

Prediction... Fair and cooler
Maximum yesterday... 103
Minimum today... 80

DAYTON TRIAL OPENS, SCOPES INDICTED

BIG THROG CHEERS FOR ANTI-APES

Judge Threatens to Clear the Court Room When Crowd Cheers Juror Who Says He Believes in Bible—Bryan Is Shown Cartoon Picturing Him As An Ape.

DAYTON, Tenn., July 10.—(A. P.)—A jury to try John T. Scopes for teaching evolution in the Tennessee public school was selected this afternoon. It was composed of nine farmers, one school teacher and farmer, one fruit grower and a shipping clerk as follows: W. F. Reynolds, farmer, J. W. Dugley, farmer, Jim Riley, farmer, W. B. Taylor, farmer, R. L. Gentry, farmer and school teacher, J. A. Thompson, fruit grower and farmer U. S. marshal, Jesse Goodrich, shipping clerk, J. H. Bowman, farmer, B. W. Day, farmer, R. L. West, farmer, J. S. Wright, farmer.

DAYTON, Tenn., July 10.—(A. P.)—A new indictment, based upon the evidence furnished by the old document, was returned against John Thomas Scopes by a Rhea county grand jury here today. The indictment charged violation of the recently enacted Tennessee law prohibiting the teaching of evolution theories in the public schools. The technically involved was the question of elapsed time between the summoning of the special grand jury in special session and the meeting of the body. Thirty days should have separated the two. Re-indictment today remedied this defect, it was said by attorneys.

On motion of the attorney-general the former indictment against Scopes was quashed, having been superseded by the second official document in the case. Mr. Bryan, returning to the courtroom, was shown a caricature representing him as an ape. He laughed heartily and exclaimed: "That's a work of art."

Judge Raulston was shown the picture and called to Bryan: "Colonel, they certainly have you." Bryan inquired if the artist had not similarly portrayed Darrow. The cartoon was passed from hand to hand around the counsel tables and aroused general merriment. Mr. Bryan said he did not regard it as "a perfect likeness."

While attorneys for both sides were discussing informally in front of the desk, Scopes sat quietly in his place between his father and Rappleyea. He seemed unconcerned.

Bryan and Malone, opposing counsel, put their heads together while the court discussed adjournment. Announcement that photographers wished to make a panoramic scene of the court for "ten minute readers" did not check the stampede for the door when recess was taken.

Picnic at Noon Hour.

During the noon interval hundreds of the visitors took lunch at the numerous concessions, while many families spread picnic meals under the trees.

Everywhere the issues of the trial were discussed. Shifting groups, barbecue stands and laughing young folk created a holiday atmosphere. But under-current of serious thought and concern for the outcome of the case were felt among the older groups. The judicial hall was filled again before the hour of reconvening. Scopes read a newspaper while his father, coatless like the defendant, stirred the humid air with a fan. Packed along the walls the spectators frequently were moved from the win-

John D. Rockefeller Deeds \$1,733,500 Farm To John D., Junior

WHITE PLAINS, N. Y., July 10.—(A. P.)—John D. Rockefeller today deeded to his son, John D. Rockefeller, Jr., his Pocantico Hills estate in Tarrytown, his home for many years and valued at \$1,733,500. The deed was filed with the Westchester county registrar.

BRYAN GETS BIG OVATION AS HE ENTERS C'T ROOM

Great Commoner Favorite of Spectators in Court Room As Evolution Trial Starts—Darrow Works in Shirt Sleeves.

COURTROOM, DAYTON, Tenn., July 10.—(A. P.)—With a prayer by the Rev. William M. Cartwright, pastor of the Dayton Methodist Episcopal church, south, a special term of Rhea county circuit court was convened here this morning at 9:10 o'clock for the trial of John Thomas Scopes, charged with violating the so-called anti evolution law of Tennessee. The opening of the court was marked by what was expected to be the first of many demonstrations when the entrance of William Jennings Bryan provoked a burst of handclapping from spectators, packing the courtroom. As the leading member of the prosecution's staff of attorneys walked within the bar of the court he was greeted cordially by Clarence Darrow and Dudley Field Malone, leaders of the defense lawyers.

After the prayer by Mr. Cartwright, Judge John T. Raulston rapped for "order in the court" at 9:14. Sheriff R. B. Harris announced that court was duly in session. Activities of the court were held up for a few minutes while counsel for both sides posed with the judge on the stand. A dozen photographs were made.

