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FACTORY OF EVOLUTION AT APE TRIAL

FIVE MEMBERS OF FAMILY DIE IN AUTO SMASH

Fast Montana Train Hits Car Stalled on Crossing Early This Morning.

BODIES ARE MANGLED

Family Touring to East When Accident Occurred—Only One of Eight Escapes Unhurt.

(Associated Press Leased Wire.) BILLINGS, Mont., July 17.—Five members of a Santa Rosa, Cal. family of eight were instantly killed, another was fatally injured and a seventh seriously hurt when an eastbound Burlington train crashed into sedan at a grade crossing one mile west of Billings early today.

The dead: Raphael Fleck, father. Rose Fleck, mother. John Fleck. Eleanor Fleck. Eddie Fleck.

The injured: Maggie Fleck, fatally hurt. Agnes Fleck, arm broken.

The eighth member of the family, Rosie Fleck, a ten-year-old girl, saved herself by jumping from the car when the engine stalled as it stood on the track directly in the path of the oncoming train.

The Flecks were on their way from their home in California to Dickinson, N. D. They carried their camp equipment in a trailer which was separated from the car when the crash came.

The bodies were mangled almost beyond recognition and the car was reduced to a mass of splintered wood and broken and twisted steel as the locomotive rolled it for a distance of 120 feet down the track before the train was brought to a stop.

Maggie Fleck, a 16-year-old daughter, died two hours after the accident in a local hospital without regaining consciousness. The children ranged in age from a seven months old baby, who was injured but will live, to the 16-year old girl who lived for a few hours. Fleck was 46 and his wife 44. The family lived at 345 Decker street, Santa Rosa.

During the morning county and railroad officials took action looking to early elimination of the grade crossing by construction of a viaduct. The scene of today's accident was the same crossing at which five were killed in a similar accident eleven months ago. This crossing has claimed more than 15 victims in recent years.

PERSHING LEAVES TO ATTEND MEETING OF TEACNA-ARICA BODY.

(Associated Press Leased Wire.) WASHINGTON, July 17.—General Pershing left Washington this afternoon for South America to attend the first meeting of the Teacna-Arica plebiscite commission of which he is head. His official party will sail from Key West Sunday.

Missing Klamath Girls Found in Portland Rooming House; Say They Fled From Life on Sheep Ranch

(Associated Press Leased Wire.) PORTLAND, July 17.—Junie and Esther Bradshaw, aged 14 and 12, daughters of A. W. Bradshaw, sheepman of the Tule lake district in Klamath county, who disappeared from their sheep camp several days ago, were located in a Portland rooming house late yesterday. They are now in the custody of the Women's Protective Division.

Klamath officials came to Portland after L. W. Rhodes, former employe on the Bradshaw ranch, confessed to aiding the girls to make their way out of the Tule lake district. The girls declared they ran away because their father kept them in the desolate sheep camp and that Rhodes had helped them at their request.

"We're tired of living in the open," Junie told officials. "The old tent leaked, the water was awful and full of alkali and we had to carry it about 500 yards. The country is desert. It gets awfully

MCLINTOCK WILL BE REPUDED IN PROBATE.

(Associated Press Leased Wire.) CHICAGO, July 17.—Hasting his decision on a presumption of "undue influence", Probate Judge Horner today refused to admit the will of William Nelson McClintock to probate.

Joining forces with cousins who are seeking to prevent admission to probate of the will, Miss Isabelle Pope, the fiancée of the millionaire youth, charged through her attorneys today that the document was the result of "a criminal conspiracy between William Darling Shepherd, and others."

Shepherd, principal beneficiary under the will of his foster-son, offered the testament for probate several days ago.

Miss Pope, whose marriage to McClintock was prevented by the boy's sudden death last winter, was recipient of an \$8,000 annuity under the will.

Two courses are still open to Shepherd. He may initiate chancery proceedings to mandamus the probate court to admit the will or appeal today's decision to a higher court.

