

CIRCULATION Daily average net paid circulation for month ending June 30, 1925 6729

Capital Journal

FAIR AND WARMER Tonight and Thursday, gentle north to northeast winds.

FORTY-SEVENTH YEAR No. 167 SALEM, OREGON, WEDNESDAY, JULY 15, 1925 PRICE THREE CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

BEALS' APPOINTMENT IS VOID

INDICTMENT OF SCOPES IS HELD VALID

Motion to Quash Denied, Court In Effect Holding Tennessee Evolution Law Constitutional.

Courtroom, Dayton, Tenn., July 15.—(A.P.)—Judge John T. Houston today denied the defendant's motion to quash the indictment against John T. Scopes.

The motion to quash was made Monday and the day was spent in argument. Judge Houston was occupied all of yesterday in writing his position which was voluminous.

After the judge read the grounds on which the defense sought to quash the indictment, he discussed the authorities cited.

Discussing the alleged discrepancy between the caption of the act and the body of the bill itself, he said:

"The general title to the act is one which is broad and comprehensive and covers all legislation germane to the general subject stated. The title may cover more than the body, but it must not cover less. It need not index the details of the act, nor give a synopsis thereof."

In this particular case, he said, the caption of the act provided that the purpose of the act is to prohibit the teaching of evolutionary

Word was received here late last night that Leroy Brown, 40, son of Mr. and Mrs. Charles E. Brown, 490 N. 21st street, lineman for the Portland Electric Power company in Portland, was instantly killed yesterday when he came in contact with a 2300 volt wire while working on a crossarm on the top of a pole at Seventy-sixth street and Foster Road.

Brown was born and raised in Marion county and lived in Salem until his marriage ten years ago when he and his wife moved to Portland. Mrs. Brown was Miss Belle Niles and is the daughter of Mrs. Ida L. Niles and the sister of Miss Gussie Niles and Glenn Niles, all of Salem. Surviving also are two daughters, eight and ten years of age.

Funeral arrangements have not been made.

Bible Must Be Kept In Own Field, Basis Of Scopes' Defense

Courtroom, Dayton, Tenn., July 15.—(By Associated Press)—The "broad purpose" of defense counsel for John Thomas Scopes will be to prove that the bible is a work of religion which must be kept in the field of theology and not allowed to intrude into the scientific field.

Malone then read the first section of the act making it unlawful to teach in state schools "any theory that denies the story of divine creation of man as taught in the bible, and to teach instead that man descended from lower order of animals."

Mr. Malone, making the opening statement of the defense, opened his remarks with the declaration that "the defense believes that 'God is a spirit and that worship him must worship him in spirit and in truth.'"

In "Ap" Trial



One of the prosecuting attorneys in the evolution trial of Prof. John T. Scopes is H. G. McKendie (above) formerly attorney general of the fourth district.

MOTHER FIGHTS FOR POSSESSION OF BABE SHE LEFT

San Francisco, July 15.—A mother will go before the state district court of appeals today pleading for the recovery of her baby which she contends was taken from her by another woman while she was penniless and deserted.

A deputy sheriff and attorneys for Mrs. Frank G. Grubel, Kansas City club woman, met Mrs. Jewell Jerome at the door of her home here yesterday and took her baby, Betty Jerome, on a writ of habeas corpus issued out of the state district court of appeals.

Today the baby approached the high court in custody of an attendant of the juvenile detention home where the child was held during the night.

Mrs. Jerome said Mrs. Grubel had possession of the baby soon after the child was born because the deserted mother had no funds with which to care for the infant.

Mrs. Jerome then kidnapped the infant and came to California.

SCOPE'S TRIAL AGAIN OPENED WITH PRAYER

Courtroom, Dayton, Tenn., July 15.—(By Associated Press)—The state re-opened its case against John Thomas Scopes at 9 o'clock this afternoon after testimony of four witnesses had been heard.

The witnesses presented testimony to the effect that Scopes had taught them a theory of evolution as expounded in the official textbook of the state and that he had admitted he could not teach this book without violating the anti-evolution teaching statute.

Courtroom, Dayton, Tenn., July 15.—(By Associated Press)—The Rev. Charles Francis Potter, pastor of the West Side Unitarian church, New York, today opened the John T. Scopes trial with prayer.

