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ROSEBURG, OREGON, FRIDAY, JULY 10, 1925.

VOL. XIII NO. 95 OF THE EVENING NEWS

DAYTON APE BATTLE IS OPENED TODAY

EARTHQUAKE IN MONTANA TODAY IS NOT SERIOUS

Several Sections Tremble Under Shocks Which Occurred Today.

LITTLE DAMAGE DONE

Only Destruction Is Brick Walls Loosened in Shocks of Two Weeks Ago—Lasts 10 Seconds.

HELENA, Mont., July 10.—Old mother earth became uneasy again this morning. Breaking dishes in nose Montana towns in the belt shocked two weeks ago trembled under quiver recorded at 7:48 this morning.

The shock as recorded by the Helena weather bureau lasted about 10 seconds.

There was no damage in any section, so far as can be learned. At Manhattan and Three Forks, where the greatest force of the shake was felt June 27, loose bricks tumbled again from the shattered walls, but that was all.

While there is no definite record of others during the night, reports tell of slight shocks about midnight, about 5 o'clock and about 6 o'clock. The recorded shock, the weather bureau said, began with a slight tremor which increased in strength and violence with a north and south movement.

A stiff shock was reported at Trident, lasting possibly 20 seconds, but without damage. Bozeman, Livingston, Willow Creek, Great Falls, Billings, Butte and Logan also felt the shock, but without alarm or damage.

Yellowstone Park was not affected, Superintendent Albright said.

HELENA, Mont., July 10.—Parts of Montana again today was disturbed by earthquakes that were felt here, at Great Falls, Three Forks, Manhattan and Billings. No widespread damage was reported.

The quake was most pronounced at Three Forks, where it lasted for two minutes. People rushed to the streets. Aside from the toppling of bricks from chimneys and ruins left by former shakes, there was no damage. Similar conditions prevailed at Manhattan. There was no damage and no alarm. At Helena the slight shocks lasted a few seconds.

At Billings many inhabitants were unaware that the city had been visited by quakes, workmen on buildings being the first to report the earth's inward convulsions.

Butte also was rocked by a tremor of short duration at 7:45 o'clock. No damage, however, was reported.

GREAT FALLS, Mont., July 10.—Great Falls was rocked at 7:44 this morning by a short but pronounced earthquake whose intensity was comparable to that felt here on June 27. The tremors lasted about three seconds.

LOG FREIGHT RATE CAUSES DISCUSSION SEATTLE, July 10.—Four trans-continental railroads, which it was announced Wednesday, would not be represented in a conference here Tuesday on logging freight rates will attend, but will announce that discussion is useless. It was stated today.

The railroads, it was learned, will suggest to log shippers at the conference that shippers and carriers meet July 21, not under state auspices, to talk over their differences.

Frank Tinnev, Blackface Comedian, Who Eloped With Folly Favorite, Is Welcomed Back by Forgiving Spouse

NEW YORK, July 10.—The New York American says today that Frank Tinnev, black face comedian, who recently fled to London from his forgiving wife after an escapade with Imogene Wilson, former folly girl, is home again. He broke and ready to come back, and that his wife will take him back. "Why shouldn't I take him back—my Peck's Bad Boy?" she is quoted as saying. "There are

TEMPERATURE 94

The thermometer at 2:30 today stood at 94 degrees, practically the same as yesterday at the same hour, when the mercury reached 98 degrees during the latter part of the afternoon. A higher humidity caused the heat today to be felt more keenly, being conducive to excessive perspiration. The hourly temperatures for the day were as follows:

5 a. m.	60	10 a. m.	80
6 a. m.	61	11 a. m.	85
7 a. m.	62	12 noon	87
8 a. m.	72	1 p. m.	91
9 a. m.	77	2 p. m.	92
2:30 p. m.			94

DEYLIGHT ROBBERS ESCAPED WITH HAUL. (Associated Press Leased Wire.) NEW YORK, July 10.—Two men held up the office of Barnett, Robinson & Company in Fifth Avenue at Forty-fifth street today and escaped with diamonds and other gems valued at \$20,000. Police believed the robbers were the men who shot and killed a jeweler in the same building several years ago.

