant and Wheeler and many of the class initiated Thursday evening traveled 40 to 50 miles across the country by automobile for the ceremony. The following class was initiated:

Vernon Chronicle, W. H. McCully, Jas. T. Wilson, C. D. Anderson, E. Booher, Frank Hollen, Mathew Pitter, Ed. G. Selby, Condon; W. H. Cronk, Ione; P. A. Anderson, J. E. MacAnally, Dr. B. F. Butler, Jos. J. Nys, W. P. Mahoney, Bertin L. Lewis, C. E. Edwards, Kenneth K. Mahoney, H. C. Woods, L. Van Marter, Roy T. Cochran, Heppner; David L. Lemon, E. W. Snell, Arlington; John P. French, Gurdane.

Following the impressive initiation ceremonies hi yu muck a muck was served in the dining room and a social hour or two was passed, such as only can be enjoyed by Elks in Elkdom. Those who were present declare that if old Ponce de Leon had only been an Elk and could have attended an occasional youth-renewing Elks blowout in Heppner he would never have wasted his time hunting for that mythical fountain in Florida, for, they say, years and care slip off a fellow at an Elks' feed like water off a duck's back.

Mrs. G. W. Swaggert left last week for Montana where she will spend several weeks visiting relatives. She will also visit in Spokane before returning.

INFORMATION WANTED

Mrs. Harriett Kennedy, of Fossil, Oregon, is anxious to locate her brother, Luther Hamilton, who she thinks is somewhere in the Heppner country, probably working for some sheepman. Anyone having information about Mr. Hamilton or his present address or whereabouts will confer a favor on Mrs. Kennedy by giving her this information by letter or otherwise.

range on grass and acorns. He has 56 acres of fall wheat 18 inches high which looked like 40 bushel wheat to me. We wandered back to the house where I visited for a couple of hours. Then it was about train time so I hiked back to Lytle and boarded (Continued on Page Six)

HEPPNER REALTY ACTIVE

Mrs. F. Luper yesterday closed a deal for the purchase of what is known as the Borchert building, on Main street and also the lot on upper Main street formerly occupied by the "Brewery" building from the Star Brewing company, of Portland. The consideration was not made public. The building is of concrete and is first-class construction and is now occupied by Patterson & Clark's barber shop and Otto's music store. Later Mrs. Luper will occupy the present music store with her millinery parlors.

A deal is also reported but not yet closed in which Patterson & Sons are negotiating with the Heppner estate for the building recently vacated by the Case Furniture company.

Mrs. Nellie Underwood, of Condon was the guest of Mr. and Mrs. Sam E. Van Vactor Thursday evening.