

SCOPES DEFENSE IS OUTLINED BY DUDLEY MALONE

COURT ROOM, 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. Dudley Malone, the court lawyer today in outlining the course to be pursued in the trial.

"The narrow purpose" of the defense will be to prove Scopes innocent of any violation of the Tennessee anti-evolution teaching statute.

Mr. Malone started speaking immediately after the attorney general had addressed the court for a moment. The attorney general said that the state simply would contend that the defendant was guilty of violating the Tennessee statute prohibiting the teaching of evolution in the public schools of the state.

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 they that worship Him must worship Him in spirit and in truth.'"

"The defendant, John T. Scopes, has been indicted for the alleged violation of an act passed by the Tennessee legislature which prohibits the teaching of the evolution theory in all the universities, normal schools and public schools of Tennessee, which may be supported in whole or in part by the public funds of the state," he said.

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 a lower order of animals."

After reading the second section providing a penalty of not less than \$100 nor more than \$500 for each violation of the act, he declared that before the prosecution court convict Scopes of a violation of the act, the prosecution must prove first that Scopes taught a theory that denies the story of the divine creation of man as taught in the Bible, and second, "that instead, and in the place of this theory, he taught that man is descended from a lower order of animals."

"The defense contends that to convict Scopes the prosecution must prove that Scopes not only taught the theory of evolution, but that he also did at the same time, deny the theory of creation as set forth in the Bible," he asserted.

"The defense contends the prosecution must prove that the defendant, Scopes did these two things and that what he taught was a violation of the statute."

"We will prove that whether this statute is constitutional or unconstitutional, the defendant Scopes did not and could not violate it. We maintain that since the defendant Scopes has been indicted under a statute which prohibits the teaching of evolutionary theory, the prosecution must prove as part of its case what evolution is."

"So that there shall be no misunderstanding and that no one shall be able to misinterpret or misrepresent our position, we wish to state at the beginning of this case that the defense believes there is a direct conflict between the theory of evolution and the theory of creation as set forth in the Book of Genesis."

MEDFORD ELKS MAKE BIG HIT OF CONVENTION

The Medford lodge of Elks with its "hick" orchestra, first seen and heard in the Elks lodge minstrel show of last winter, and George Gates' bucking Ford car have made a genuine hit with the many thousands of Elks in attendance at the national B. P. O. E. convention in Portland this week, as is shown by comments of train passengers arriving in this city yesterday and today, and also the big space in pictures and convention news comment of the Portland newspapers.

"These lodge stunts," which have created so much excitement in Medford in the past, stand out so prominently at the big Elks' convention with its many novel features and colorful doings are giving this city much extensive advertising among the B. P. O. E. fellows from all sections of the United States.

"But these circus stunts aren't 'ain't heard nothin' yet," for in Thursday's great parade the Medford lodge will appear in more unique stunts, one of which will advertise the fruit industry of the Rogue river valley in a telling way.

The bucking Ford will also carry along in the parade with the Medford delegation. This strange vehicle, which caused much laughter during the Armistice day parade here in the past two years, is being manipulated in Portland by Paul McDonald and Jerry Jerome, as its owner and usual driver, George Gates, is not at the convention, having been called from here to southern California this week early in the week on business.

The Oregonian of yesterday, in addition to publishing a two-column cut of the "hick" or Orchard orchestra as it is now known on the big time in Elkhorn, had a headline writer of the orchestra in the news part of the paper, and also an additional writup of it on the editorial page in the hotel news column.

The main writup was as follows: "The Medford Elk lodge is sporting a jazz orchestra of unusual distinction whose chief claim to fame consists in the fact that it furnishes real music with instruments made from ordinary kitchen utensils. Yesterday the aggregation spent the greater portion of the day entertaining prominent lodge officials with its unique program. The Oregonian office was included in the list of places serenaded. So pleased was the radio man with the performance that he booked the orchestra for an appearance over RGW Wednesday night.

