

CIRCULATION
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month ending June 30, 1925
6729
Average daily distribution 7933.
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Capital Journal

OREGON
JUL 22 1925
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CLLOUDY HERE
Fair east portion tonight and Wednesday; moderate temperature, gentle north west winds.
Local: Max. 85; min. 50; rain; none; river, -1.4; altim., part cloudy.

FORTY-SEVENTH YEAR No. 172 SALEM, OREGON, TUESDAY, JULY 21, 1925 PRICE THREE CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

SCOPES IS DECLARED GUILTY

HEAD-ON PLAN ENDORSED BY COUNCILMEN

Ordinance To Change Parking System Accepted and Placed Upon Third Reading.

A majority of the ordinance committee of the city council, which was Purvine and Simeral, last night sent out a favorable report on the bill providing for head-on parking in Salem, while Rosborough turned out a minority report recommending against passage of the bill. The majority report was adopted and the measure will go to third reading, probably at an adjourned meeting of the council to be held Wednesday night of this week.

The ordinance provides that the present system of backing in to park at the curbs on Salem business streets be supplanted by the head-on method of parking at an angle of about 45 degrees.

Salary Raises Denied.

Proposed increases in the salaries of the Salem chief of police and the fire chief were knocked out by the council last night. The council adopted majority reports of the ordinance committee recommending against allowing the police chief \$25 a month additional as a member of the city citizenship board and the fire chief \$25 a month extra as fire warden of the city. The majority reports were signed by Rosborough and Purvine and the minority report, recommending passage, by Simeral.

Also the increases of \$50 a month each allowed May 1 by the street improvement department to the city engineer and the city street commissioner were held by City Attorney Kowitz to be illegal, so these two officials also will be deprived of their additional pay. They were to be paid the additional amount from the street improvement fund.

Session Continued

When the hour of midnight approached last night, with much of the city council's work unfinished, adjournment was taken until Wednesday night. The reading of ordinance bills was not reached.

A favorable report of the ordinance committee was adopted on the steamboat license bill.

Favorable reports of the street committee on petitions for the

Evolution Is To Go To Congress

Dayton, Tenn., July 21.—(By Associated Press.)—Walter White, superintendent of Rhea county schools and prosecutor in the Scopes case, said today that Representative W. D. Upshaw of Georgia will introduce an anti-evolution bill in congress.

This bill, to be prepared by Mr. White, he said, will provide that federal aid be withheld from colleges and schools teaching theories on evolution.

COUNCIL MAY PUT END TO BOXING HERE

Refusal To Enact Ordinance Creating Commission Will End Bouts; Old Board Illegal.

Boxing matches, which have been a popular sport in Salem for several years, will be no more unless the city council sees fit to pass an ordinance legalizing them under the state law, and last night the council refused to approve such an ordinance.

It developed at the council meeting that all fights that have been held here since the state boxing commission act went into effect a good many years ago have been without legal footing, and the council last night refused to give them legal sanction. Upon refusal of the council to consider an ordinance for the purpose Mayor Gray announced the dissolution of the city boxing commission, which was composed of P. W. Durbin, Dr. H. H. Olinger and Dr. W. Carlton Smith.

The state law authorizes in each city the appointment of boxing commissions and provides that no boxing competitions shall be held without the approval of or outside the jurisdiction of the commission. If it is held without such approval or without the commission's jurisdiction, it shall, under

TESTIMONY OF BRYAN IS THROWN OUT

Judge Raulston Rules Evidence of Commoner In Evolution Case Is Not Pertinent.

Court Room, Dayton, Tenn., July 21.—(By Associated Press.)—The Scopes trial was opened here this morning by a statement from Judge Raulston that the court had some important matters to pass on.

"I fear I may have committed error yesterday," he said, "in my over-zeal to ascertain if there was anything in the proof that was offered to enable the higher courts to ascertain if there was error."

After Judge Raulston had exchanged the testimony of William Jennings Bryan from the record of yesterday afternoon's session, an agreement was quickly reached to bring the case to a close.

Mr. Bryan, however, made a statement that he would make

NON-SUIT IS REFUSED IN DAMAGE CASE

Judge Kelly Denies Motion of City of Woodburn; Defense Prepares For Lengthy Battle.

After listening to extended arguments, Judge Percy R. Kelly, in circuit court this morning, denied a motion for a non-suit interposed by the plaintiff in the \$20,500 damage action of N. Miller against the city of Woodburn, now in its third active day before the court.

Attorneys for the city in supporting their contention for a non-suit renewed their arguments that the action was barred by the statute of limitations.

