The Weather
Prediction Fair and warmer
Maximum yesterday 95.5
Minimum today 59

MEDFORD MAIL TRIBUNE

Weather Year Ago
Maximum 83
Minimum 43

Daily—Twentieth Year
Weekly—Fifty-fourth Year.

MEDFORD, OREGON, WEDNESDAY, JULY 15, 1925

NO. 98

University Library

MOTION TO QUASH IS RULED OUT

Judge Raulston Holds Anti-Evolution Law Is Constitutional—Indictment Properly Drawn and Law Not Conflicting—Religious Liberty Not Abridged.

State's Case Is Finished.

COURTHOUSE, DAYTON, Tenn., July 15.—(A. P.)—The state rested its case against John Thomas Scopes at 4 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.

COURT ROOM, DAYTON, Tenn., July 15.—(A. P.)—Judge John T. Raulston today denied the defense's motion to quash the indictment against John T. Scopes. The judge's decision upheld the constitutionality of the Tennessee anti-evolution law.

The motion to quash was made Monday and the day was spent in argument. Judge Raulston was occupied all of yesterday in writing his position which was voluminous. The decision took up each contention of the defense and ruled that the defendant would be required to plead further.

Before reading his decision on the defense motion to quash, Judge Raulston consented to pose for photographers with the decision in his hand.

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

Caption of Title O. K.

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 purpose of the act is to prohibit the teaching of evolutionary subjects in the public schools of the state.

"It is true that this provision is rather general in its nature," he said, "and in my conception of the terms employed in the caption and body, those used in the caption are broader and more comprehensive than those employed in the body of the act, but in my opinion the caption covers all the legislation provided for in the body and is germane thereto, and in no way obscures the legislation provided for.

"In my judgment, the caption * * * is sufficient to put any member of the legislature on notice as to what the nature of the proposed legislation is and that the caption is really more comprehensive than the body of the act."

The second point alleging a violation of the constitutional provision that the legislature should cherish literature and learning in schools of the state, he passed over with a brief statement of the law, since the point had not been pressed by the defense.

The next, a purely technical point charging the bill had not been read a sufficient number of times in the two houses of the legislature before its enactment, also was dismissed with a simple reading of the constitutional provision.

Religion Not Abridged.

Taking up the next phase which alleged a violation of the constitutional right to worship God, according to the dictates of the individual conscience, he declared he failed to see how this action in any wise interfered or in the leastwise restrains any person from worshipping God in the manner that pleaseth him. "It gives no preference to any particular religion or mode of worship. Our public schools are not

(Continued on Page Six)

Ex-Secretary Hughes to Represent St. Paul in Rate Case Plea

NEW YORK, July 15.—(A. P.)—Receivers for the Chicago, Milwaukee & St. Paul railroad today announced that they had retained former Secretary of State Charles E. Hughes to represent them at the rate inquiry before the interstate commerce commission and to advocate a rate increase recently proposed by them.

SEARCH DESERT FOR 2 MISSING KLAMATH GIRLS

Posse Combs Lava Beds for Junie and Esther Bradshaw, Who Disappeared 8 Days Ago—May Be With Their Brother in Medford.

KLAMATH FALLS, Ore., 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 today to search hidden caverns and caves in the sun swept lava country in an effort to find some trace of June 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 new dried up Tule lake. There was no habitation for miles around—only sagebrush and lava, coyotes and rattlesnakes.

Broken-hearted, their 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 is following today on the chance that they might lead to some ghastly crime.

Heard Girls Scream.

A sheep herder 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. It also was reported, that a small sum of money was lying on the rough table within the tent.

Other clues which are being followed out are that the girls have been aided in running away from the lonely sheep camp. One report is that they have gone to the home of a married brother near Medford. Another is that they might have been helped to the home of a married sister in Portland, while still another is that they have gone to friends in some town in northern California.

Authorities are positive that the girls, if they ran away, could not have made their way out of the lava bed country without assistance. None of the ranchers of that section has seen or heard anything of them since the night of their disappearance. While authorities still feel that the girls may be found alive, ranchers of that section shake their heads negatively and opinie

(Continued on Page Three)

SITUATION IN MOROCCO IS SERIOUS

Fez-Algiers Railroad Reported Cut Near Taza By Riffians. Cutting Off French Communications With Algiers—Tribes Going Over to Abd-El-Krim En Masse.

FEZ, French Morocco, July 15.—(A. P.)—The French today defeated two attacks by Abd-El-Krim's Riffians upon positions protecting Fez and Taza.

Abd-El-Krim is straining every nerve in preparation to strike a blow against the French before the Franco-Spanish co-operation arranged for at the Madrid conference becomes effective. All the information gathered by the French intelligence service tends to bear out this assertion.

