

FAMOUS EVOLUTION CASE OFFENS TODAY
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technical reason, spoiling the whole effect, and leaving the matter exactly where it was before Messrs. Rappleyea and Hicks evolved this case in Robinson's drug store.

Many Tennessee lawyers assert that the Tennessee supreme court is quite likely to reverse any conviction of Scopes in the trial court, upon appeal, because of the diversity of statement in the caption and clause of the act. Furthermore, John H. Cantrell, president of the Chattanooga Bar Association and a Tennessee legal luminary, gives it as his opinion that a conviction under the Butler bill is impossible, because under a strict construction of the language of the act two enacted types of teaching are required to violate it. First, to teach "any theory that denies the story of the divine creation of man as taught in the Bible," and, second, "to teach instead that man is descended from a lower form of animals." The teaching of neither one of these two things by itself constitutes a violation of the act. Cantrell contends, but both must be taught jointly.

It should be remembered that the issue of constitutionality has no bearing on the wisdom or folly of the act—simply upon the question of whether the legislature in enacting it acted within powers conferred upon it by the constitution or not.

The state argues that the Butler act is "an exercise by the state of its constitutional right and power to direct its own agencies. It points out that state-supported schools are a function of the state; that the teachers in these schools are agents, officials, functionaries, of the state; that their salaries are met out of public funds; that they are confined in their use of text books to volumes specifically selected by a state agency; that they are properly subject to the control of their employer, the state, in their duties for it.

The state directs the length of the school term; it appropriates the buildings; it establishes a textbook commission to adopt textbooks. Theoretically and constitutionally, the state legislature is the voice of the people, being their direct representatives and is clothed with the power of the people. The state legislature, of course, has had its power to act for the people restricted by certain declarations of the people in their state constitutions; but, except as it contravenes these, it is the people, in assembly, and is empowered to direct the people's business. Such is the line of argument of the state.

The defense holds that the legislature's right of guidance must be within the limits imposed by the constitution; that it cannot overstep those bounds; and that the Butler act interferes with the rights of freedom of speech, of opinion and of religious worship. Counsel for the defense may be expected to make brilliant exposition of the bill of rights of the United States constitution and of that of Tennessee; they may be expected to say much of the tyranny of shackling free speech. They will likely refer to the Tennessee constitution's instruction to the legislature to "cherish science and literature," and point out it cannot be done by forbidding any instruction in a fundamental scientific thesis.

Thus the battle will go. The question is an important

one. It is highly desirable that there be a clear opinion upon it. Certainly the state has a right to control its agencies. Certainly no state legislature has the slightest right to throttle the freedom of speech, or prevent the freedom of academic inquiry. The line between in this case is a close one. It is unlikely that the matter will be settled in Dayton.

Any jury of 12 men good and true assembled in these hills is certain to convict young Scopes. To them it will not be a matter of free speech, but a case of atheism vs. the Bible, and none of them will hesitate in bringing in a verdict.

Moreover, the mere presence of Messrs. Darrow, Malone, et al. is sufficient to lose the case for Scopes. The south must be protected from the machinations of meddling Yankee lawyers, particularly "murder lawyers" like Darrow, and "scandal lawyers" like Malone. A sidelight of the Leo Frank case down in Georgia is illuminating. When it was all over, and Frank was convicted, a newspaperman asked one of the jurors who sat in the trial: "What convinced you that Frank was guilty?"

"Well," replied the juror, who sprang from the same stock as these hillmen, "if he wasn't guilty, what did he get all them high-priced lawyers for?"

PACKED TENT GREETES CHAUTAUQUA OPENING
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wedding march and "other war songs!"

While Mr. Packard's characters confined themselves mostly to the masculine gender he did vie with the rainbow and produce a color study of the American girl. Out of "the most popular girl" in America, the girl on the silver dollar, the artist, with a few strokes of his crayon, and the smooth motion of his bare palm, developed a pastoral scene at sunset, the closing picture.

At 2:30 o'clock this afternoon the Leake's Orchestral Entertainers will be featured, and in the evening Captain S. Jurard K. Gudmundson's unusual story of the far north is being anticipated with interest.

Salem patrons are showing large interest in this informative week of sociability and large cultural influence.

DINNER STORIES

A man took his wife and their three-month-old baby to a theater one evening. During the first act the child commenced to scream so lustily that an attendant appeared and said that if they could not keep the baby quiet they would have to leave, and their money would be returned to them. The child went to sleep thereafter, and all was peace and quietness until half-way through the last act, when Jack began to be tired of the play. He turned to his wife and whispered:—"Maggie—pinch the kid."

Little Vally Brady and his small sister were spending the week-end with their aunt. When bedtime came the aunt asked them how they said their prayers. Vally answered:

"Sometimes Lorraine says them on mother's knees and sometimes to the side of the bed."

