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SAINT JOHN, N. B., WEDNESDAY, JULY 15, 1925

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MOVE TO QUASH SCOPES INDICTMENT FAILS

JUDGE UPHOLDS REGULARITY OF TENNESSEE LAW

Defendant To Be Required to Plead Further

AUTHORITY GIVEN

Court Decides That Grounds on Which Defence Based Motion, Unsuccessful

Canadian Press. COURT ROOM, Dayton, Tenn., July 15.—Judge John T. Raulston today denied the defence 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 decision, which was voluminous. It took up each contention of the defence, and ruled that the defendant would be required to plead further.

AUTHORITIES CITED. After the judge read the grounds on which the defence sought to quash the motion, he discussed the authorities cited. Taking up first the alleged discrepancy between the caption of the act and the body of the bill itself, he said:

"The general title of the act is one which is broad and comprehensive and covers all legislation germane to the general subject stated. It may cover more than the body, but it must cover less. It need not index the details of the act nor give a synopsis thereof."

CAPTION SUFFICIENT. In this particular case, he said, the caption of the act provided the purpose of the act is to prohibit the teaching of evolutionary subjects in the public schools of the state. "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."

SAINT JOHN DENTIST HEADS ASSOCIATION

Dr. A. J. Coughlan Elected President—1926 Convention to Be Held Here.

Canadian Press Despatch. MONCTON, July 15.—Dr. A. J. Coughlan, of Saint John, was elected president of the New Brunswick Dental Association at today's session of the annual convention held here.

Dr. F. A. Godson, of Saint John, is again secretary. The council consists of Doctors W. P. Broderick, Saint John; W. T. Bonnell and Boyaner, all of Saint John; Dr. J. M. Magee was named as representative on the Dominion Dental Council. Doctors Gillespie and Durand, of this city, and Broderick, of Saint John, are delegates to the Nova Scotia convention at Digby.

It was decided that the next convention will be held in Saint John in 1926.

BANK BANDIT SHOT BY MANAGER'S WIFE

Dies in St. Catherine's Hospital—Had Slightly Wounded Bank Official.

Canadian Press. ST. CATHERINES, Ont., July 15.—Matt Koldice died at the general hospital here this morning, as the result of a shot received when he was attempting to rob the bank at St. David's during the night.

Koldice is said to have first entered the home of Dr. Dugan and later, after entering the bank, was accosted by Manager Rogers, whom he shot and slightly injured.

Mrs. Rogers, wife of the manager, came upon the scene at this stage and shot the man, inflicting a fatal wound. Constable Zimmerman, of St. Catharines, brought the wounded man to the hospital here at 7:30, where he died at the hour later.

British M. P.'s Coming To Get Acquainted With Dominion

Canadian Press. LONDON, July 15.—A number of members of the British House of Commons, who will shortly proceed to Canada, thus adopting the advice recently given them as members of the United Kingdom branch of the Empire Parliament Association by Premier Baldwin

to extend their knowledge of other parts of the world when the House of Commons is not in session. The large party which includes the wives of several prominent members, will attend conferences of the inter-parliamentary union at Washington and Ottawa. They will leave England on September 18, being removed.

Climbers Suffer From Frozen Feet in Ascent of Mount Logan on June 23

COURT UPHOLDS ANGLO-U. S. "MOIST" TREATY

Halifax Sleep Walker Falls Two Stories

HALIFAX, N. S., July 15.—While walking in his sleep at an early hour this morning, Edward Jeffrey fell from a second story window and landed on the concrete sidewalk. A nearby policeman heard the fall and summoned a physician, who removed the scoundrel to the hospital, where it was found he was suffering from head and arm wounds.

Public Dissatisfied With Carrying Out of Recommendations in Commission.

British United Press. LONDON, July 15.—A governmental body to prevent profiteering has been organized, but it promises to have about as much success against food prices as Quixote had against the wind.

BRITAIN TRIES TO END PROFITEERING

EFFORT EXPECTED TO BE FRUITLESS

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WILL REPAIR DAM IN KOUCHIBOUQUAC

Richibucto and Reston Light District Commissioners to Decide This Week.

Special to The Times-Star. RICHIBUCTO, July 15.—The commissioners of the electric light district of Richibucto and Reston have been considering for some time the matter of repairing the dam on the Kouchibouguac River, which has been under commission since last spring.

