

**The Weather**  
 Prediction Fair  
 Maximum yesterday 105.5  
 Minimum today 66

# MEDFORD MAIL TRIBUNE

**Weather Year Ago**  
 Maximum 87  
 Minimum 49

Daily—Twenty-fourth Year. Weekly—Fifty-fourth Year. **FOURTEEN PAGES TODAY** MEDFORD, OREGON, FRIDAY, JULY 17, 1925 NO. 100

## BAR EXPERT TESTIMONY IN APE TRIAL

**Darrow Clashes With Court— Bench Ruling Excludes Scientific Testimony and Is Held Unreasonable and Contrary to Justice— Bryan's Propaganda Scored.**

COURT ROOM, DAYTON, July 17.—(A. P.)—After Judge John T. Raulston had excluded scientific testimony in the Scopes case, court was adjourned until Monday morning. The intervening time is to be spent by the counsel for the defense in preparing statements for the record of what their witnesses would have testified had they been permitted to take the witness stand.

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.

Although court was in session only thirty minutes, the judge giving his decision at 9:51, it was stormy. After defense attorneys had raised their voices in vehement protest to the court's ruling, another argument developed on the question of the week-end recess.

The defense insisted on this step and while the state protested, the court finally ruled for the halt in the proceedings.

Judge Raulston indicated, however, that on his return to the bench Monday he would insist on the case moving more rapidly. This was taken to mean that the case might end Monday.

The judge's decision was announced at 9:51, after reading a general review of the judge's conclusions of the latest of the statute as passed by the legislature.

The defense at once noted an exception to the court's ruling, and the judge ordered it placed on record. In presenting the defense exception, Arthur G. Hays declared:

"It is denial of justice to permit the state to make the case on its own evidence."

"It is contrary to every principle of Anglo-Saxon judicial procedure," Mr. Hays said.

## Queen Mary Cheers Erring Mothers of Salvation Army Home

LONDON, July 17.—Queen Mary added several devotees to her list of admirers yesterday when she opened an extension of the Salvation Army's maternity hospital in the east end of London.

In one ward were a number of unmarried mothers, who though aware of the queen's visit, did not expect her to take notice of their presence. The unexpected, however, happened, her majesty expressing a special desire to see them.

The queen went to the bedside of each woman and won their affections by her kindly words of praise for their babies.

## DRUNKEN DRIVER LAW SOFTENED SAYS GOVERNOR

**Calls On Courts to Halt Substitution of Reckless Driving Charge—May Call On Attorney General to Prosecute Cases—Many Complaints.**

SALEM, Ore., July 17.—That the courts of the state enforce the drunken driver act of the 1925 legislature, and not substitute charges of "reckless driving," is the plea of Governor Pierce in a statement issued today. He states that he does not want it to become necessary to call upon the attorney general to appear as a prosecuting officer in these cases.

"I ask all courts in the state," says the governor, "to enforce this act and to refuse to accept a plea for reckless driving when in fact the crime is the greater one of driving a motor vehicle while under the influence of intoxicating liquor. I do not wish to call upon the attorney general to appear in any of the courts of this state as a prosecuting officer, but it may be necessary to do so, should complaints continue to come to this office that the intent of the statute is being nullified and set aside by the substitution in our courts of the lesser charge of reckless driving."

"I call upon all enforcement officers of the state to cooperate to the utmost in the strict enforcement of this law."

Receipt of letters asking executive clemency in two cases of violation of the law and several complaints that the courts are substituting the lesser charge caused the governor to make the statement.