More Leg and Less Neck In Fall Styles

New York, July 15.—(A.P.)—More leg and less neck will be on view next fall if the conception of autumn modes for women prevails as revealed at the showing of the national garment retailers' association.

Sleeves on dresses were rather long and tight or long and flowing, but always long.

The waist long was suggested more definitely than in recent seasons.

LAVA CAVES ARE COMBED FOR TWO MISSING GIRLS

Klamath Falls, Ore., July 15.—Sheriff John C. Sharp, of Molok county, California, and Constable Garry Cozad of Klamath Falls left here at daybreak this morning for a rendezvous near Dunsmuir, Cal., where, according to the latest report, the Bradshaw sisters are in hiding.

Enroute to Dunsmuir the two peace officers planned to stop at Alturas, Cal., and approach the man who is alleged to have transported the girls sheepherders across the California state line.

This latest lead in the mysterious disappearance of the two girls came as the result of a letter received by the Klamath Falls constable from some Dunsmuir resident, in which he declared the girls had been seen near Dunsmuir.

The letter is also said to have revealed the name of the man who went to the lonely lava bed sheep camp and aided them in their escape. The officers expected to have the girls in custody by tonight.

Klamath Falls, July 15.—While county authorities are running down vague rumors and innumerable clues, a determined group of trappers, sheep herders and ranchers left at daybreak to search hidden caverns and caves in the sun-swept lava bed country in an effort to find some trace of Jamie and Esther Bradshaw, aged 14 and 12, who disappeared eight days ago under mysterious circumstances.

The little girls had been herding a large flock of sheep for their father, A. W. Bradshaw. Their tent was pitched on a desolate sheep range near the south end of the now dried-up Tule lake.

Broken-hearted father reported, because he could not bring them to Klamath Falls for the Fourth of July celebration, the girls dropped from sight. No trace of them has been found, although peace officers of two states have been making a frantic effort to find some trace of them.

A shallow well in the lava bed country was found to have been caved in the day after the girls disappeared. The well had been filled in by human agency. Ranchers and sheep herders cleaned out the well yesterday in the belief that the girls might have been murdered and thrown into it. But no trace of them was found.

An experienced trapper late yesterday afternoon found the footprint of a large man leading from the little camp directly back into the dangerous caves a half mile to the rear, and it is these footprints that the posse of lava bed settlers is following out today on the chance that they might lead to some ghastly crime.

A shepherd of that section reported late yesterday that he had heard one of the girls screaming the night of their disappearance. The following morning they were gone, and their food supply had not been touched.

LINEN MILL HERE TO HAVE HUGE OUTPUT

Bartrum Outlines Size of Plant and Tells Plan Proposed For Harvest of Valley Flax.

Rickreall, Or., July 15.—(Special)—Flax farmers and business men on the big Polk county flax demonstration tour, were told here today by Col. W. B. Bartrum, flax expert, that the proposed linen mill for Salem will take annually 3000 acres of flax to furnish sufficient fiber to keep the mill running.

He declared that the new spinning and weaving mill will have approximately 4480 spindles and 200 looms, that it is anticipated the mill will handle 20,000 yards of linen each week with a surplus of flax yarn on one eight hour shift.

About 75 farmers accompanied Colonel Bartrum on an inspection tour of numerous flax fields in the vicinity of Rickreall. After an exhaustive examination of the products found the general conclusions reached were as follows:

First, most of the flax examined was not planted sufficiently early in the season to assure the best results. Next year growers expect to plant their flax several weeks earlier.

Second, from 30 to 50 per cent of the flax grown in Marion and Polk counties is in commercial fiber. In other words it is 30 inches or more in length.

"You can form some idea of the opportunity this industry offers," he said, "when I tell you that for the first five months of this year the total exports of linen goods from the United Kingdom to all countries of the world reached 43,617,500 yards and of this amount the United States imported 24,653,800 yards. It would take 60 mills of the capacity we are going to build at Salem to take care of these imports. When you realize that only about 6000 acres of flax are grown throughout the United States today, it does not take much vision or imagination to see the possibilities."