The dam and power-house are situated on the river about 12 miles from here and 19 miles from Reston and supplied current to these towns and the country surroundings.

To Cost \$5,000. The floods of last spring tore a hole under the dam and the electric light users of the district have been without current since that time. It is said the work of making good the damage will cost around \$5,000.

Says Pocketbook and Watch Are Missing

Three prisoners were fined in the police court this morning for drunkenness. Another said that he had lost his watch and pocketbook. He was remanded. Later his brother appeared and he was again brought before the court and paid the usual fine.

Bank Bandit Shot by Manager's Wife

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France Fears Epidemic of Mercy Murders

PARIS, July 15.—Authorities are fearful of an epidemic of "mercy murders," following discovery of the fourth case within a few weeks where the motive has been removal of the victim from his sufferings. From Crest comes the story of Eugene Gaste, laborer, who strangled his wife to death with a wire and then gave himself up to the police, confessing his deed.

"My wife suffered with a stomach ailment and was ordered by the doctor to follow a diet which was very expensive," Gaste pleaded. "I couldn't make enough money for it and for the doctor's services. She was suffering terribly and wished for death. You may do whatever you like with me."

EFFORT TO HAVE IT INVALIDATED FAILS IN N. Y.

Judge Declares Remedy Rests With Executive and People

SUIT BY MASTERS

Ship People Declared British Vessels Got Patronage on Account of Liquor

NEW YORK, July 15.—A test attack upon the so-called "moist" treaty with Great Britain, which permits vessels of foreign registry to bring liquor under seal into United States ports, failed yesterday when Federal Judge Mack ruled that the Federal courts are without power to compel prosecuting officers to enforce penal laws.

Judge Mack ruled that whether the treaty is contrary to law and the constitution or not the courts cannot enforce enforcement of the penal laws.

COURTS POWERLESS. "The Federal courts are without power to compel this," said "Swatmore" in his opinion. "The power of enforcing the laws may be in the executive and ultimately with the people."

The suit was brought by members of the National Association of Masters and Mates in an attempt to have the shipping claim that ships being United States flag were being damaged because passengers preferred to travel on British ships in order to secure liquor beyond the three-mile limit. They asked for injunctions restraining British ships "from violating the law and constitution." The injunction was denied.

MURDOCK TO STAND

Labor Minister Will Be Candidate in New Federal Riding in Toronto.

Canadian Press. TORONTO, July 15.—Hon. James Murdock, Minister of Labor, in the Dominion government, will be a candidate in the next federal election in the new riding of High Park (Toronto). Mr. Murdock announced yesterday that he accepted the invitation of the party organization to contest the seat. At present he represents Kent.

Serbian Cabinet Is To Be Reorganized

Canadian Press. BELGRADE, July 15.—The Croatian peasant party, which led by Stefan Raditch has long been a source of trouble through its refusal to accept the constitution, has now come to definite agreement with the Raditch. In consequence the cabinet is to resign at once, to permit the formation of a new administration under Premier Pachitch, in which followers of M. Raditch will have few portfolios.

SITUATION TENSE

Outbreak Imminent in Canton, Declare Recent Arrivals at Hong Kong.

Canadian Press. LONDON, July 15.—A Hong Kong despatch to the Daily Mail says that arrivals from Canton report the situation there as tense. Cablegrams, they assert, are severely censored and even altered, and an outbreak is imminent.

Convicted agitators in Hong Kong have been flogged as well as imprisoned. This obviously is having a salutary effect, adds the correspondent, and intimidation by the Chinese has almost ceased.

BRITISH MINE WORKERS REFUSE TO ACCEPT PROPOSED GOVERNMENT INQUIRY COURT

Also Decline Negotiations With Owners Until Withdrawal of Notice Terminating Working Agreement—Looks Like Fight to Finish.

SCARBOROUGH, England, July 15.—The Mine Workers' Federation today unanimously adopted a resolution refusing to accept the government's court of inquiry into the mining dispute, and refusing the coal mine owners' proposal for negotiations, until the latter withdrew their notice terminating the present working agreement.

This action indicated the determination of the miners' federation, in session here, to fight to the finish the wage reductions proposed by the owners.