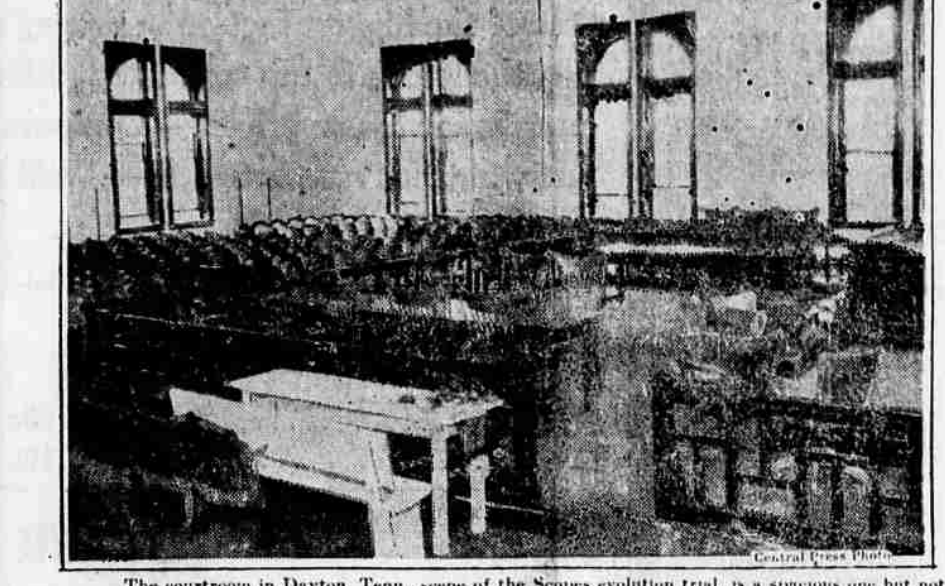
The penalty under the drunken driver act is fine, imprisonment and revocation of driver's license.

"As a result of pleading guilty to the lesser crime of 'reckless driving,'" says the statement, "a small fine is assessed and the defendants escape the more drastic law. They are given their liberty and may again go upon our highways and menace life and property."

WHITE SALMON, Wash., July 17.—(A. P.)—Fire of unknown origin early today destroyed a considerable part of Bingen, Wash., two and a half miles east of here. Buildings destroyed are W. C. Henry, general merchandise; Plub's cafe, Gaskill restaurant and La Roque residence, and a number of small dwellings. Desperate work on the part of the volunteer fire department saved the town from further destruction. No estimate of the loss has been made.

ST. LOUIS, July 17.—(A. P.)—Wm. T. Tilden of Philadelphia, defending champion, won his semi-final match in the national clay court tournament here today by defeating Wray Brown of St. Louis, Missouri valley champion, 6-3, 7-5, 6-1.

## "Ape" Trial Courtroom Not Big Enough for Crowds



The courtroom in Dayton, Tenn., scene of the Scopes evolution trial, is a spacious one but not large enough to accommodate even a small part of the thousands gathered to listen to the battle between the state and John T. Scopes, charged with teaching evolution in the Dayton schools. Photo shows the courtroom.

## LIGHTNING AND TORRENTS CLAIM TOLL IN EAST

**Tidal Wave On Lake Ontario—Scores of Buildings Unroofed, Crops Destroyed and Orchards Flattened—Death Toll Is Five.**

NEW YORK, July 17.—Terrific electrical and rain storms have taken a toll of five lives, uprooted trees, unroofed buildings in many towns, destroyed crops and crippled water service in the east. In Wheeling, W. Va., two men were drowned when rain descended with torrential force last night, sweeping out small bridges and undermining roads.

A Pittsburg man was about to tune in his radio when a bolt of lightning struck his aerial and killed him. Lightning also killed a farmer in Ogdensburg, N. Y. A man at Aultsville, Ont., plunged blindly into the storm with his coat over his head for protection and was killed by a motorist.

Lightning struck the heart of Mount Gretna, Pa., an encampment of National Guardsmen and stunned and burned several men. A deluge followed the lightning and swamped the camp.

Tidal waves were reported along the shore of Lake Ontario from Charlotte to Forest Lawn. The water receded as much as forty feet and back.

More than a score of buildings were unroofed at Riverside, N. J. The gale demolished the orchards in this vicinity in the heart of New Jersey's peach and apple territory. Thousands of the fruit trees were flattened. The loss was estimated at between \$200,000 and \$300,000.

SALEM, Ore., July 17.—Attacking the statutes 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 proceedings against Dr. R. E. L. 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. Goodin, 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 fails 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 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.

## DEFENSE HOPES DAYTON TRIAL ALL BANISHED

**Court Rulings All Denied, Except to Adjourn—Expect to Take Case Higher—Radio and Press Aid Science—Expect Anything.**

DAYTON, Tenn., July 17.—(A. P.)—The refusal of Judge John T. Raulston to admit scientific and religious testimony into the evidence in the Scopes case marked the end of the defense hopes for the trial, attorneys for the defense said today after the adjournment of court until Monday, when affidavits containing this evidence will be admitted to the record for transmission to the higher courts.