Clarence Darrow was in his shirt sleeves. The others wore in coats. Judge Raulston posed holding his gavel aloft. The judge instructed the sheriff to seat all spectators and permit others to stand against the walls. "Mr. Attorney General, I am calling the case of the state of Tennessee against John Thomas Scopes," announced Judge Raulston.

The attorney-general asked that the grand jury be drawn and in the meantime counsel from outside the state were introduced to the court and welcomed in the courts of Tennessee by Judge Raulston. The judge assured them that they would be accorded all privileges by resident lawyers.

The calling of the names of grand jurors proceeded with frequent suggestions of "let's have order" from Judge Raulston.

The judge broke his eyeglasses and was forced to leave the bench to get Mr. Raulston's assistance in repairing the damage. The operation was successful.

When the jury box was filled the judge asked if any were so situated at home that they could not serve on the jury, the judge suggesting that not more than two hours would be necessary. Attorney General Stewart amended this by a suggestion that 45 minutes would be sufficient time. At this assurance one reluctant grand juror withdrew his objection to serving. Judge Raulston then administered the formal oath. The judge laid down the law against sitting and standing in windows. The windows, he said, were needed for ventilation.

After he had read from the Bible, the judge pointed out to the grand jury that if it was found that the law

Dayton Celebrates Her Big Day



Dayton, Tenn., anxious to stay on the map after the Scopes anti-evolution trial, is preparing to make Dayton boosters of visitors to the trial. A committee composed of (left to right) C. E. Tolliver, S. C. Patton, B. M. Wilber and W. N. Morgan, will devote itself entirely to attending to the comfort of visitors, arranging for accommodations, parking space for automobiles, special entertainments and entertainments.

TRUSTIES MAKE GETAWAY FROM COUNTY BASTILE

E. B. Rayno and Ben Daniels Escape From Jail at Jacksonville With Sheriff Jennings in Pursuit—New Jailer Just Installed.

E. B. Rayno and Ben Daniels, county jail trustees walked away from the courthouse yard Thursday evening about seven o'clock and up to noon today had not been captured by Sheriff Jennings and deputies who beat the brush south of Jacksonville for the fugitives.

Rayno was serving a six month's sentence for liquor violations in this city, and Daniels was serving a 30 days' sentence from Ashland for vagrancy. Both had served about half of their sentences and were model prisoners.

This was the first escape from the county jail since Milan Jones, brother of Oregon Jones and a Mexican by the name of Gonzales, broke for cover by hitting the jailer over the head with a stick of wood. Gonzales was caught in the manzanita, thirty minutes after his flight. Jones is still at large.

After the escape of Jones, Jailer Ed Collins resigned, and his post was taken by Robert DeShazer of Jacksonville. The first of the week DeShazer resigned and Collins was reinstated as jailer.

WORK TURNS DOWN THE BAKER PROJECT

ONTARIO, Ore., July 10.—Following a meeting here this morning when the merits of the "Owyhee reclamation project" were discussed, Hubert Work, secretary of the interior, issued the following statement for publication: "If, as some claim, I am compelled by law to build the Baker project, quite regardless of the opinion of the secretary of the interior as to its feasibility, I shall not delay its construction. I do not believe it is feasible under existing laws, and experts, both of the bureau of reclamation and the department of agriculture, have reported to me."

PORTLAND MAN SUES WIFE FOR A BABY FRAUD

Charles Buchanan, Steamboat Pilot, Demands \$40,000 to 'Assuage Outraged Paternal Instincts'—Claims Baby 'Boy Is Not His Own.'

PORTLAND, Ore., July 10.—Chas. E. Buchanan, a steamship pilot, filed suit in circuit court here today against a physician, a hospital superintendent and his wife, Mrs. Buchanan, demanding \$40,000 to assuage his "outraged paternal instincts." Buchanan alleges that the three conspired to palm off on him a baby which they declared to be his when, as a matter of fact, Mrs. Buchanan did not give birth to a baby at all.

The child, the complaint states, was supposed to have been born January 29, 1923 and Buchanan says it was not until June 25, this year, that he learned of the deception. He says that for two years he has believed himself to be the father of the child and that he has lavished on it all his love and care.

The complainant says that when he came to Portland from Raymond, Wash., to bury his mother he remarked at the grave: "This leaves only two things for me in life—my wife and my son."

He says a lodge brother standing beside him said: "If you knew as much about that as I do you would be punished the rest of your life. The boy is not your son."

Buchanan says he started an investigation, resulting in the suit. Besides Mrs. Buchanan the defendants are Dr. William O. Spencer and Alta B. Y. Spalding, who conduct the Women's hospital here.