INFLUENCE USELESS. Strong influences were brought to bear upon the miners to influence them to accept the government's proposed court of inquiry or to meet the terms of the mine owners, but these influences were unavailing.

Public Will Lose Either Way

On the left is Samuel Warriner, spokesman for the anthracite operators with John L. Lewis of the miners' union, who are conferring in Atlantic City, N. J., over the miners' demand for increased wages. The operators claim that the increase asked will mean an increase of \$3 a ton in the price of coal. The miners claim that if a strike is called, the shortage of coal will result in an increase of \$5 a ton. Cheerful for John Public who loses either way!

Heat Records For All Time Go In Middle West; Temperature of 109 Registered In Texas

Canadian Press Despatch. CHICAGO, July 15.—Heat records continue to be broken in the middle west, and the Rocky Mountain area, and the weather bureau guardians are having to dig back in musty files of years ago to find any marks approaching the present wave.

The plateau states and the southwest, particularly Texas, were the greatest sufferers.

Salt Lake City, Utah; Pocatello, Idaho; Reno, Nev.; and Lander, Wyo., experienced the hottest day yesterday. The mercury touched 109, but even this high figure was a drop of six degrees from Sunday, the hottest day of the summer here. No immediate general relief was predicted.

NEW POTATO SHED. The plans prepared for the potato shed call for a new building 70 by 90 feet to the south of the present warehouse, running toward No. 18 berth. It is expected that just as soon as the plans have been approved at Ottawa tenders will be called for the erection of the building.

HAWLEY HEADS ELKS

Dallas Judge Elected at Annual Reunion—Next Year's Session in Chicago.

Canadian Press. PORTLAND, Oregon, July 15.—More than 25 years of active service for the advancement of the Benevolent and Protective Order of Elks, was recognized when the 41st grand lodge re-elected Exalted Ruler, Chicago was designated as the scene of the 1926 reunion, which will be featured by the dedication of a new \$4,000,000 national memorial headquarters.

LIBERALS PREPARE

Manitoba Party Organizes For Dominion Election—Convention July 29.

Canadian Press. WINNIPEG, July 15.—In the belief that a Dominion election will be held in the near future, representative Liberals in Manitoba met in conference in Winnipeg today, and organized.

It was decided to call a convention July 29, in the city to elect officers of the Manitoba Liberal Association, considering resolutions, and arranging a definite party program.

FRANCE POSTPONES CHINESE REVISION

Present Time Considered Not Suitable For Extra Territorial Negotiations.

Canadian Press. PARIS, July 15.—This is not a propitious time, it was said in French official circles today, for negotiations of foreign extra-territorial privileges in China. The opinion was expressed that the preliminary essential for the proposed nine-power Chinese conference is that China restore order and show she can maintain it.

MISSIONARIES AGREE

PEKING, July 15.—Approval of the abandonment of extra-territorial rights now held by foreigners in China, is expressed in a letter signed by 170 United States missionaries in the Orient. The signers of the document declare that military intervention in the present situation, by the foreign powers, would, as far as the missionary enterprise is concerned, Chinese good will and render useless further attempts to preach the Christian message of love and brotherhood.

TO RESIGN TODAY

N. S. Premier Will Dictate Quitting Letter From Bed in Hospital.

Canadian Press. HALIFAX, July 15.—The resignation of Hon. E. G. Armstrong and the members of his government will be placed in the hands of Lieutenant-Governor J. Robson Douglas at 8 o'clock this afternoon, according to plans announced at noon.

Hon. Mr. Armstrong will dictate his resignation from his bed in hospital, where he is recovering from a serious illness. It is understood that Hon. W. J. O'Hearn, Attorney-General, will carry the communication to Government House.

Meeting Votes \$800 For Randolph School

At the Randolph School meeting held this week, A. FitzRandolph presided and was re-elected chairman of the board. The meeting voted \$800 for school purposes for the ensuing year. All reports and accounts were found satisfactory. The other members elected to the board were John Miller, Charles Fitzgerald and G. W. Donaldson, secretary.

ITALIAN AVIATOR RESUMES AIR TRIP TO JAPAN; Tank Develops Leak.

Canadian Press. MELBOURNE, De Pinedos, Italian aviator, took off this morning in continuation of his flight to Japan, but was compelled to land owing to leakage in the tank of his plane. He plans to make another start tomorrow morning, with Sydney as his next stop.

