

The Oregon Statesman

SEVENTY-FIFTH YEAR

SALEM, OREGON, TUESDAY MORNING, JULY 7, 1925

PRICE FIVE CENTS

APE TRIAL WILL BE STARTED ON FRIDAY

Prosecution to Try John T. Scopes for Teaching Evolution in School

INJUNCTION IS DENIED

Federal Judge Refuses Scopes Restraining Order to Stop Criminal Case; Interest in High

COOKEVILLE, Tenn., July 6.—(By Associated Press.)—John T. Scopes, public school teacher, must stand trial by jury in the state court at Dayton, Tenn., on Friday on a charge of violating a Tennessee statute prohibiting the teaching of evolution in the public schools, as Federal Judge John J. Gore today refused to grant the injunction which Scopes sought to stop the criminal case. The appeal for an injunction asserted that Scopes' constitutional rights would be violated by his trial in the state court.

John R. Neal, leading counsel for Scopes, said no appeal would be taken from Judge Gore's ruling now, but that he would soon apply to Judge Hicks, federal judge for eastern Tennessee, now in Detroit, for a federal court order in the case.

In his lengthy ruling Judge Gore did not discuss the constitutionality of the Tennessee statute under which Scopes was indicted, but gave his decision on the question of his territorial jurisdiction. He cited the United States constitution and statutes and numerous precedents, to uphold his belief that he did not have jurisdiction in the case. One ground cited was that Dayton is in the eastern federal district of Tennessee, while his district is middle Tennessee.

Listening to the decision of Judge Gore, Scopes seemed unperturbed. He said he expected the trial at Dayton to begin next Friday, according to schedule.

Judge Gore, at the outset of his decision, pointed out that the petition showed that the petitioner is under indictment in Rhea county, and that the case is pending undetermined. He stated that he was of the opinion that he was not justified in granting the writ.

Two petitions were presented—one in the name of John T. Scopes and the other in behalf of Robert M. Wilson. Both were directed at Governor Austin Peay, State's Attorney Thompson, and A. T. Stewart, attorney general for the 18th judicial district of Tennessee.

It was claimed that Scopes was deprived under the Tennessee law of liberty and property without due process of law. Wilson's plea contended that the law deprived him of the right to properly educate his children. Both contended that enforcement of the law is not a valid exercise of the police power of the state.

Referring in his decision to the contention of counsel that it was the court's duty to grant a temporary restraining order to remain in force until a hearing and determination of an application for an interlocutory decree, Judge Gore said that even if he had the power to grant a temporary restraining order he was of the opinion that he should not do so upon

(Continued on page 2)

HARTLEY OPPOSES PLAN

STATE ASSISTANCE IN PROJECT IS SAID NOT WISE

SEATTLE, July 6.—Unchanged in his opposition to state assistance in the settlement of the Kittitas highline reclamation project following a conference which the secretary of Interior Hubert Work and Elwood Mead, federal reclamation chief, Governor Hartley tonight announced that he would make another survey of the project before definitely committing himself.

Secretary Work said no effort had been made to influence the governor to change his mind.

Governor Hartley issued a prepared statement:

"My views on the general policy here involved have not been changed, yet I do not wish to assume an arbitrary attitude or to hastily take action on the question now before the state," the statement said. "For this reason I have promised those interested in it that I shall visit the project and go thoroughly into every detail of the land settlement proposal as well as study the organization of the indemnifying corporation and the methods it proposes to pursue.

"This I shall do at the earliest possible date, and shall announce my final decision immediately thereafter."

EVOLUTION THEORY IS HELD DEMONSTRATED

DR. JENNINGS, OF JOHN HOPKINS, MAKES DISCOVERY

Process May Be Observed Under Microscope, Zoologist Maintains

BALTIMORE, Md., July 6.—(By Associated Press.)—Dr. Herbert Spencer Jennings, professor of zoology and directors of the zoological laboratory at the Johns Hopkins university, here is the "first actually to see and to control the process of evolution among living things."

The statement is contained in a newly published report of the biological activities at Johns Hopkins and is considered by scientists at the institution as being of special significance in view of the coming trial of John T. Scopes, charged with the teaching of evolution in violation of the Tennessee statutes.

"The evidence of evolution," the report declares, "has been read in the rocks and the structures of plants and animals, but under the microscope Dr. Jennings was able to follow evolution not as a theory but as a thing that was actually taking place."