DRY BLOCKADE LEADER TRANSFERRED TO COAST

NEW YORK, July 10.—Captain W. V. E. Jacobs, coast guard commandant in this district who directed the recent blockade against liquor smuggling from rum row, today was ordered transferred to command the California district, with headquarters in San Francisco. His territory will extend from Oregon to Mexico on the Pacific coast.

CHILDREN AND WOMEN TOLD TO LEAVE AT ONCE

British Consul in Canton Warns People of Approaching Attack By Chinese Under Direction of Soviet Aviators.

HONG KONG, July 10.—(A. P.)—Reuters' Canton correspondent announces discovery of an alleged Chinese plot to attempt to capture both Canton and Kowloon, opposite Hong Kong, with the assistance of Russian aviators.

The correspondent says a plan for the capture of these places with the assistance of Russian aviators has been prepared by the commander of the Whampoa Chinese cadets at Canton.

Reports, never definitely substantiated or disproved said these cadets, "commanded by a Russian officer," parading near Shamen, started the trouble on June 23 as a result of which a French merchant J. Pasquier, was killed and several British wounded.

British and French marines then fired into the Chinese demonstrators. The Chinese claim, according to this dispatch, that Shamen could be captured in three minutes at the cost of only 1000 Chinese lives.

Inquiries made in Shamen, however, confirm the Hong Kong impression that the defenses of the foreign settlement at Canton are sufficient to make it impregnable against any attacks possible by forces at present available to the Chinese.

ENGLAND INTENSELY INTERESTED IN EVOLUTION TRIAL PAPERS FULL OF IT

LONDON, July 10.—(A. P.)—It has been a long time since any occurrence in the United States has attracted such an amount of attention here as the prosecution of John T. Scopes at Dayton, Tenn., for teaching the theory of evolution in violation of a state law. The incident has already been the subject of numerous cable stories and

Monkey Debate in Eugene Is Won By Fundamentalists

EUGENE, Ore., July 10.—Fundamentalism was voted the winner over evolution in a debate held here last evening between W. B. Riley, executive secretary of the World's Christian Fundamentalist association and Edward Adams Caswell, field secretary of the Science League of America. The decision was awarded by popular vote of the audience. The debate was held, where the occasion of applause which greeted the speakers as they first took up their cases showed that fundamentalists were in the majority in the audience.

3 CALIFORNIA YOUTHS HANGED DESPITE PLEAS

Montijo, Bailey and Perry, After Hour Reprieve, Are Sent to Death When Court for Second Time Refuses to Intervene.

SACRAMENTO, Cal., July 10.—(A. P.)—Edward Montijo, 21, was hanged at Folsom prison at 10:21 o'clock for the murder of Glenn E. Bond, Los Angeles policeman, for which crime his two companions died on the scaffold at San Quentin prison earlier in the day.

Thomas Bailey, 22, and Lewis Perry, 19, were hanged at the state prison here today for the murder of Glenn Bond, a Los Angeles policeman after the failure of a spectacular last hour fight to save their lives.

The hangings had been delayed for an hour to permit of a final appeal to the state supreme court in San Francisco for a writ of error, which would have allowed a review of the cases of the two men by the United States supreme court.

The state court, however, decided not to intervene, it being its second decision of this nature within two days. Word was sent here and the men were thereupon sent to their death on the gallows.

Policeman Bond was shot and killed on February 20, 1924, while trying to prevent a holdup of the Merchant's National Bank agency at Sixth and Hoover streets, Los Angeles. Montijo, Bailey, Perry and Edward Montijo were captured shortly thereafter and were convicted and sentenced to hang. Their appeal to the state supreme court was lost.

Montijo was sentenced to hang at Folsom prison today.

Montijo was returned to the prison from Sacramento at 11:30 o'clock. Warden J. J. Smith announced at that time that he would be hanged at 1:30 p. m., under the present plans.

The petition for the writ was based on the claim that Montijo is insane and not responsible for the life of crime the testimony introduced at the hearing has showed he led since he was fifteen years old.

Montijo's father testified that his son suffered an injury to his head when he was four years old and this, he said, affected his brain and made him irresponsible.

A dramatic scene was enacted in the court room just before Montijo took the witness stand. When the condemned man swooned in his chair, the mother rushed to her son's side and cried hysterically "don't take my boy away from me." She had to be taken from the court room.

MONTANA IS SHAKEN BY EARTHQUAKE

Rocky Mountain Region Is Again Shooked By Severe Temblor—Bricks Topple, Disks Crash, People Rush to Streets, But No Serious Damage Is Reported.

