

DEATH PENALTY IS HELD VALID

Supreme Court Passes on Case of Kerby and Upholds Judge Bingham

TAYLOR CASE RECALLED

Enactment of Capital Punishment Act Held to Have Been Regular

In an opinion written by Justice John McCourt, the state supreme court yesterday held as constitutional the state capital punishment law. The case was that of ex parte Elvie D. Kerby, petitioner and appellant, an application for a writ of habeas corpus.

In its opinion the court upholds a decree of Judge George G. Bingham of the lower court for Marion county. Attorneys for Kerby, at the time the appeal was filed, declared they would carry the case to the United States supreme court if necessary.

Unatilla Sheriff Killed

Kerby is one of the men who was implicated in the murder of Sheriff T. H. Taylor of Unatilla county when he was killed by Neil Hart in a jail delivery at Penitentiary a year ago last July. Hart was hanged. Kerby and Jack Rathie were sentenced to hang, but appealed to the supreme court. The opinion today affects also Rathie and also all other men in the state prison who are under sentence of death.

In their briefs attorneys for Kerby charged irregularity in the enactment of the capital punishment law when it was reinstated, and also averred that it was unconstitutional in that it subtract-

ed from the bill of rights of the constitution.

One Authority Cited

"Petitioner cites only one authority," says the opinion today, "that has any tendency to support the contention that a provision in the bill of rights of a constitution cannot be amended. This constitution cannot be amended without examination that also discloses that the Arkansas constitution provides that the legislature might by the observation of a prescribed procedure, amend the constitution without submitting the proposed amendment to a vote of the people of the state, and the bill of rights in that constitution contained a provision not found in the Oregon constitution, as follows: 'Everything in this article is excepted out of the general power of government.'"

"The court held that the clause quoted exempted the provisions of the bill of rights from the authority delegated to the legislature to amend the constitution and reserved the right to make any such amendment to the people themselves. The case is readily distinguished from the instant case, for every proposed amendment to the Oregon constitution, in order to become effective, must be approved by a majority vote of the people recorded at a state election."

Other opinions handed down were: Kathrin Platt vs. city of Newberg, appellant; appeal from Yamhill county; suit to recover damages for injuries; opinion by Justice McCourt; Judge H. H. Belt reversed and case remanded.

Robert Solo vs. A. Johnson et al, appellants; appeal from Columbia county to recover damages for alienation of affections; opinion by Justice Harris; Judge J. A. Eakin reversed and case remanded.

State of Oregon vs. Louis Rosasco, appellant; appeal from Columbia county; appeal from conviction for violation of prohibition law; opinion by Justice Brown; Judge J. A. Eakin affirmed.

Fred Lidfors, by Magnus Lidfors, guardian, vs. H. A. Pflaum; appellant; appeal from Multnomah county; motion to dismiss appeal overruled in an opinion by Chief Justice Burnett.

HANDSAKER TELLS OF SELECTING 20 CHILDREN TO BE ACCORDED RELIEF IN ORPHANAGE INSTITUTION



By J. J. Handsaker, State Director of Near East Relief

I have often read of children being refused admission to orphanages and dying from hunger

and cold, but I did not think such things were possible until I was chosen to pick 20 children out of a group of 200 or more last August at Erivan.

Except for their rags, their diseases and their starvation, these children were as attractive as any I have ever met. The orphanage were overcrowded, the food supplies short and we did not dare to take in more for fear of imperiling the lives of those already in our care.

In Erivan alone 4000 children are safe under the American flag. While we were rejoicing in abundant harvests at Thanksgiving time the children outside of these orphanages were dying like flies. Six years of war has left the country prostrate. The people are quick to recover from dire poverty, once they have a chance, and now that peace has come to the Caucasus, they are hopeful that

the worst of their troubles may be over by spring.

The great anxiety of the Near East relief workers is for the immediate care of a hundred thousand children in the orphanages and the rescue of great numbers outside.

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Logging Camps Reported Shut Down by Snowfall

SILVERTON, Ore., March 21—(Special to The Statesman)—It is reported that the logging camps belonging to the Silvertown lumber companies are closed because of the heavy snow falls. It is said that there was 29 feet of snow at camp 11 and six feet at camp 6 last week.

Leslie Crouch Candidate for Judge in Multnomah

Leslie E. Crouch of Portland, yesterday filed with the secretary of state his declaration as a candidate for the office of circuit judge, department No. 1, in Multnomah county.

"Administer the laws with justice and impartiality," is his slogan. His platform follows:

"Perform the duties of circuit judge promptly and to the best of my ability with the sole object of administering the law as written and dispensing justice to all alike."



