

Scientists Cannot Be Heard at Scopes Trial

Judge Raulston Rules With State That Expert Testimony Has Nothing to Do With Merits of Case. MONDAY MAY BRING END OF THE CASE

Recess Until That Day So Defense Can Prepare Exceptions It Wishes to Get Into the Case Records.

By the Associated Press Dayton, Tenn., July 17.—Judge John T. Raulston announced this morning that he had decided to exclude scientific testimony from the trial of John T. Scopes, charged with violating the Tennessee anti-evolution law.

The decision is regarded as having a vital bearing on the length of the trial. Yesterday was devoted entirely to arguments on the question of the competency of expert testimony.

The defense at once noted exception and the judge ordered it placed on record.

In presenting the defense's exception A. G. Hays declared: "It is a denial of justice to permit the State to make its case on its evidence."

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

The defense then announced that it desired to place its proposed testimony into court for the purpose of placing it before the higher court.

In reply to a question from Judge Raulston, Hays said the defense had at six branches of science represented by witnesses.

"I think you are entitled to have in the record a sufficient amount of proof to show the appellate court what you contend," said the court.

The defense contended, however, that it had a right to argue to the court that this law is unreasonable and put on evidence to "inform the court" in the absence of the jury.

Will Speed Up Case Next Week. Dayton, July 17.—After Judge Raulston today had excluded scientific testimony in the Scopes evolution case court adjourned until Monday morning at 9 o'clock, the intervening time will be spent by counsel for the defense in preparing a statement for the record of what the witnesses would have testified had they been permitted to take the stand.

Judge Raulston's decision to exclude experts from the witness stand developed sharp clashes between A. G. Hays, of the defense and Judge Raulston and Clarence Darrow, also of the defense.

Although court was in session only 30 minutes, the judge giving his decision at 9:51, it was stormy.

AGAIN, PLEASE NOTE

Our good friends are again notified that all notices of entertainments, lectures, plays, box suppers, etc. etc. ad infinitum, to which any admission fee is charged or at which anything is sold, when appearing in this Tribune, are charged for at the rate of cents per line, and that no exceptions can be made.

CHARLOTTE MEN HOLD BACK RAILROAD PLEDGE

Hear Morrison Attack McLean Regarding Deficit and Ask Electric Line Support. Charlotte, July 16.—After hearing former Governor Morrison direct a vigorous attack on Governor McLean, his successor in office, in a continuation of the long controversy over the state deficit, the Kiwanis Club here today deferred giving indorsement to the movement, advocated by Morrison, intended to influence J. B. Duke to extend the Piedmont and Northern electric railway line from Charlotte to Winston-Salem.

While denying that he was a spokesman for Mr. Duke, Mr. Morrison asserted that he knows Mr. Duke's mind and could almost assure North Carolina that this railway extension will be constructed if the towns which will derive benefit will pledge reasonable support.

Classifying Governor McLean by inference as one of the "Kickers and Sneakers" who are refusing to pull with western and central North Carolina in progressive movement, former Governor Morrison said, in defense of his administration:

"There was no money wasted, and there is no deficit to speak of. The only thing causing all this howling from many kickers and sneakers around Raleigh is the fact that my administration did not levy enough taxes to pay for McLean's administration of government to the first of July, this year."

In a prepared statement, Mr. Morrison branded Mr. McLean's assertion that there exists a state deficit of about \$9,500,000 as being "grossly unjust. He said that, consequently, "I must ask the fair minded people of the state to hear and consider my contentions about it."

These he promised to prepare and submit to the newspapers for publication in the issues of next Sunday morning.

ARRESTED AND RELEASED

Man Who Was Held in Charlotte Found Not to Be Phillip Knox Knapp. (By the Associated Press) Charlotte, July 17.—Dressed in an army uniform a man who gave his name as Charles E. Washburn, of Chicopee, Mass., was arrested here today by police as a result of the search for Phillip Knox Knapp, alleged slayer of a New York taxi driver, who was released when it was determined that he did not match the description of the fugitive.

Washburn said he was discharged from fifth infantry at Camp Divens, Massachusetts, early this month and came south. After spending several days at Belmont he came to Charlotte to find employment. He was taken into custody while walking the street. He was said to have served two and one-half years overseas as a member of the 27th New York division in the World War.

JACK DEMPSEY MAKES PEACE WITH COMMISSIONERS

Agreed He Will Have Two or Three Bouts Before Meeting Willis. (By the Associated Press) New York, July 17.—Jack Dempsey, heavyweight champion, today visited New York State athletic commission and said after a conference that he had made his peace and that the commissioners agreed to two or three bouts before he meets the negro, Harry Willis.