STAY OF DEATH PENALTY DENIED TO CO-SLAYERS

(Associated Press Leased Wire.) SAN FRANCISCO, July 10.—The state supreme court today denied a petition for a writ of error intended to stay the execution at San Quentin prison today of Thomas Bailey and Lewis Perry for the murder of Glenn Ford, a Los Angeles policeman. The court understood that the men would be hanged at 11 a. m.

SAN QUENTIN CAL., July 10.—A reprieve of an hour was granted to Thomas Bailey and Lewis Perry, sentenced to hang at the state prison here today for the murder of a Los Angeles policeman. The reprieve was to await the outcome of court proceedings in behalf of the men in San Francisco.

SACRAMENTO, Cal., July 10.—A last minute attempt to save Edward Montijo, aged 21, murderer of a Los Angeles policeman, from the gallows at Folsom prison, failed in the superior court today when Judge C. O. Busick denied the petition of Montijo's parents, Mr. and Mrs. George Montijo, for a writ of habeas corpus.

The habeas had been delayed for an hour to permit of a final appeal to the state supreme court in San Francisco for a writ of error, which would have allowed of a review of the cases of the two men by the United States supreme court. The court, however, decided not to intervene, it being its second decision of this nature within two days. Word was sent here and the men were thereupon sent to their death on the gallows.

Policeman Bond was shot and killed on February 20, 1924, while trying to prevent a holdup of the Merchants National Bank Agency at Sixth and Hoover streets, Los Angeles. Bailey, Perry and Edward Montijo were captured shortly thereafter and were convicted and sentenced to hang. Their appeal in the state supreme court was lost.

Montijo was sentenced to hang at Folsom prison today.

103 A TMEDEFORD (Associated Press Leased Wire.) MEDFORD, Ore., July 10.—Yesterday was the hottest day of the month here when the mercury reached 103. The maximum temperature of the summer was reached in June when the mercury touched 108. The local weather bureau predicts the thermometer will pass 100 today.

PARTY PLANS TO INSPECT ROAD UP N. UMPQUA

Chamber of Commerce and Highway Officials Will Survey Route.

WILL GO HORSEBACK

County Court, Forest Service and Delegations from Neighboring City Will Also Be Included.

In order to attain a greater knowledge of the North Umpqua road project, and to secure more interest in the completion of that important road, the Chamber of Commerce and forest service are arranging a trip to start on Saturday, July 18, finishing on Thursday, July 23. It is planned to have a party of from ten to fifteen men go over the proposed route from Roseburg to Diamond lake and return inspecting the work already done, and looking over the land necessary to be traversed in connecting up the road.

Investigations have been extended to Bondon, Coos Bay and Reedsport. Chamber of Commerce to send delegates to make up the party, as the Umpqua highway, when eventually completed, will form an important link between these coast points and Eastern Oregon. So far none of these communities have accepted the invitation except Reedsport, which has agreed to send a man to represent that city on the trip.

Other points, however, are expected to respond before the date of departure. Included in the party will be the members of the road committee of the Chamber of Commerce, the county court, a representative of The California Oregon Power Company, photographer, one or more members of the state highway organization, two or more forest service officials, a newspaper representative, and (Continued on Page 8)

EVOLUTION DEBATE WON BY CHURCHMEN

(Associated Press Leased Wire.) EUGENE, Ore., July 10.—Fundamentalism was voted the winner over evolution in a debate held here last evening between W. J. Riley, executive secretary of the Worlds Christian Fundamentalist Association, and Edward Adams Cantrell, field secretary of the Science League of America. The decision was awarded by the popular vote of the audience. The armory, where the debate was held, was packed for the occasion. Applause which greeted the two speakers as they first took up their cases, showed that fundamentalists were in the majority in the audience.

MINERS REFUSE TO HEAR OWNERS ON ARBITRATION

(Associated Press Leased Wire.) ATLANTIC CITY, N. J., July 10.—Anthracite miners will not listen at this time to proposals of operators to agree upon arbitration in event of deadlock in the coming scale negotiations or to agree to remain at work after September 1, whether a contract has been signed or not.