"Intensified study," Dr. Jennings declares, "reveals that the hereditary characteristics do become changed by external conditions. Through such diversities continuing for great numbers of generations single stocks, uniform in their hereditary characteristics gradually differentiate into many faintly differing hereditary features. Again the process is gradual, or by steps so small that single ones are imperceptible.

"In higher organisms, the state of knowledge on this point is less satisfactory. But the evidence so far as it goes indicates that the processes here are in agreement with those in lower organisms.

"Apparently diversities in external agents may, under conditions which seem rarely met, so modify the germ cells that they produce progeny with changed hereditary characters. Altogether we find that even independently of any mating process, diversity of stocks is being produced but most slowly and gradually."

SHIP BUYERS ARE SOUGHT

BOARD WOULD GIVE CONTROL TO PRIVATE FIRMS

WASHINGTON, July 6.—(By Associated Press.)—Decision to conduct an active campaign for the sale of shipping board lines and ships was announced by President Palmer of the emergency fleet corporation in a letter to all managing operators of government vessels. The terms and conditions would be made as liberal as may be consistent with the government's interests," he wrote. "The fleet corporation desires to regard the managing operator of a line as its potential purchaser, and it is hoped that your company may see its way to acquire the line it operates. However, the fleet corporation will be receptive to proposals for purchase from any responsible source at any time, and it will be its purpose to handle them expeditiously.

Mr. Palmer also announced that recommendations would be made to the board at its meeting tomorrow for the sale of 200 ships for scrapping, bids for which were publicly opened last week. The board is not expected to take final action at once, however, four of its seven members being absent from the city. It was reiterated today that no bid for these ships, such as Henry Ford told the Associated Press he had mailed before the offers were opened had been received by the corporation or the board.

BOARD LETS CONTRACTS

SALEM MAN WILL CONSTRUCT FEEBLE-MINDED SCHOOL

Two building contracts aggregating nearly a quarter of a million of dollars were let Monday by the state board of control, A. A. Siewert, of Salem, with a bid of \$32,900 to construct the two-story and basement building for the feeble-minded school. Settegren Bros., of Portland were awarded the contract for the erection of a three-story ward at the eastern Oregon state hospital near Pendleton at a cost of \$178,265.

Other contracts awarded were Fox & Company, Portland, plumbing for state hospital ward, \$7850 and J. P. Shea, Portland, heating, \$8427. For the feeble-minded school building L. C. Inman, Silverton, will install the heating, \$2802 and plumbing, \$2700.75; Hatch Electric company, Salem, electrical wiring, \$720 and Oregon Art Tile company, Portland, tile, \$4785.

FOUR RELEASED IN DELINQUENCY CASE

Seven Other Men Are Indicted for Giving Liquor to Four Minor Girls

SERIOUS CHARGE FACED

Other Accusations Placed Against Wade, Schackmann, Dittmar, Gilchrist and Edwards Dismissed

Four of the 11 men who were charged with contributing to the delinquency of minor girls were released by the grand jury yesterday when not true bills were returned for them. Those freed of the charge are Dick Schackmann, Percy Dittmar, Walter Gilchrist and Frisco Edwards. True bills were found against the other seven.

These indicted for trials are Jess Wade, William Cook, John Ekelton, Bert Peary, Bud Harris, Max Carthew and Clifford Willard. The case grew out of an alleged liquor party held on April 2, when it is declared four minor girls were pled with wine until they were not conscious. Other parties are said to have been held on March 20 and March 23.

More serious charges than giving liquor to minors may be preferred against Wade, it is said. Following an all-night party and a joy ride, Wade is stated to have remained all night with one of the girls in his room. The girl is declared to have been in a severe stage of intoxication.

The grand jury calendar was almost entirely cleared up yesterday, with only a few cases remaining to be heard. C. C. Conley, negro, who held up and robbed the night station agent of Turner Wednesday, was dressed in at the state prison yesterday afternoon to start serving a sentence of seven years. This is a record for speedy justice, only five days elapsing between the committing of the crime and arrival at the prison.

Other cases disposed of by the grand jury yesterday are as follows: A not true bill was returned for Joe Polley, charged with possession of a still; S. A. Pease, charged with possession of a still, was indicted, and Perry Schrumm, accused of poisoning a dog, was released.