The title holder said that he had signed an agreement with promoter Richard to box Willis, and that the way was now open to contract for the bout. Commissioner Muldoon agreed, Dempsey said, that he be permitted two warning-up contests.

GOVERNMENT WILL TAKE HAND IN WAGE NEGOTIATIONS

Should an Agreement Not Be Reached and Strike Called September 1st. (By the Associated Press) Swampanoet, Mass., July 17.—The government will take a hand in the anthracite wage negotiations should an agreement not be reached and strike be called September 1st.

The program which the government would pursue in the event of a strike was discussed at a three-hour conference between President Coolidge and Secretary Davis today. The scientific plan of the government was not disclosed. Secretary Davis ventured no opinion as to the outcome of negotiations under way now.

He pointed out, however, that the department of labor through two mediators is keeping in touch with the discussion of operations, and miners are hoping for an agreement to be reached before the wage contracts expire August 31st.

SUMMER SEASON IS USED TO ADVANTAGE BY ROAD OFFICIALS

During the Spring and Summer Average of One Mile of Roads a Week Has Been Built in This County.

OTHER ROADS HAVE BEEN MAINTAINED

Roads Built Last Year Have Not Been Neglected.—The Roads in Best Shape in History at Present.

Since the coming of spring weather, March 28th, to be exact, the Cabarrus county highway commission has been putting in some good work. It has constructed an average of over a mile of topsoil road each week and in addition to this has maintained the hundreds of miles of roads in the rest of the county.

The contrast between the present method of road building and the old is striking. Where seventeen miles of road have been built in fourteen weeks, under the old system about six miles a year was constructed. The old roads were constructed, seemingly, so as to give the greatest possible amount of curve which may account for some of the time taken in construction.

The greater part of the road built in the northeast section of the county. Fourteen miles have been built on the Gold Hill road and on roads leading from it. The other road has been built in the lower edge of the county in and around Georgetown.

A trip with the county engineer, W. G. Brown, was found by a representative of The Tribune to be not only interesting but very instructive as well.

On leaving Concord, the Gold Hill road was soon reached after traversing the hard surface between Concord and Mt. Pleasant for several miles. A top soil was being put down at the time in the section near St. Martin's Catholic Church. The road was changed from a country trail to a first class highway of a thirty-foot width.

On several hills, the soil in the cuts were being used to get the sand for the surface to place on the natural red clay base.

Some distance out from Concord, the first turn from the Gold Hill road was made. Here a road has been constructed from the Gold Hill highway which will lead into the old Salisbury road which leaves Concord at East Depot street.

The new road takes the place of an old trail which was formerly in such a bad condition that during a great part of the winter no automobiles were able to traverse it on account of the danger of being stuck.

As far as Barrier school has been finished and only a half a mile more is needed to complete this piece of road which will be used as an artery to the two main roads. Very good crops may be seen in this section of the county and recent rains have given the territory a greener appearance than other parts of the county has.

Turning back to the Gold Hill road and riding a distance of a mile on it, another new road was discovered. It is a cross country highway leading to the Mt. Pleasant hard surface road by way of St. Johns. All of it has been completed and, as in the case of the road by Barriers school, it opens some very pretty country to motorists who care to drive in that direction.

A very pretty drive could be suggested to those who are not acquainted with the country which would give them a view of some of Cabarrus county's prettiest territory and at the same time give little or no trouble in finding the way. The suggested drive would be to follow the Mt. Pleasant road to St. Johns and after turning off there to follow the left hand road until it intersects the Gold Hill road some three miles from the church, turn to the left and follow it into Concord.

Other drives are just as pretty and, to persons who are fond of exploring, it would be well worth while to try some of Mr. Brown's roads in the northeast part of the county.

Incidentally, it may be noted that St. John's Church is at a very traveled place, roads leading from it into four directions, three of them being separate highways.

After retracing steps to the Gold Hill road again, and continuing on toward Watts Crossroads, more new and very easy to travel road is encountered. Especially noteworthy in this sector of highway is the place at the creek which formerly was standing in water during the greater part of the year. At this point a fill has been constructed so as to insure the road being above the high water mark and a large iron bridge has been placed over the stream.

She's Only Six Years Old



Angelina Catanzarite of Milwaukee is only six years old, but she weighs 170 pounds and is gaining. She is shown above at the right beside Viola Newman, eight. Angelina never misses her three meals a day, and says her favorite dish is spaghetti and meat balls.