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FARM BLOC TOPIC OF MR. FAVILLE

Editor of Western Farmer Addresses Commercial Club Luncheon

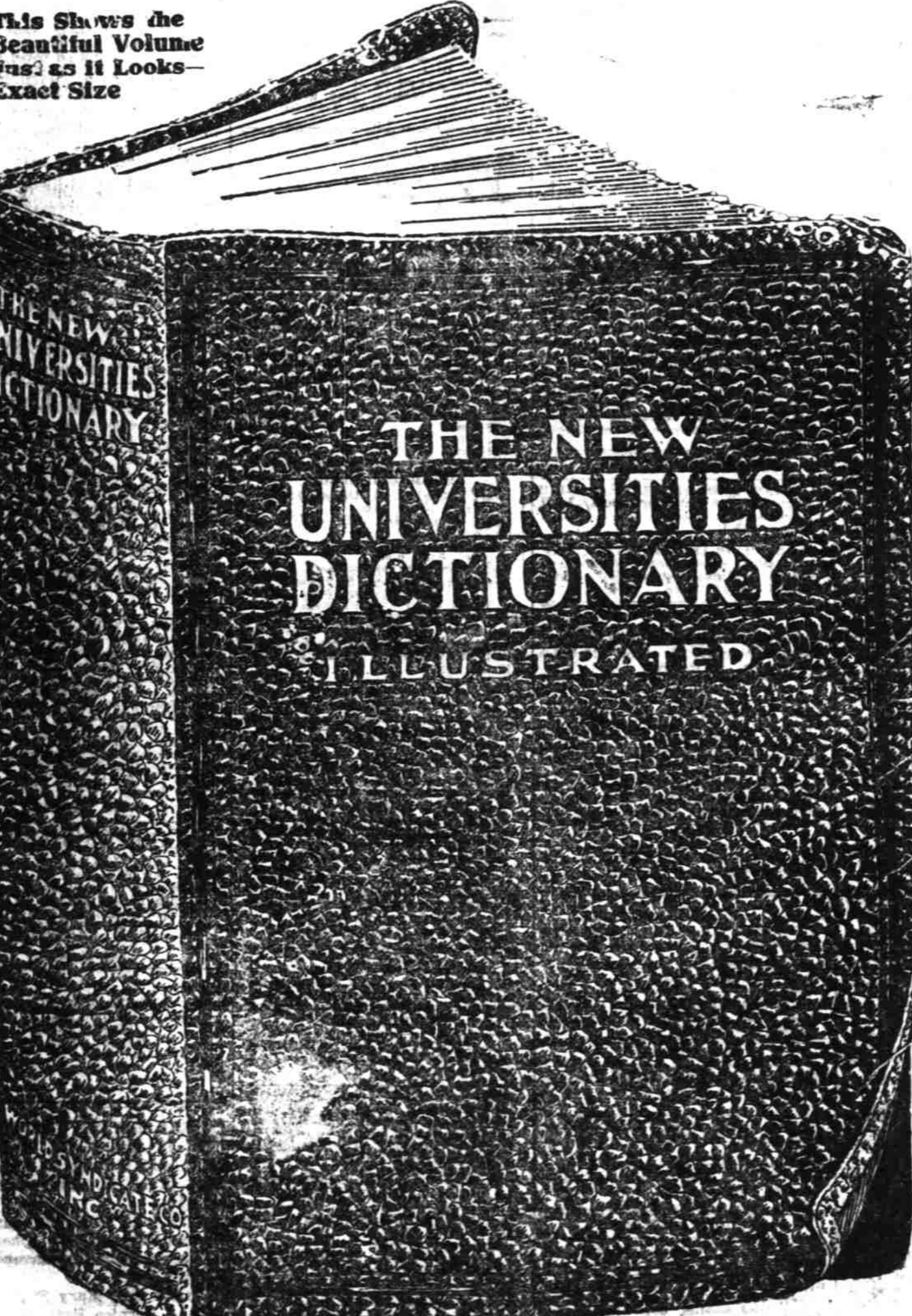
Steward Rundberg had to gasp for breath and hustle for help when they flocked in by unprecedented scores to the Commercial club luncheon Monday noon. Prof. E. E. Faville, editor of the Western Farmer, was the speaker for the day, and his announced topic, "The Agricultural Bloc at Washington," was a topic that brought 'em out of hiding from all over Salem and the valley. Probably not less than 30 real "dirt farmers" were among the diners and auditors.

"There have been three ages in the last three centuries," began the speaker. "The first was that of dependence, covering the 18th century; independence, for the 19th; and now we come to interdependence as the heart of the 20th century. Organization for the mutual good is paramount today. We are getting past the day of going it alone.

"We need optimism today, when there is so much pessimism rampant. The optimist is the man who looks out into the dark and sees the light that is not yet there—the pessimist is the son-of-a-gun who turns out that light. It was a triumph for optimism, to see and hear that agricultural convention at Washington. Never before has there been as great a pronouncement on American agriculture as that of President Har-

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