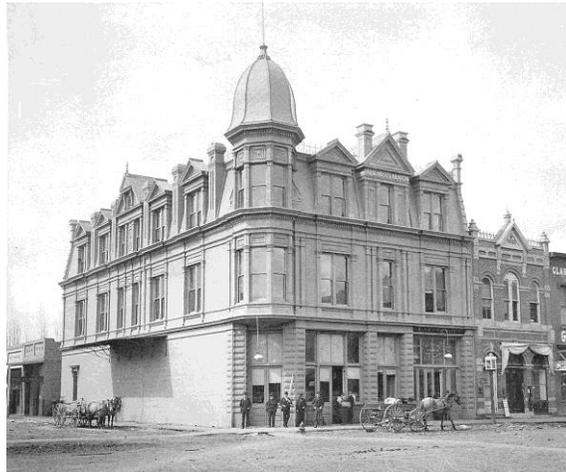


Murder on Main Street

by Gary Dielman

On October 29, 1886, on Main Street in downtown Baker City, attorney George C. Israel shot and killed E. D. Cohen, co-founder with his half-brother, Sigmund A. Heilner, of the Neuberger-Heilner Store. The killing happened in front of the store about 10 o'clock at night. Israel and an alleged accomplice, C. W. Thorndyke, were indicted by a grand jury and tried for murder in the first degree.

Whether the killing was politically motivated cannot be said for sure, since the historical record of the event is rather sketchy. But political debates in those days could get pretty heated. For example, a decade earlier banker and former Baker County sheriff James W. Virtue forced furniture-store-owner C. W. Durkee at gunpoint to sign a retraction of a negative statement Durkee had published about a candidate Virtue supported.



Heilner Store in 1891

E. D. Cohen was not the deceased's birth name. He had changed it from Seligmann Heilner after emigrating from Germany to the United States in 1845. In the 1850's he was operating a clothing and dry goods store on the waterfront in Crescent City, California, just fifteen miles south of the Oregon border. He also dealt in money lending and dabbled in mining. In 1854 he was joined by his brother Sigmund, twelve years his junior. After experiencing many business successes and failures in California, Oregon, Washington, and Nevada, the brothers finally settled down for good in Baker County. In 1872 they built a stone store in Sparta that still stands today, then moved to Baker City two years later.

In 1886, the 64-year-old E. D. Cohen used to sit on a bench in front of the Neuberger and Heilner Store and chat with passersby. Perhaps Cohen was the one who placed the bench in front of the store that he and his brother had started

in 1874. For several years, Cohen had pretty much been retired from an active role in the business, leaving operations in Sigmund's more capable hands.

As mentioned, the facts surrounding Cohen's killing are not well known. A search of Baker County Courthouse records reveals that the criminal file is missing and the coroner's inquest file contains a few subpoenas but no record of the proceedings or findings of the coroner's jury. Newspaper microfilm files lack the crucial local newspaper editions that would have described the events of the fatal night and covered the trial.

A Portland *Oregonian* article dated Sunday, October 31, 1886, helps us with some of the facts. It reported that on Friday evening Cohen and Israel had argued, perhaps about how Israel was conducting a case in which Cohen had an adverse interest. They separated only to meet in front of the Neuberger and Heilner Store later that same evening.

The *Oregonian* gave two versions of the killing. By one account, Israel went off, armed himself, and then returned seeking Cohen, this time accompanied by C. W. Thorndyke. Thorndyke is reported to have said, "Israel, there he is now. Go for him. I'll stand by you." Israel is supposed to have approached Cohen telling him to put his hands up, to drop it or he'd shoot, and immediately fired at Cohen. Then Thorndyke told Israel not to shoot again, because Cohen was done for. The bullet had hit Cohen in the right side and passed through him on a downward course killing him instantly.

Israel, for his part, claimed Cohen was armed and hunting for him. All he had done was fire at Cohen in self defense. A gun was found beside Cohen, but it was not clear whether it was Cohen's gun or was placed there after the shooting.

The district attorney immediately convened a grand jury, which indicted Israel for murder in the first degree and Thorndyke as an accessory before the fact. At their arraignment, Israel's partner, attorney C. W. Manville, representing both defendants, filed motions to throw the cases out, which were rejected by the judge. Both defendants entered not guilty pleas.

We may never know what evidence each side developed during the January 1887 trial. What we do know is that the jury brought in a not guilty verdict after eighteen hours of deliberations. Reactions to the verdict were polarized. The Baker City *Sage Brush* praised the verdict as giving "general satisfaction to this community." Other newspapers responded with disbelief. The *Pendleton Tribune* said, "Mr. Cohen was a Jew, and Israel had friends and money, hence a verdict that would not otherwise have been reached." The *Grant County News* wrote, "Verily the ways of the law are past finding out."

The verdict outraged many of Baker City's most prominent business and professional leaders, including the deceased's brother, Sigmund Heilner, C. W. James, Henry Rust, J. H. Jett, C. F. Hyde, John Geiser, James Wisdom, W. C. Hindman, K. Crabill, Paul Basche, Sylvester Grier, J. P. Faull, Sam Ottenheimer, S. B. McCord, L. W. Place, Samuel Lew, and many others. A February 1887 article in the *Baker County Reveille*, reported in detail on the group's "Indignation Meeting" at Cleaver's Hall. Besides forming a twenty-five-member Committee of Safety as watchdog of the justice system, they passed several resolutions, the first of which read, "Resolved, That in the opinion of this meeting the shooting of our late fellow citizen, E. A. Cohn (sic) was absolutely unjustifiable."

Another resolution decried the post-verdict party attended by Israel, Thorndyke, and their supporters, and accused them of "holding saturnalia over their victim's dead body and crowning their crime in unlimited champagne." Defenders said it was just a dinner in celebration of Thorndyke's delayed marriage, which took place the day after the acquittal.

The meeting ended with a declaration: "By this meeting the people of Baker City have said, first, that the old reprobate who edits the *Sage Brush* does not speak their sentiments. Second, that this same old 'pimp' cannot hereafter abuse and vilify the respectable citizens of Baker City with impunity. Third, that the officers of the law must do their duty. Last, but not least, they are dissatisfied with the verdict of the jury."



Sigmund Heilner

It was reported that Sigmund Heilner "is not disposed to harbor ill-will toward court or jury." But he did not just sit back and watch things happen. Heilner family papers show that he hired Portland attorney H. Y. Thompson to assist the Baker County district attorney in the prosecution of Israel and Thorndyke. And, as reported above, he participated in the "Indignation Meeting."

E. D. Cohen's body was transported to Portland for burial in Beth Israel Cemetery. Sigmund delayed writing his family in Germany about his brother's

death until January 28, 1887. His brother David, who went on to own one of the world's biggest linoleum factories, replied, "What a truly sorrowful message. We have decided not to tell our dear father [Aron Heilner] about it. At his age [83] it would be too hard for him to stand." David asked that Sigmund write immediately. "We are very anxious to hear an accurate account of how Seligmann was killed."

In October 1887, after finally learning of Seligmann's death, Aron Heilner wrote to Sigmund, "I, of course, was deeply saddened, but at the same time, I am comforted to know that he is no longer burdened by the many problems that seemed to accompany him throughout his life."

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