THE COTTON MARKET

Opened Steady at Decline For July But Generally 3 to 11 Points Higher. (By the Associated Press) New York, July 17.—The cotton market opened steady today, at a decline of 10 points on July but generally 3 to 11 points higher on steady showing of Liverpool and yesterday's late weather forecast for generally fair weather in Texas.

October sold up to 24.50 after the call, a net advance of 15 points, carrying the market back to the high price touched early in the week. There were no changes on the weather map and crop news but the advance attracted realizing and the market eased off before the end of the first hour, October declining to 24.25 or 9 points lower.

Private cables said selling in Liverpool had been restricted by unfavorable American crop reports but houses with Liverpool connections were among the sellers here on the advance.

Cotton futures opened steady: July 24.04; October 24.40; December 24.50; January 23.35; March 24.18; May 24.51.

MUTINY IS REPORTED IN CAMP OF NEGROES

Prisoners in Camp Near Hiddenite Up In Arms, According to Report Reaching Raleigh. (By the Associated Press) Raleigh, July 17.—A mutiny in the state prison camp for negroes at Hiddenite, Superintendent George Ross Pou was advised by long distance telephone early today. In company with Dr. J. H. Norman, warden and prison physician, he left immediately for the camp near which 40 negroes confined in camp are working in a quarry. Details of the mutiny were not obtained the prison staff said, as the telephone connection was bad. Thirteen negroes are said to be leading the mutiny.

HIGGINBOTHAM FREED

Found Not Guilty in Florida Circuit Court of the Murder of Martin Tabert. (By the Associated Press) Cross City, Fla., July 17.—Thomas W. Higginbotham, former Dixie City lumber camp "chipping boss," today was found not guilty by circuit court on second degree murder charge for the alleged slaying of Martin Tabert, a North Dakota out.

A year ago Higginbotham was found guilty as charged but a new trial was granted by a Supreme Court decision.

The first city rowing regatta at Boston was held July 4, 1854.

cut down and work is being done completing the relocation of the old Salisbury-Monroe road which cuts the Gold Hill road at this point. This road is now almost finished and joins with a modern topsoil road which leads on into Salisbury. The road there has a different aspect from the other roads in the county. Where the greater part of the county has a rolling terrain, with the highways gently dipping and then rising again, the road at this point looks like it might be in the eastern part of the state. It is level and swampy and has to be carefully ditched to prevent it from becoming miry.

From Watts Crossroads to Mt. Pleasant the highway is in process of construction. Only about a mile and a half has been completed. Tractors and teams are engaged in removing the undergrowth and in getting the land ready for being worked up into a road.

The tractors first go through and remove all the very heavy stumps and large roots. Then the teams remove the smaller stuff. The steep hills and winding roads which formerly made the road hazardous have been avoided by making the road straight.

After leaving Mt. Pleasant, the old Salisbury-Monroe road is again traversed entering the new highway near Georgetown. Of chief interest in this road is the work it now being done on the hill at St. Martin's Church. When excavations which are being made are complete, the hill will have no terrors for the motorist. It will be only an average hill. The top of two hills are being cut off, one for eight feet and one for eleven feet and the earth secured is dumped into the intervening spaces.

Two tractors, one sixty horsepower and one thirty horsepower, are used in the work as well as ten teams of horses.

WORLD'S WONDERFUL CAVES

Mammoth Cave to Be Offered For Sale.—Most Celebrated in the World. Washington, D. C., July 17.—The announcement that the unrivaled Mammoth Cave of Kentucky is soon to be put on the market is attracting wide attention. Caves have always exercised an intense fascination on mankind, and there are many people who spend all their spare time exploring them. It is not often, however, that a cave is offered for sale. The idea is not so fanciful as it might seem, however, when it is remembered that Mammoth Cave brings in a yearly revenue of many thousands of dollars from visitors.

Mammoth Cave is generally credited with being the largest cavern in the world, so far as is known, although rival claims have been set up in recent years in behalf of the wonderful Carlsbad Caves in New Mexico and the Lewis and Clark Cavern of Montana.

The discovery of the Mammoth Cave was credited to a hunter named Hutchins in 1809, but a manager of the estate found that the county records in 1797 fixed the entrance to the cavern as a landmark for a piece of real estate. The locality first attracted outside attention for its deposits of saltpeter, which were used for gunpowder during the War of 1812.

The story is told that a Dr. John Croghan, who lived near Louisville, was traveling in Europe in the early part of the last century, when the Grand Duke of Tuscany asked him concerning the great cave in Kentucky, which the traveler from that State had to acknowledge he had never seen. Back home he went and bought the cave. In 1840 he willed the property to nine heirs, with the provision that, at the death of the last of the nine, the cave should be offered for sale at public auction. The last of the heirs is now 90 years old, so that it is reasonable to expect that the sale of the famous cave will take place at no very distant date.