In meeting this contention attorneys for Miller declared that the sewer system which he claims is causing damage to his beaverdam lands north of Woodburn by being dumped into Ferrier creek, which cuts through his property, has been added on to since 1918, the time when Miller claims injury to his land started, and as a result the attorneys asserted the statute of limitations could not run from 1918.

The plaintiff rested its case this morning after listening to nine witnesses including experts on the matter of sewer damage value of the land in question, and a number of other witnesses who told of the situation existing in connection with the Miller farm and the action of Ferrier creek.

The city started its case shortly before noon today. Attorneys representing the corporation were unable to say at the outset just how many witnesses will be used in presenting their side of the contention. A large number have been subpoenaed but whether or not all of them will be called the attorneys were unable to state.

SALEM IS BLACKLISTED

Promoter Is Rebuffed GOES BACK TO ASYLUM

The year 1925 may be properly year but G. B. Datson, who was yesterday taken home to the end of Center street in the care of his keeper, is beginning to have his doubts. There's no use, he disgustedly declares, people hereabouts just don't appreciate his financial genius. They don't absorb from him that business confidence which anyone knows is an essential part of business prosperity. In fact he's just about decided to let the city of Salem go to the dogs, speaking from a business standpoint. Maybe he'll go to New York or somewhere, clean up on Wall street or something, just to show 'em.

Datson, whose residence is in a small house in Portland, but whose home is in a large house in Salem, started out as a civil engineer. He was a good one, too, so long as he engineered ditches and the like on the state irrigation works, at which he was employed, and did not attempt to engineer promotion schemes, at which he was not employed. Reports reaching Salem at the time Datson first took up his residence here, in December of the year 1919, indicated that he had embarked on a scheme that had every evidence of success at

FIRST ROUND IN EVOLUTION FIGHT ENDED

Appeal To State Supreme Court Announced As Next Move Against Tennessee Statute.

Courthouse, Dayton, Tenn., July 21.—(By Associated Press.)—A verdict of "guilty" was returned in the Scopes case at 11:28 a. m.

Scopes was summoned before the bar, Judge Raulston told him of his conviction by the jury and read a copy of the statute to him. The judge then fixed the fine at \$100.

"Have you anything to say, Mr. Scopes?" asked the judge.

"Yes, I have," Scopes replied. "Your honor, I have been convicted of violating an unjust statute," replied Scopes. "Any action other than I have pursued would be in violation of my idea of academic freedom."

The judge repeated the fine of \$100.

Bond was fixed at \$500 pending an appeal.

Scopes asked the court in his statement that he would continue to oppose the law in every way in his power as he considered it an unjust law and a violation of the constitution.

Dudley Field Malone announced that bond would be arranged at once. Mr. Malone also thanked "the people of this community for their hospitality and for the opportunity to try the issues in this case."

DEMPSEY MUST MAKE OWN PEACE WITH N. Y. BOARD

New York, July 21.—(AP)—Jack Dempsey must appear personally before the New York state athletic commission to complete arrangements for his program leading to a title fight with Harry Wills in 1925. This was the decision of the commission today in refusing to accept Tex Rickard as the champion's proxy.

Dempsey's sudden departure for the west in spite of his previous promise to come here today to put the finishing touches to his plans, apparently annoyed the boxing commission, for they informed Rickard no further steps would be taken until the title holder came before the commission personally.

The upshot of the meeting was to delay the entire Dempsey program at least two weeks. Rickard promised the commission that he would have Dempsey return to New York by that time. In return the commission assured the promoter that it would take no action meanwhile which would prejudice Dempsey's status in this state.

Mickey Walker, welterweight champion whose proposed title bout with Dave Sledge is also causing the commission no little concern, likewise failed to put in an appearance as he had promised.

OFFER MADE TO GIVE UP SLAYER

Detroit, Mich., July 21.—(A. P.)—James Sweeney, a Detroit News reporter, would make no comment today on the Springfield, Ill., dispatch that he had wired Governor Len Small he would deliver Robert Scott to Illinois authorities.

Other members of the News editorial staff professed ignorance of the whereabouts of Robert Scott. They said that Sweeney had been working on the story.

Springfield, Ill., July 21.—(AP)—Governor Small today received a telegram from James Sweeney, Detroit, asking where he might confer with the governor Wednesday for the delivery of Robert Scott, brother of Russell Scott, condemned to hang in Chicago Friday.

Sweeney requested an answer in care of a Detroit newspaper.