LIVELY BALL IS TO BE RETAINED

New York, July 15.—(A.P.)—The National league magnates in executive session today elected to continue the use of the present so-called lively baseball despite the epidemic of some run hitting which has been raging in the major league.

The lively baseball was the major subject of the discussion at the regular mid-summer meeting in the offices of President John A. Heydler. Every club with the exception of Philadelphia was represented.

The decision to retain the present ball was reached after Harold A. Falck of Columbia University had read an exhaustive report based on his chemical analysis of the ball. Julian Curtis, president of the A. G. Spaulding company, which manufactures the present ball, said he maintained that the ball was the same as the one which was in use before 1914, with the exception that a better grade of yarn is used in the present ball.

WARRANTS VOID IF NAMES FALSE

San Francisco, July 15.—United States District Judge John S. Patton today handed down a decision voiding warrants issued by the federal marshal in a case where an "under cover" prohibition agent has used a fictitious name in signing a search warrant against a suspected liquor dealer or consumer.

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Growth of Salem Schools Reveals Population Gains

Report outlining the changes that have occurred in the Salem public school system during the five-year period as school superintendent was made by George W. Hug to the Salem school board at its meeting last night, together with estimates of what can be expected within the next 5 years. The population of the city has increased from 17,679 in 1920 to 22,894 in 1925, the report shows, and may be expected at the same rate to increase to approximately 30,000 by 1930.

The increase would involve a raise in enrollment to 1400 or 1500 in senior high school, the same number in junior high school and between 3000 and 2800 in the grades. Exact increases in enrollment between the years 1920 and 1925 was shown in the report as follows:

Senior high school, 711 to 1099; Junior high school (both buildings) 902 to 1126; grade school (all buildings) 1984 to 2442. The increase represents a raise of 53.3 per cent in high school enrollment and 24.8 per cent in junior high, and 23 per cent in the grades.

Statistics are given showing a detailed report of the cost of individual instruction in each department in high school. The figures show that per pupil instruction in shop and drawing costs the most, the price being \$12.16 per pupil, and physical education costs the least, \$4.18 per pupil. Each pupil is instructed for some two and a half hours a week.

MT. ANGEL BOOZE CASES IN HANDS OF JURY AT NOON

The case of the state against John Andrews, Henry Johnson and Lester Dickson went to the jury about 11:30 o'clock this forenoon. About 1:30 this afternoon the jury was excused by a ballot to luncheon and had not yet reported a verdict at 2:30 o'clock.

The defendants, John Andrews, Henry Johnson and Lester Dickson, set up the defense that they were three fishermen who had happened on the Joseph Walker place on the day of their arrest, engaged in a piscatorial expedition. To confirm their story they cited the fact that there was a fishing reel and some lines in one of the grips found on the place, which was claimed as the property of defendant Johnson. But few things were found in the grips and the defendants further used this fact to show that they were not engaged in making moonshine at the place as they were not even equipped with a change of clothing or underwear.

According to their story one of the grips contained a bottle of whisky. The other grips contained a change of clothing and underwear.

SAYS REQUESTS OF UNIVERSITY WERE GRANTED

Portland, Or., July 15.—(AP)—Commenting today on the ruling given out yesterday by the board of higher curricula on the division of courses between the University of Oregon and Oregon Agricultural college, Dr. C. J. Smith, chairman of the board, said that the major complaints of the university against the course of the college were denied, but that the demands of the university in regards to its own courses were allowed.

"The board heard the requests of each institution regarding its courses and allowed those made by the university for defining its own courses. The board rejected the requests of the college concerning overlapping courses at the college."

WOMAN KILLS ROBBER WHO SHOT HUSBAND

St. Catharines, Ont., July 15.—(A.P.)—Theresa L. Her Husband's aid after he had been shot in a holdup in the St. David's bank of which he was manager, Mrs. Rogers shot the robber, who died in a hospital here today. Rogers was slightly wounded.

SEAT ON FISH COMMISSION HELD VACANT

Senator Garland Is Also Disqualified, Opinion of Van Winkle; Board's Acts In Question.

