

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

Capital Journal



FAIR TONIGHT And Saturday, slightly cooler Saturday in east portion; moderate NW winds.

FORTY-SEVENTH YEAR No. 169

SALEM, OREGON, FRIDAY, JULY 17, 1925

PRICE THREE CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

YOU'VE ATTEMPTED SUICIDE

TESTIMONY IS DECLARED IRRELEVANT

Defense Takes Exception To Ruling of Court; Adjournment Is Taken Until Monday.

Courtroom, Dayton, Tenn., July 17.—(A.P.)—After Judge John T. Raulston had excluded scientific testimony in the Scopes case, court was adjourned until Monday morning.

Judge Raulston's decision to exclude the experts from the witness stand developed sharp clashes between Arthur G. Hays and Judge Raulston and Clarence Darrow in the court.

May Finish Monday. Although court was in session only 30 minutes the judge giving his decision at 9:51, it was stormy. After defense attorneys had raised their voices in vehement protest to the courts ruling another argument developed on the question of weekend recess.

Excursion Taken. Courtroom, Dayton, Tenn., July 17.—(By The Associated Press).

TRAIN HITS CAR; FIVE IN FAMILY OF EIGHT KILLED

Billings, Mont., July 17.—(A.P.)—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 a sedan at a grade crossing one mile west of Billings early today.

The dead: Raphael Fleck, father. Rose Fleck, mother. John Fleck, a ten year old girl, saved herself by jumping from the car when the engine stalled as it stood on the track.

The bodies were mangled almost beyond recognition and the car was reduced to a mass of splintered wood and broken and twisted metal.

The children ranged in age from a seven month old baby, who was injured but will live, to the 16 year old girl who lived for a few hours. Fleck was 45 and his wife 44. The family lived at 245 Decker street, Santa Rosa.

Tries Scopes



JUDGE RAULSTON

CONVENTION OF ELKS OVER; BIG EXODUS STARTS

Portland, Ore., July 17.—(A.P.)—The Sixty first grand lodge reunion of the Benevolent and Protective Order of Elks was brought to a close here today.

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.

Portland will have the Elks convention the next time she wants it," said Retiring Grand Exalted Ruler John C. Price.

GAVE IN OF MINE DENIED

Nogales, Ariz., July 17.—(A.P.)—Denial of a report that a cave-in occurred yesterday at one of its mines at Cananea Sonora Mexico, embolizing two hundred miners is contained in a message sent by officials of the Cananea Consolidated Copper company to the Associated Press today.

Missing Girls Found; Lonely Life In Sheep Camp Palled On Them

Portland, July 17.—June and Esther Bradshaw, aged 14 and 13, 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.

LEGALITY OF LUNATIC LAW QUESTIONED

Attack Made Upon Statute Permitting Commitments To Asylum Without Appeal by Victim.

Attacking the statute under which commitments to the Oregon state hospital are made and thus the legality of all commitments which have been made under such statute, J. G. Mann today filed in circuit court here habeas corpus proceeding against Dr. H. S. Lee Steiner, superintendent of the state hospital, demanding the release of Grant Mann from that institution.

He asserts that Grant Mann was committed to the institution from Hillsboro, Washington county, by J. W. Godin, county judge of that county.

He declares that the statute under which the commitment was made denied due process of law to the committed person in that it falls to make provision for an opportunity on the part of the accused to be heard by himself or counsel or for any procedure on the part of the accused to produce or have considered evidence on his own behalf.

The petition for a writ further alleges that the order is invalid in that it purports that the accused be incarcerated in the state hospital for an indefinite and indeterminate period limited only by the judgment, whim or caprice of the superintendent.

It is pointed out if the contentions of Mann are sustained, that the points raised would be equally applicable to every inmate in the two insane asylums of the state.

PORTLAND FIRE LOSS IS \$500,000

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 boxcars and 25 automobiles, the latter owned by the employes of the West Oregon company were destroyed. The loss is believed about evenly divided between the two concerns. Both mills will be rebuilt at once, it was announced.

A tree for miles. Then it gets cold at night. "At night the coyotes come around and howl. We two girls had not slept for a whole night while we were out there. We were just scared to death. "Yes, sir, you said it when you asked if we weren't gypsies. That's all we are. We have four brothers and three older sisters, but they've all scattered and we two girls are the only ones left with dad and ma. We never went to school very much. We were too busy moving around. "We just got tired of it, tents and deserts and alkali and sheep camps and thought that we would come to Portland and find a job working in someone's house. We wanted a chance to live in a real house, with a roof over our heads and bath tub and gas and electric lights and other things. We want to be white girls, not gypsies." The girls will be returned to Klamath county today.

M'CLINTOCK WILL DENIED COURT ENTRY

Judge Refuses To Admit Instrument To Probate Until Presumption of "Influence" Cleared.

Chicago, July 17.—(A.P.)—Basing 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, finance of 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 will's sudden death last winter, was recipient of an \$8000 annuity under the will.

"I should like this case to leave the court with a finding of undue influence," said Judge Horner, "but because presumption of undue influence has been developed by the evidence of the attesting witness, I will deny this will to probate. It is part of the system in Illinois that while contestants are bound by the evidence of the attesting witnesses, the proponent of a will is likewise bound."

WOODBURN SUIT FOR DAMAGES IS BEFORE COURT

The city of Woodburn was this morning facing a damage action for \$20,500 in circuit court when a jury was impaneled to hear the case of N. Miller against Woodburn.

