

KIRBY AND RATHIE DIE ON GALLOWES

Both Plead Innocence as
Death Is Faced.

TWO WITNESSES FAINT

Son of Murdered Sheriff Among
Those Who Suffer Infection
of Extreme Penalty.

SALEM, Or., July 7.—(Special.)—Elvie Kirby, alias James Owens, and John Rathie, slayers of Sheriff Till Taylor of Umatilla county in 1920, paid the penalty for their crime on the gallows in the state penitentiary here this morning.

Rathie, who last night displayed marked nervousness, was the first of the two men to mount the gallows. Rathie entered the execution chamber at 8:28, accompanied by two guards and Father Roache of the local Catholic church. He apparently was calm, and climbed the 13 steps leading to the trap without faltering.

When asked by Warden James Lewis if he had anything to say, Rathie stepped to the front of the scaffold, and in a low tone said: "I am innocent of the crime for which I am to be hanged. I hope God will forgive those who sentenced me and have mercy on my soul. I forgive everyone and hold no hard feelings against anyone."

Noose Is Adjusted.
Rathie then stepped back on the trap and the noose was adjusted. The trap was sprung at 9:20 and Rathie was pronounced dead 13 minutes later.

Prison officials said that Rathie showed no evidence of weakness as the death warrant was read to him in the chapel and he started on his march to the execution chamber. He wavered slightly, however, when the noose was being adjusted.

Kirby entered the execution chamber at 9:52. He also was accompanied by two prison guards and Father Roache. Kirby was chewing gum, and his pale face plainly showed the strain to which he had been subjected.

Kirby Asserts Innocence.
Upon being asked if he had any statement to make, Kirby's eyes circled the half-hundred persons gathered in the execution chamber, and in a defiant tone he said, "No."

"I forgive everybody. I am innocent and everybody knows that." The black cap was then drawn, the noose quickly adjusted and the trap was sprung at 9:54. At 9:58 the physicians pronounced Kirby dead. Both Kirby and Rathie slept at intervals last night, prison officials said. They were awakened at 6 o'clock this morning and later partook of breakfast including eggs, hot cakes and coffee. They were then attired in new suits of clothes, and prepared for the executions. As the men left their cells for the execution chamber they were greeted by Dr. R. M. Brumfield, Roseburg dentist, who is awaiting death for the slaying of Dennis Russell of Douglas county, and other prisoners confined in cells in murderer's row.

Two Witnesses Faint.
During the brief interval between the two hangings two of the witnesses fainted and had to be assisted from the room.

Rathie's body was claimed by Father Roache and W. R. Dolan and will be sent to Idaho Falls for burial. No arrangements have been made for the disposal of Kirby's body.

Among the witnesses to the hangings were W. R. (Jinks) Taylor, brother of the slain sheriff; Sheldon Taylor, son of Till Taylor; Peter Inman, Robert Sinclair and P. W. Dayton of Pendleton; Sheriff Nelson of Clackamas county; Sheriff Ferguson of Yamhill county; Sheriff Orr of Polk county and Sheriff Achen of Tillamook county.

The hangings brought to a close the long legal battle the two men have made for freedom. The cases were carried to the supreme court, stays of execution being granted twice while a decision was awaited.

JUDGE EXPLAINS DECISION

Basis for Refusal to Interfere
With Hangings Given.

That a writ of habeas corpus cannot be used by one convicted of a crime to correct errors of another court was the reason given, yesterday, by Judge Charles E. Wolverton of the United States circuit court, as his basis for refusing to interfere with the hanging of Elvie D. Kirby and John Rathie.

Judge Wolverton, in denying, late Thursday, the plea of the two prisoners for an injunction against the hanging and for their freedom on a writ of habeas corpus, destroyed the last hopes for life of the two men. In a formal opinion, filed yesterday, the jurist discussed the case at length and gave his reasons for refusing the writ and the injunction. The grounds were entirely technical and the jurist did not go into the merits of the case.

"There is no suggestion, whatever that the state courts were without jurisdiction of the case or acted beyond their power of authority in any respect, and it is only by the mere suggestion that error was committed without showing in what respect this court is asked to issue the writ of habeas corpus," the opinion read.

"It is well established that the writ cannot be used as a means of correcting the error of another court. The petition is wholly insufficient on which to grant the relief prayed and is therefore denied."

WARRANTY RULE HOLDS

Seller of Motor Truck Compelled
to Take It Back.

OLYMPIA, Wash., July 7.—(Special.)—The rule of warranty applies to a second-hand motor vehicle as well as to a new one when sold by a dealer on a conditional sale contract, unless the contract specifically provides otherwise, the supreme court held today.