The miners' sub-committee of six reached this decision at a morning meeting in advance of the opening of actual conferences this afternoon.

GOLD NUGGET IS FOUND IN ROGUE (Associated Press Leased Wire.) MEDFORD, Ore., July 10.—A miniature gold rush to Rogue river is not improbable as the result of the announcement in the village of Rogue River today that Truman Scott, a visitor from Iowa, yesterday panned out a four-ounce gold nugget which he values at \$85. Mr. Scott has been a frequent visitor to Rogue River in the summer and has persistently argued there are great stores of free gold in the gravel of the famous trout stream. He claims to have made wages before, but today's find was the first one of sensational proportions.

THE THINKER



CROWD SWARMS COURT TO HEAR TRIAL OPENED

Jammed Courtroom Furore of Applause as Principals of Case Enter.

BRYAN GETS OVATION

Darrow Goes Into Fight in Shirt Sleeves—New Name in List of Defense Counsel—Very Hot.

(Associated Press Leased Wire.) DAYTON, Tenn., July 10.—Spectators began to find seats in the Rhea county court room two hours before the Scopes evolution trial began.

By 8:20 o'clock, the room which will seat approximately 800 persons, contained 100 men with a scattering of women. The lawn and walks outside were thronged with visitors who included mountaineers and khaki-clad tourists. Motion picture cameras were placed at strategic points to "shoot" the principals in the case as they approached the scene.

A hum of tense conversation filled the court room and above this sounded the clatter of reporters' typewriters and the muffled click of telegraph instruments. Judge Raulston entered at 8:30 followed by his wife and two daughters and mother-in-law. The judge's family took seats within the railing.

The judge was busy shaking hands with friends. G. H. West brought in a bunch of flowers and placed them on the judge's desk. They were rhododendrons, sent by friends from Laurel Falls. At 8:45 few seats remained unoccupied and the entrance and stairways were crowded. The attorneys and defendant were slow in arriving. Rules were lacking for conduct. (Continued on page 6.)



JOHN T. SCOPES

Evolution Trial Facts

(Associated Press Leased Wire.) The defendant: John T. Scopes, 24, formerly science teacher in the Rhea county (Tennessee) schools, his first position after being graduated from the University of Kentucky. The charge: Violation of the Tennessee law which prohibits the teaching of the theory of evolution in the public schools. The scene: Rhea county circuit court at Dayton, Tenn., a town of 2,000 population. The judge: Judge John T. Raulston. Probable duration: Estimated at from two weeks to a month. The prosecution: Walter White, superintendent of Rhea county schools and official prosecutor, A. T. Stewart, attorney-general of the eighteenth Tennessee judicial district; William Jennings Bryan, William Jennings Bryan, Jr., Sue K. Hicks, J. G. McKenzie, Wallace A. Haggard, Herbert E. Hicks. The defense: Judge John R. Neal, chief of staff; Clarence Darrow, Dudley Field Malone, Arthur Garfield Hays, Bainbridge Colby, John L. Godsey. Mr. Colby will not be present at the trial. The witnesses: Prominent churchmen and scientists. The cause: The anti-evolution law fathered by Representative John W. Butler, of Macon county, passed by the last session of the Tennessee legislature, signed by Governor Austin Peay, March 21. Previous action: Scopes arrested, charged with explaining evolution theory to his biology class; held to grand jury in bond of \$1,000 at preliminary hearing May 9; released on own recognizance and indicted by special grand jury. Defense denied injunction to halt trial last Monday. Inception of case: At Dayton drug store, at suggestion of Dr. George W. Rappleyea, evolution enthusiast.

