

# The Daily Capital Journal

VOL. XXI. SALEM, OREGON, THURSDAY, MAY 11, 1911. NO. 112.

## OTIS PREDICTS M'NAMARA TRIAL IS CERTAIN TO SPLIT UNION LABOR

### BURNS' COMING TO FRISCO MAY MAKE OTHER ARRESTS BRINGS ALL THE EVIDENCE

No Doubt Otis Caused a Smile When He Said: "I Am a Friend of Labor Organizations"---He Probably Caused Another When He Said: "The National Manufacturers' Association Is Not Behind the Prosecution of McNamara---The People of California Are Behind It"---He Should Start a Personally Conducted Humorous Column.

Los Angeles, Cal., May 11.—The arrival of William J. Burns in Los Angeles with the bulk of the evidence against John J. and James B. McNamara and Otis McManigal will be the signal for the re-opening of the case, according to general belief here. In the absence of developments of any sort, the cases against the alleged dynamiters have dropped almost from sight in the last few days. Burns probably will reach here some time next week.

It was reported here today that arrests in San Francisco would follow Burns' arrival, but E. H. Mills, manager of the Burns detective agency, said that if such were the program he had no knowledge of it. According to the rumors, the suspected men are prominent labor leaders in the northern city.

Otis Makes Prediction.

Dayton, O., May 11.—Prediction that the prosecution of the McNamaras for the alleged dynamiting of the Los Angeles Times will split labor into two camps was made here today by General Harrison Grey Otis, proprietor of that newspaper, and reputed foe of all unionism. Otis is here as the guest of President Kirby of the National Manufacturers' association at the Dayton club, which is made up of prominent business and

## ALBANY CONTINUES BITULITHIC

Albany, Or., May 11.—(Special) The pavement scare in Albany is over. Four or five years ago Albany adopted bitulithic with which to pave her streets, and has been using it generally ever since, with the result that several miles of this pavement is now in use. No expressions of dissatisfaction or complaint has been heard until this year, when some one started the cry that "concrete pavement is better."

Finally, to settle the matter definitely, and make sure that bitulithic pavement is the right one, the council sent a committee on a trip of investigation.

Among the cities visited by this committee was Salem. Speaking of their visit there the Statesman says: "It is evident that the city fathers of Albany are determined to give their city the best that there is for the money in the line of paving. The visitors expressed themselves as delighted with the Capital City's bitulithic streets and commended the rapidity with which the city is making street improvements. The party left for Portland in the afternoon."

The party arrived home last evening on the 9:45 train. They made a trip of about 40 miles over the city of Portland, and likewise Salem, and two or three other towns which they visited.

The writer talked with each of the gentlemen, and, without exception, the members of this committee have returned home fully satisfied that Albany has been, and is now using the best pavement.

## ALLEGED THE RAILROAD IS NOT IMPARTIAL

Alleging that the Pacific Railway & Navigation company is discriminating in the way of rates in favor of other lumber companies, the Nehalem River Lumber company today filed a complaint against the company with the railroad commission, asking that an order be issued for it to cease its discrimination.

The lumber company says that it was induced to build its mills and also to install supply stores on the Hillsboro division on representation of the railway company that it would purchase construction timber from it, and that the company's machinery and supplies would be carried over the road free. The railroad entered into similar agreements with other lumber companies and it is alleged is fulfilling them, but declines to fulfil its agreement with the complainant.

## JUDGE LINDSAY SAYS HE WILL NOT RESIGN

Seattle, Wash., May 11.—"I have not the remotest idea of resigning as president of the Northwestern league," said Judge R. H. Lindsay this morning. "All reports to the contrary are absolutely without foundation. I shall remain with the position for the entire season."

Judge Lindsay has received no word whatever of a rumored release of Warren, Basse and Rockenfield by President Scheeder, of the Tacoma club.