Miller, a rancher living about two miles north of Woodburn on Ferris creek, claims that his land has been damaged by its value from the fact that the city dumps its sewage in Ferris creek, which runs through his place. Miller's land, he states, is heavy dam land, worth at least \$1000 an acre.

The present action has taken several angles, the first case being for \$50,000, then efforts at injunction were tried until the case came to its present form. An array of legal talent is lined up on both sides of the action, Miller being represented by W. C. Winslow of Salem and W. Lair of Woodburn, and Woodburn by Blaine McCord, Woodburn and John A. and Allan Carson of Salem.

FRENCH LOSS IN MOROCCO IS OVER 4,000

Persistent Attacks of Riffian Tribesmen Reduce Strength of Defenders Seriously.

Paris, July 17.—(A.P.)—Total French casualties so far in the Morocco war with Abd-el-Krim's Riffians are given by the Petit Journal in a Fez dispatch as 4,148. Of these 797 were killed, 2,775 wounded and 664 missing.

French authorities estimate Abd-el-Krim has not more than 39 French prisoners, those technically listed missing are regarded as dead.

These are the first detailed figures published of French casualties. Greater painless, after his recent return from Morocco, assured the chamber of deputies French losses were not as great, but he avoided giving figures.

LIONS WILL BACK MOVE TO SECURE FIRE EQUIPMENT

By unanimous vote at this noon's meeting of the Salem Lions club decision was made to support a campaign to secure adequate equipment for the Salem fire department.

The decision took the form of a resolution, unanimously adopted, and introduced by Frank Neer, district governor of the Lions club. The resolution also commended the work of the department in handling the fire situation last Sunday night when Neer declared, the flames might easily have broken away and destroyed a large portion of the city.

Neer also gave a report of the international Lions convention at Cedar Point, Ohio, from which he returned early this week. The convention will be held at San Francisco next year, he stated, delegates from the west having united in an effort to bring the convention to the coast. A staff rivalry sprang up on the train going east, between the delegations from Los Angeles and San Francisco, both wanting the convention held at their cities.

Work of the Lions as an international organization was outlined briefly by Mr. Neer. One thing stressed was that fact that the west has done "better than 347 other sections of the country in the Lions club program" in furnishing a special type of magazine for the use of inmates of blind schools.

Mysterious Note Secures Reprieve For Doomed Slayer

Chicago, July 17.—(A.P.)—A new lease on life for one week has been given Russell Scott, condemned to die today 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 erst-while 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, both and delicate, by a young man, investigation developed. Scott had maintained that Robert, his brother, was the slayer.

GOVERNMENT TO TAKE ACTION IF STRIKE CALLED

Swampscott, Mass., July 17.—(A.P.)—The government will take a hand in the anthracite coal wage negotiations should an agreement not be reached and a strike called on September 1. The program which the government will pursue in the event of a strike was discussed at a three hour conference here today by President Coolidge and Secretary Davis.

The specific plan of the government was not disclosed. Secretary Davis ventured no opinion as to the outcome of the wage negotiations now under way. He pointed out, however, that the department of labor, through two mediators, was keeping in close touch with the discussion of the operators and the miners and was hoping that an agreement would be reached before the present wage contracts expire on August 31.

DEMPSEY MAKES PEACE WITH N. Y. RING DICTATORS

New York, July 17.—(A.P.)—Jack Dempsey, heavyweight boxing champion today visited "his New York state commission and said after the conference that he had made his peace, and that the commissioners' leg agreed to two or three bouts before he meets the new Harry Willis.

The title holder said that he had signed an agreement with Promoter Tex Rickard to box Willis and that the way now was open to the contract for the bout. Commissioner Muldoon agreed, Dempsey said, that he should be permitted a couple of warming up bouts.

BULLET THRU BODY FAILS TO END LIFE

McKillop, 45c

Archie W. McKillop, a slayer 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 at the Palace Court apartments, 249 south Cottage street. He was rushed to the Salem hospital, where early this afternoon the physicians who operated on him said he had a fair chance to recover.

Left Note to Wife. McKillop's act is believed to have been caused by domestic trouble. This is indicated by information gleaned by police officers who investigated the case immediately after the shooting. A note written by McKillop, though having no address on it, was evidently intended for his wife, said.

"This is enough to pay all we owe and a little over. I love you." The note probably referred to insurance papers which were found in the apartment.

McKillop was in Portland yesterday in attendance at the national Elks convention. Called Wife Home. According to information from the police, McKillop today, just before he turned a .25 calibre revolver upon himself, called his wife at the state house and told her she had better come home, though offering no explanation. Before her arrival he fired the bullet through his body.

The shot was heard by Kenneth Bell, another state employe who is a tenant of the Palace Court apartments, and he rushed to McKillop's aid, also calling a physician as soon as possible.

CRASH VICTIMS LITTLE BETTER

The condition of Miss Catherine Hazlett 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 Hazlett 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.

White Salmon, Wash., July 17.—(A.P.)—Five unknown originators today destroyed a considerable part of Biggan, Wash., two and a half miles east of here. Buildings destroyed are W. C. Henry, general merchandise, Plumb cafe, Gaskill restaurant and Larocque residence and a number of small dwellings. Desperate work on the part of the volunteer fire department saved the town from destruction. No estimate of the loss has been announced.

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