LIBRARIANS HOLD MEET

SEATTLE, July 6.—A total of 1927 librarians from all parts of the United States were here tonight when the first formal session of the 47th annual conference of the American Library association was called to order. By noon tomorrow 2500 delegates will have arrived, it is expected.

BUSINESS CONDITIONS ARE GOOD DURING MAY

POOR SALES OPPORTUNITIES REPORTED IN STATE

Bank Clearances Are \$10,770,000 or Third in Class Through Northwest

General business conditions in Salem are better than in any city of the northwest, according to the July map issued by the Babson Statistical Organization, of Wellesley Hills, Mass., received yesterday by the Chamber of Commerce. The report is on conditions during May.

These good conditions regarding Salem broadcasted throughout the United States by Babson, give the capital city the favorable rating in spite of the fact that Oregon as a whole is reported as a state where sales opportunities are least favorable.

Salem is rated as a city with most favorable sales conditions and the only other cities so rated in the west are San Diego, San Jose, Oakland and Yakima.

Only five states, based on May business, are rated as with most favorable sales conditions. These are North Dakota, South Dakota, Michigan, Minnesota and Florida. In the west, Oregon, Idaho and Wyoming are rated as having the least favorable sales conditions. Washington and California are rated with fair conditions.

According to the Babson report received by the Salem Chamber of Commerce, bank clearances during the month of May in several cities of smaller size of the northwest were as follows:

Salem \$10,770,000; Eugene \$7,419,000; Astoria \$4,574,000; Pendleton, \$3,572,000; Bellingham, \$9,555,000; Longview, \$2,920,000; Everett, \$13,161,000; Yakima, \$11,559,000; Hoquiam, \$3,282,000.

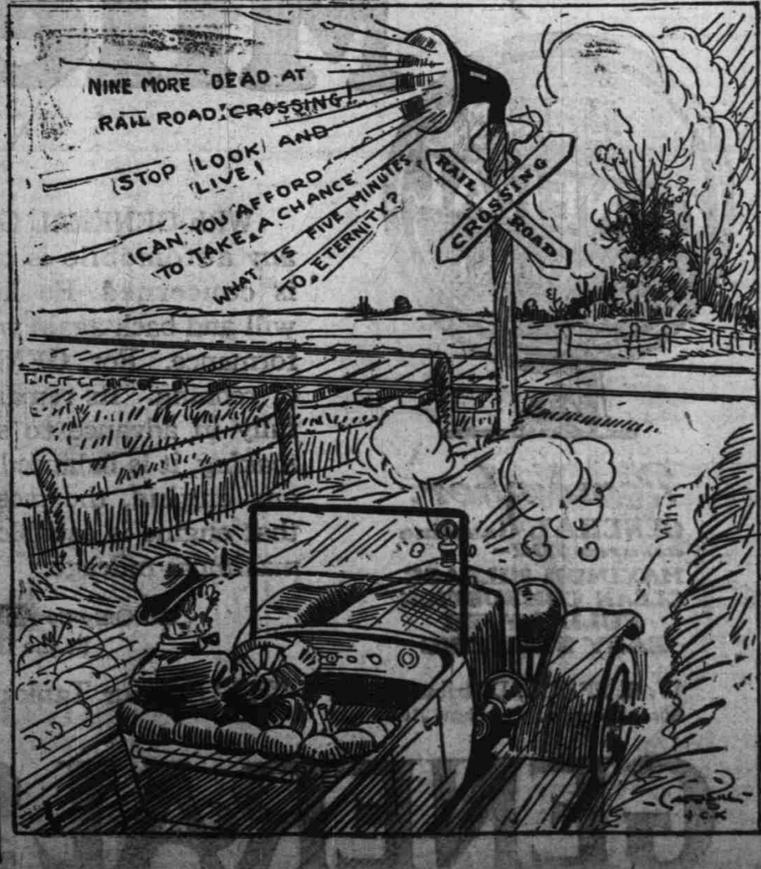
MORTGAGE MAN GUILTY

15 YEARS AND \$10,000 FINE RECEIVED BY HAWKINS

INDIANAPOLIS, Ind., July 6.—(By Associated Press.)—Fifteen years in the federal penitentiary at Leavenworth and a fine of \$10,000 was meted out to Morton S. Hawkins, former president of the defunct Hawkins Mortgage company, on charges of using the mails to defraud in connection with operations of the concern, by Judge Robert Baltzell here today.