MIDDIES FAIL TO LAND IN ASTORIA PLANS GO ASTRAY

Astoria, July 21.—(AP)—Astoria all dressed up to entertain 1280 Annapolis naval academy midshipmen last night and then left entirely by middle-less, experienced some revival of spirit this morning when it was learned that 260 midshipmen would land at Fort Stevens today. Immediate plans were made to have Astoria auto at the fort when the middies land from their Utah and Arkansas, which are anchored just inside the Columbia river mouth.

It was understood this morning that the midshipmen's liberty would extend only to 7:30 tonight. If that is the case, arrangements for special trains to Seaside will have to be dropped.

Forty-five officers and 700 enlisted men of the navy were ashore and in Astoria Monday night, but Astorians seemed to take slight comfort therein. They wanted mid-die.

A radio message sent by the Astoria chamber of commerce to the Columbia river pilot boat yesterday stated that the battleship which was to have berthed at the Sanborn dock would have to tie up elsewhere. It had been planned that one of the warships would berth at the Port of Astoria dock, another at the Sanborn and the third would anchor in the stream. Yesterday it was learned that a merchant vessel would be at the Sanborn dock and the radio message was sent accordingly. Word now reaches Astoria that Rear Admiral C. J. Vogelpoosing interpreted this message to mean that there would be no berthing space at Astoria and he is said to have believed there would not be enough room in Astoria harbor for the three vessels to anchor in the stream.

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GERMAN REPLY TO ALLIED NOTE CONCILIATORY

Paris, July 21.—Germany has replied in a conciliatory manner to the allied observations concerning her suggestion for a security pact guaranteeing her western frontiers and it is agreed, with but few exceptions, that the German communication while far from removing all the obstacles to a settlement of the security problem, opens the way for negotiations from which an understanding may emerge.

Meanwhile the evacuation of the Ruhr region by the French and Belgian forces of occupation is going on apace, the belief being expressed that by July 31 virtually all of the allied troops will have left the Ruhr, the fulfillment of the promise made by the French government that France would evacuate the Ruhr within a year after the Dawes plan became effective.

So little had been expected from the German communication on the subject of a security pact, that its conciliatory nature has made a highly favorable impression, and foreign office officials appear to think the difficult points can be cleared up within 15 days. Such optimism is not shared by the commentators in the newspapers, who believe that Germany is not likely to abandon her "familiar haggling methods."

ATTORNEY USED BY OFFICER AS SHIELD IN DUEL

Chattanooga, Tenn., July 21.—Sam Godsey, Sequatchie county deputy sheriff, used Attorney General George W. Chambliss as a shield while under fire of Lawrence Bowman in reviving a feud last night in which Godsey and his brother, Benton Godsey, were shot in the legs.

Sam Godsey, at the hospital this morning, stated that Bowman had started the battle while Godsey was upbraiding Attorney General Chambliss for not indicting Bowman for carrying a pistol in another case.

A bullet went through Chambliss' hat.

Bowman said Sam Godsey was cursing him to Chambliss and when he got a glance at Godsey he went for his gun.

Bowman then started a fusillade with a heavy revolver, wounding Benton Godsey the first shot and later putting a bullet through the upper left leg of Sam Godsey.

Bowman explained his bad marksmanship by stating that he was afraid that he would shoot Chambliss as Sam Godsey kept getting behind him. He also stated that some person was shooting at him from behind while he was battling with the Godseys. Several of the Godsey clansmen appeared on the scene as soon as the shooting ceased.

WORK MOVES TO STOP LOAFING IN DEPARTMENT

Washington, July 21.—(A. P.)—Employees of the interior department do too much sitting down, clock watching and strolling over surplus office furniture to suit Secretary Work, so he has given orders to strip the department's offices for action.

The first move was in the general land office, where 250 chairs were removed, most of the clocks dismantled and two van loads of stools, wardrobes and desks, valued at \$5244 turned over to the government's general supply office.

According to Spiker Stone was driving on the wrong side of the road when the accident occurred. Both cars were going about 30 miles an hour.

In the Stone car were his wife and daughter. The daughter had several severe bruises, one particularly bad one on the cheek bone. Spiker also sustained a severe cut on the forehead and several bruises while the others also sustained injuries. Ralph Geener, Salem fire man, was named as a witness to the accident, his car having followed the Stone car out of Salem toward Portland.

HOPE ABANDONED FOR BURIED MAN

Olympia, Wash., July 21.—All hope that Dennis Murphy, aged Rochester, prairie rancher, who was imprisoned at the bottom of a 52 foot well yesterday would be reached before nightfall today has been abandoned. It was reported from Rochester this morning that the rescue force numbers 20 men, conditions under which they are obliged to work impede progress to such an extent that he will probably not be reached until Wednesday morning, it was said.