The Riffian propaganda is especially active and appears to be meeting with success, notably among the Tsouls and Branes in the Taza region, of which tribes further portions have gone over to Abd-El-Krim.

These defections are also beginning to have an effect on the Tohiatas, a warlike tribe, whose abandonment would be a serious complication for the French.

A French bombing plane broke down yesterday, forcing a landing three miles in front of the French lines near Taza. Another machine went to the rescue, but its pilot, seeing the non-commissioned officers of the first plane surrounded by Riffians, gave them up for lost. The two, however, came into the French lines later, having fought their way through the enemy lines with their carbines and bombs. The plane, which was the first to fall into enemy territory, was destroyed by shots from French field pieces.

Advices through Spanish Morocco last night indicate that the pressure against the French near Taza was increasing daily and that the French military situation was "quite serious."

Reference was made to the "cutting of the Fez-Algiers railroad," near Taza, which would mean the interruption of French communication between Algiers and Moroccan protectorate.

PARIS, July 15.—(A. P.)—Premier Painleve has accepted in priciple the offer of American aviators who fought in the French foreign legion during the World war to serve in the French Moroccan air forces against Abd-El-Krim.

BASEBALL SCORES

National League.

NEW YORK, July 15.—(A. P.)—New York climbed to within five percentage points of the National league lead held by the Pittsburg Pirates today by defeating St. Louis, 7 to 3, while the Pirates received a setback at Boston, 4 to 3.

At New York—	R.	H.	E.
St. Louis	3	8	1
New York	7	11	1

Haines and O'Farrell; Barnes and Snyder.

At Boston—	R.	H.	E.
Pittsburg	3	6	1
Boston	4	11	1

Morrison, Adams and Gooch; Benton and Gibson.

At Brooklyn—	R.	H.	E.
Cincinnati	2	8	0
Brooklyn	5	9	0

Donahue, May and Kreuger; Grimes and Taylor.

At Philadelphia—	R.	H.	E.
Chicago	3	8	0
Philadelphia	3	9	3

(Called end Sixth, rain).
Alexander and Gonzales; Ring, Ulrich, Couch and Wilson.

American

At Cleveland.	R.	H.	E.
New York	4	13	2
Cleveland	5	14	0

Batteries: Shawkey and Bengough, O'Neill, Schang; Cole, Speece, Karr and Myatt. 12 innings.

At Chicago.	R.	H.	E.
Philadelphia	9	13	1
Chicago	7	13	0

Batteries: Harris, Walberg and Cochrane; Fedgerstone, Connolly, Revier and Schalk, Grabowski.

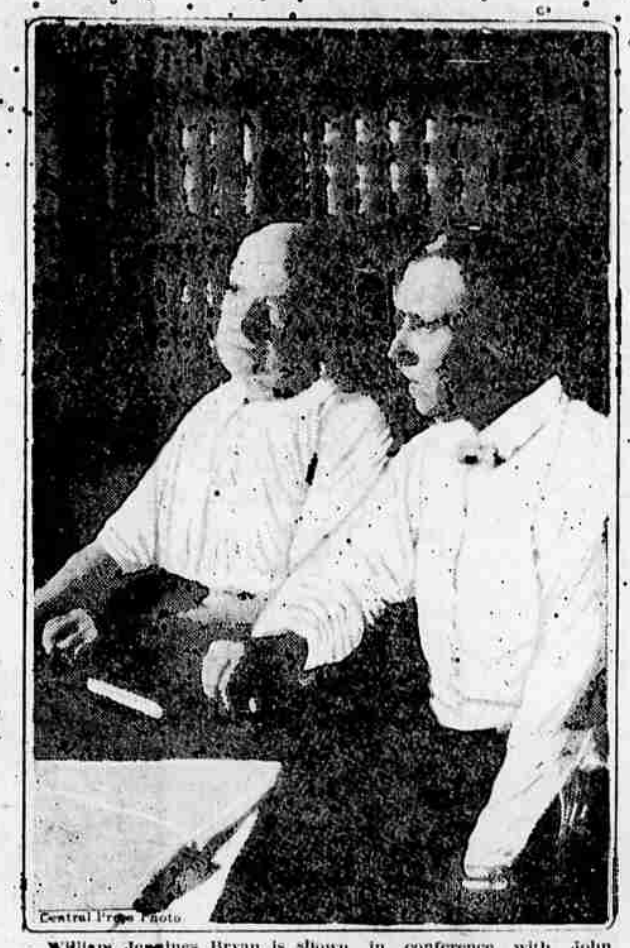
At Detroit.	R.	H.	E.
Washington	2	9	1
Detroit	5	9	0

Batteries: Reuther and Ruel; Collins and Woodall.

Agriculturist Resigns.

WASHINGTON, July 15.—(A. P.)—The resignation of E. D. Ball, director of scientific work of the department of agriculture, has been accepted.