Counsel for Hawkins who was found guilty by a jury last week, immediately filed notice of an appeal and Judge Baltzell granted the defendant 20 days to raise bond or perfect his appeal during this period he must begin serving his sentence, the court ruled. Meanwhile he will remain in jail. Hawkins, the government charged, mulcted investors out of between \$4,000,000 and \$6,000,000 by the operations of his company.

AUTO-SUGGESTION



STATE INSTITUTIONS REPORT CASH ON HAND

UNEXPENDED BALANCES REPORTED FOR SIX MONTHS

Per Capita Costs for Last Month Are Generally Lower Than in June 1924

State institutions in general are keeping within the allowance for the first six months' period, according to reports submitted to the state board of control by the various superintendents. Specific figures were given for the state hospital by Dr. R. E. Lee Steiner and for the penitentiary by Warden A. M. Dalrymple. The state hospital was allowed \$199,500 for the period, expended \$189,691.36, leaving an unexpended balance of \$9,808.64. The prison was allowed \$87,500, spent \$78,809.50 and has \$8,690.50 on hand.

With the exception of the state hospital, eastern Oregon state hospital and the employment institute for adult blind in Portland the per capita costs for June this year were lower than for the same month last year.

The population at the state hospital last month was 1829 with the per capita cost \$17.37 against 1898 and \$16.93 for June, 1924. The prison had 493 inmates last month against 441 a year ago, with the per capita costs \$21.72 this year against \$32.15 last year. The feeble-minded school had 796 inmates costing the state \$15.64 each against the 774 last year which cost \$16.39 each. The boys training school, with 216 inmates against the 176 last year, cost \$20.72 per inmate in comparison with \$29.73 a year ago. The state tuberculosis hospital had 146 patients costing \$44.10 each against 148 and a per capita cost of \$46.93. The girls training school had 71 inmates at \$28.65 while last year the population was 73 with a cost of \$32.15. There were 799 inmates in the eastern Oregon hospital, maintained at a cost of \$16.47 per patient last month against 740 and 415.59 a year ago. The 105 members of the soldiers home at Roseburg cost the state \$36.25 each against the 98 and \$39.68 reported last year.

The adult blind employment bureau in Portland had an enrollment of 48 last month, costing \$66.62 each while in June, 1924, there were 41 costing \$57.82.

ARCTIC RADIO HEARD

HALIFAX, N. S., July 6.—(By Associated Press.)—A radio message from the Peary of the Donald B. MacMillan Arctic exploration expedition picked up today, reported that the Peary and the Bowdoin left Battle Harbor this morning and had called at Domino where Eskimo boots were purchased.

The Peary expected to be at Hopedale, Labrador, tomorrow if ice permitted.

TWO MEN ARE TORTURED

TENNESSEE FUGITIVES ARE INVOLVED IN KIDNAPING

CHATTANOOGA, Tenn., July 6.—(Associated Press.)—"To make a long story short—'dead men tell no tales.' I think that explains, in the shortest possible fashion why Dr. W. D. Mason and myself were abducted and tortured for ten days by a gang of masked men in the wilds of Signal mountain." The foregoing statement was made today at a local hospital by Lawrence Bowman, alleged feudist and aide to federal prohibition agents, kidnaped along with Dr. Mason, a veterinary surgeon on June 23 and kept tied to trees until Sunday morning by enemies.

Bowman and Dr. Mason intimated that warrants would be sworn out for members of the masked band who participated in the abduction.

Bowman declared that he believed that the real cause of the kidnaping was due to the fact that he had turned up a number of stills recently for federal prohibition agent W. E. Grubb.

"They intended to get Dr. Mason, too, so that he could not tell what they had done to me," said Bowman. Bowman refused to name the abductors, although he indicated that he could identify several of them.

HEAT CLAIMS 6 VICTIMS

CHICAGO SWELTERS IN HOTTEST JULY DAY ON RECORD

CHICAGO, July 6.—(By Associated Press.)—Six deaths and several prostrations were attributed to the heat in Chicago today when the temperature mounted to 96 at 4 o'clock, the hottest July 6 in Chicago since 1874. It was not the hottest day this year, however, as the mercury went to 98 last Saturday. Tonight a violent thunder storm struck the city about 9 o'clock, reducing the temperature.

