

# SCOPES' APPEAL FILED IN COURT, DELAY IS ASKED

KNOXVILLE, Tenn., Sept. 18.—(A. P.) The Scopes evolution trial which turned the eyes of the world to the tiny court room at Dayton in July, yesterday was transferred to a new scene when the appeal was formally filed in the state supreme court here. The appeal included the bill of exceptions, pleadings, evidence and proof.

The title of the case is John T. Scopes, plaintiff, in error, vs. state of Tennessee, defendant, in error. The record is among the largest ever filed in the court.

The name of the late William Jennings Bryan, who participated in the Dayton trial, appears on the title page of the transcript, though the commoner died before the record was completed or presented to John T. Haulston, trial judge.

The case is marked number two on the Rhea county docket. Cases from this county stand first on the supreme court calendar and the Scopes case is therefore scheduled to be heard on the first day of court when it convenes in Knoxville on September 28.

But the case will not be argued on that day, John R. Neal, leading counsel for the plaintiff said last night.

"We shall file a motion when the case is called, that if be passed to the heel of the docket, to be argued later," Dr. Neal said.

# STATE DEPT. STANDS PAT ON EXCLUSION SPITE OF PROTESTS

WASHINGTON, Sept. 18.—Protest and criticism of its action in denying admission to the United States of Shapurji Saklatvala, communist member of the British parliament, have brought no sign of yielding at the state department.

Despite the contention of Senator Borah of Idaho, chairman of the senate foreign relations committee, and others that utterances of Saklatvala, who sought admission to this country as a delegate to the inter-parliamentary union here next month, gave no adequate grounds for his exclusion, department officials are satisfied that they do.

Not only are they not disposed to reconsider Saklatvala's case, but it has been made plain that the department will rigidly exclude henceforth any individuals who publicly support views favoring the overthrow of government by force.

In a statement issued after the department's action cancelling Saklatvala's passport visa, Senator Borah quoted from a recent speech by the communist member of the house of commons and declared: "I think anyone who will read that speech will come to the conclusion that Saklatvala's crime is that of discussing conditions in India."

The inter-parliamentary union took a similar view of the matter in a statement issued by its officials in New York after it had sent a telegram of protest to the state department and had cabled an offer of legal assistance to Saklatvala if he wished to test the state department's ruling in the courts.

Saklatvala's response in London to the department's action was that while he had given up any intention of coming to America at this time, he would await the judgment of the American people as to whether they supported such action, which he "declined to believe."

proprietor of goods by convicts. An audit of the flax department accounts to confirm or repudiate the statements of these same former employees that about 500 tons of flax from the 1922-23 crops has disappeared and is not accounted for. The flax in question is said to be valued at \$38 a ton.

Thorough investigation of reports that paroles and pardons have been secured for convicts for a financial consideration and that persons connected with the administration have benefited by these deals.

Investigation of rumors and statements by former employees that convicts have been making liquor inside the walls.

Determination of the truth of reports that employment at the penitentiary has been made a matter of politics and that guards have been discharged because they refused to affiliate with certain fraternal and political organizations.

In requesting the investigation the Capital Journal declares:

"The determination of the truth or falsity of these reports is a matter of vital public concern, as well as one of justice in charge of the prison. If the prison is not capable and efficiently managed, if any one of the above reports are true, those responsible should be made to answer. If the affairs at the prison are being capably administered and the charges are false, then those accused are entitled to public exoneration."

# BASEBALL SCORES

American	
At Philadelphia, 1st game—	R. H. E.
Detroit	2 7 1
Philadelphia	4 10 1
Stoner and Woodall; Baumgartner and Cochrane.	
Second game—	R. H. E.
Detroit	3 4 0
Philadelphia	1 12 0
Collins, Doyle and Bassler; Woodall; Groves, Wallberg and Perkins.	
At Boston—	R. H. E.
Cleveland	6 11 0
Boston	5 8 2
Karr, Sahute and L. Sewell; Ross, Fuhr and Blachokk.	
At New York—	R. H. E.
St. Louis	2 7 1
New York	4 3 3
Giard, Davis and Dixon; Hoyt and Bengough.	
National	
At Chicago—	R. H. E.
New York	8 14 2
Chicago	3 13 1
Barnes and Snyder; Cooper and Gombales.	
At Cincinnati—	R. H. E.
Philadelphia	5 13 0
Cincinnati	1 8 0
Willoughby and Henline; Donohue and Krueger.	
At Pittsburg—	R. H. E.
Boston	7 11 1
Pittsburg	8 18 1
Graham, Ryan, Marquard and Galloway; Morison, Sheehan, Yde and Smith, Gooch.	

**DEMAND PRISON REPORT.**  
(Continued from page one.)

to meet emergencies such as the escape August 17.

Examination of the prison books to determine the truth of statements of former employees that the commissary department's inventory of a recent date shows a shortage of more than \$12,000, supposedly due to ap-

# Now Showing at Craterian



MADGE BELLAMY & GEORGE O'BRIEN IN "THE IRON HORSE" A WILLIAM FOX SPECIAL

prized for the bicycle meet were donated by the Fair association, New Departure Brake company, Ellipse Machine company, Ernest L. Scott, Liberty Repair Shop and Lampport's.

Although weather was unsettled as the afternoon program started, many more people were in attendance than either on Wednesday or Thursday.

**Big Day Saturday**

Saturday will be a big day with the amusement program doubled up and every possible effort made to please the crowds and furnish real amusement.

McCleave's famous show horses and high jumpers with Miss Madeline May McCleave and Jerry Smith riding will continue to form one of the most interesting parts of the program each afternoon. Yesterday afternoon's performances by these famous animals brought approving applause from grandstand repeatedly and gave variety to the program. Tomorrow one of McCleave's horses will jump over an automobile. This is one of the stunts that gives the McCleave horses their reputation as one of the most famous strings of show horses in the United States.