DEMPSEY WILL BOX BEFORE HE MEETS WILLS, HE SAYS

(Associated Press Leased Wire.) NEW YORK, July 17.—Jack Dempsey, the heavyweight boxing champion, today visited the New York state athletic commission and said after the conference that he had made peace, and that the commission had agreed to two or three bouts before he meets the negro, Harry Wills.

The title-holder said he had signed an agreement with promoter Tex Rickard to box Wills and the way was open to the contract for the bout. Commissioner Muldoon agreed, Dempsey said, that he should be permitted a couple of warm-up contests.

A Tanney match is in prospect the champion admitted, and may be one of the feature attractions at the new Madison Square Garden this winter. He expects to meet Harry Madison at Michigan City before the summer is over, although he has not signed the papers.

WEATHER IS WARM IN EASTERN OREGON

(Associated Press Leased Wire.) PENDLETON, July 17.—Pendleton sweltered yesterday as she has not sweltered yet this year. The official maximum temperature was 98, but because of the humidity it was pronounced the warmest day of the year by many residents. After an unusually hot night, early morning conditions promised a higher reading of the thermometer today. The hot spell has continued without a break for over ten days and warm nights have been part of the current heat wave.

BRITISH TRADES TO FORM ALLIANCE OF ALL WORKERS

(Associated Press Leased Wire.) LONDON, July 17.—A conference of trade union executives meeting here today, approved a plan for a great consolidation alliance embracing millions of British workers, including miners, railway men, engineers, shipbuilders and transport laborers.

In his holiday, Scott headed a \$23,000,000 sales corporation in Windsor, Ont., interested in the construction of a \$12,000,000 bridge over the Detroit river. The project failed and Scott went broke.

ELKS CONVENTION ENDS LAST NIGHT

(Associated Press Leased Wire.) PORTLAND, Ore., July 17.—The sixty-first grand lodge reunion of the Benevolent and Protective Order of Elks was brought to a close here today. Many delegations left last evening following the huge Elk parade in which approximately 20,000 persons took part and others were departing this morning. The remaining delegates were for the most part enjoying highway trips, climbing Mount Hood, or participating in a golf tournament at Gearhart, Oregon.

Tonight will see the final revelry of the visitors and by tomorrow the city will come teetering back to normalcy after one of the jolliest weeks in its history.

RUSSELL SCOTT GIVEN ANOTHER STAY EXECUTION

Convicted Chicago Slayer Who Was to Have Died Today Given Reprieve.

SAYS BROTHER GUILTY

Letter to Governor From His Brother Gives Him Short Lease on Life—Colorful Career.

(Associated Press Leased Wire.) CHICAGO, July 17.—A new lease on life for one week has been given Russell Scott, sentenced to die for the murder of Joseph Maurer, a drug store clerk in a hold up.

Six hours before the time set for the execution of the erstwhile Canadian miner, Governor Small, moved by a mysterious message from Detroit, granted a reprieve.

It came when all hope had been abandoned by Scott and his wife and aged father, who had worked for weeks to save him.

The Detroit message signed "Robert Scott," confessed the killing and promised surrender, urging that the hanging be delayed. It had been given to a messenger boy on the street by a young man, investigation developed. Scott has maintained that Robert, his brother, was the slayer.

Closing of the London market for foreign borrowers, in view of the Bank of England's policy of conserving gold to insure the success of its gold resumption plan, brought the major portion of the financing to New York.

BEND REPORTS TEN LIGHTNING BLAZES

(Associated Press Leased Wire.) BEND, Ore., July 17.—Ten forest fires as a result of the hundreds of bolts of lightning which boned the mountains surrounding Bend yesterday and last night, were reported up to noon today by the Deschutes National forest headquarters here.

Butcher mountain lookout reported witnessing 100 bolts strike in the district covered by his station. Others reported from 25 to fifty bolts. Of fires reported, two were located 2 miles west of La Pine, Pistol Butte, one Fall River, one Fox Butte, one Walker mountain, while the three other mountain fires were reported in the Walker range.

The electric storm did not touch Bend, apparently following the mountain ranges. The national headquarters this afternoon reported indications of further electric storms approaching this vicinity.

