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ALVIN B. STRAIT GIVEN SEVEN-YEAR SENTENCE

JURY HOLDS THAT CHARGE OF ASSAULT IS PROVEN

Charge Reduced From Intent to Kill to Assault With a Dangerous Weapon

The case of Alvin B. Strait, indicted last week by the grand jury on a charge of assault with intent to kill, went to trial Thursday morning in circuit court and was given to the jury at noon Friday, a verdict of guilty being returned about six o'clock that evening. The jury, however, reduced the charge from intent to kill to that of assault with a dangerous weapon. At 7:00 o'clock the same evening Judge Phelps pronounced a straight sentence of seven years in the penitentiary without indeterminate qualifications.

The case was the outcome of a raid made March 26th last by Deputy Sheriff Tom Chidsey, Paul McDuffee, 19-year-old son of Sheriff McDuffee, and S. E. Notson, district attorney, on an alleged moonshine plant in a prong of Juniper canyon in the northern part of the county. A gun fight took place during the raid in which, it was alleged, Alvin Strait fired several shots at young McDuffee and also took a shot or two at Deputy Chidsey. It was on the charge of shooting at McDuffee that the recent trial was based.

McDuffee returned the fire until his stock of ammunition failed and Chidsey, who by that time had reached the scene, also took part in the scrap until he also ran out of cartridges, when the posse were forced to seek cover and the two moonshiners escaped. Chidsey recognized Alvin Strait as the man who did the shooting and positively identified him, while McDuffee and Notson were not positive in their identification. Strait made good his escape and crossed over into Washington, going to Benton City, where, according to evidence brought out in the trial, he secured work from one C. E. Dawson, a civil engineer who was in charge of construction work on a new flume being erected by the Coast Culvert & Flume Co. of Portland.

Morrow county officials were on the lookout for Strait all summer but it was not until about two months ago that he was located at Vancouver, where he was arrested, extradited and brought back for trial.

The trial opened Thursday morning, District Attorney Notson having associated with him George Neuner, of Roseburg, one of the best known prosecutors in the state, and who won considerable distinction in his line as prosecutor of the famous Dr. Brunfield case at Roseburg some two years ago. The defense was represented by F. A. McMenamin, formerly of this city but now of Portland. Considerable time was consumed in selecting a jury and the defense almost exhausted his preemptions before filling the box to his liking. The jurors finally selected were: J. S. Baldwin, Oscar Edwards, (Miss) Lulu Hager, K. L. Beach, W. S. Smith, W. W. Brannon, W. W. Beckhold, R. E. Duncan, Geo. Evans, Geo. N. Peck, A. A. McCabe and M. Allyn.

The sheriff's posse had visited the camp a few days previously when they found three barrels of mash cleverly concealed in a pit and covered with sage brush. The mash seemed almost ready for the still and the officers deduced that on or about Monday, the 26th, the plant would be in operation and acting on that belief the raid was made on that date.

Paul McDuffee was the first witness for the state. He told of how the posse approached the camp, he being armed with a rifle, Chidsey with a revolver and Notson was also carrying a rifle. McDuffee was on higher ground and somewhat in advance of the others when he saw two men approaching at a distance of about 60 yards, one of them carrying a rifle. He raised his gun and ordered the man to "stick 'em up."

COMPLETION OF O.-W. HIGHWAY DISCUSSED

County Judge Campbell, County Commissioner Benge and S. E. Notson, went to Pendleton yesterday morning on an invitation from the county court of Umatilla county, where a conference was held with the object of devising ways and means for the completion of the unfinished gap in the Oregon-Washington highway between Jones hill and Vinson, a distance of about 20 miles.

The completion of this gap will finish the entire highway from Heppner Junction to Walla Walla and will prove of inestimable advantage to both counties. It is understood the state highway commission looks with favor on the completion of this section as it will divide the heavy traffic now going over the Columbia River highway and make the upkeep of that artery of travel less of a problem than it has been the past year. About 15 miles of the unfinished road is in this county and the rest in Umatilla county.

The party returned late last evening and report all concerned believe that good results will come from yesterday's meeting.

Instead the fellow replied, "Drop it," and fired at McDuffee. Several shots were exchanged before Chidsey arrived. He grabbed Notson's rifle and exchanged a few shots with the supposed moonshiner. McDuffee would not identify the gunman positively as Strait but believed it to have been him.

Chidsey was called and after describing the battle about as McDuffee had done, positively identified the defendant as the man who fired at him, testifying that he had known Strait for at least 18 months and for most of that time had been "keeping pretty close cases on him."

Mr. Notson also corroborated the testimony given by the preceding witnesses, but he also declined to positively identify the man who did the shooting as the defendant.

Mr. Scogins, who operates the ferry at Arlington, was also called and testified that on or about the date of the shooting he crossed a Dodge car without a top (answering the description of Strait's car) with one passenger about dusk, but his recollection of the exact date was not conclusive.