"This ends our hope for a trial of this case," was the comment of John R. Neal, chief counsel for the defense. "Since the beginning of this case," Dudley Field Malone said, "there has been scarcely any motion of the defense except the motion to adjourn today, that has been granted by the court."

"We began this trial on the theory that it would be the trial of a criminal case before a court and jury, but because of the constant objection of the prosecution to attempts of the defense to lay any of our evidence before the jury the jury throughout the past week has only been in the courtroom about three hours. The rest of the time the jury has been compelled to hear the case of the defense thru the newspapers and amplifiers."

"Nothing has happened, however, throughout the trial and nothing will happen before the trial is over that will surprise the defense. Our highest anticipations will be realized."

## WALL ST. STOCKS ON UP TREND

NEW YORK, July 17.—Customary week-end profit taking retarded but failed to check the general upward movement of prices in today's stock market. New 1925 peak prices were reported by a wide variety of issues including American Can, Southern railway and the mail order shares. Total sales approximated 1,499,000 shares.

The closing was firm. New high prices for the year on gains ranging from 2 to 3 1/2 points were made in the late trading by Mack trucks, American Agricultural Chemical preferred, Sears Roebuck, American Ice, American Safety Razor and Foundation company.

SA. FRANCISCO, July 17.—(A. P.)—George E. MacFarland, chairman of the board of directors and former president of the Pacific Telephone and Telegraph company died here today, aged 62.

Mr. MacFarland died in a hospital after an illness of ten days. He was one of the best known telephone executives in the United States.

## MISSING GIRLS OF KLAMATH FOUND PORTLAND HOTEL

**Bradshaw Sisters, Wearing of Ranch Life, Coyotes, Heat and Loneliness—Hired Man Aided Flight—Didn't Want to Be Topsyies.**

PORTLAND, Ore., June 17.—(A. P.)—June and Esther Bradshaw, aged 14 and 12, daughter of A. W. Bradshaw, sheep man 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.

Klamath officials came to Portland after I. W. Rhodes, former employee on the Bradshaw ranch, confessed to aiding the girls to make their way from the Tule lake district. The girls declared they ran away because their father kept them in the desolate sheep camp, and that Rhodes had helped them at their request.

"We're tired of living in the open," June told officials. "The old tent leaked. The water was awful and full of alkali and we had to carry it about 500 yards. The country is desert. It gets awfully hot in the day time and there isn't a tree for miles. Then it gets cold at night."

"At night the coyotes came around and howl and howl. We two girls hadn't 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 some one's house. We wanted a chance to live in a real house, with a roof over our heads, and bath tubs and gas and electric lights and other things. We want to be white girls, not Topsyies."

The girls will be returned to Klamath county today.

10 FOREST FIRES IN BEND DISTRICT AS LIGHTNING RESULT

BEND, Ore., July 17.—Ten forest fires, as a result of hundreds of bolts of lightning which bombarded the mountains surrounding Bend yesterday and last night were reported up to noon today by the Deschutes National forest headquarters here.

## Court Ruling That Barred Science View Of Life's Origin

COURT ROOM, DAYTON, Tenn., July 17.—Judge Raulston in rendering his decision, said in part:

"In the final analysis this court, after most earnest and careful consideration has reached the conclusion that under the provisions of the act involved in this case, it is made unlawful thereby to teach in the public schools of the state of Tennessee the theory that man descended from a lower order of animals."

"If the court is correct in this, then the evidence of experts would shed no light on the issues."

"Therefore the court is contented to sustain the contention of the attorney general to exclude the expert testimony, the purpose of which is to explain the origin of man and of life in this world."

## SHEPHERD LOSES PROBATE RIGHT M'CLINTOCK WILL

**Undue Influence Charge Upheld—Two Legal Courses Open to Acquitted Beneficiary—Must Remove All Doubt—Fiancee Wins.**

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, fiancée of the millionaire youth, alleged through her attorneys today that the will 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 boy's sudden death last winter, was recipient of an \$8000 annuity under the will.

"I should not like this case to leave the court with a finding of undue influence," said Judge Horner, "but because a presumption of undue influence has been developed from the evidence of the attesting witnesses, 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."

