STORY OF PENDER MURDER CASE

(Continued from page one)

husband about her find and he promptly went to Scappoose and notified Sheriff Thompson and Deputy Sheriff Grant. Together the officers went to the Wehrman cabin and opened the door. There they found the bodies of the women and the boy on the bed, each with three bullet holes through the head. Mrs. Wehrman had on her shoes and rubbers and all her clothing except her underclothes which had been removed and were lying under her body. Search around the house by the officers resulted in finding nothing that would give a clue to the murderer, except a newspaper which had not yet been opened and a package of some sort of fancy sewing which was yet unopened, but addressed to Mrs. Wehrman. These articles the officers took along with them. They blocked the door without disturbing the bodies, placed a notice on the door warning everyone to keep out and went back for the coroner.

Mr. Wehrman was called by telephone that day and, it being too late for him to get a train, he secured an auto and with a relative drove down from Portland, arriving at the cabin sometime during the night. They saw the notices on the door and did not enter the house, but returned down the hill to the Pender cabin and waited until nearly morning. About 5 o'clock they awakened Pender, he being the nearest neighbor, and told him of the murder. He, at that time, expressed surprise and sympathy and proposed that the third man, Mr. Myers, go to Portland and secure the services of a detective while he and Wehrman would go to the cabin and find out what they could. Pender and Wehrman proceeded up the hill to the cabin and while Wehrman stayed outside Pender went inside and got some wheat with which to feed the chickens. Upon his coming outside he told Wehrman of what was inside. He described the position of the bodies and of the wounds. According to the testimony on this point Pender was only in the cabin a very short time and did not touch the bodies, so this was made quite an important link in the chain of circumstantial evidence against him, for the reason that his description of the wounds in the head of the baby must have been known by him before he entered the cabin as they were of such character that it would have required a careful examination of the head to have been able to describe them with such accuracy. After feeding the chickens the men started back down the hill to await the return of the officers and Myers. On the way back, so Wehrman testified, Pender, by way of expressing sympathy, put his arms around Wehrman and felt cautiously around the pistol pockets of Wehrman to see if he was armed. They talked about bloodhounds and Pender suggested that it would be of no use as it had been raining very hard during the three days since the crime was committed. This was also used by the State as tending to show that Pender knew when the murder had taken place, three days before this time.

A coroner's jury was called that day and a preliminary inquest was held at the cabin. At this hearing there were several officers from Portland with the sheriff and deputies from this county. The whole neighborhood was there, under orders from the sheriff. Pender was there and, according to the testimony appeared anxious to get away. His actions at once aroused the suspicions of the officers and a special guard was placed to keep him under surveillance. At this time also, several people noticed some scratches on Pender's face which seemed to be fresh. These scratches on Pender's face played a leading part in connecting Pender with the crime. The next day the coroner's jury came to St. Helens and all the residents of that neighborhood were summoned to appear here. Pender was here that day and was still being watched. The scratches on his face were noticed by a number of people that day.

With the newspaper and packages found in the Wehrman cabin by Sheriff Thompson, as a starter, the sheriff went to work. He traced the package to Mrs. Hayes, a neighbor, who said she placed it in the community mail box, directly in front of Pender's cabin, on the Saturday before Labor Day. That Pender must have seen her place it there as she was talking to him. This testimony was corroborated by another witness, a young man who was with Mrs. Hayes when she put the package in the box. Inquiry at the postoffice at Scappoose brought out the evidence that Pender had enquired for mail and was given the Wehrman mail on Labor Day and that the paper found in the cabin was among the mail he received.