REHEARING OF OIL TRIALS IS DENIED

Judge Kennedy Refuses Motion of Government Council for New Trial

LEASE ACTION DISMISSED

Lease Annulment Suit Against Mammoth Oil Company Ended; New Evidence Said Available

CHEYENNE, Wyo., July 6.—(By The Associated Press.)—Federal Judge T. Blake Kennedy late today denied the motion of government counsel, Alton Pomeroy and Owen J. Roberts, for a rehearing of the Teapot Dome lease annulment suit on the ground that additional testimony for the government was available.

Judge Kennedy also signed a decree dismissing the lease annulment suit against the Mammoth Oil company entering the dismissal as of June 19, the date of his decision in the case.

Judge Kennedy in his decree of dismissal provided for the continuance of the Teapot Dome receivership until further order, while the appeal from the decision is being taken by the government to the eighth circuit court of appeals. The government is given 45 days from June 19 to file its petition for appeal.

The government counsel sought to reopen the case to present additional testimony on the alleged transfer of Liberty bonds from the Continental Trading company of Canada for Harry F. Sinclair to Albert B. Fall, former secretary of the interior, who negotiated the lease of the government. Their motion required that depositions in connection with the alleged transfer of Liberty bonds be taken in Toronto, Canada, and filed with the court.

Before the trial of the Teapot Dome case, government counsel endeavored to secure these depositions in regard to the alleged Liberty bond transfer. Judge Kennedy granted the government a continuance of the trial from February 26 to March 9 for the securing of this evidence but the refusal of H. S. Oiler, trading company president, to answer part of the questions put to him defeated the government's move.

Judge Kennedy in his order dismissing the lease annulment suit against Harry F. Sinclair's Mammoth Oil company, epitomized the whole.

In his order of dismissal, Judge Kennedy stated that the question of the validity or invalidity of the

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FINE PROGRAM OFFERED

SPECIAL REQUEST NUMBERS FEATURED BY CHERRIANS

An excellent program, containing two special request numbers, has been arranged for the Willson park concert tonight by Oscar Steinhilber, director of the Cherrian band. The program is as follows:

1. March, "Stars and Stripes Forever"..... Sousa
2. Selection "Wang"..... Laufer
3. Waltz, "Sovenir".....
4. Popular Numbers..... Baden-Baden
5. Vocal Solos..... Oscar Glasrich
6. Selection "Post and Pans" (by request)..... Supps
7. Selection "La Palma" (by request)..... Fraber
8. Selection "Newlyweds"..... O'Hara
9. March "Scotch Highland Landers"..... Mr. King
10. "Star Spangled Banner"

POLA NEGRI IS ASSESSED \$10,000 FOR SMUGGLING

FILM ACTRESS MUST PAY \$57,000 TO OBTAIN JEWELS

Failure to Declare Property Brings Heavy Fine; Collection Is Large

NEW YORK, July 6.—A fine reported to amount to \$10,000 has been imposed upon Pola Negri, motion picture actress it was learned tonight by the government for failing to declare two diamond and emerald bracelets and a diamond ring when she arrived in this country last May. It was reported that the government had assessed the jewelry at \$47,000 so that Miss Negri will have to pay a total of \$57,000 to recover the gems.

The jewels have been in the possession of the customs authorities since a few days after her arrival.

Henry C. Stuart, assistant collector of the port, said tonight that he did not know the exact amount of the fine or the value of the gems, but that the reported figures were probably correct.

The ruling in the case was said to have been made by General Lincoln C. Andrews, newly appointed assistant secretary of the treasury and Miss Negri was notified by Philip M. Elting, collector of the port. Several days after the arrival of the Berengaria Miss Negri appeared at the custom house and told Mr. Elting that it was the fault of her maid that she had failed to declare the jewelry and several bottles of wine which inspectors found in her trunk. She had told the maid to declare them, she said and the maid had neglected to do so. The maid, however, said she declared exactly what her mistress had told her to declare. It became known today that even before Miss Negri left the Berengaria she was called upon by a treasury department representative who told her that this government knew of the jewelry and cautioned her not to forget to declare it.

Miss Negri at first said she had declared all the property she had but later produced an emerald ring.

Some time later an agent visited her and asked her if she had not received the 30-carat diamond as a present while in France. She admitted this and the ring was seized as were the bracelets.

That the governor was directly responsible for the position of the accident commission, which is badly in need of finances, was charged by State Treasurer Kay. The governor admitted, indirectly, that his threat to veto any measure passed by the legislature giving such financial assistance would be vetoed, was in error, and that he was sorry for the occasion.