LA GRANDE, Ore., July 17.—Eighteen forest fires are reported in Wallawa county. The fires are under control and little damage has resulted. Thunder showers last night cooled La Grande after the city had sweltered from a temperature of 107 Thursday. It is forecast the intense heat, if continued, will prove damaging to the crops in the valley.

FORMER NEW YORK ALDERMAN IS SHOT IN HOLDUP ATTEMPT

(Associated Press Leased Wire.) NEW YORK, July 17.—Frederick Smith, former city alderman, was shot severely this afternoon during an attempted payroll robbery by three armed men in Christopher street. Almost at the same time, two men attempted a \$10,000 payroll robbery in the offices of the United States Trucking Corporation in Canal street, of which Governor Smith was formerly president.

A. H. PERRIN BUYS OUT STOCK AND EQUIPMENT W. S. HOWARD SHOE SHOP

(Associated Press Leased Wire.) A. H. Perrin, owner and proprietor of Perrin's Shoe store, today purchased the stock and equipment of the W. S. Howard shoe store which has been standing vacant since the death of the owner some time ago. Mr. Perrin is moving all of the tools, stock and machinery to his own place of business on Cass street. The new machines will give him one of the largest and best equipped shoe repair shops in the state of Oregon, and will enable him to turn out a much larger volume of work.

ADJUTANT GENERAL IS ILL WITH INFLUENZA

(Associated Press Leased Wire.) SALEM, Ore., July 17.—Adjutant General George A. White is ill at his home here with influenza. Physicians ordered General White to bed several days ago, but he insisted on remaining at his office until yesterday, when his condition became such that he was compelled to take to his bed. His progress is reported satisfactory.

LOSS IN MILL FIRE ESTIMATED AT ABOUT HALF MILLION DOLLARS

(Associated Press Leased Wire.) PORTLAND, July 17.—Loss in yesterday's Linton fire, when the West Oregon Lumber Company and the Beaver-Linton Timber Company mills and yards were almost totally destroyed, remained at \$500,000 today. Two men, J. W. Fowler, employe of the West Oregon Company, was severely burned about the arms and sides, and F. M. Orchard, hoseman, was burned about the arms, while fighting the flames.

In addition, six railroad box cars and 25 autos, the latter owned by employes of the West Oregon Company were destroyed. The loss is believed about evenly divided between the two concerns.

HUGE LOAN FLOATED BY MORGAN COMPANY

(Associated Press Leased Wire.) NEW YORK, July 17.—Flotation of a \$75,000,000 loan for the commonwealth of Australia was announced today by J. P. Morgan & Company. Public offering of 30-year, five per cent gold bonds will be made in the New York market next Monday at a price of 99. Simultaneous offering of 5,000,000 pounds sterling of the similar stock will be made to London.

The sale of the Australian loan in the United States marks the first financing for the commonwealth in the American market and is expected to be the forerunner of additional loans for British colonies heretofore represented in the New York market only by the Dominion of Canada. South Africa has been mentioned as the latest prospective borrower here.

A Pittsburgh man was about to tune in his radio, when a bolt of lightning struck his aerial and killed him. Lightning also killed a farmer in Ogdensburg, New York. A man at Antietam, Ont., slipped blindly into the storm with his coat over his head for protection and was killed by a motorist.

Lightning struck the heart of Mount Gretna, Pa., an emplacement of National Guardsmen and stunned and burned several men. A deluge followed the lightning and swamped the camp.

Tidal waves were reported along the shore of Lake Ontario from Charlotte to Forest Lawn. The water receded as much as forty feet and rushed back.

More than a score of buildings were unroofed at Riverside, N. J. The sale demolished the orchards in this vicinity in the heart of New Jersey's peach and apple district.

Thousands of the fruit trees were flattened. The loss was estimated at between \$200,000 and \$300,000.

TOWN IS PARTIALLY DESTROYED BY FIRE

(Associated Press Leased Wire.) WHITE SALMON, Wash., July 17.—Fire of unknown origin early today destroyed a considerable part of Bigen, Wash., two and a half miles east of here. Buildings destroyed are W. C. Henry, general merchandise, Plab's Cafe, Gaskill restaurant and Larocque residence, and a number of small dwellings. Desperate work upon the part of the volunteer fire department saved the town from further destruction. No estimate of the loss has been announced.