The organization, which is known as the Orchard orchestra, consists of five men who are prominent in Medford business circles. They are clad in purple shirts, white overalls and large straw hats. The bass drum consists of a washtub and the snare drum of a hide stretched over the head of a keg. The banjo has its strings stretched over two kitchen pans. A violin has been made from a saw and a horse-hair bow. A harmonica and a collapsible organ complete the orchestra's equipment.

"The orchestra made its first public appearance in Medford several months ago at an Elks benefit affair. It is said that several efforts were made to book it for vaudeville circuits."

In the hotel news column appeared the following:

Herb Leinspaugh, who deals in musical instruments; Herbert Alford, oil agent; Jack Heat, another oil agent; Don Newbury, attorney; and Roy Schreve, book dealer, all of Medford, ambled around the hotel lobbies yesterday afternoon with a queer assortment of instruments, giving concerts. They made their debut at the Hotel Portland and in a fifty-foot couples were dancing on the tiled floor. Vernon Vawter is acting as their impresario during the Elks' convention, providing the musicians can hold out for the week."

ELK DELEGATION STOPS HERE FOR TRIP TO CRATER L.

A delegation of San Francisco Elks and their ladies enroute from Portland to their homes in that city, after stopping at the national convention at Portland, alighted from their special train this morning at about 8 o'clock, to be transported by a caravan of taxis and jitneys to Crater Lake, and then to Klamath Falls where they will reboard the special train.

The assemblage included 128 persons, requiring 19 automobiles, which were furnished through a contract said to amount to about \$2000, with the Daily Taxi company, of Medford, to transport them to the lake, where reservations had already been made at the lodge for their arrival. The party will spend today and until tomorrow noon at the lake, and then will leave for Klamath Falls.

During the past two weeks the San Francisco party has traveled over 5000 miles visiting national parks in the north and southwest. Their itinerary included Yellowstone and Glacier national parks and a short journey into Canada. Their stop at Portland to attend the national Elks convention for a day or more, was merely an incident of the tour.

Evidently they had heard the "hick" orchestra of the Medford Elks, according to the comments heard at the depot platform here upon its wonderful entertaining powers. In some cases it was the only topic of conversation when different members of the assemblage learned that this city was the home of the orchestra. Some seemed to be still chuckling over what had happened in Portland in connection with the "hickish" musicians, whom they believed to be the best yet.

Wife Kills Bandit Who Shot Husband In Bank Hold-Up

SAN CATHARINES, Ont., July 15.—(A. P.)—Going to 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 12 1/2 hours later today. Rogers was slightly wounded.

PARALYZED MAN WITHOUT FUNDS IS IN NEED OF HELP

The summer days do not seem so bright for Edwin Koenig, as he lies completely paralyzed at 344 South Central, even though he has been under the patient care of a kind sister for the past few months, for of late his funds have been running low.

Several years ago he was a shrewd man until he injured his spine while wrestling with his brother in play, and ever since he has been unable to move any part of his body—in fact, he could not talk or even hold his head erect, for a time. He spent several years in different hospitals of San Francisco, when despairing of recovery he returned to southern Oregon, his native home, to die. But instead of dying, he has been gradually recovering from his infirmity, under the care of a local doctor. Naturally he has become a bit discouraged about financial situations surrounding him, the worry of which tends to retard his recovery.

Mr. Koenig is not a member of any fraternal organization, so he hopes the good will of the people of Medford will tide him through until he is able to work once more. O. A. Wicklem of the Mason Motor company has been instrumental in adding the stricken man, and at the present is doing all in his power to aid him further.

The citizens of Medford are urged to contribute to the cause of the unfortunate man. The contribution can be left with O. A. Wicklem at the Mason Motor company, or better still, at 344 South Central, where Mr. Koenig is staying.

Before his injury Mr. Koenig was a homesteader in the Derby district where his parents have been living for some time past. He also has a wife and two children, who at the present time are living in or near the city of San Francisco.

MOONSHINER IS FOUND GUILTY IN RECORD TIME

After less than five minutes deliberation the jury in circuit court this afternoon returned a verdict of guilty against R. Dawson. The penalty is not less than a year in state prison, and the governor can not by the law extend a pardon.