## YAGUI INDIANS START A WAR OF THEIR OWN

Douglas, Ariz., May 11.—By the action of the Yaqui Indians in making war on their own account, a new disturbing element has been injected into the situation in Sonora. The Indians' first demonstration was against the town of Oritza, which they captured without trouble.

## Would Condemn Judge.

Springfield, Ill., May 11.—Speaking in the state senate here today, Chairman Helms, of the Lorimer investigating committee proposed that the senate formally condemn Judge Pettit, of Chicago, for his decision by which Edward Tilden, alleged collector of the "slush fund" which elected Lorimer, has escaped producing his books.

Attorneys J. J. Healey, lawyer for the Helms committee, presented his report of the investigation to date.

The senate postponed action on both matters until next Tuesday.

## May Have to Go Back.

San Francisco, May 11.—Charged with having brought stolen goods into the state from Auckland, N. Z., William and Maude Rogers, today were held in \$5000 bail by Judge Van Norstrand. They will be held until extradition papers have been granted and an officer arrives from New Zealand.

## HER HAIR CAUSE OF HER DEATH

Hoboken, N. J., May 11.—Miss Margaret Walsh, employed by the American Lead Pencil company in its factory here, is dying today of injuries received when her hair caught in a flywheel, and she was whirled a dozen times around the shaft. Other employees had asked Miss Walsh, who had been noted for her luxuriant hair, to let it down for inspection. As she tossed the strands, which reached to her ankles, free, the ends were caught by the big wheel. Before the machine could be stopped it tore off her scalp, and threw her unconscious to the floor.

## CALIFORNIA ODD FELLOWS ELECT GRAND OFFICERS

San Francisco, May 11.—T. H. Savage, of Eureka, was assured of election as grand warden of the California Grand lodge of Odd Fellows, when, on the first ballot today, he received 302 of the necessary 351 votes. His nearest competitors were A. P. Johnson, of San Diego, with 115 votes, and Frank D. MacBeth, of San Francisco, with 93.

Grand Master Duckworth was made representative to the sovereign grand lodge, and Deputy Grand Master George Hudson was promoted to grand master.

Grand Warden Charles L. Snyder was chosen deputy grand master by acclamation.

For trustees of the Odd Fellows' hall, S. E. Moreland led on the first ballot.

## BOARD OF TRADE ARRANGES FOR CHERRY FAIR

There was a spirited meeting of the Salem Board of Trade last night to make arrangements for the annual Cherry Fair. The plans adopted are to hire a manager, make the fair a greater success than ever, and a fund of \$2000 is to be raised to put it through.

The committee, composed of J. R. Linn, C. L. Starr, Charles V. Galloway and George G. Brown, are authorized to select a competent manager. The whole thing will be under the management of the Board of Trade. Quite a number of business men are talking of uniting the Cherry Fair and Fourth of July celebration in one event and cutting out the carnival features, which takes so much money out of the town.

Arrangements were made to meet the advertising men who are coming to Salem June 6, arriving at 10:45, and will be taken out to see the prune district and hop yards, and will be given a luncheon in this city.

## WILL MAKE IT BIGGEST EVENT OF THE KIND EVER HELD IN SALEM—ALSO ARRANGED FOR WELCOMING THE ADVERTISING MEN.

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## THE LADIES ARE OLD BUT WANT TO VOTE

Seattle, Wash., May 11.—Because they wanted to exercise the Washington woman's privilege of voting, Mrs. James Winterbourne, 71, and Mrs. Jane Birch, 73, both English widows, were admitted to citizenship by Judge Prater.

## Those Henry Kids.

San Francisco, May 11.—Arguments on the habeas corpus and guardianship proceedings in connection with Albert and Antia Henry, children of Albert J. Henry, a Seattle bank clerk, and his divorced wife, Iva May Henry, are being continued this afternoon before Judge Murasky. Attorney James Cochrane appeared for Mrs. Henry and Attorney McKenzie for the father of the children. Arguments were confined chiefly to finely drawn legal points involved.

