

ATTORNEY WHITE RAISES QUESTION ON PRIZE FIGHTING

Representative of Church Federation Puts Moran-Nelson Affair Up to Fickert and Gillett Leaves It There.

(United Press Special Wire.)
San Francisco, Nov. 28.—The blows of Owen Moran that felled Belling Nelson in San Francisco Saturday may deal a knockout to the prizefighting game in California. In a letter addressed to District Attorney Charles M. Fickert, Attorney J. E. White of the Church federation today calls upon the authorities to investigate the fight, and charges that if newspaper accounts of the contest are true "a crime has been committed," and he asks Fickert what he intends to do in the matter.

White's letter follows:
"I am enclosing herewith a page appearing in the Sunday (November 27) Call, which purports to give an account of an occurrence which took place in this city on Saturday afternoon, and in connection therewith I desire to call your attention to the correspondence from Governor J. N. Gillett to Attorney General U. S. Webb, dated June 14, 1910, and suggest to you that there are some citizens in the city and county of San Francisco who are waiting anxiously to learn what action you intend to take in this matter.

"If this is a correct portrayal of what took place there is certainly no doubt that a crime has been committed under the provisions of section 413 of the penal code."

The correspondence referred to by Attorney White includes the governor's letter written at the time he ordered Attorney General Webb to take steps to prevent the Jeffries-Johnson fight in California.

Gillett's definition of prize fight. The question of what constitutes a prize fight was threshed out by the governor at that time. In his letter Gillett said:

"In Michigan, a prize fight exists where there is expectation of reward to be gained by the contest or competition, either to be won from the contestant or to be otherwise awarded, coupled with an intent to inflict upon such contestant some degree of bodily harm."

The governor cited a decision of the Kansas supreme court that a contest is a prize fight where there exists an intent to inflict some degree of bodily harm. He added that under the statutes of California the scores of so-called sparring exhibitions were not sparing exhibitions at all, but prize fights.

Commenting on the governor's letter in connection with the Moran-Nelson fight, Attorney White said today:

"It is up to District Attorney Fickert to take action. I feel to see how he will refuse to do so in light of events that have transpired, and in view of the governor's letter. Indictments should be forthcoming, if newspaper accounts of the scenes in the ring are true. The law has been violated and it is the duty of the district attorney to punish the persons breaking the law."

Gillett says it is up to Fickert. Governor Gillett was told of the action of the attorney for the Church Federation and was asked if he intended to take a hand in the matter. The governor replied that he had no intention of interfering. He put the whole matter up to the district attorney and others interested in the fight game.

"My office will take no action in regard to Saturday's fight," said Governor Gillett. "The time for me to take action is past. If the law was violated Saturday the thing to do is for someone to swear out a warrant. Mr. White of the Church Federation or anyone else can swear to this warrant."

"The punishment for the violation of the law should be brought about through the proper channels. I can see no reason for interference now on the part of the governor."

"District Attorney Fickert is running his office and I am running mine. This is a matter for the district attorney."

GOVERNMENT ASKS FOR DISSOLUTION OF SUGAR TRUST

(Continued From Page One.)
Spreckels and Adolph Spreckels of California.
The defendant-directors of the trust given as Arthur Donner, George Fraser, Horace Havemeyer, Henry Niese, Henry Mott, Samuel Hooker, Samuel Carr, Edwin Marston and Edwin Atkins.
The petition covers 217 pages.
The action of the government, like the famous "dissolution" suit against the Standard Oil company and its subsidiaries, is a civil action seeking to bring about the dissolution of the big combine. The suit follows in a general way the same action as that which recently resulted in a finding against the oil company in the eighth district court, and which is now pending on appeal before the supreme court of the United States.

List of Illegal Practices.
The government recites the history of the sugar combination, pointing out the various steps by which the companies were merged. It is alleged that illegal practices were used by the trust. The methods employed to gain control of opposing refineries are described as illegal. The petition of the government asking that the trust be dissolved alleges that underhand methods and false pretenses were resorted to. As in the case of the Standard Oil company, the government alleges that companies pretending to be engaged in competition were in reality controlled by the same management and that the whole scheme was intended to get complete control of the sugar trade.

of the combination that was built up, it is alleged, and prize juggling was according to the government, one of the means employed to enable the trust magnates to get hold of the sugar industry.
History of the Combine.
The petition says the American Sugar Refining company was incorporated in New Jersey in 1871 and that it has a capital stock with a par value of \$30,000,000. The companies comprising the trust, it is alleged, are refiners of both beet and cane sugar.

One chapter of the petition details the operations of the Havemeyers and their associates since 1871. It declares that in 1887 there were 15 independent refineries in the country. These had a total producing capacity of 23,000,400 pounds daily.

"Under the leadership of the Havemeyers, Donner, Atkins, Thomas and others," the petition continues, "the owners and directors of 17 competing refineries, carrying 90 per cent of the American sugar trade and jointly capable of dominating and controlling it, determined to combine and destroy competition, exclude others and monopolize the trade."