R. Dawson, of Klamath Falls, is reported in a raid last June, in "The Hut," a soft drink establishment on the Klamath Lake highway, during the National Guard encampment, went on trial in the circuit court Tuesday afternoon, on an indictment charging "sale of intoxicants, while armed." A jury was sworn yesterday afternoon. The trial will be completed today. Mr. and Mrs. H. J. Hyde, and Mrs. Dawson, also face trial on the same counts, as this term of court.

Three logs of alleged moonshine, seized in the raid, were packed into the courtroom as exhibits.

Two women drawn to the jury box were excused from service, on questioning as to qualifications. The state challenged Mrs. H. Chandler Egan, wife of the Northwest amateur golf champion, on grounds of prejudice, and the defense excused Miss Inez Morgan, a school teacher, on its propriety challenges.

The trial is the first, as far as can be learned, under the law passed by the last legislature, "putting teeth in prohibition," by providing penalties for "gun-toting" while engaged in bootlegging, and kindred pursuits.

The defense at the opening of the trial, asked that all state witnesses be excluded from the court room, and the ruling of the court included District Attorney Newt Chaney, who participated in the raid.

TODAY

"The Goose Hangs High"

JAMES CRUZE Production

Vibrates with genuine emotion, heart gripping, pathos, drama, rich humor, with truly sweet romance!

COMEDY.

NEWS

RIALTO

FRIDAY

"THE ROUGHNECK"

GOVERNOR LIKES PRAYER IN COURT

COURT HOUSE, DAYTON, Tenn., July 15.—(By Associated Press.) Official commendation from Governor Austin Peay of the manner in which Attorney General A. T. Stewart is handling the prosecution of John T. Scopes for alleged violation of the anti-evolution teaching law came today in the form of a telegram.

The message follows:

"It is a poor cause that runs from prayer. You are handling that case like a veteran and I am proud of you. Regards to Mr. Bryan and friends. (Signed) Austin Peay."

FORECAST ADVANCE IN PRICE OF HOGS

WASHINGTON, July 15.—Short supplies of hogs for the next few weeks point to continued price advances through the late summer, the department of agriculture declared today in its June pig survey.

"Hogs are just approaching the peak of their price cycle, the report said.

"During the next twelve months," it continued, "market receipts will be smaller than at any time since 1921 with prices probably higher than during the last twelve months. Judging from previous experience, the high prices, plus a larger surplus of corn this year, probably will stimulate a considerable expansion in hog production during 1925, which will start the price cycle swinging downward once more."

RANCHER FINED \$500 ON LIQUOR CHARGE

When P. B. Buckley pleaded guilty to Judge Taylor's court yesterday to a charge of possessing several quarts of intoxicating liquor, he was fined \$500, the maximum amount. Terry Talent, deputy sheriff, was the complaining officer, having arrested him a short time ago. Buckley is a member of a pioneer family living in the Applegate district and is a native son of southern Oregon.

The Markets

Livestock.
 PORTLAND, Ore., July 15.—Cattle: nominally steady; receipts 30 (through).
 Hogs: nominally steady; receipts 110. Sheep steady; receipts 1430.

Eggs.
 PORTLAND, Ore., July 15.—Eggs: receipt eggs half cent lower. Current receipts 31c; pullets 28@28 1/2c; frisks 29@29 1/2c; extras, 30 1/2@31c delivered, Portland.

Butter.
 Butter, lower grades half to one cent down. Extra cubes, city 46 1/2c; standards 45c; prime firsts, 43c; firsts, 42c; undergrades nominal; prints, 47c; cartons, 48c.
 Butterfat steady. Best churning cream 45c net shipper's truck in zone one.

Poultry.
 Poultry firm, scarce. Heavy hens 24@25c; light, 18@19c; springs, 19@22c; young white ducks, 29c.

Potatoes.
 Onions steady, 44@45.00.
 Potatoes steady, new 2.50@2.75.

Portland Wheat.
 PORTLAND, Ore., July 15.—Wheat: Hard white, bluestem, hard 1.45; soft white 1.14; western red, 1.39; western white, 1.42; hard winter 1.40; northern spring 1.39; BBH hard white 1.50.
 Today's cash receipts—Wheat 6; flour 7; oats 3; hay 5.

