

# The Daily Capital Journal

SALEM, OREGON, MONDAY, MAY 29, 1911.

VOL. XXI.

NO. 127.

## AMERICAN TOBACCO CO. IS AN UNLAWFUL TRUST

### THREE BURNED TO DEATH IN FRISCO PROPERTY WORTH \$300,000 BURNS

### THINK TWO MORE ARE DEAD CHUTES PAVILION BURNED SAY FIRE WAS INCENDIARY

More Than a Score Were Injured, Some of Them Probably Fatally--Most of the Injured Received Their Hurts in Jumping From the Third Story Windows--Several Small Stores on Fillmore Street were Destroyed and Also Several Lodging Houses--But Few Animals Were in the Pavilion, and These Were Rescued.

[UNITED PRESS LEASED WIRE.]

San Francisco, May 29.—Charged to a crisp, the bodies of three adults lie in the morgue here today, several persons are missing, and a score are seriously, some fatally injured as the result of a fire at the Chutes amusement pavilion, which caused a loss of more than \$300,000, and which the police believe was the work of an incendiary.

Only one of the three bodies recovered from the fire ruins at noon had been identified. It was that of John Boettinger, a chauffeur, whose identity was discovered from a ring which still clung to his charred hand. The other two bodies were so badly burned that even their sex cannot be

determined without a closer examination.

A trail of anxious mothers, fathers, husbands, wives, sisters and brothers passed through the morgue today seeking to identify, if possible, the charred remains of the two unnamed bodies occupying slabs in the death room.

One corpse is believed to be that of John Walker, though this identification is not positive. The third corpse is believed to be that of a child.

Think More Are Dead. Officials remain at the scene of the holocaust, directing the search of the ruins for any of the lodgers who were unable to escape. It is believed that at least two more went to their death in the fire, and the embers of the amusement place are being raked carefully by volunteers and attaches of the morgue in an effort to find their remains.

The following patients are at the Central Emergency hospital. E. Butler, fireman, painful lacerations left hand received while fighting the fire.

Misa Della Alviso, 19, bruised on body and lacerations on scalp; leaped from third floor to first floor, and then to ground.

Joseph J. Flest, tailor; dislocation of right ankle; jumped from third-story window.

William Williams, hand lacerated and head cut while assisting in the work of rescuing fellow inmates of the house.

Think Fire Incendiary.

Close questioning by the police of persons who had lived in the Chutes lodging house, revealed the story that the fire started in at least four places simultaneously. Some former tenants of the building declared they had moved out because of a fear that the place would be burned. No definite statement on the matter has yet been made by the police, but detectives are running down a score of clues, and it is expected that arrests will be made before long.

Besides the Chutes building itself, structures in the vicinity, principally stores on the other sides of Fillmore street, were destroyed. It is not believed, however, that any lives were lost in any other structure than the chutes.

San Francisco, May 29.—The fire started in the Chinese restaurant in the southwest section of the Chutes property about 1 o'clock. The flimsy construction of the building and the high wind caused the flames to spread rapidly and the lodging houses on either side of the burning structures were soon also in flames, as were the places across the street.

Fortunately there were very few animals in the zoo, the greater part of them having been removed to British Columbia when the Chutes menagerie closed recently. The few monkeys and a cub here remained were easily rescued.

Sergeant M. T. Cooney and Hosemen Nelson, Collins and Lord were on the ground soon after the fire started, and attracted by the screams of the women in the blazing buildings, they fought their way through the flames and carried several of them to safety.

The property loss was heavy. Besides the Chutes property, the Star theatre, the Portola photograph gallery, the clothing store of Joseph Lowenstein, the Auto Vandeville business were totally destroyed.

A number of lodgers were seriously injured by jumping from windows. Belle Alviso, 18, received a farcical skull in a leap from the second story of her lodging, and Joseph J. Flest and William Williams were both seriously hurt.

So fiercely did the flames spread through the flimsy structures about the Chutes building that for a time the efforts of the firemen to check it were in vain, and only after the use of dynamite to blast a clearance about the flaming mass was it at last subdued.

In all, the loss on the Chutes and the other structures destroyed will reach close to \$300,000.