CREW OF SEVEN ARE TRAPPED IN FIRE

(Associated Press Leased Wire.) PRIEST RIVER, Idaho, July 17.—An unidentified forest fire fighter is missing and perhaps dead and two others are in a hospital here, seriously burned, following the trapping of a crew of seven by flames at Lamb creek, thirty miles north of here, yesterday afternoon.

Paul Lambert of Spokane and Luke Krikor of Seattle, suffering from burns all over their bodies, walked 18 miles after they had escaped the flames and were brought here. Lambert was said to be in a grave condition.

When the flames surrounded the crew, Lambert hurled the blaze and escaped. Krikor gave up, lying with his hands over his face awaiting death. When the flames nearly reached him, he leaped to his feet and dashed to safety.

MRS. JESSUP GAINS RANK IN TOURNAY

(Associated Press Leased Wire.) BROOKLINE, Mass., July 17.—Mrs. J. B. Jessup of Wilmington, Del., fifth in the national tennis rankings, defeated Miss Eleanor Goss of New York who ranks one place higher, to gain the final bracket in the women's invitational tournament in the Longwood club today.

The scores were 6-3; 6-0. Miss Helen Willis of Berkeley, Cal., defeated Mrs. E. B. Cole of North Andover, 6-4, 6-6. This victory entitled the national champion to meet Mrs. Jessup in the finals.

TERRIFIC STORM AND RAIN KILL MANY IN EAST

Electric Storms Hit Towns in New England States Late Yesterday.

PROPERTY LOSS BIG

Buildings and Crops Destroyed in Five States—Lightning Takes Two Lives.

(Associated Press Leased Wire.) NEW YORK, July 17.—Terrific electrical and rain storms have taken a toll of five lives, unroofed houses, destroyed crops and crippled wire service in the east.

In Wheeling, W. Va., two men were drowned when rain descended with torrential force late yesterday, sweeping out small bridges and undermining roads.

A Pittsburgh man was about to tune in his radio, when a bolt of lightning struck his aerial and killed him. Lightning also killed a farmer in Ogdensburg, New York. A man at Antietam, Ont., slipped blindly into the storm with his coat over his head for protection and was killed by a motorist.

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SALEM PRINTING EMPLOYEE ATTEMPTS TO COMMIT SUICIDE

(Associated Press Leased Wire.) SALEM, Ore., July 17.—Archie W. McKillop, an employe of the state printing department, attempted to commit suicide a few minutes after 11 o'clock today by shooting himself through the body at the rooms of himself and wife.

He was rushed to the hospital, where, early this afternoon, the physicians who operated on him said he had a fair chance to recover.

OIL COMPANY GETS FEDERAL SANCTION

(Associated Press Leased Wire.) LOS ANGELES, July 17.—The Bell Ridge Oil company today won approval of the federal district court here to its title to wells it has sunk in the Elk Hills naval oil reserve in Kern county, Cal.

FINE IS PAID

(Associated Press Leased Wire.) A. P. Gillette, of Carverville, was fined \$25 and costs this morning in the Justice of the Peace Court at Myrtle Creek. He was found guilty of burning a slashing without a permit. The arrest was made by M. E. Slack of the state board of forestry. Mr. Slack is investigating the origin of every fire in Douglas county. The law prohibits campers from leaving fires unattended, and prosecutions will result where such cases are found.

CARTER WINS

(Associated Press Leased Wire.) DETROIT, July 17.—Keeffe Carter of Oklahoma, today defeated Fred Lamprecht, of Cleveland, one up in the semifinals of the western amateur golf championship.

Bryan Wins Fight Against Testimony of Scientists



William Jennings Bryan's vigorous attack yesterday on the admission of expert testimony on the theory of evolution was followed this morning by the decision of Judge John T. Raulston prohibiting such testimony by the defense witnesses. The great Commoner is shown here in conference with John W. Butler, author of Tennessee's anti-evolution law.