HELENA, Mont., July 10.—(A. P.)—Old Mother Earth became uneasy again this morning. Breakfast dishes in most Montana towns in the belt shocked two weeks ago trembled under a quiver recorded at 7:48 this morning. The shock as recorded by the Helena weather bureau lasted about ten seconds. There was no damage in any section so far as can be learned.

At Manhattan and Three Forks, where the greatest force of the shock was felt June 27, loose bricks tumbled again from the shattered walls but that was all.

While there is no definite record of others during the night, reports tell of slight shocks about midnight, about 5 o'clock and about 6 o'clock.

The recorded shocks, the weather bureau said, began with a slight tremor which increased in strength and violence with a north to south movement. A stiff shock was reported at Trident, lasting possibly ten seconds, but without damage.

Bozeman, Livingston, Great Falls, Billings, Butte and Logan also felt the shock, but without alarm or damage. Yellowstone park was not affected. Superintendent Albright said.

HELENA, Mont., July 10.—Parts of Montana again today was disturbed by earthquakes that were felt here, at Great Falls, Three Forks, Manhattan and Billings. No widespread damage was reported.

The quake was most pronounced at Three Forks, where it lasted for two minutes. People rushed to the streets. Aside from the toppling of bricks from chimneys and rains left by former shocks, there was no damage. Similar conditions prevailed at Manhattan. There was no damage and no alarm. At Helena the slight shocks lasted a few seconds.

At Billings many inhabitants were unaware that the city had been visited by quakes, workmen on buildings being the first to report the earthquake.

GREAT FALLS, Mont., July 10.—(A. P.)—Great Falls was rocked at 7:45 this morning by a short but pronounced earthquake whose intensity was comparable to that felt here on June 27. The tremors lasted about three seconds.

Butte also was rocked by a temblor of short duration at 7:45 o'clock. No damage, however, was reported.

Hot Weather Brings Out Beer Gardens in Portland Suburbs

PORTLAND, Ore., July 10.—(A. P.)—Hot weather, prohibition officers aver, has called forth numerous beer gardens in Portland. These, in turn, called forth the prohibition agents, who last night swooped down on several and snatched foaming beer mugs out from under the foam and took into custody several alleged dispensers. About 200 quarts of bottled beer were seized and 25 gallons destroyed. The customers first on the arrival of the prohibition agents and to avoid disclosure of their several identities the prohibition agents are expected to plead guilty.

FRANK TINNEY STRANDED IN LONDON BROKE, WANTS TO RETURN TO WIFE

NEW YORK, July 10.—(A. P.)—The New York American says today that Frank Tinney, blacked comedian, who recently fled to London from his forgiving wife after an escapade with Imogene Wilson, former Follies girl, is homesick, broke and ready to come back and that his wife will take him back. "Why shouldn't I take him back—my Peck's Bad Boy?" she is quoted as saying.

"There are worse men than Frank. It takes more than liquor to ruin him. He's been punished." Imogene broke into print when Tinney was arrested for hitting on the jaw the girl that Florence Ziegfeld glorified. The grand jury refused to indict the comedian. To the surprise of all he fled to London. Imogene fled after him. Now, the paper says, Tinney has lost Imogene.

WORK TURNS DOWN THE BAKER PROJECT

ONTARIO, Ore., July 10.—Following a meeting here this morning when the merits of the "Owyhee reclamation project" were discussed, Hubert Work, secretary of the interior, issued the following statement for publication: "If, as some claim, I am compelled by law to build the Baker project, quite regardless of the opinion of the secretary of the interior as to its feasibility, I shall not delay its construction. I do not believe it is feasible under existing laws, and experts, both of the bureau of reclamation and the department of agriculture, have reported to me."

DRY BLOCKADE LEADER TRANSFERRED TO COAST

NEW YORK, July 10.—Captain W. V. E. Jacobs, coast guard commandant in this district who directed the recent blockade against liquor smuggling from rum row, today was ordered transferred to command the California district, with headquarters in San Francisco. His territory will extend from Oregon to Mexico on the Pacific coast.

ENGLAND INTENSELY INTERESTED IN EVOLUTION TRIAL PAPERS FULL OF IT

LONDON, July 10.—(A. P.)—It has been a long time since any occurrence in the United States has attracted such an amount of attention here as the prosecution of John T. Scopes at Dayton, Tenn., for teaching the theory of evolution in violation of a state law. The incident has already been the subject of numerous cable stories and