### WILL TRY TO REMOVE THE PLANT

### SECRETARY OLCOTT COMPLETING ARRANGEMENTS TO BEGIN PROCEEDINGS AGAINST DUNIWAY TO REMOVE PRINTING OFFICE PLANT FROM CAPITOL

Action is to be begun today in the great struggle to oust the state printing office from the state capitol building. Following special appears in today's Oregonian:

War on Duniway Near.

While Secretary Olcott refuses to make any statements as to what will be done, it is understood that some time this week he will start an action toward compelling the state printing plant to vacate its rooms in the capitol. It is probable that Attorney-General Crawford, District Attorney McNary and W. C. Bristol, of Portland, will be the counsel retained by Olcott.

Whether an action of forcible entry and detainer, or ejectment proceedings will be started has not been decided.

It is also equally certain that the action will be contested by the state printer and much interest is centering about the proposed fight at the capitol, as it may possibly presage other changes, should Secretary Olcott prove successful in his effort.

State Press Unfriendly. (Editorial in Eugene Daily Guard.)

In view of the big profits made by the state printer, Secretary of State Olcott is absolutely right in asking Mr. Duniway to move his plant out of the state house so as to provide needed room for officials," says the Daily Pendleton East Oregonian.

At this time the office of the state printer is a private snuggery and a profitable one. The plant in use is privately owned by Mr. Duniway and under the circumstances he may well afford to obtain quarters outside the state house and so relieve the congestion at that building.

Further sympathy for Secretary Olcott in this fight should come because of State Printer Duniway's opposition to the enactment of the flat salary bill by the legislature. Two years ago he opposed the passage of such a bill by the legislature and it was killed. This year he also opposed the measure and it would have been lost again had not Governor West taken a firm stand for the reform and literally forced the legislature to enact a flat salary law which

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### Dynamited His House.

Oakland, Cal., May 29.—Just as constables, bent on eviction, broke the door of Charles H. Picard's little home at 1929 Fiftieth avenue, this afternoon, an explosion of dynamite blew out the front wall and hurled the officers into the street. Constable Morris Kimo is believed to have been fatally injured and was hurried to the Receiving hospital. Deputy Sheriffs Riley and McDonald were also injured. Two more explosions followed the first, and completed the destruction of the home. Picard's wife had recently been granted a divorce, and the property had been awarded to her by the court.

### Made Great Flight.

Eureka, Cal., May 28, 1911. Wait Shipp, Salem, Ore.: Have you all arrangements completed for aviation meet? If there is anything else we can do wire me at San Francisco. Ely made wonderful flights here yesterday and today. In a gale of wind yesterday he flew over the breakers of the ocean; mailing Eureka papers. Your posters should be there tomorrow. NORMAN DE VAUX. Curtiss Exhibition Co.

### A TRUST IN RESTRAINT OF TRADE

### SECURING A SITE FOR ADDITION

United States Supreme Court Holds American Tobacco Co. Is a Trust Existing in Defiance of the Sherman Law.

ITS CAPITAL \$400,000.00

It Was Charged That the \$400,000,000 Company by Buccaneering Exploits Had Stifled Competition and Defied Independent Dealers—Court Holds Company Is Unlawful and Reverses Lower Court Sending Decision Back for Modification.

Washington, May 29.—The United States supreme court today decided that the American Tobacco company (the tobacco trust) was a monopoly in restraint of trade, and existed in defiance of the Sherman anti-trust law. Chief Justice White read the decision of the court. Justice Harlan dissented.

This was the decision of the United States supreme court in effect, although the case was reversed and remanded to the lower court to secure a modification of the decision.

The case which today's decision of the supreme court settles had its inception in a bill of complaint filed on July 10, 1907, before the United States circuit court for the southern district of New York. It was charged that the \$400,000,000 American Tobacco company had gradually acquired a monopoly of the tobacco business in the United States by a series of bold buccaneering exploits, had stifled competition, and defied independent dealers through a network of subsidiary companies, operating as "independent" dealers.