On the 12th of September Pender left Scappoose and went to Portland and from there he went to Independence where his wife was working. Sheriff Thompson followed him and was so thoroughly convinced that Pender should not be allowed to escape without giving some sort of explanation, that he arrested him at Independence and brought him back to Portland. In the office of Sheriff Stevens, of Portland, the night he was brought back from Independence, Pender made several statements which afterwards proved to be very damaging evidence against him. He told of having received the mail for the Wehrman's on Labor Day. He told of having forgotten to milk his cow that evening and that he did not wind his clock on that night. He told of his custom of leaving his light burn all night in his cabin. He made several other statements which gave the officers clues to work on and which they did. They found out by a neighbor, Mr. Lindloff, that on the evening of Labor Day at about 7:30 when Lindloff passed the Pender tent on his way to Scappoose, there was no light in the Pender tent. They found out that the cow had not been milked that night and that the calf had not been penned with the cow. On the Sunday following Labor Day two men, Riley and Hasson, who owned the cabin nearest the Pender tent, returned from their work in Portland and found that their cabin had been broken into and that their trunk had been forced open. Sheriff Thompson was notified and with Sheriff Stevens and Detective Leverings, they proceeded to the Riley cabin. Upon examination of the trunk lock they discovered that the trunk had been opened with a hammer and after trying the hammer of Riley and Hasson which did not fit the marks on the trunk, it was suggested that the hammer that made those marks was broken in some way, and Riley, having seen a hammer at Pender's house with a broken claw, went over to the Pender tent and brought Pender's hammer with one claw broken, which, when compared with the marks on the trunk was found to correspond exactly. In this trunk Riley had left his .38 Colt revolver when he left home and Pender had borrowed this revolver some time before and it was shown that Pender knew where the revolver was kept in the trunk. The revolver was in the trunk just as it had been left and nothing had been molested, so that it was taken for granted by the officers that the trunk must have been broken into for the purpose of getting the gun. The bullets which had been taken out of the heads of the murdered woman and child were submitted to an expert in Portland, some of the same ammunition found in the Riley cabin was taken to him along with the gun and some experiments made. The expert on the witness stand testified that there was a defect in the barrel of the gun caused, probably, by a gas pit, which marked every bullet fired from it. The markings on the bullets taken from the dead woman and child were examined and found to have that peculiar marking. So it was established that the gun which fired the bullets into the heads of the unfortunate woman and baby was the Riley gun and with the connecting of the Pender hammer in opening the trunk and his knowledge of the whereabouts of the gun made a very strong link in the chain of evidence against him. At the trial there were many details brought out and small bits of evidence connecting the main links in the chain of circumstantial evidence, and so strong were these circumstances and so well linked together by the state's attorneys that the jury were convinced beyond any reasonable doubt that Pender was the man who committed the deed. It was shown at the trial and in the investigations of the officers that every other person in the neighborhood was accounted for on that fatal night, and that Pender, who swore he was at home as usual, was not there and could not be accounted for.

Mrs. Pender stood nobly by the defendant all through the two trials of the case. She has been in St. Helens all the long two years that Pender has been in the jail here, constantly keeping in touch with the case of the defendant and his needs. The old mother, too, Mrs. Pender, of Ogden, Utah, stayed with her boy through all the horrible time. The defendant had some of the best attorneys in the state to defend him and everything was done that could possibly have been done. He was given the benefit of every doubt and was treated with the utmost fairness, but a jury of Columbia county citizens has said that he is guilty and the only punishment provided for by the laws of this state for that crime is hanging. Judge Eakin has granted the attorneys for the defendant thirty days in which to apply for a new trial, and if that is not granted sentence will be imposed upon him.

The case has been one which will never be forgotten by the residents of this county. It has been in the courts already for more than two years. Two expensive trials have been had, the first one resulting in disagreement. Figuring up the actual money paid out by the county since the crime was committed, as nearly as it is possible to do so, the two trials, board, sheriff's expenses and necessary expenditures have already amounted to approximately 16,000.

COURT PROCEEDINGS

(Continued from page six)

north three miles to township line; thence east nine miles to S E corner of Sec. 35, T. 6 N., R. 2 W., of the W. M., thence north one miles; thence east ¾ miles; thence north ¾ mile; thence west ¼ mile; thence north ¼ mile to section line; thence east following section line to channel of the Columbia river; thence in a southerly direction along channel of the Columbia river to the place of beginning.

Road District No. 5.—Beginning at a point where section line between Sections 10 and 11 in T. 6 N., R. 1 W. of the W. M. intersects the channel of the Columbia river, thence west to the half section line of Sec. 23 T. 6 N. R. 1 W. of the W. M.; thence south ¾ mile; thence east ¼ mile; thence south ¾ mile; to the section line of Section 25, T. 6 N., R. 1 W. of the W. M.; thence west along said section line ¾ mile to the SW corner of Sec. 25, T. 6 N., R. 1 W., of the W. M.; thence south one mile; thence west nine miles to the SW corner of Sec. 31 T. 6 N., R. 1 W. of the W. M.; thence south one mile; thence west two miles; thence north four miles; thence east six miles; thence north one mile; thence east one mile; thence north one mile; thence east one mile, thence north one mile; to township line; thence east along township line to the channel of the Columbia river; thence in a southerly direction along the channel of Columbia river to the point of beginning; excepting the territory embraced within the corporate limits of the City of Goble, Oregon.

On this day the county court adopts the following resolution for the change of a county road, being as follows:

In the county court of the State of Oregon for Columbia County:

Whereas, in the month of May, 1884, a certain county road numbered 18 and known and designated as the Carrice Valley road running from Columbia City to Milton creek was viewed, laid out and surveyed across sections 8 and 9, T. 5 N., R. 2 W., and whereas on the fifth day of October, 1885, a certain county road numbered 19 known and designated as the Harris road was viewed, laid out and surveyed across sections 9 and 10 in said township, to-wit: from the center section corner in section 10 westwardly and connecting with said road number 18 in the SW ¼ of section 9; and whereas said roads number 18 and 19 have been used and occupied as public roads since said date and it appearing to the court that all said road No. 19 and part of said road No. 18 were not laid out on the most practical or most advantageous route, but that much of it is on steep and impracticable grades and whereas a new line has been laid out by Thos. S. Wilkes, roadmaster of Columbia county during the months of July and September, 1920, which affords a much better and more practicable route and grade for a public road and the court being fully advised in the premises and believing that the interests of the public will be best served by the adoption of said new line substantially as laid out, and that no material damage will be suffered by any of the owners of the property by such change.