The state then rested and the defense put on Amos B. Strait, a brother of the defendant, who operates a ferry across the Columbia near Castle Rock. Mr. Strait swore that he crossed his brother, Alvin B. Strait, from the Oregon side to the Washington shore on Sunday, March 25th and that his brother told him he was looking for work. Mrs. Amos Strait also took the stand to corroborate her husband's statement in an attempt to show that the defendant could not have been at the moonshine camp on the following day. A Greek section man also took the stand to corroborate the Straits' testimony, but he could only fix the date as being on a Sunday in March.

Then the defense brought out his alibi witness in the person of C. E. Dawson, the civil engineer from Benton City. He swore that the defendant came to him in the forenoon of March 26th and asked for work and that he returned the following day at noon and went to work. Mr. Dawson produced his time book, which showed that the defendant went to work at noon on March 27th and the time book was filed as an exhibit in the case. The state, however, contended that Mr. Dawson might have been honestly mistaken in the date when Strait first applied for work—that it may have been on the morning of the 27th, the same day he went to work at noon.

Friday forenoon was consumed by arguments by attorneys Neuner and McMenamin and when the case went to the jury at noon it was evident that the outcome lay mostly between the testimony of Chidsey for the state and Dawson for the defense. After six hours' deliberation, a verdict for the state was returned and an hour later Strait was sentenced to seven years in the state penitentiary at Salem.

Big Grizzly Bear and His Slayer



Here is the record grizzly bear killed in Vancouver, and the hunting guide whose trusty rifle brought down the monster.

STRICTER RULES FOR CONDUCT OF PEDESTRIANS NECESSARY

The National Motorists' association has asked the co-operation of its 350 or more affiliated automobile clubs in the work of helping the pedestrian keep out of the way of motor cars.

Pointing out that "the pedestrian's problem is the motorist's problem," Fred R. Caley, executive secretary of the N. M. A., declares that "no motorist can feel reasonably safe or comfortable so long as the pedestrian is an ever-present hazard to him, and it has thus become a feature of automobile safety to have safe pedestrian regulation."

"The cities have failed to regulate the pedestrians," says Caley, "so the walking public has set out to 'walk for itself.' Therefore it remains for the automobile clubs throughout the country to handle the situation as an automobile problem and repeat their successful efforts with respect to automobile regulation."

"Considering the remarkable number of cars on the streets and the rapidity with which the automobile has come into use in the narrow streets of crowded cities, automobile traffic is exceptionally well handled. Much of this is due to the efforts made by automobile clubs to advocate proper enforcement."

"The clubs have also educated the driver to a better understanding of the problem of traffic, and have encouraged the development of a greater sense of personal responsibility."

"The one hope for the present muddle and the solution to the increasing number of traffic accidents, is for the automobile clubs to apply their experience to the pedestrians."

"Unquestionably this would have been done long ago had any one anticipated that the inability of the police to regulate the pedestrian would

become a direct menace to those who conscientiously endeavor to drive their cars safely.

"It was generally supposed that the traffic officers would be able to guard pedestrians who attempted to cross at crossings or otherwise follow the ordinances to the letter. But the facts show that the average traffic officer has all he can do to take care of vehicular traffic, let alone look after pedestrians."

"Pedestrians appreciate this and their present habit of crossing according to their own ideas is readily appreciated."

"Secretaries of clubs affiliated with the N. M. A. report that in many localities the motorist is frequently given more consideration than he desires. For example, he is directed to plow through a group of pedestrians merely because he has the right of way and because the officer is provoked at the way the pedestrians disobey him. Under such circumstances the motor car operator finds his path overstocked with hazards, and in nine cases out of ten he would rather wait than take a chance on injuring some one, regardless of whether he might not be to blame technically."

ED ADKINS RECOVERS CAR

A Ford car owned by Ed Adkins, which was held for confiscation by the state last July when the car and two men with a quantity of contraband liquor was arrested near Parkers Mill July 4th, was restored to the owner in circuit court last week, when Mr. Adkins showed that he was not in the car at the time and had no knowledge that it was being used for an unlawful purpose.

It pays to advertise in the Herald.

BOXING CARD AT ELKS SMOKER DREW CROWD

More than 150 Elks attended the regular lodge meeting of Heppner lodge last Thursday evening, members and visitors gathering from nearly all parts of the lodge's jurisdiction. Big delegations were present from Arlington, Cecil, Ione, Lexington and Butter Creek and the meeting was an event in the lodge annals.

The first meeting night in each month has recently been set aside as "initiation night" and Thursday night a class of ten new members trod the flowery trail that leads to Elkdom. Several applications for membership were also received during the session, showing that the lodge is in a healthy condition and growing at a satisfactory rate.

Following the regular lodge session a smoker was held, when a rattling good card of boxing events was given for the edification of the brothers.

The show opened with a hot little three-round match between Ralph Moore and Vic Groshens, two local boys in the 125-pound class. The youngsters put up a hot scrap while it lasted, going three one-minute rounds to a draw.