Pointing out that the proponent had recourse in other courts, he added:

"It is the duty of the proponent to remove the presumption of undue influence."

Two courses are still open to Shepherd. He may initiate chancery proceedings to mandamus the probate court to admit the will or appeal today's decision to a higher court.

SALEM, Ore., July 17.—Arehie W. McKillop, an employe 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. He was rushed to the hospital, where, early this morning, the physicians who operated on him said he had a fair chance to recover.

## CONFESSION IN TELEGRAM SAVES SCOTT

**Ex-Millionaire, Doomed to Hang, Given Last Minute Reprieve—Brother Admits Killing, and Surrender Is Promised—Mystery Surrounds Case.**

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 Jose M. Maurer, a drugstore clerk, in a hold-up.

Six hours before the time set for the execution of the erstwhile 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 boy on the street by a young man, investigation disclosed. Scott has maintained that Robert, his brother, was the slayer.

The thirty-year-old condemned man, whose colorful career has included vaudeville acting, authorship of books on business methods and ethics, promotion of million dollar enterprises and finally bootlegging, was prepared for death when news of the reprieve came. He had bade farewell to his father and asked that the insertion "murdered by the state of Illinois," be placed on his tombstone.

Governor Small's action came after Scott's relatives early this week had been unsuccessful in efforts to obtain a reprieve or commutation.

Businessmen and friends of Scott, who three years ago was rated as a millionaire in Windsor, Ont., addressed an appeal for clemency to President Coolidge.

Several reprieves previously had been granted while the supreme court of Illinois passed on the case.

Maurer was shot and killed April 2, 1924, in the basement of a drug store. Scott maintained his brother fired the shots during a quarrel at a drinking party, but the prosecution contended a holdup had been staged by the brothers.

Russell Scott, arrested the next day, pleaded guilty to murder, but when the court indicated a death sentence would be imposed, his attorney burst into tears and pleaded for mercy. Through a technicality the plea was withdrawn and Scott was tried and sentenced by a jury, whose judgment was sustained by the supreme court.

In his holiday, Scott headed a \$30,000,000 sales corporation in Windsor, Ont., interested in the construction of a \$12,000,000 bridge over the Detroit river. The project failed and Scott went broke.

NEW YORK, July 17.—(A. P.) Frederick Smith, former city alderman, was shot severely this afternoon during an attempted payroll robbery by three armed men in Christopher street. Almost at the same time, two men attempted a \$10,000 payroll robbery in the offices of the United States Trucking corporation in Canal street of which Governor Smith was formerly president.

## FICTION WRITER AND FARMERETTE THOT SLAIN, IS ALIVE; TELLS A WEIRD TALE

CALEXICO, Calif., July 17.—Murder theories built on the strange disappearance last Monday of Mrs. Virginia Cookson, Orange county farmerette and occasional writer of fiction, collapsed late last night with the appearance at police headquarters here of the missing woman herself. Between hysterical sobs the woman told officers she had been kidnaped by three men in a big automobile, who

crowded her small coupe to the edge of the road in Orange county park and dragged her out of it. She said her captors bound her and carried her away to an underground apartment from which she was able to escape unharmed with the assistance of a Chinese boy whose friendship she won by praising his cooking and who smuggled her out in a basket.

## ATTACKS LEGALITY OF COMMITMENTS TO STATE HOSPITAL

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

## The Noted Dead

SA. FRANCISCO, July 17.—(A. P.)—George E. MacFarland, chairman of the board of directors and former president of the Pacific Telephone and Telegraph company died here today, aged 62.

Mr. MacFarland died in a hospital after an illness of ten days. He was one of the best known telephone executives in the United States.

Mr. MacFarland was named to the presidency of the Pacific Telephone and Telegraph company here in March, 1913, having first been employed as a fireman of the Bell system in Marshalltown, Iowa, in 1880. He retired as president in January of this year.

## 2 SAWMILLS, AND 25 AUTOES OWNED BY WORKERS, DESTROYED IN FLAMES

PORTLAND, Ore., July 17.—(A. P.) Loss in yesterday's Linnton 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 M. Orchard, hose-man, was burned about the arms, while fighting the flames.

In addition, six railroad box cars 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.