San Francisco Markets.
 SAN FRANCISCO, July 15.—(Federal State Market News Service)—Apple boxes, California Newtown fancy, 3 1/2 tier, \$2.75 to \$3.50; four tier, \$2.50 to \$3.25; poorer low as \$2.25; new stock White Astrachans \$2.25 to \$2.75 box; poor \$1.75; Gravenstein, best \$3.50; poorer \$2. to \$2.50 box.

SAN FRANCISCO, July 15.—(U. S. Bureau of Agricultural Economics)—Lecithin: 22c; 2 1/2 lb. 18@20c; 3 lb. 21@22c; 3 1/2 lb. 23c; 4 lb. higher.

Butterfat f. o. b. San Francisco, 55c.

ELKS TO SUPPORT RECONDITIONING OF OLD IRON SIDE

PORTLAND, Ore., July 15.—(A. P.)—The Benevolent and Protective Order of Elks grand lodge in session here today in the 61st 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 R. 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 WEAJ at New York, October 15, Nicholson announced.

Closer co-operation of state associations of the order, participation of auxiliary 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 B. Kirtland of San Luis Obispo, Cal., lodge, and adopted.

Changes in grand lodges' 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.

Cook with gas.

The Oregon Life Man is a trained man and a constant student. He can solve your life insurance problems for you in an efficient manner—with-out cost or obligation. Phone him!

Oregon Life

A. J. MILL, President W. C. SCHIFFEL, Asst. Manager
 C. E. RAMMEL, Gen. Mgr. H. R. BLAUVELT, Exec. Sec'y
 Home Office: PORTLAND, OREGON

A. B. Cornell—A. B. Evans
 District Mgrs., 204 Medford National Bank Bldg., Medford, Oregon.

CASH PAID

For Second-Hand Furniture and Stoves

W. A. KINNEY

Furniture House

315 E. Main Phone 506

SPECIAL SALE.

TILL AUGUST 1ST

MITCHELL Orchard Ladders

55c per foot Cash at the factory.

MITCHELL WAY

Off N. Central—Medford Phone 973

Notice To Water Users

A recent ordinance passed by the City Water Commission states

That All Delinquent Water Shall Be Shut Off

immediately after it becomes due.

I am intrusted to enforce this ordinance, and commencing July 15, 1925, there will be no "Last Notice" cards issued or delivered to delinquent water users.

Please govern yourselves accordingly.

CITY WATER SUPT.

SEARCH FOR MISSING GIRLS

(Continued from page one.)

express belief that one of the hidden snake-infested caves of the secret of the two little lonely girl orphans.

KLAMATH FALLS, Ore., July 15.—Sheriff John C. Sharp, of Modoc county, California, and Constable Garry Cozard 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 hiding.

Enroute to Dunsmuir the two peace officers planned to stop at Alturas, Cal., and apprehend the man who is alleged to have transported the girl show herders across the California 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 last night from some Dunsmuir resident, in which it was 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 expect to have the girls in custody by tonight.

GARAGE MECHANIC KILLED BY OFFICER

ABERDEEN, Wash., July 15.—Elkanah Crisp, 34, garage mechanic, of Elma, was shot and killed early this morning at McCleary by Night Marshal Fred Lomax. Lomax says Crisp and William Bridges, 22, a companion, were disturbing the peace when he attempted to quiet them. Crisp struck at him and reached for a hip pocket. Lomax then drew his gun and shot the man, he declares. Bridges is under arrest at the county jail.

MANY INJURED IN ANTI-KLAN RIOT

LEICESTER, Mass., July 15.—(A. P.)—Police investigation into the riot between Klan men and anti-Klan sympathizers last night was expected today. Many persons were bruised by flying missiles, automobiles were damaged and two persons whose identity had not been learned, were rendered unconscious. The occurrence was the first display of hostility towards a organization here.

Garage Mechanic Killed by Officer

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Safe Milk and Diet For Infants, Invalids, The Aged. Nourishing—Digestible—No Cooking. Avoid Imitations—Substitutes