State Senate Bank of Tillamook cannot legally sit as a member of the state fish commission, a position to which he was appointed by Governor Pierce several weeks ago to succeed F. P. Kendall of Portland. This interpretation of two sections of the constitution was given down in an opinion by Attorney General Van Winkle today in reply to an inquiry by Secretary of State Koser.

Though the statute of State Senator S. M. Garland of Lebanon, who was appointed at the same time to succeed John C. Veatch, was not a question before the attorney general, he also was illegitimately appointed for the same constitutional reasons. Garland was sworn in as a member of the commission yesterday.

Action. Are Void The opinion rendered void all actions of the commission since Beals became a member in which his vote was necessary for a majority, also all claims against the state which depended on his vote.

It is understood that Senator Beals will elect to serve on the fish commission and to do so will resign as state senator. This will not legalize actions of the commission up to this time in which his vote was necessary for a majority. Senator Garland, when queried by telephone today, stated that he will keep his senate seat and give up his post on the fish commission.

I am very glad the attorney general has so ruled, said Senator Garland. "His opinion relieves me of a great responsibility that I have assumed."

JARDINE PLANS VACATION REST

Washington, July 15.—Secretary Jardine has postponed his plan for an immediate return to Washington and has gone to Wisconsin for a rest.

Although his general health is not considered to be impaired, the rest from an attack of indigestion suffered during his recent six weeks secretary has not fully recovered from the rest.

For several years the secretary has been the victim of a digestive disorder and at times has been forced to restrict his diet to a diet of milk. The strain of travel and his vigorous activities including feasts of horseback riding during his trip, taxed his strength. His associates believe that after a brief rest he will be prepared to resume his departmental duties. The secretary expects to go to Swampscott soon to discuss the agricultural situation with President Coolidge.

COURT FAILS TO ACT ON PROTEST

The location of the St. Paul highway was under consideration of the county court at a session today, but no decision was reached, according to County Judge J. T. Hunt. A paving project is involved and a protest has come up from complaints concerning overlapping courses at the college.

872,603 JUDGMENT RENDERED AT MEDFORD

Medford, Or., July 15.—A judgment for \$872,603.14 was handed down Tuesday by Circuit Judge C. M. Thomas in the suit of the Welch investment company of Spokane and J. W. Stewart against the Rogue River Valley Canal company. It is the largest sum ever involved in Jackson county litigation.

ELKS BACK PLAN TO RECONDITION OLD IRONSIDES

Portland, Ore., July 15.—(A.P.)—The Benevolent and Protective Order of Elks grand lodge in session here today in the sixty-first annual reunion, decided to get behind a movement to raise a fund for reconditioning the historic frigate Constitution and agreed to cooperate with the navy department in promoting "Old Ironsides" week in the public schools October 19 to 24.

A resolution offered by James H. Nicholson of Boston, past grand exalted ruler, pledging the order's support in the movement was adopted. Judge William Hawley Atwell of Dallas, Texas, newly elected grand exalted ruler, will deliver a radio address on "Old Ironsides" from the station WEAF at New York October 15, Nicholson announced.

Closer cooperation of state associations of the order, participation of subsidiary lodges in a definite program of activity, and formation of speakers bureaus for flag day exercises throughout the country were urged in a report by Dr. Howard R. Kirkland of San Luis Obispo, Cal., lodge, and adopted.

Changes in grand lodge statutes were considered today, including one providing that a plurality only should be necessary to elect an officer of any lodge, instead of a majority as heretofore.

In the memorial services held this morning, Past Grand Exalted Ruler Raymond Benjamin paid tributes to Robert W. Brown, grand exalted ruler of the order in 1905, who died last November in San Diego.

MOUNT LOGAN IS SCALED AT LAST

Cordova, Alaska, July 15.—(A.P.)—Three men of the party of six mountain climbers who scaled Mount Logan, whose peak, towering 19,950 feet in the air, had heretofore defied ascension, have returned to Cordova. The others have not returned, but are supposed to be drifting down the Chitina river on a raft.

H. F. Lambert of Ottawa, one of those returning, is in a hospital with frost-bite. The two others are Norman H. Read of Boston and Andrew Taylor, packer of McCarthy. They drifted down the Chitina river on a raft, the party dividing and building two rafts for the descent after the river was reached.