APPEAL IS FILED FOR CHAS. FORBES

CHICAGO, July 10.—Appeal in behalf of Charles R. Forbes, former director of the veterans bureau and J. W. Thompson, wealthy St. Louis contractor, convicted last February of conspiracy to defraud the government through hospital contracts were filed today in the United States Circuit Court of Appeals. The plea contains ten thousand printed pages and is the longest in the history of the court here. Ninety-five errors in the proceedings and findings of the original trial court are enumerated. Grave, substantial and prejudicial errors in the trial are held by the defendants to have brought about the conviction. Forbes and Thompson are free on bonds pending decision on the appeal. They were sentenced to two years in the penitentiary and fined \$10,000. The appeal probably will be heard in October.

JUDICIAL COUNCIL TO HOLD MEETING

SALEM, Ore., July 10.—The state judicial council, which was created by the legislature of 1925, will meet at the state supreme court building on Friday, July 24. Judicial procedure as practiced in Oregon, will be discussed, perhaps modified in some respects, and ways and means will be discussed whereby the courts may recommend legislation. Members of the council are Chief Justice McBride and Justice Rand of the Supreme Court, Circuit Judges C. M. Thomas of Medford, Fred W. Wilson of The Dalles and Walter H. Evans of Portland and Albert B. Ridgeway of the State Bar Association. All circuit judges of the state are considered ex-officio members.

DELEGATES ARRIVE FOR ELKS MEETING

PORTLAND, Ore., July 10.—The Jackson, Mich., delegation arrived today to attend the annual national convention of the Benevolent Protective Order of Elks. This is the first delegation to arrive as a group. The delegation band surrounded the city at 5 o'clock this morning. By tomorrow night a great number of delegations will have arrived as the convention opens Monday. Large delegation left Michigan the lodge forum cities by motor. They are due tomorrow. Officials of the Jackson lodge said today that just before the delegation left Michigan the lodge virtually doubled its membership, initiating 1,194 new members.

SCOPES JURY CHOSEN THIS AFTERNOON

Selection of Jury Began This Afternoon—Panel Soon Completed.

RETURN INDICTMENT

Second Charge Is Brought Back by Grand Jury—Preliminaries of Trial Move Rapidly.

(Associated Press Leased Wire.) DAYTON, Tenn., July 10.—A jury to try John T. Scopes for teaching evolution in the Tennessee public schools was selected this afternoon. It was composed of nine farmers, one school teacher and farmer, one fruit grower and one shipping clerk.

A new indictment, based upon the evidence responsible for the old document was returned against John Thomas Scopes by a Rhea county grand jury here today. The indictment charged violation of the recently enacted Tennessee law prohibiting the teaching of evolution theories in the public schools.

The technicality involved was the question of elapsed time between the summoning of the special grand jury in special session and the meeting of the body. Thirty days should have separated the two. Re-indictment today remedied this defect, it was said by attorneys.

On motion of the attorney-general, the former indictment against Scopes was quashed, having been superseded by the second official document in the case.

The indictment alleged that Scopes "did unlawfully and willfully teach in Tennessee schools, certain theories that deny the story of the inspired creation of man as told in the Bible." It charged that he taught that man was descended from a lower order of animals. This alleged teaching the accusation set forth, was "against the peace and dignity" of the state.

Clarence Darrow, speaking for the defense, told the court that his side had a number of scientists it expected to call to testify and it would like to get an indication when it might be possible to call them as they were busy men and it was hoped that they would be able to testify with a minimum of effort.

Competence Science Questioned Judge Raulston, inquired of the state how long it was like to take to get a jury and the attorney-general responded that it would require a short time. Mr. Darrow said he expected it might take some time. He added that he considered scientists competent within the case. Judge Raulston indicated that he would go into the matter when a jury was sworn.

Judge Raulston made another suggestion, that the state advise if it was ready for the trial and then the statement would be in order from the defense. A conference of attorneys for the prosecution and defense followed.

Stage Short Skirmish This preliminary skirmish was regarded as a possible effort by the defense to ascertain if the state would admit the competency of scientific testimony. (Continued on page 5.)

The Weather

Highest temp. yesterday 98

Lowest temp. last night 60

Fair and cooler tonight and Saturday.

I spent a very pleasant summer in Switzerland.

"Berne"

"No, I almost froze!"