While Mammoth Cave is probably the most celebrated cavern in the world, there are many others that are widely known for their size and beauty. The most magnificent cavern in Europe is near the town of Adelsberg, in Austria. It contains four immense grottoes, in one of which a grand ball is held on every important holiday.

The wonderful caves at Jenolan, in New South Wales, are believed to stretch for 180 miles. Visitors are allowed in the Night Caves, into which no ray of natural light has ever penetrated, but they may not enter the caves and grottoes which have not yet been explored. These caves, now public property, were discovered in 1841 during a search for a notorious bushranger.

In a volcanic region near Naples is the remarkable Cave of the Dog. The fumes of carbonic acid which rise from the entrance, and the floor will suffocate a dog, or any other small animal, which wanders about there.

Not long ago a cave was discovered near Toulouse containing clay models of pre-historic animals which are believed to date back to a period 25,000 years ago. It was found by an adventurous Frenchman, who dived day after day into an unexplored torrent until he came to the entrance. Then, with an electric torch in one hand, he swam through an underground stream for more than a mile before he found a dry gallery.

Perhaps the most distinctive of all caverns is the famous Ice Cave near Dobosina, in Hungary, which has an area of 10,000 square yards. Inside it is all year winter, and, as the ice takes very curious shapes, the affect is strikingly beautiful when the cave is illuminated by electricity.

Will Appeal From Decision.

(By the Associated Press) Raleigh, N. C., July 17.—Attorneys for the Seaboard Air Line and Atlantic Coast Line Railroad companies, announced that they will appeal from the restraining order against the two companies whereby they are prohibited from charging the Standard Oil Company rates in excess of the Interstate rates on shipments of oil products from the port of Wilmington to the interior of the State.

When our ancestors did away with pack trains to replace them with the stagecoach, horse owners were fearful that the horse would have its end, since the coach could carry so much more than a horse could pack on its back.

MARSHALL PETAIN IS SENT TO MOROCCO TO DIRECT FRENCH

Noted French Commander to Take Charge of Fighting There.—New Troops Are Joining the French.

DETERMINED FIGHT WILL BE FOUGHT

It Is Reported That French Casualties So Far Have Been More Than 4,000 With Hundreds Killed.

(By the Associated Press) Paris, July 17.—Determined to checkmate Abel Krim's efforts to establish himself Sultan in Fez the French are throwing one of their strongest pieces into the game in the person of Marshal Petain, who commanded the French armies during the latter part of the World War.

The Marshal left last night for Toulouse and plans to go thence by airplane to Rabat, the seat of the French government in Morocco. "We must try to give confidence to the troops who have been fighting without respite for several weeks and who have accomplished a superhuman feat," he said.

The reinforcements are arriving by land and sea and the army corps by the Oranese frontier has been strengthened by an uninterrupted stream of troops.

"This reassuring stream is flowing without pause from the east and west and it is indispensable that its flow be uninterrupted," the Marshal added.

Petaim's task will be to employ the reinforcements to the best advantage with the objective of the defeat of the worthy opponent and hurling him back into the Rifian country.

The Marshal is Vice President under Poch of the Superior War Council and it is remarked that if he is going in his high capacity more importance is given to the Moroccan operations than hitherto shown by the French government.

It is expected that he will remain in Morocco for a fortnight. He was accompanied on his departure by Gen. Georges, an experienced Moroccan campaigner and Col. Pequain.

French Casualties.

French Morocco, July 17.—Total French casualties so far in the Morocco war with Krim's Rifians, given by the Petit Journal in a Fez dispatch as 4,418, of these 707 were killed, 2,775 wounded, and 686 missing.

ICE MANUFACTURERS OF RALEIGH ARE INDICTED

Charged With Forming Combine to Repeal of Trade—Ice Prices Led to Indictment. (By the Associated Press) Raleigh, July 17.—Four ice manufacturing concerns operating in Raleigh were indicted by a Wake county grand jury late Thursday on charges of forming a combine in restraint of trade. The statute under which the ice companies were indicted carries a maximum penalty of a \$1,000 fine for each offense.

The bill of indictment against the four companies alleges that the same manufacturers and dealers "did knowingly and wickedly, willfully and unlawfully conspire, contract and agree among themselves and with each other and through agents and representatives to combine and control the entire output of ice manufactured by them and sell and distribute it through one channel and did fix the price in said territory with the intent to increase and raise the price of ice at which it had been sold" to the consuming public.