W. J. B. and "Ape" Law's Author Snapped at Dayton Evolution Trial



Central Press Photo

William Jennings Bryan is shown in conference with John W. Butler, author of Tennessee's "ape law." With their hands upon the Bible they swear to defend the teachings of the sacred book until death.

BRYAN GIVEN GREAT OVATION WHEN ATTACKED BY DEFENSE

COURT ROOM, DAYTON, Tenn., July 15.—(A. P.) William Jennings Bryan was brought to his feet for the first time since the opening of the John T. Scopes trial today during the opening address of Dudley Field Malone to the jury. Mr. Bryan arose after Attorney General Stewart had objected twice to remarks made aimed at Mr. Bryan, linking him with the fundamentalist element.

The man who for the past four days has silently occupied a seat at the state counsel table faced Mr. Malone and the judge to inform the court that he desired no protection from that source but would defend himself at the proper time.

As he completed his statement the packed room burst into applause, more enthusiasm than yet had swept the room. The applause brought from the court the announcement that those participating in such outbursts in the future would be barred from the room.

MERCURY SOARS ABOVE RECORD IN MIDDLE WEST

CHICAGO, July 15.—(A. P.)—Heat records continue to be broken in the middle west and Rocky Mountain areas with a Paavo Nurmi-like regularity, the weather bureau guardians having to dig back in musty files of years ago to find any marks approaching the present wave.

The plateau states and the southwest were the greatest sufferers as the summer sun enticed the mercury towards its apogee.

Salt Lake City, Pocatello, Reno, Nev., and Lander, Wyo., experienced the hottest day yesterday since the weather bureau figures have been kept while another hot blast broke records for all time in central and northern Texas.

At Wichita Falls, Texas, the official temperature was 109, while marks of 106 and 108 were common in Texas. The mark of 105.5 at Dallas shattered all heat records for the city, although a light shower there and at other points in the state brought some relief.

Lander, which is looked to in winter time to supply the "coldest" weather record, qualified among the hottest with an even 100, while Pocatello registered 104 and Salt Lake 102.6.

Street level thermometers at the latter point showed 108.

Phoenix, Ariz., touched 106, but even this high was a drop of six degrees for Sunday, the hottest day of the summer there.

No immediate general relief was predicted.

MOTHER FIGHTS FOR BABY TAKEN WHEN DESERTED

SAN FRANCISCO, July 15.—(A. P.)—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 C. 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 in the state district court of appeals. The mother and baby had just returned from the beach.

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. The court must decide whether the guardianship papers issued out of a Kansas City court have erased the natural mother's claim to the child and given her into the legal guardianship of Mrs. Grubel, who obtained guardianship papers some years ago.

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. When she attempted to get control of the child, Mrs. Grubel showed guardianship papers, by which she had obtained legal possession of the child. The natural mother, Mrs. Jerome, then kidnapped the infant and came to California.

A friend of Mrs. Grubel who was in California during the Shriners' convention, recognized Mrs. Jerome and the child at a depot here. The friend wired Mrs. Grubel. Detectives were put on the trail and seizure of the child last night resulted.

Mrs. Grubel has no children.

NEW YORK, July 15.—Arrest of eight alleged counterfeiters in Brooklyn during the past eighteen hours made a total of eighty arrests by local secret service agents in what was described as one of the most extensive counterfeiting plots uncovered in this country. Eleven girls were among the arrested.

Daily Report on the Crime Wave

WATERTOWN, S. D., July 15.—Winfred Meek, 21, of Garden City, was sentenced to "imprisonment at hard labor for the remainder of his natural life," in the state penitentiary at Sioux Falls, following his plea of guilty in circuit court today to a charge of having killed Byrle Healy, 17 year old Garden City girl, Sunday night.

National League to Keep "Lively" Ball in Spite of Homers

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 home run hitting which has been raging in the major league.

The decision to retain the present ball was reached after Harold A. Yales of Columbia university had read an exhaustive report based on his chemical analysis of the ball.

STATE ATTORNEY APOLOGIZES FOR LOSING TEMPER

Attorney General Stewart Is Sorry for Slurring Remark Directed at Defense in Monkey Trial—Unitarian Minister Gives Prayer.

COURT ROOM, DAYTON, Tenn., July 15.—(By the 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. Dr. Potter was called to the platform by the court after President Stribling of the Dayton Pastors' association, had announced the name of the visiting minister as the choice of the association.

Judge Raulston yesterday announced that he would ask the Dayton Pastors' association to nominate a minister to make the opening prayer each day. This followed a protest from the defense at the custom of having a daily prayer.

Just after the brief prayer John R. Neal, of defense counsel gained the floor to make his attitude clear on the question of the prayer in court. He objected, he said, to any religious atmosphere in the court room during the trial of the case.