## THE DIETZ TRIAL IS NEAR END

Defense Rested at Noon After Having Made a Remarkably Strong Point in the Testimony of Richard Krantz.

## PLAINTIFF NOT TO ARGUE

Krantz Testified Deputy Sheriff Britton Gave Him a Soft-Nosed Bullet Which He Said He Took From Dietz's Gun, and That the Prosecution Had Tried to Get It Away From Him—The Bullet That Killed Harp Was Steel Jacketed.

## REBELS CAPTURE ANOTHER CITY

Nogales, Ariz., May 11.—Magdalena, in Sonora state on the Sonora railroad, 45 miles south of here, was captured by the rebels today, according to passengers arriving on a delayed west coast Mexican train.

No particulars could be obtained of the occupation of the city by the rebels.

## PROPOSES TO LIMIT SESSION'S LEGISLATION

Washington, May 11.—Proposal to limit the activity of the senate at this session of congress was made today by Newlands, of Nevada. He offered a resolution providing that the legislation for this session should be limited to the reciprocity and free list bills, the wool, cotton and steel schedules, reductions in military expense, increase of the corporation tax, the direct election of senators and the admission of Arizona and New Mexico.

## ASK GOVERNOR TO REVOKE THE CLUB'S CHARTER

After bobbing up in one form and another in the justice and circuit courts, the battle being waged by the prohibition element in the town of Woodburn against the Bachelors' Club, a social organization, finally wound its way into the governor's office yesterday afternoon, when Governor West received a petition from Mayor Jermain and City Recorder Stangle asking him to revoke the charter of the club.

The fight against the club began about a month ago, when the city marshal and a detective made a raid on the club and arrested several members for giving away intoxicating liquors. In retaliation the club arrested the detective for falsely assuming the role of an officer, and also brought civil suit in the circuit court to replevin the liquor and cigars confiscated. Lately the night policeman at Woodburn was held in court as Hubbard on the charge of assault for arresting members on the street and searching them.

In the litigation the club has played a winning hand, and now the mayor and recorder, assigning as their reason that they are unable to reach the club through law, want the governor to revoke its charter. Governor West has not decided upon the action he will take.

## RETIRED PAPER MANUFACTURER KILLS HIMSELF

St. Louis, Mo., May 11.—Charles D. Garnett, a retired paper manufacturer, of St. Louis, shot and killed himself today in Riverside Park. Mrs. Garnett explained that her husband suffered from nervous trouble.

## REBELS WILL MARCH TO CHIHUAHUA THEN TO TORREON AND MEXICO CITY

### Launch Upset; Crew Missing.

Seattle, Wash., May 11.—With her crew missing the gasoline schooner Fishmaid, of New Westminster, was discovered by the steamship Humboldt overturned and heavy seas pounding over her off Tree Point, Alaska. After righting the vessel, the Humboldt sailors searched the Fishmaid, expecting to find bodies of the crew, but they were missing. A dory also was missing, and it is believed the crew succeeded in escaping or were lost in the attempt for no shore report has been received of their having landed.

### Major Haines Dead.

San Antonio, Tex., May 11.—Following a recent operation for appendicitis, which brought on peritonitis, Major John T. Haines, 11th U. S. Cavalry, died today in the hospital at Fort Sam Houston.

## THE BULLET PUZZLES THE SURGEONS

Sacramento, Cal., May 11.—With a bullet imbedded in his skull as the result of an attempt at suicide after having killed his wife, J. F. Miller, a railroad employe, must stand trial for murder. He was held today without bail.

Miller, after shooting his wife last March, sent a bullet into his own head. His wound is puzzling to local surgeons, but, apparently, gives Miller no trouble.

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## Must Tie Themselves In.

Washington, May 11.—If the recommendation of George F. Campbell, head, secretary of the organization, is approved, the Aero club of America will adopt a rule compelling all aviators to fasten themselves in their machines and to wear safety helmets while flying.