"And how about you, Vally?" asked the aunt.

"Oh, I don't need to pray. I sleep with daddy."

Jimmy giggled when the teacher read the story of the man who swam across the Tiber three times before breakfast.

"You do not doubt that a trained swimmer could do that, do you?"

"No, sir," answered Jimmy, "but I wonder why he did not make it four and get back to the side where his clothes were."

"John," said the farmer's wife, coming out to the back porch, where her husband sat tilted back in his chair, his feet on a railing, "didn't I hear you tell the parson when he was here that you had strong views on the temperance movement?"

"Yes," John replied, rather stiffly. "I said so, and you know that I have."

"Well," said Mrs. John, "suppose you go and express a few of them on the pump handle. I want a pall of water."

BABE FOUND SMOTHERED
YAKIMA, July 9.—The four-months old baby of Mr. and Mrs. Alfred Sooman of Tacoma, was found smothered to death when the parents awakened this morning in the tourist camp at Sunnyside, near here, where they had camped for the night.

OREGON IRRIGATION IS NOT ENCOURAGED
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ington.

Having displayed his unfriendly feeling toward the Baker project, the secretary suddenly announced that he would move on to Ontario and look at Vale before dark.

Vale was to have been inspected Friday and Owyhee Saturday.

BAKER, Or., July 9.—(By Associated Press.)—Reclamation officials this afternoon promised representatives of the Baker Chamber of Commerce that contracts for the Baker reclamation project would be sent out as soon as possible and a special election would be authorized for voters already on the unit to vote on the project.

The agreement was reached after a lengthy conference between Secretary of Interior Work, reclamation Commissioner Mead, Governor Pierce of Oregon, Senator

Stanfield, United States representatives Sinnott and Crampacker, Marshall Dana and Whitney L. Boyce, members of the Oregon state land settlement committee, and Fred Phillips and William Stewart, representatives of the Baker organization.

The agreement bears out a former statement of reclamation Commissioner Mead that he expected construction work to start on the Baker project by September 1st.