Because the T. W. Little company, Tacoma dealers, misrepresented the condition of a truck sold to L. H. Fynboh, as well as misrepresenting the capacity of the truck, the supreme court held that the dealer must take the truck back, cancel Fynboh's contract and return to him \$350, his first payment on the vehicle.

Ballot Measures Checked.
OLYMPIA, Wash., July 7.—(Special.)—Preliminary check of the

poll tax repeal petitions was completed today that showed sufficient signatures to justify the official check, Secretary of State J. Grant Hinkle, announced. Check of the signatures on the 20-19 petitions was started today and will be completed tomorrow. The official checking of these petitions will require several days. No other measures were filed before the office closed today, the last day for filing, which assures that not more than two two initiatives and four referendums will be on the ballot in November.

RATES ON GOLD TO RISE

Express Company Charges to Be
Increased on July 15.

OLYMPIA, Wash., July 7.—(Special.)—New classifications providing some increases and some decreases in rates were filed by the American Railway Express company with the department of public works today. The changes are effective both interstate and intrastate, July 15.

The most important change increases rates on all money classifications, including gold coin and currency. Other important increases include the charges for transporting animals returning from fairs and exhibitions; increased rates on some kinds of bakery goods and an increase in the minimum loading weight of second-class refrigerator cars from 12,000 to 15,000 pounds. An important change which means a reduction to shippers provides that Sundays and holidays are excluded in computing the 48-hour period in which carload shipments may be recognized at through rates.

BABY HERO IS INJURED

Boy, 4, Run Down by Auto in Effort
to Save Sister.

MONTESANO, Wash., July 7.—(Special.)—While running across Spruce street in front of an auto to save his baby sister from being run over, 4-year-old Jimmie Peterson was knocked down and run over by E. J. Bates of Tacoma here yesterday afternoon. He was not injured seriously, although cut and bruised about the face and head.

With his mother and sister, Jimmie was walking down Spruce street, the sister ran across the street ahead. A car was coming and Mrs. Peterson called to the baby to stay where she was. Jimmie was afraid she would get in front of the auto. When he stepped into the street the car was only a few feet from him and he was hit by the fender and knocked down.

BANK LEVY IS UPHELD

Stockholders Declared Liable to
Additional Assessment.

OLYMPIA, Wash., July 7.—(Special.)—Stockholders of the closed Scandinavian-American Bank of Seattle are liable for superadded liability assessed by John P. Duke, state supervisor of banking, to aid in liquidation of the bank's affairs, the supreme court held today.

The principal contention of stockholders was that in January, 1920, the directors of the bank had assessed them 100 per cent on their stock, which assessment was paid, but was afterward found to be illegal. The court held that the 1920 assessment was void because assessed by the directors and not by the stockholders, but since it had been paid it must now be held in the light of a voluntary contribution.

DEFUNCT BANK TO PAY

French & Co. Ready to Give Depositors Some Cash.

THE DALLIES, Or., July 7.—(Special.)—Payment of the defunct French & Co. bank consisting of 25 per cent on commercial accounts and 70 per cent on savings accounts will be made within the next few days if Circuit Judge Wilson, under whose jurisdiction the payment must be made, approves. It was announced today by O. E. Robertson, deputy state superintendent of banks, in charge of the liquidation here.

Approximately \$200,000 will be distributed, \$135,000 on the savings department and \$155,000 on the commercial accounts. Money has been "tight" in Wasco county since the failure of the bank, which tied up practically \$1,000,000, and the payments at this time are expected to stimulate business materially. The next dividend probably will be paid some time in October, Robertson said.

Logging Camps Will Not Suspend

ABERDEEN, Wash., July 7.—(Special.)—Grays Harbor logging operations will not be suspended, in accordance with the request of Governor Louis B. Hart, to lessen the fire hazard, local logging company officials stated yesterday.

Logging operations declared themselves willing to take any steps necessary to the welfare of the industry or public safety, but pointed out that suspension of the camps would mean a huge loss to the harbor, since it would imply closing of mills as soon as logs now in millponds should be used. Any step toward curtailment would mean unemployment for several thousand men.

Fire Threatens Mill

MONTESANO, Wash., July 7.—(Special.)—An unusual number of fire trucks were called to the old fuel shed of the waterfront plant of the Northwest Electric & Water Works here late yesterday afternoon, threatened to destroy the Schaefer Bros. shingle mill before it could be stopped. The shed in which it started was completely destroyed.