## DIAZ ANXIOUS FOR PEACE AND REBELS DEMAND HIS IMMEDIATE RETIREMENT

Insurgents Think Diaz Begins to Realize the Hopelessness of His Cause, and Stiffen Their Demands---He Must Fix Time for Retiring and Form New Cabinet of Which They Will Name Half the Members, and That the Insurgents Will Be Permitted to Name Governors for All the States.

El Paso, May 11.—General Madero today declined to make any statement whatever of the intentions of the revolutionists, but Abram Gonzales, the provisional governor of Chihuahua, said that the next move of the rebel army would be on Chihuahua City, then to Torreon and then to the City of Mexico.

Madero, he intimated, hopes to enter the capital in triumph with his main army, which is now being recruited to twice or thrice its present strength.

Senora Tambourel, widow of Colonel Tambourel, who was killed in yesterday's battle, was admitted to Juarez this morning. Senora Madero met her at the International bridge and escorted her to the barracks where Tambourel's body was left by his command when they were driven to the cartel after the surrender. Tambourel will be buried with military honors late this afternoon.

## REBELS RESTORE ORDER

Washington, May 11.—Colonel Steever, the American commander at El Paso, telegraphed the war department this afternoon confirming the fall of Juarez. He said order had been restored in the Mexican city and that all the saloons were closed. The American troops, he said, were still refusing to allow arms, ammunition, provisions or munitions of war of any sort intended for the insurgents to cross the Rio Grande.

Consul Freeman, at Durango, Mex., telegraphed the state department today that the Mexican rebels throughout that state are showing greatly increased strength.

## HE ORDERS ITS CHARTER ANNULLED

In compliance with a request upon him by Mayor Jermain and Recorder Stangle, of Woodburn, Governor West this afternoon directed District Attorney John H. McNary to take necessary action to annul charter of Wood, Burn Club.

The alleged purposes of this corporation," says the governor, in his communication to the district attorney, "are the mental and physical development of the members of its society."

"I am informed, through a resolution passed by the council of Woodburn," he continues, "that the said city council has had presented to it ample proof that the said Bachelors' Club has been and is disposing of intoxicating liquors within the city of Woodburn, without a license, and contrary to the laws of the state of Oregon and the charter and ordinances of the city of Woodburn, and by the conduct of its members is becoming an intolerable nuisance to the residents of that city."

## GOVERNOR WEST DIRECTS DISTRICT ATTORNEY McNARY TO TAKE NECESSARY ACTION TO ANNUL CHARTER OF WOOD, BURN CLUB.

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## TIME TABLE BEYOND REACH OF COMMISSION

That the State Railroad Commission has not the power by statute to require railroad companies to publish their timetables in newspapers, but that the commission may investigate and determine the adequacy of the companies' timetables at the depots and hotels, is the substance of an opinion rendered today by Attorney General Crawford, at the request of the commission.

The chapter creating the commission says that the commission shall have power to investigate and determine the adequacy of the "services" of railroad companies, and the commission was under the impression that the furnishing of timetables came within the meaning of the word "service," and it might lie within its power to require the companies to publish them in the newspapers. The attorney-general, however, says that the act could not be so construed, and also says that he believes such an act would be unconstitutional.

Two Other Opinions.

At the request of State Superintendent of Public Instruction Alderman, the attorney-general also delivered two other opinions. One of these related to the authority of a school district, under the law, to build a school house on a tract of land dedicated to the town of St. Helens for park purposes, and the attorney-general's answer is in the negative.

The other deals with the question as to whether a person granted a life diploma by the Ashland Normal School, and, having failed to teach the required six years, could be granted a life diploma by the state, and the attorney-general's answer to this is also in the negative.

## SENATOR STONE HAS A CHANGE OF HEART

Washington, May 11.—Showing an entirely different attitude from that of Tuesday, when, in a speech in the senate, he said the United States would intervene in Mexico, Senator Stone, of Missouri, today stated that the victory of the insurgents at Juarez had relieved the embarrassment, and that the necessity of intervention had been removed.

"Now," he said, "let 'em fight it out."