With Our Advertisers.

You get 2 cents on each bottle returned of certain goods at the A. & P. Tea Co. See ad, today.

Beautiful and useful cedar chests at H. B. Wilkinson's. Four stores—Concord, Kannapolis, Mooresville and China Grove. Cline's Pharmacy will give free with every 50 cent bottle of Corco Shampoo one 50 cent box of Enchantment face powder. On Saturday only.

ALL DAY SEARCH IS MAINTAINED FOR 2 ESCAPED PRISONERS

Sheriff Caldwell and Members of posse Unable to Locate Who Escaped Chain Gang.

CONTINUE SEARCH DURING THE DAY

Bloodhound Kept Trail For Several Hours, But When Night Came Officers Had to Give Up Hunt.

A search that continued from 8 o'clock Thursday morning until 3 o'clock this morning failed to develop any clues as to the whereabouts of "Shim" and "Slick" Lane, negroes who escaped from the Cabarrus county chain gang Thursday morning. The searching party was headed by Sheriff R. V. Caldwell, Jr., and many miles were covered by the searchers.

According to one member of the posse which followed the trail of the escaped prisoners, it was comparatively easy to keep the trail during the day, but when night set in the task became more difficult. Broken tree branches, smothered in briars and other signs were followed during the day but with the coming of night other means of tracking the negroes had to be resorted to.

A bloodhound from the Jackson Training School directed the posse members for several hours, but the heat became too much for the dog after he had followed the trail for several hours, and efforts to secure fresh dogs failed. Sheriff Caldwell made an effort to get two dogs from Granite Quarry but their owner was in Salisbury at the bedside of a sick relative and no one else was willing to attempt to work the dogs. Members of the posse were heard to remark that at one time they could have caught the fugitives if they had had the fresh bloodhounds.

Sheriff Caldwell began his search near St. James Catholic Church, where the negroes cut from their bodies the shackles and chains which held them. The search was continued on to Rimmertown, through that community on into Rowan county. Another searching party took a trail that led to Cold Water Creek and this route was followed for several hours.

The party of which Sheriff Caldwell was a member saw many signs of places the negroes had been but they were unable to get within sight of them, nor could they find any persons who had seen the negroes.

Although the prisoners wore overalls when they escaped it is believed they secured other clothing during the day. Huggins wore stripes but James wore a plain overall suit when he escaped. The men are armed with a Winchester repeating rifle, it is pointed out, and a few persons would deny them clothing if they demand a change of raiment.

L. D. Fryling, the guard who was overpowered by the negroes before they escaped, continued on the job Thursday after securing another gun. Mr. Fryling was none the worse off physically for his fight with the negroes except for bruised spots on his neck which he suffered as a result of the choking applied by the negroes. The left side of Mr. Fryling's neck bore visible signs of the pressure brought to bear by Huggins' fingers. James held the guard's arms while Huggins choked him.

Officers in many nearby cities and counties were advised of the negroes' escape, but so far no reports have come from them. It is believed by local officers that the negroes will keep under cover until they are well out of this section of the state, but they are continuing their efforts to apprehend them.

Another searching party started out early this morning at the point where the chase ended Thursday night, and it is planned to continue the search without interruption so the prisoners will not have much time to rest.

Local officers hoped that hunger would drive the negroes to the open during the day and that they would not be fortunate enough to secure aid from any one who could not report their whereabouts.

The escape of the prisoners has aroused the county due mostly to the fact that Huggins has made many threats against white men in general. He is known as a very desperate character and has threatened on several occasions to kill the first man who lays hands on him.

Mrs. C. G. Montgomery and daughter, Miss Lilly Montgomery, and son, W. Harry Montgomery, who have been making their home in Augusta for a year or so, will again make their home in Charlotte after August 1st. Mr. Montgomery is having a dwelling erected in Myers Park.

Mrs. Virginia D. Whorton, until her death in Birmingham, Ala., the other day at the age of 101, had received a letter from her son in Dallas, Texas, every day for thirty years.

Fair tonight and Saturday, slightly cooler tonight in the Northeast portion.

Concord Theatre (THE COOL SPOT) TODAY ONLY PATSY RUTH MILLER and DUSTIN FARNUM in "MY MAN" A Big Vitagraph Special Also Pathé News and Comedy TOMORROW Battling Brewster No. 3 and "3 Days to Live"

WHAT SATS BEAR SATS (Illustration of a bear) Fair tonight and Saturday, slightly cooler tonight in the Northeast portion.