S. K. Hicks of state counsel announced the state denies that there is a religious controversy in the case and objected in behalf of the prosecution to "this heckling every morning on the subject of prayer." He asked that the court stop the daily protest and place it in the record. Judge Raulston said he had no regard for denominational lines in selecting ministers for the morning prayer. He hoped, he said, that these prayers would "do some good."

They will not hurt anyone and may help."

Clarence Darrow noted an exception to the remarks of the court.

Attorney General Apologizes

Attorney General Stewart was recognized to say that he had made a remark in court yesterday that he wished to withdraw. He had expressed himself in a discourteous manner to Mr. Hayes of defense counsel, he said. "I feel very much ashamed that I have not been courteous to Mr. Hays and there was nothing back of it but a little ruffled temper," he declared.

Mr. Hays rose to say that he was happy to accept the apology of the attorney general. Hays asked that the state's attorney avoid reference to the states from which the defense attorneys come and their religious beliefs.

John R. Neal asked the attorney general to then remove from the record a "sneering remark" alleged to have been made toward defense counsel.

President's Father OK Now

SWAMPSCOTT, Mass., July 15.—(A. P.) Colonel John Coolidge, aged father of the president, has made such a recovery from his recent illness and operation that Dr. James F. Coupal, White House physician, has found it possible to return to duty here.

Cattle Thief Apprehended

PORTLAND, Ore., July 15.—Harry Goddgrham, who recently was arrested near Bend on a charge of stealing cattle belonging to Indians of the Klamath reservation was brought to Portland yesterday by Deputy United States Marshall L. E. Morelock. His bail was fixed at $1000.

2 NEW FISH C. MEMBERS ARE OUSTED

State Senators Beals and Garland Can't Legally Sit On Commission As Long As They Hold Senate Seats, Atty. Genl. Rules—Garland Says He's Delighted.

SALEM, Ore., July 15.—State Senator A. G. Beals 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 state constitution was handed down in an opinion by Attorney-General Van Winkle today in reply to an inquiry by Secretary of State Kozer. Though the status of State Senators S. M. Garland of Lebanon, who was appointed at the same time to succeed John C. Veach, was not a question before the attorney-general, he also was illegally appointed, for the same constitutional reasons. Garland was sworn in as a member of the commission yesterday.

All Actions Invalid.

The opinion renders 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 did not seek. I am very much gratified."

It is believed the governor will consult Garland before appointing a man in his place.

The first section of the constitution violated in the appointment of Beals is that which divides the powers of the state government into the legislative, the executive (including the administrative) and the judicial, and provides that "no person charged with official duties under one of these departments shall exercise any of the functions of another."

Case Is Cited.

It is held that Beals as state senator and fish commissioner would be exercising both legislative and administrative duties.

The other article of the constitution violated is that which provides that "no person holding a lucrative office or appointment under the United States or under this state shall be eligible to a seat in the legislative assembly," etc. Authority is cited to show that the office of fish commissioner is lucrative under the law, although the compensation is limited to $5 a day while on duty and not to exceed $200 a year.

The main authority cited relative to an official exercising duties in more than one of the governmental divisions is the case of Gibson versus Kay, in which it was held that Claud McColloch could not serve as state senator and at the same time serve as attorney for the state corporation department.

Wall Street Report

NEW YORK, July 15.—The closing was strong. United States Steel common was bid up two points to 117½ in the final hour. United States Cast Iron Pipe preferred soared eight points, American Republic 5¾, West Penn company 4½ and Consolidated Cigar 3.

Another broad upward movement in prices took place in today's stock market, while motors, rubbers, public utilities and specialties registered the sharpest gains, more general demand also was noted for the standard industrials. American Can crossed 200 to the highest prices on record. Total sales approximated 1,300,000 shares.

MORE LEGS AND LESS NECK IS FASHION DECREE FOR THIS FALL

NEW YORK, July 15.—More legs 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.

Skirts fifteen or sixteen inches off the floor were not unusual at a showing last night at the Hotel Astor while collars were invariably high. For tailored dresses there were vests that buttoned high at the neck.

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

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

JURY TO DECIDE HOW LOUD A PERSON MAY SNORE AND KEEP WITHIN LAW

ATLANTIC CITY, N. J., July 15.—(A. P.)—The county grand jury will soon be confronted with the delicate task of ascertaining how loud a person may snore without provoking an attack by a neighbor.

James Pabst appearing in Magistrate Paxson's court last night with one eye bandaged, charged that John Baltimus, his neighbor, assaulted him because he snored.

Baltimus testified he could have put up with the snoring had Pabst not called him bad names when he objected to the nightly nasal concert. Baltimus was held under $500 bail for the grand jury on assault and battery charges.