It was in 1895 that the government claims the idea of controlling the tobacco interests originated with the heads of several big manufacturing companies—James B. and Benjamin L. Duke, Thomas F. Ryan, Pierre Lorillard, R. L. Patterson, P. A. B. Wiedner and other—and the American Tobacco company was shortly thereafter organized, the stock being divided among the magnates. From time to time the parent company absorbed scores of other competing firms, new subsidiary corporations were formed, and the octopus tightened its hold. In November, 1901, a retail outlet for the "trust" product was secured through the absorption of the United Cigar Stores.

All through this period of growth unfair competitive methods are alleged to have been employed. The counts which the government made include the marketing of "trust" products under the guise of "independent" goods; imitation of standard independent brands; manipulation of markets to suit their own purposes; purchasing of trademarks and cheapening of brands and other forms of cheating the public.

It was also charged that the combine organized corporations for the manufacture of tin foil, boxes, paper, etc., further to tighten its grip on the tobacco business.

Summing up the decision of the court, Chief Justice White said: "Under the circumstances, and taking in mind the complexities of the situation in all its aspects and giving weight to the many sided considerations which must control our judgment, we think, so far as the

(Continued on page eight.)

### TEN ARE KILLED IN TRAIN WRECK MANY COOKED BY ESCAPING STEAM

### Supreme Court Upholds It.

Washington, May 29.—The United States supreme court today judged constitutional the "hours of service" law regulating the hours of employment of railroad dispatchers, engineers, firemen, conductors and brakemen. It also ruled that the commerce commission had the right to require monthly reports from railroads showing where employees had worked longer hours than those specified by law.

### BASEBALL TEAMS IN WRECK ONE PLAYER FATALLY HURT TWENTY THREE INJURED

Engineer Disobeyed Orders to Take Siding, and Engines Met Under Full Speed--Many Passengers Were Caught Among the Twisted Irons and Broken Timbers and Slowly Cooked to Death--Engineers, Firemen and Express Messengers on Both Trains Were Killed--Accident Happens on Burlington Road Near Indianola.

[UNITED PRESS LEASED WIRE.]

Indianola, Neb., May 29.—At least eight persons were killed early today in a head-on collision west of here between two Burlington flyers, No. 9, eastbound, and No. 12, westbound, express trains.

The engineers on both trains are dead, and many passengers of both trains are injured, some fatally. Breaking steam pipes scalded many of the injured, who slowly cooked as they were held screaming in the twisted timbers and metals of the wreck.

The wreck was caused when the engineer of No. 12 disobeyed his orders to take a switch at Red Willow, six miles west of here. Both engines were reduced to scrap iron, when they met, and five cars of the westbound flyer were derailed. The baggage car and smoker of the eastbound train also were smashed.

Both the Omaha and Denver baseball clubs of the Western league were on the Westbound train, en route to Denver. Several of the Denver players were injured, and one fatally.

Relief trains, with surgeons and nurses, are en route to the scene of the wreck.

Twenty-Three Injured. Omaha, Neb., May 29.—G. W. Holderidge, general manager of the Burlington railroad, in a statement issued this afternoon, gave the names

of ten persons killed in the wreck at Indianola, as follows:

Engineers Leahy and Hyder. Firemen Olson and Dameron. Extra Fireman Dowers. Express Messengers Friar and Frazer.

Robert Shepherd, Holderidge, Neb., passenger. C. A. Hillsback, Holderidge, Neb. One unidentified passenger.

The three forward cars of train No. 12—the baggage, smoking and chair cars—were wrecked.

Twenty-three passengers, according to Holderidge's statement, were injured. These include Pitcher Kin-sella, infielder Lloyd and President McGill, of the Denver baseball club, and infielder Lely, of the Omaha club.

### BROKE ALL THE AUTO RECORDS

WILD BOB BURMAN WENT MILE IN 35.35 SECONDS OR A LITTLE BETTER THAN ONE HUNDRED MILES AN HOUR.

Indianapolis, Ind., May 29.—Distancing all past performances, "Wild Bob" Burman made new automobile records here today in the preliminary events to the 500-mile sweepstakes which is to be run tomorrow. Burman hung up new marks for the mile, quarter-mile, half-mile and the kilometer making an average speed of 109 miles an hour. The times and the distances were: Mile 35 and 35-100 seconds; quarter-mile, 8.16; half, 16.33; kilometer, 21.40 seconds.

As Burman finished his burst of (Continued on Page 5.)

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