Murphy was imprisoned shortly after noon yesterday when the curbing of the well gave way after he had descended into the well to clean it out, but his own under several tons of earth. Rescue work was started as soon as new curbing material could be secured and the work was rushed through the night. All hope that he will be found alive has been given up, it was said.

BOOZE VENDORS TO GUARDSMEN FOUND GUILTY

Medford, July 21.—B. J. Hodges and R. Dawson of Klamath Falls in a sealed verdict opened this morning by the court, were found guilty of possession of liquor. Their wives, tried as co-defendants, were acquitted. This is the third conviction in a week for the two men. The trials grew out of a raid on "The Hut" a candy store located near Camp Jackson during the national guard encampment in June.

Mrs. Dawson is 21 years old, member of a well known Lakeview, Ore., family, and her three children are aged four years, two and three months. Mrs. Hodges is 25 years old, was raised near Fort Smith, Ark., and her three children are six, four and two years of age.

Regarding a statement signed by Mrs. Dawson on the night of her arrest, in which the allegation was made "that we were to receive a dollar a gallon, for every gallon of liquor delivered with Hodges," Mrs. Dawson testified, "I was too excited about my babies to know what I was signing."

Mrs. Hodges testified that she invited the Dawsons to make the trip to Medford and did not know until they stopped on a road near Keno, Klamath county, that moonshine was to be carried on the trip.

"I was raised to go to Sunday school and church and have always been a good wife and mother" was one of her replies to a state question. She also testified that she had always told her husband "to go straight."

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RATS START FIRE FATAL TO FOUR

Dallas, Texas, July 21.—(A. P.)—Rats gnawing matches started a fire here early today which caused the death of four and the injury of eight persons in a frame rooming house. The dead are:

T. E. Young, 29, filling station.

William Brown, 25, son of E. E. Brown of Mineral Springs, Ark.

Lloyd Short, 23, barber, Cisco, Texas.

Joe Dunaway, 25, barber, Cisco, Texas.

The house was operated by Patrolman and Mrs. S. H. Garrett. Mrs. Garrett and her two sons, William Carter and C. A. Carter, were injured.

The Carter brothers received burns in attempting to arouse sleeping roomers.

YANKEE GUNBOAT CREW FOODLESS

Peking, China, July 21.—(A. P.)—Advice from Canton says that food supplies have been cut off from the American gunboat stationed at Wuchow, as well as from the British residents. It is added that the British consulate at Wuchow has advised all British subjects to leave because of the strict boycott against them.

2 CARS WRECKED IN CRASH TODAY

Two automobiles were completely wrecked and occupants sustained slight injuries, when a Packard sedan driven by William A. Stone, druggist of Pasadena, Cal., smashed head on with a Maxwell coupe, driven by Manning F. Spiker, sales man of Portland, near the intersection of the Pacific highway and Chemawa road at 10:15 this morning.

According to Spiker Stone was driving on the wrong side of the road when the accident occurred. Both cars were going about 30 miles an hour.

In the Stone car were his wife and daughter. The daughter had several severe bruises, one particularly bad one on the cheek bone. Spiker also sustained a severe cut on the forehead and several bruises while the others also sustained injuries. Ralph Geener, Salem fire man, was named as a witness to the accident, his car having followed the Stone car out of Salem toward Portland.

COMPROMISE LIKELY IN CONTROVERSY OVER FILLING POWER DITCH

Whether the Western Paper Converting company is to establish its \$250,000 factory in Salem because of a lease before the city council last night when representatives of the company and Guy O. Smith, representing the property owners on Division street, engaged in a heated debate relative to the ditch on Division street. At the conclusion indications were that the question will be settled amicably. On motion of Aldeerman Dancy it was voted that the old special committee that had the ditch matter in hand, representatives of the paper converting company, and the city engineer get together and try to evolve a plan whereby the company and the property owners may cooperate for filling the ditch. A settlement similar to this is desired by the company.

COMPROMISE LIKELY IN CONTROVERSY OVER FILLING POWER DITCH

In the last city election a measure was passed that authorized the city council to require the Oregon Pulp & Paper company to cover or fill the old power ditch on Division street. The company later asked an extension of time in July of this year, which was granted. In the meantime the pulp and paper company has offered the north power site without cost to the Western Paper Converting company if the latter will establish its factory here. Salem is the desired location of the factory as far as the company is concerned, and more so because of the free site offered. The pulp and paper company offered the site because the new concern would be a large user of the paper mill's product.

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