Many Married in Kalama

KALAMA, Wash., July 7.—(Special.)—An unusual number of marriage licenses were issued the last few days at Kalama. Ralph Reed and Monna McRoberts, Kelso; Max Peterson, Dallas, Or., and Helen Howard, Stella; G. F. Kerstner and J. M. Allen, Vancouver; Earl Utter and Clara Bates, Portland; Alvin Al-

Butterfat Price Jumps

MONTESANO, Wash., July 7.—(Special.)—The last link in the chain of a 100 per cent dairymen's association was forged this week, when the Satsop Farmers' Dairy shippers joined the Grays Harbor Dairymen's association. Last week the Smith Dairy Farm Shippers joined the association, and every big shipper in the county is now a member. The price of butterfat in this county took a 5-cent jump here yesterday because the dry weather has cut down the production of the herds.

Smuggled Silk Seized

ABERDEEN, Wash., July 7.—(Special.)—Approximately 100 yards of silk was discovered on search of the Japanese ship Ypres Maru, now loading at the Bishop mill docks. No arrests have been made, as the ownership of the silk has not been determined. Customs officials stated that a fine probably would be assessed against the ship as the silk was not on the manifest.

Rim Road Not Passable

BEND, Or., July 7.—(Special.)—The rim road at Crater lake will not be passable for another month, according to R. D. Myles, assistant general manager of the Shovel-Hixon company.

Aberdeen Oddfellows Elect

ABERDEEN, Wash., July 7.—(Special.)—Aberdeen Encampment, No. 13, Oddfellows, installed the following officers at the regular meeting last night: Earl Mann, chief patriarch; W. R. Hughes, high priest; H. C. Peabody, senior warden; W. H. Pearson, scribe, and B. J. Garman, treasurer. H. E. Layport, district deputy grand patriarch, acted as installing officer. Aberdeen lodge, No. 35, will hold installation of officers July 19.

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Scorned and snubbed and ridiculed by two socially ambitious women, a mother fights to retain the love and respect of her children—a picture play with a delightful vein of humor, pathos and romance, abounding in picturesque and lavish settings.

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Special Sunday Concert de Luxe
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NEW SHOW TODAY

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Accident Blamed to Firemen

ABERDEEN, Wash., July 7.—(Special.)—Alleging negligence and excessive speed on the part of the crew of a fire truck on June 1, when he was run down at the corner of Park and West Market streets, D. C. Killman, whose home is given as Tacoma, presented a claim for \$1850 at the meeting of the city council last night, which he claims as the amount of damage done his automobile. No damage is asked for personal injuries.

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Children's Sandals and
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Children's Black Kid Shoes, 4
to 8—Boys' Leather Soled Scouts,
up to 2.
Ladies' White Lace Shoes, 2 to
4 1/2.
Ladies' White Pumps, Cuban
heels, 2 to 4 1/2.
Ladies' White Mary Janes, 2 to 8.
Children's White Shoes, all sizes.
Children's White Mary Janes, all
sizes.
Children's White Kid Shoes and
Pumps, 3 to 8.
Ladies' White Low Heel Shoes,
2 1/2 to 5.
Men's White Oxfords, flexible
sewed soles. All sizes.
ALL SIZES—YOUR SIZE IS
HERE—COME EARLY

Ladies' Low Shoes

Values to \$6.00.

New Black and White Oxfords
and Pumps, leather or fabric,
with low or Cuban heels. Black
and brown kid or cat skin Pumps
and Oxfords with low, 3/4 or
Cuban heels. Give-away price!
Pair **\$2.98**

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Ladies' Black and Brown Kid
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Children's patent
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Plain Pumps,
French heels,
all sizes.

Ladies' White
Strap Pumps,
low, 3/4 or Cu-
ban heels, all
sizes.

Ladies' White
Oxfords, low,
3/4, Cuban or
French heels,
all sizes.

Men's White
Dress Oxfords,
6 to 11.

Men's White
Dress Shoes, 6
to 11.

Ladies' White
Shoes, low, 3/4
or high heels,
all sizes.

LADIES'
White Shoes 25c

Sizes 2 to 4 1/2.
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Ladies' Hikers, all sizes, \$3.98

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Men's Hikers, all sizes, \$4.98

Ladies' One-Strap House
Slippers, all sizes, \$1.48

Children's White Slippers,
2 to 2 1/2, \$1.48

Boys' Leather Scouts, 12 to
15 1/2, \$1.48

Boys' Gym Shoes, all sizes, \$1.48

All ladies' styles in Polish and
Dressing at \$1.48

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