It was pointed out by the majority of the board that at the last general election, by a 2 to 1 vote, the compulsory workmen's compensation measure was defeated. Both Secretary of State Koser and State Treasurer Kay were in favor of making such requirements providing that the law permitted the contractor to have part of his work under the state protection and part under private insurance.

The point was stressed that the contractor should not be compelled by his state contract to take a financial loss by forcing him to drop his other insurance. Otherwise they were in favor of state protection, and strongly urged contractors to come under the act.

DR. CLARK RESIGNS POST

DR. POLING NAMED HEAD OF CHRISTIAN ENDEAVOR

PORTLAND, July 6.—Resignation of Dr. Francis E. Clark, after 44 years as president of the United Society of Christian Endeavor, and election of Dr. Daniel A. Poling of New York, associate president for 10 years, as his successor, were announced here today by trustees of the international organization. Dr. Clark, who is more than 70 years old, is known as the father of Christian Endeavor.

In his biennial message to the convention Dr. Clark said: "Military men in army and navy are retired at the age of 64; I have passed, by nearly 10 years, the age when the officers must relinquish their commands and write 'retired' after their names. In the Lord's army, too, there comes a time when, for the best efficiency, a man should resign his post and place the standard of office in younger hands.

Some months of serious ill health, as well as advancing years with their inevitable handicaps, compel me to do this now."

Dr. Clark indicated that he might accept the office of president of the World Christian Endeavor union.

Edward P. Gates, who has served as general secretary of the movement for six years, was re-elected, and Dr. William Hiram Foulkes of New York was chosen to the newly created office of vice president.

VATICAN JEWELS FOUND

RINGLEADER IS HELD; PRECIOUS GEMS RECOVERED

ROME, July 6.—(By The Associated Press.)—One of the principal organizers of the robbery of the treasury of St. Peter's Friday night has been arrested and the precious objects stolen have been recovered. Three accomplices have also been seized by the police.

Police Commissioner Marrotto, pretending that he was a receiver of stolen goods, got in contact with a former shoemaker named Marjano Stella, one of the men who plotted the robbery and who was believed to have concealed the precious objects stolen. The police commissioner in this way was able to recover the objects this evening and Stella was arrested.

Numerous other arrests have been made including six workmen who were engaged in repairs in the interior of the palace where the treasury is situated. They are suspected of having participated in the crime.

SELL YOUR CAMPING EQUIPMENT

If you are through with your camping equipment for this year why not sell it. There are many who would be glad to get it for their trip. Take a small discount now and have the cash to use. A small ad in the Classified Column of The Statesman is all that's necessary.

Telephone 23 or 533

STATE PROTECTION RUMPUS IS HEARD

Governor, Koser and Kay in Clash Concerning Awarding of Contracts

PIERCE ADMITS ERROR

Treasurer Charges Threat of Veto Responsible for Financial Condition of Accident Commission

From the smoke of battle rising from verbal tilts between Governor Pierce and Secretary of State Koser and State Treasurer Kay, during which Governor Pierce admitted that he was in error by blocking the legislature's plan to appropriate \$200,000 for the state industrial accident commission, contracts amounting to nearly a quarter of a million dollars were awarded Monday by the state board of control for the erection of a three-story ward at the eastern Oregon state hospital near Pendleton and a two-story building for the state feeble minded school at Salem. The argument arose over the question of compelling contractors to carry on state work under the protection of the workmen's compensation act.

Governor Pierce was emphatic in his demands that contracts awarded by the board of control should be awarded only to contractors coming under the state industrial accident commission. Both Secretary of State Koser and State Treasurer Kay took the position that the requirement should not be included, as the law leaves the matter entirely with the individual contractor, and that the board should not set itself above the law.

That the governor was directly responsible for the position of the accident commission, which is badly in need of finances, was charged by State Treasurer Kay. The governor admitted, indirectly, that his threat to veto any measure passed by the legislature giving such financial assistance would be vetoed, was in error, and that he was sorry for the occasion.

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The point was stressed that the contractor should not be compelled by his state contract to take a financial loss by forcing him to drop his other insurance. Otherwise they were in favor of state protection, and strongly urged contractors to come under the act.

Nearly all of the nine contractors bidding on the hospital wing and the seven submitting bids for the feeble-minded school are already under the workmen's compensation act.

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