The first combination operated under a trust deed, it is alleged, which gave the control of the various properties to 11 trustees. The petition continues:
"In pursuance of a general conspiracy and in order to maintain, secure and retain a complete domination of the trade and to obtain unreasonable profits to those interested, the trustees and their conspirators and others did and caused to be done many things, some of which are specified."

Another Competition.
It is charged that the trust "smothered competition, acquired and held a monopoly for themselves, eliminating many refineries."
The New York court of appeals dissolved the Sugar Refineries company in 1890. In January, 1891, the same men who had been in this company incorporated the American Sugar Refining company of New Jersey. There were then seven independent, most of them brought into the fold by purchase, or by "cutthroat" competition which

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Price fixing was one of the objects

chastened them with failure, or by "trade agreement."
The "trade agreement" method is the one employed in dealing with the refiners in California, the petition alleges. The agreement, which included also the Hawaiian Sugar Refining company, was reached after a trust price was in which the trust sold sugar at a price less than the cost of production in California.

The petition asserts that the California companies accepted bonds of \$200,000 annually for retiring from business for three years.

WOMAN, 73 YEARS OF AGE, ON TRIAL; MURDER CHARGE

(Continued From Page One.)

daughter, Mrs. Totten seldom glanced towards the audience. Mrs. Beebe seems to be especially interested in the woman who are in attendance each day.
The evidence introduced by the state up to this time is the same as that introduced at the Totten trial, Miss Nettie

Bullion, who was with her brother when the fatal shot was fired, being the witness. Miss Sutton was under cross-examination the greater part of the day Saturday, but she still adhered to the theory that she said in her opening testimony. When analyzed it is hard to find where there is anything particularly damaging to Mrs. Beebe. She had called the attention of James Sutton to the "no trespass" sign and when he attempted to cut the wires she had hooked at his fingers with an axe, which she carried in her hand. That was before Mrs. Totten came down towards them carrying a shotgun, which she claimed she had in her possession for the shooting of chipmunks and other pests. There is nothing in the testimony to show that Mrs. Beebe had threatened the life of Sutton.

The argument of the prosecution, however, is that the woman had conspired to kill the first member of the Sutton family that attempted to take down the fence. It is for that reason they urge that the woman remained out there after they had reconstructed the fence that was cut the night before by the Suttons.

The verdict of the jury in the Totten case was a surprise to even the attorneys for the state. At best they hoped to win a conviction in the second degree and would have been well satisfied with a verdict for manslaughter. It is the general opinion that Mrs. Totten defeated herself and that her attorney erred in putting her on the stand. The way she answered questions showed that she was vindictive and believed that all her neighbors were trying to work hardships upon her. Never since the shooting has she betrayed any regret either by voice or manner. When the jury brought in a verdict of murder in the first degree she was apparently the least concerned person in the court room. It was not altogether unexpected.

Mrs. Totten Unconcerned.
In concluding his argument for the defense the day before Attorney Tra Thomas drew a dramatic picture of what might happen to the woman should the jury find her guilty of murder in the first degree. With the skill of the finished pleader he drew them to the penitentiary at Walla Walla, wherein in a darkened chamber was erected that ghastly thing, a gibbet; suspended from

the beam of that gibbet hung the form of a woman quivering in death.
Men and women leaned forward to catch every word uttered by the pleader. It was plain that all were moved. No longer were they watching the prisoner at the bar. Every eye was fastened upon the gray haired attorney as he faced the jury. With the concluding words he turned towards his client.
Unconcernedly she sat there watching her watch.

damage is not reported from that woman or from the overflow of the river.

Catarrh Invites Consumption

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EUGENE IN DANGER OF FLOOD WATERS

(Special Dispatch to The Journal.)
Eugene, Or., Nov. 28.—The rainfall in Eugene during the 24 hours ending at 8 o'clock this morning was 2.35 inches. The river rose a foot in two hours this morning, standing at the height of 10.3 feet at 10 a. m., and it is expected to rise to 11 or 12 feet by late this afternoon.
At 12 feet the banks of the river here overflow. A portion of the southern part of the city is inundated from the overflow of Amazon slough, but no

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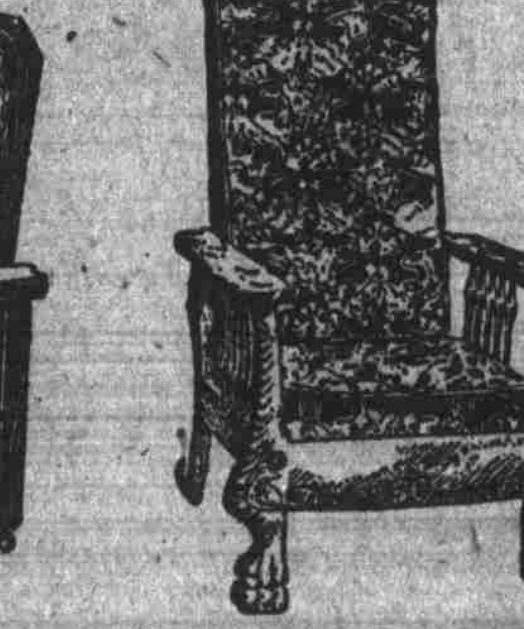
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