Saturday Special

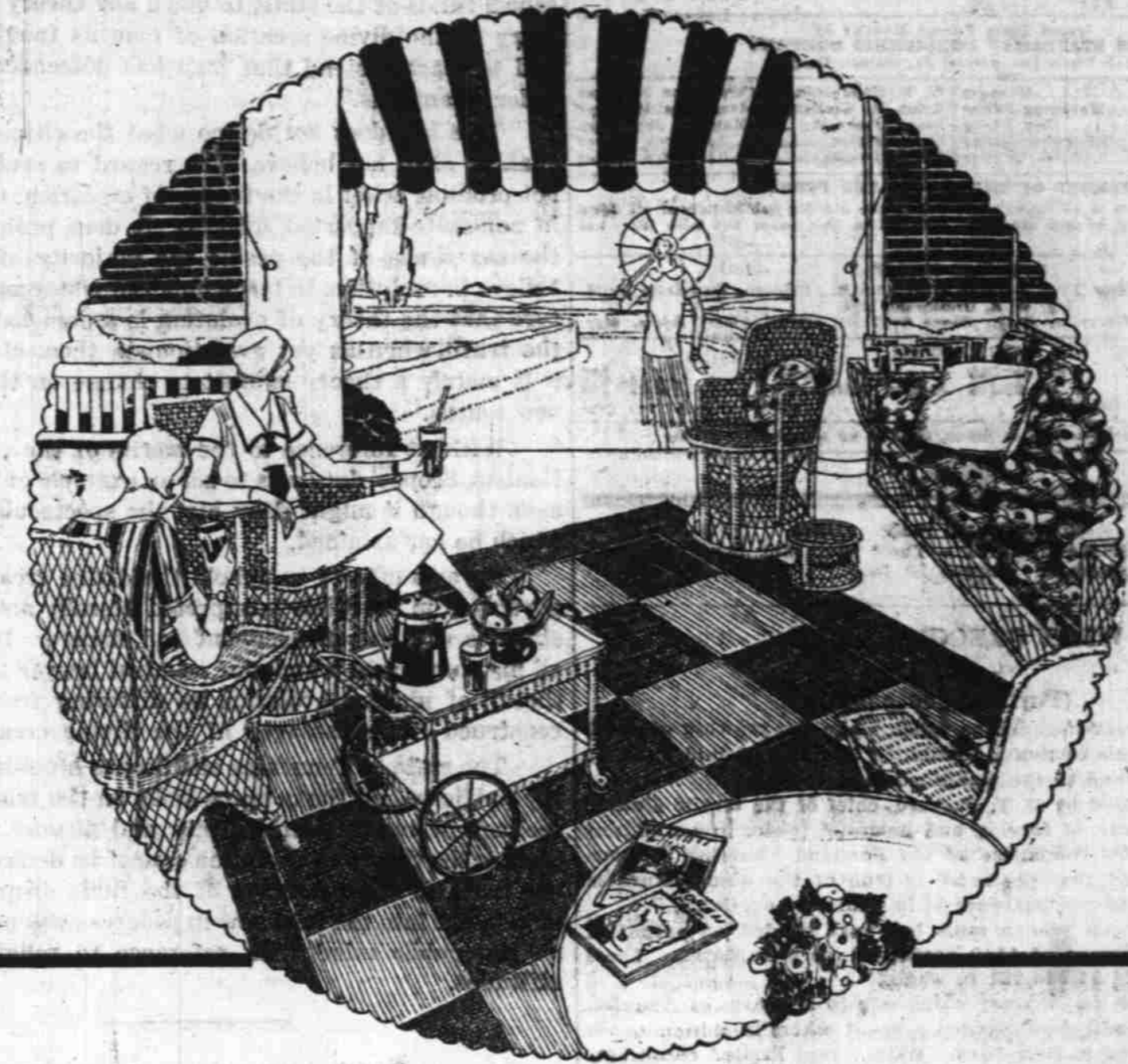


A Full Size Triangular OIL FLOOR MOP

A household need that is always in demand.

Buy Now You will have to come early

98c



To help Summer-ize Your Home

They say that the standards of beauty and comfort in the average home are constantly being raised, and justly proud are we of our position, as the "Home Store" of Salem, with its imposed responsibility of making all homes more comfortable and beautiful. Summer-ize now and spread the payments over the summer months.

<p>Albert Lee's Kitchen Kook Kitchen Kook demonstration this week. More efficient than any other oil stove on the market. Gives 50% more heat and is cheaper to operate.</p>	<p>Famous Automatic Refrigerators We will be glad to accept your old ice box as part payment. Balance easy terms. 500 pounds of ice free with every Automatic sold.</p>	<p>Hammocks at Popular Prices Make your porch a place of pleasure and comfort. A complete stock to choose from. See them today in our show room.</p>
<p>Universal Appliances For Warmer Days A complete showing of these universally known appliances will be found in our Basement Household department.</p>	<p>7 Piece Water Set 98c A very neat and attractive 7-piece water set in a variety of shapes and cut designs. You can't afford to pass up this value.</p>	<p>Awnings Made to Order We measure and put up anything in the line of awnings, large or small. Awnings in all styles or plain colors.</p>
<p>A New Dish Drainer Made square and with pockets for the silver, extra heavy. This week-end Only 75c</p>	<p>Another lot of these deep Granite Dish Pans Same as we sold about three weeks ago. They are some pans Only 65c</p>	<p>Three Burner Jewel Oil Stoves Very fine blue enameled finish, with high shelf. While they last Only \$19.50</p>
<p>Dishes A large open stock of dishes displayed for your selection in our new Household department. It will pay you to visit this department.</p>	<p>Cool Porch Chairs \$6.98 Chinese Grass chairs and rockers for porch or garden. A large selection of colors and patterns to choose from.</p>	<p>Expert Drapery Service Cretonnes 29c and 98c yard Included in this special are the latest colorings and figures. Just the thing for your summer coat. See them in our Drapery department.</p>

A STORY OF THE ALASKAN GOLD FIELDS — NEW TODAY —

JAMES OLIVER CURWOOD'S

NOVEL OF THE GREAT OUTDOORS

The HUNTED WOMAN

with SEENA OWEN FRANCIS McDONALD CYRIL CHADWICK DIANA MILLER

GRAND
TODAY AND SATURDAY
COMEDY — NEWS

Summer Needs at Special Prices
FOR WEEK-END SELLING

We want to give you some real values this week, so look over the list carefully. Everything is high grade and absolutely first class merchandise.

Lot 1
Gray Granite Water Pails
In 10 and 12 quart sizes. These are fine, smooth ware with good heavy handles, worth about \$1.25 in the regular way—take your choice Friday and Saturday
Only 75c

Lot 2
A New Dish Drainer
Made square and with pockets for the silver, extra heavy. This week-end
Only 75c

Lot 3
Another lot of these deep Granite Dish Pans
Same as we sold about three weeks ago. They are some pans
Only 65c

Lot 4
A great big assortment of small pieces of Aluminum Ware
Tin and Granite Ware. All useful articles. Take any of them for
Only 15c

Lot 5
Three Burner Jewel Oil Stoves
Very fine blue enameled finish, with high shelf. While they last
Only \$19.50

See the windows. We have large lots of all these items
Remember these prices are for Friday and Saturday selling

GEO. E. ALLEN
236 NORTH COMMERCIAL STREET
Hardware and Machinery

Credit Gladly Without Interest

H.L. Stiff Furniture Co.
COMPLETE HOUSE FURNISHERS

Where You Can Always Do Better