CHIEF IN CITY

J. B. Hawthorne, chief inspector under the Prohibition Act, arrived in the city today from Fredericton. He said he is here on a regular inspection trip and had nothing new to report.

SNOWSTORM IS ENCOUNTERED ON ALASKAN PEAK

One Member of Party Is Confined to Hospital

PERILOUS CLIMB

Summit Continually Swept By Blizzard; Visible Only When Near It

CORDOVA, Alaska, July 15.—Bringing definite word of the successful ascent of Mount Logan, in Yukon territory, 19,250 feet high, Norman H. Reed, of Boston, arrived here today by speeder from McCarthy.

The summit was reached at 8 p. m. June 28, and the party spent 25 minutes there. Returning in a blinding snowstorm, they were unable to reach camp, and had to make a detour, where they stayed till noon next day. During the night practically every member of the party suffered from frost-bitten hands or feet.

ONE TO HOSPITAL. Returning to the Chitina River Valley, the party, which consisted of six men, split up and built two rafts. Reed, Andrew Taylor, packer, and M. F. Lambert, of Ottawa, coming in first. The raft had not arrived yesterday. Lambert is in Kendall Hospital, being treated for frost bite. Taylor's home is in McCarthy.

The climb to the summit was very difficult than was anticipated. Reed declared Mount Logan was a much larger mountain than it was thought. The summit was continually blizzard swept and never was visible, except if the party was right up on it.

ON NARROW LEDGE. The peak itself was a narrow ledge only three feet wide at the top of a perpendicular drop. Reed related. The party first made a perilous climb up a false peak, and when they discovered the true peak, 600 feet higher up, they retraced their steps and climbed it. The climbers were greatly weakened by exhaustion and had difficulty in battling high winds and snow.

AGAIN POSTPONED

Hearing of Inglewood Claim Against Hydro Commission Set For July 29 Here.

Special to The Times-Star. MONCTON, July 15.—Further postponement of the arbitration proceedings before Mr. Justice LeBlanc of the claim of the Inglewood Pump and Paper Co. Ltd. against the N. B. Electric Power Commission for damages in connection with the Masquash development was ordered at a brief hearing here this morning by His Honor. The case will come up again in Saint John on July 29. H. A. Porter appeared for the company while Arthur N. Carter represented the commission.

PRESS DELEGATES TRAVEL VIA CANADA

Newsmen From England Bound For N. S. W. Due in Montreal Friday.

Canadian Press Despatch. MONTREAL, July 15.—The delegates to the Imperial Press conference, which assembles this year in Sydney, New South Wales, and who are traveling to Australia via this country, will include Viscount Burnham, owner of the London Daily Telegraph, and president of the conference; Sir Henry Brittain, M. P., who was one of the chief organizers of the Imperial Press Conference, and Lady Brittain; Sir William and Lady Davies, of Cardiff; Sir Frank Newman, publisher of a large number of periodicals, and Lady Newman; Sir Roderick Jones, president of Reuters' Agency, London; A. P. Hebert, of Punch and H. E. Turner, secretary of the Empire Press Union.

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Honeymooners, on Canoe Trip Regina to Halifax, at Winnipeg

Canadian Press. WINNIPEG, July 15.—H. W. Smair and his bride of a month, who on June 10 commenced a honeymoon trip by canoe from Regina to Halifax, reached here safely yesterday. They leave in a few days on the next lap of their journey to the Great Lakes. Mrs. Smair is the daughter of Rev. J. S. Davidson, Presbyterian minister of Moosejaw and Smair, a city resident, is a member of the Regina Boat Club. They hope to be visiting relatives of his in Halifax by the end of September.

The Weather

SYNOPSIS—The high pressure which was over the Great Lakes yesterday has given place to depression while over the Western Provinces, the barometer is rising rapidly. From Ontario eastward, the weather continues the wet and warm, but in the west there has been a decided drop in the temperature.

FORECAST: Fine and Warm. MONTREAL—Light winds, fine and warm today and Thursday. NEW ENGLAND—Partly cloudy tonight and Thursday. Not much change in temperature. Moderate south and southwest winds. Temperatures TORONTO, July 15.—Lowest Highest during 8 a.m. Yesterday night