ASTORIA MILL MAN BUYS WHEAT LANDS

(Associated Press Leased Wire.) PORTLAND, July 17.—Announcement was made here today that Edgar V. Smith of Portland, president of the Astoria Flouring Mills company, of Astoria, had closed a deal for the purchase of 7,500 acres of Palouse wheat land in the St. John country, west of Colfax, Washington. H. H. Boomer, a Spokane contractor, is the owner of the land, for which approximately \$200,000 was paid. Six thousand acres of the land, parcelled off to tenants, is under cultivation.

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GOVERNOR ISSUES WARNING AGAINST DRUNKEN DRIVERS

(Associated Press Leased Wire.) SALEM, Ore., July 17.—That the courts of the state enforce the drunken driver act of the 1925 legislature and not substitute charges of "reckless driving" for "driving while intoxicated," is the plea of Governor Pierce in a statement issued today. He states that he does not want it to become necessary to call upon the attorney-general to appear as a prosecuting officer in these cases.

CONDITION SMASH VICTIMS SERIOUS

(Associated Press Leased Wire.) SALEM, Ore., July 17.—The condition of Mrs. Catherine Haltzen, of Portland, and Miss Eva Hopkins of Salem, who were injured when an automobile in which they were riding ran into a train at Derry Station, Polk county, early yesterday, was still reported serious today. Miss Hopkins received a broken leg and severe body lacerations, and Miss Haltzen is believed to have a fractured skull. C. J. Ball of Ballston, received a broken arm and broken nose, and A. McKabin of Salem, driver of the car was bruised.

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TESTIMONY OF EXPERTS IS EXCLUDED

Stormy Session Aroused in Scopes Case When Judge Makes His Decision.

WILL APPEAL CASE

Defense Plans to Go to the Supreme Court—Trial in Raulston's Court May End Monday.

(Associated Press Leased Wire.) COURT ROOM, Dayton, Tenn., July 17.—Judge John T. Raulston announced this morning that he had decided to exclude scientific testimony from the trial of John T. Scopes.

The decision was regarded as having a vital bearing on the length of the trial. Yesterday was devoted entirely to argument on the question of competency of expert testimony.

The judge's decision was announced at 9:51. After reading a general review of the judge's conclusion of the intent of the state as passed by the legislature, the defense at once noted an exception to the court's ruling, and the judge ordered it placed on record.

In presenting the defense exception, Arthur G. Hays declared: "It is denial of justice to permit the state to make the case on its own evidence."

"It is contrary to every principle of Anglo-Saxon judicial procedure," Mr. Hays said.

The defense then announced that it desired to place its proposed testimony into the court for the purpose of placing it before a higher court.

In reply to a question from Judge Raulston, Hays said the defense had about six branches of science represented by witnesses.

"I think you are entitled to have in the record a sufficient amount of your proof to show the appellate court what your proof would have been," said the judge.

The defense contended, however, that it also has the right to argue before the court that the law was unreasonable and to put on evidence to inform the court, in the absence of the jury. If the evidence be permitted, Mr. Hays suggested that the court would be benefited by such evidence.

Should the court be convinced that it is in error, then he will reverse his opinion, Judge Raulston said.

Attorney-General Stewart said that the defense wishes to conduct a campaign of education of theories of evolution through the medium of this trial.

The state offered no objection, he said, to permitting the defense to offer the substance of a testimony in affidavit form.

Dudley Field Malone denied that a campaign of education was being conducted, although he said he thought the way in which the defense had conducted the case it was educational. He said that the defense was meeting propaganda started by "a distinguished member of prosecution counsel."

Judge Raulston said he was not inclined, after having given an opinion, to hear testimony to show that the opinion was wrong.

Clarence Darrow heatedly said that if such witnesses are not on stand, it would not be proper to cross-examine them. It would be the purpose of such testimony, he said, to show what the defense expected to prove.

"If the defense wishes to put its proof in the record in the form of affidavits it has that privilege so to do. If it puts witnesses on the stand to show what it expected to prove," (Continued on Page 2.)

The Weather

Highest temp. yesterday 96
Lowest temp. last night 60
Fair tonight and Saturday.
Said the rain to the dust, "Thy Name is Mud."