Gene Doherty and Francis Moore, another brace of promising local boys who tip the beam at about 135, followed with another warm three-round match going to a draw in fine form. The two Moore boys are brothers and boxing seems to run in that family.

Emery Goodman, of Eightmile, and Young Schwartz, of Heppner, two more school boys, but both crowding the heavy-weight line, went three rounds with some lively slugging. Goodman had the advantage in weight, but Schwartz was quicker with fists and feet and the decision went to him.

Doherty then went back against Earl Merritt, another handy local boy and there was no foolishness in the exhibition they put on. Doherty is a rangy kid and while Merritt is stocky and well muscled, the Irishman had too long a reach for him and the decision was his.

Then came the two main events of the evening: Brighton Finch, of Heppner, took on Chuck Gordon, of Vancouver Barracks for four 1½-minute rounds. The Vancouver man was in the pink of condition, hard as nails and cool as a cucumber on ice, and Finch, who was without any real training for the match, was winded and forfeited the match near the last of the second. Finch showed plenty of speed, science and punch while he lasted and had one of his swings in the first round landed the story might have been different. Another match has been arranged for the men to take place in February and the Heppner man expects to go into training for that event at once.

The big event, of course, came last, when Joe Marcus, the pride of Arlington, and Billy Winters, a favorite at Vancouver Barracks, went on for six three-minute rounds, for a \$100 purse cut 40-60. These men are both well known in their class, weighing in at about 135, and there was no dull minute while that part of the show was on. The Arlington boy bested Winters in a hot match last March, but on this occasion Marcus showed lack of training and while he put up a game fight at once fast and furious, the soldier boy was too hard for him from the start. Marcus went down twice in the first but came back in the second, which was his round. The soldier got two more falls on Marcus in the third and again in the fourth the river town boy put up the best fight, the both men were showing the effects of hard work. The fifth went to the end with both men pretty well winded and in the sixth Marcus was getting groggy and the decision went to the soldier.

The entire program was one of the best ever put on in Heppner and the social committee promise plenty of similar sport during the winter.

The sale and bazaar given by the Ladies Aid society of Bethel Chapel last week was a great success, the sum of \$219.00 being realized for their treasury.

REPRESENTATIVE OF OIL COMPANY IS HERE

OREGON ACME - EXTENSION IS STILL IN FIELD

Hope to Arrange for Early Development in Morrow County

Mr. Philip D. Northcraft, who is connected with the Oregon Acme-Extension oil company, was a visitor here Saturday afternoon and was a pleasant caller at this office, where he talked briefly of the company's plans for development in this county.

It will be remembered by readers of The Herald that Claud D. Baker, representing the same company, was a frequent visitor here last summer and that it was expected at that time the company would have two or three rigs in the field before this time and that active work would be under way. Mr. Baker, however, qualified his statements with the proviso that certain blocks of territory would have to be under lease before drilling operations would start and it seems that the same conditions still exist. Naturally, the company wants assurance of having a certain area under lease and ready for development should the first drilling operations prove successful and the hesitancy of land owners in giving leases seems to be holding back development.

Mr. Northcraft has been stopping at Ione for a short time and is now busy looking over the field and becoming acquainted with conditions. He is associated with Mr. Baker, who is now in Seattle, but expects him to arrive here within a few days, when in all probability more definite information regarding future plans of the company will be given out.

Mr. Northcraft is of the opinion that there is little if any doubt that natural gas will be found in commercial quantities and while indications for oil are considered favorable, only drilling will tell to what extent it may be found.

Mr. Northcraft expects to be in Morrow county for an indefinite period and as soon as he becomes familiar with the field he will decide where to establish his headquarters, which may be in Heppner. He hopes to see arrangements made that will permit development work to start at an early date.

ROBNETT PLEADS GUILTY TO FORNICATION CHARGE

Dick Robnett, who was indicted by the grand jury on a charge of fornication and who entered a plea of not guilty in circuit court Tuesday morning, changed his plea to guilty on Wednesday morning. He was sentenced to 15 months in the penitentiary Thursday morning. The case involved a young girl of Heppner, who is now in custody of a home for delinquent girls in Portland. She was brought here last week to appear before the grand jury.

THREE INDICTED IN CONDON KIDNAPPING CASE

Rev. G. A. Chaney, formerly pastor of the Condon Congregational church and admitted organizer and leader of the Ku Klux Klan in that city, Howard H. Stiles, reputed Burns detective, and R. W. Sinclair, of Pendleton, where he is also known as a Klan leader, were indicted by the Gilliam county grand jury last week on the charge of kidnaping Frank Smith from the Wilkins ranch last summer and taking him to Pendleton, where he was alleged to have been placed in jail and given the "third degree."

L. E. Fry and Floyd Dunlap who were also held for the grand jury on the same charge, were not indicted, it being understood they turned states evidence and testified against the other men. Dunlap, who is only a boy, was induced to swear to a complaint against Smith and Fry, who is a garage owner in Condon, drove the car when the alleged kidnaping took place.

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