Therefore be it resolved that the line as laid out and run by said Thos. S. Wilkes be, and the same is hereby adopted as a county road and that Thursday, November 4th, 1920, be set as the day for hearing any objections that may be made against the final adoption of this resolution and that due notice of the pendency of this proceeding be given by posting the four notices as required by law. Whereupon court adjourned.

NOTICE TO CREDITORS

IN THE COUNTY COURT OF COLUMBIA COUNTY FOR THE STATE OF OREGON.

In the matter of the estate of Nancy A. Ashby, Deceased.

Notice is hereby given that the undersigned has been appointed executor of the Estate of Nancy A. Ashby, deceased, by the County Court of Columbia County, State of Oregon, and has qualified as such.

All persons having claims against said estate are hereby notified and required to present the same, duly verified as by law required, to the undersigned at his residence or the county clerk's office in St. Helens, Oregon, within six months from the date hereof.

Dated August 27, 1920.

J. W. HUNT, Executor.

NOTICE TO CREDITORS

IN THE COUNTY COURT OF THE STATE OF OREGON, FOR COLUMBIA COUNTY.

In the Matter of the Estate of Frank Bazzit, Deceased:

Notice is hereby given, that the undersigned has been appointed administratrix of the estate of Frank Bazzit, deceased, by the above entitled Court, and has qualified as such. All persons having claims against the said estate are hereby notified to present the same, duly verified as by law required, to the undersigned at her residence in Deer Island, Oregon, within six months from the date hereof.

Dated and first published September 3, 1920.

HAZEL JUDISCH,
Administratrix

J. J. Fitzgerald, Attorney.
Mohawk Bldg., Portland, Oregon.

SUMMONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR COLUMBIA COUNTY.

Elva Northquist, Plaintiff, vs. Clarence Northquist, Defendant.

To Clarence Northquist, Defendant:

In the name of the State of Oregon, you are hereby required to appear and answer the complaint filed against you in the above entitled suit on or before the 25th day of September, 1920, that being six weeks after the date of first publication of summons herein, and if you fail so to answer, for want thereof plaintiff will apply to the Court for the relief demanded in her complaint, to-wit: for a decree dissolving the bonds of matrimony existing between plaintiff and defendant, and for the restoration of the maiden name of the plaintiff, Eva Campbell, and for other equitable relief.

This summons is published in the St. Helens Mist, a weekly newspaper of general circulation published in said county, once a week for six successive weeks, by order of Hon. J. A. Eakin, Judge of said Court, made Aug. 3, 1920, date of first publication being Aug. 13, 1920, and of last publication September 24, 1920.

J. N. PEARCY,
E. J. MENDENHALL,
Attorneys for Plaintiff. Post office address 930 Chamber of Commerce, Portland, Oregon.

SUMMONS

In the Circuit Court of the State of Oregon For Columbia County.

Mary E. Carey, Plaintiff, vs. Madison Carey, Defendant.

To Madison Carey:

In the name of the State of Oregon, you are hereby required to appear and answer the complaint filed against you in the above entitled suit on or before the 29th day of October, 1920, and if you fail to appear and answer said complaint, for want thereof the plaintiff will apply to the court for the relief prayed for in her complaint, to-wit: A Decree of this Court forever dissolving the bonds of matrimony heretofore and now existing between the Plaintiff and Defendant and that her maiden name be restored to her, to-wit: the name of Mary E. Wilder, and for such other and further relief as to the Court may seem equitable.

You are further notified that this summons is served upon you by publication in the St. Helens Mist, a newspaper of general circulation printed and published in the City of St. Helens, Columbia County, State of Oregon, and that the date of the first publication thereof is the 17th day of September, 1920, and the last publication thereof will be the 29th day of October, 1920.

This summons is so published and served upon you pursuant to the order of the Honorable J. A. Eakin, Judge of said court, which order was made and entered of record in said cause on the 2nd day of September, 1920.

First publication September 17, 1920.

Last publication October 29, 1920.

C. D. CHRISTENSEN,
Attorney for Plaintiff. Postoffice Address: 1402 Northwestern Bank Bldg., Portland, Oregon.

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For Information address

J. B. WILKERSON, Secretary, St. Helens, Oregon