All exhibits were crowded this morning, a large number of people having arrived before 11 o'clock for the purpose of spending the day. Concession stands are doing a better business and the scene this forenoon was one with a typical fair atmosphere with small boys gazing at pictures of "Jo-Jo the Dog-faced boy", and carnival barkers filling the atmosphere with the familiar "How-

enue third, Time, 40 seconds. Other starters were Beacon, Howard Mann, Mabel Normand and Virginia Dare. This race was protested by Knight on Bacon and Retzel riding Howard Mann. The two protesting jockeys claimed that they were started before the race in which the above places were awarded was started and that the former start was a race.

One half mile dash was won by Meter Maid in 53 seconds. Diamond Dick was second and Princess third. The five-eighths mile dash was won in 1 min. 6 3-5 seconds by Circle Eight, Lauretta finished second and Liberty Bell third.

Today being children's day as well as Ashland day a track and bicycle meet was held in front of the grandstand this forenoon. Ernest Scott and John Beeson managed the meet.

**Boys' Bicycle Races**

Results of the bicycle events are as follows:

440 yards for boys under 14: Lester Scott first, Vernon McDonald second and George Brown, third.

Half mile, boys 14 to 16: Ed Stanley first, Phil Hamrick second, Ed Reames third.

Plank ride: Phil Dallaire, first, Vern McDonald second and Wayne May, third.

**DANCE**  
Opening Dance of the Season at **EAGLE POINT** SAT. SEPT. 19 at the Old Hall First Class Music

# EAGAN BEATEN BY A BOY.

(Continued From Page One)

Von Elm of Los Angeles, drove off with his neighbor, Dr. Paul Hunter of Pasadena, while Chuck Hunter, the brilliant player from Tacoma and Frank Tatum, a seasoned tournament golfer of Los Angeles looked on.

One match that is being closely watched is between Frank Dolp of Portland, and Francis Brown, the keen-eyed putter from Honolulu. Dolp is winning for himself the name of "lion tamer," for in two days he has eliminated two state title holders. On the other hand there has been no let down in the class shown by the Honolulu player. He pulled the big surprise yesterday and defeated Bon Stein, the Seattle star.

Although Egan has the advantage of experience over his young opponent, Thompson, fans believe he will have to play less indifferently than he did in defeating Dr. C. H. Walker, Oakland, to make his way to the semi-finals. In point of numbers southern California has the largest number of prospects to get in on the final rounds. Four of the eight in today's play hail from the southland, three from the northwest and one from far away Hawaii.

Semi-final rounds of the tourney will be played tomorrow and the final flight on Sunday.

# PIERCE FAVORS WATER PROJECT

(Continued From Page One)

serious detriment to success for a business man or a farmer.

"With the congestion in our cities rapidly approaching the breaking point, the movement back to the land has already commenced. With improvement in economic conditions affecting the producer, there will be absolutely no difficulty in securing the settlers in fact, they will be waiting in line long before the water is ready on the Baker, the Owyhee and the Vale projects.

"Unquestionably, long before you are ready to deliver water on the Vale project, Oregon with her ample resources and ever-increasing population, will be ready to meet any reasonable demand which your department may see fit to impose for settlement and financing. Therefore, may I ask, as governor of this state that construction work be commenced immediately.

Meade's letter to the governor put the issue with seeming definiteness in the following language:

"The appropriation made by congress for this project is available, as you are no doubt aware, only after the state of Oregon has executed a contract obligating itself to assume the responsibility of securing and selecting settlers and financing them for the purpose stated. I should esteem it great favor if you will advise me whether you are willing to sponsor the necessary legislation by the state to meet the requirements laid down by congress and should you feel that you can consistently do this, may I ask what you conceive to be the prospects of securing the required legislation and when this may likely be brought about?"

**NEW TODAY!**  
**The Eight Cylinder Comedy Whizz Bang!**

**"SPEED WILD"**  
STARRING **'LEFTY' FLYNN**

Clear the track—here comes Lefty—with all the rush and swirl of an East Indian Simoon tearing across the desert—Handsome Lefty Flynn—A stalwart traffic cop—Gleam in his eye—Smile on the lips—hot-footing it through adventures that range from the sublime to the ridiculous—always lovable—always a panic of fun—the jolliest and most buoyant young personality in all screendom.

"BRAINLESS HORSEMEN" —A Comedy—  
PATHE REVIEW

**RIALTO**  
SUNDAY—"EVERY MAN'S WIFE"

Mann's—The Best Goods for the Price, No Matter What the Price—Mann's

# Sensational Sale of NEW SILKS at Mann's Store All Day Saturday

## Thousands of Yards of New Crisp Silks on Sale Tomorrow at Unheard of Low Prices

**\$1.75 Silks \$1**

- 40-inch Crepe De Chenes . . . . .
- 40-inch Georgette Crepes . . . . .
- 36-inch Taffeta Silks . . . . .
- 36-inch Messaline Silks . . . . .
- 36-inch Changeable Satins . . . . .
- 40-inch Printed Silks . . . . .

And many other weaves, all new dress silks just in. Come in all the latest desirable shades for fall and winter wear, every yard worth \$1.75

**ON SALE SATURDAY**  
See Big Display in Windows **A Yard**

**\$2.00 Silks \$1.25**

500 yards of this season's most popular silks, consisting of Art Satins, Taffetas, Changeable Satins, Figured Chiffons, Printed Crepe de Chines and Georgette Crepes, 36 to 40 inches wide, every yard worth \$2.00. On sale Saturday **a yard**

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