

JUDGE WAS DRUNK ASSERTS WITNESS

COMMITTEE HEARS CHARGES AGAINST TORRANCE

Riverside Jurist Does Not Appear in the Role Assigned Him by the Prosecution—Aids Defense.



WILL T. DAVIS

mony he was in reality regarded as one of Judge Torrance's strongest witnesses.

The Riverside judge told of his connection with the Gay divorce case.

The examination of Judge Noyes consumed almost the entire afternoon session, and repeatedly a wrangle ensued over the exact meaning conveyed by his testimony.

He testified that Torrance told him that affidavits had been filed which disqualified him from hearing the appeal in the Gay case, and he also declared that Judge Torrance told him that the affidavits involved the regularity of the proceedings.

"If anybody had asked me three or four days after the conversation I had with Judge Torrance if he had said anything favorable to Mr. Gay I would have said yes," testified the witness.

"Now I would say that he did not," unequivocally declared Judge Noyes.

The witness testified that Torrance urged him to give a decision in connection with the appeal in the Gay case, saying that "they" were trying to make trouble for him in the legislature.

"I read the records in the Gay case two or three times, and it was difficult for me to keep from telling the judge my decision in the case," said Judge Noyes.

Prosecution Rests

The attorneys for the prosecution failed to draw from the witness any testimony exceedingly damaging to the cause of the San Diego judge, and the prosecution rested on direct examination.

The wise men say that when Judge cross-examines Judge beware, but the unexpected came to pass yesterday and the proceedings were not disturbed.

Judge Torrance, in his own behalf, conducted the cross-examination of the Riverside judge, and after a long and tedious examination he succeeded in adding additional strength to his case.

"Did I say that it would be an abuse of my judicial discretion to try those affidavits myself?" asked Judge Torrance.

"Yes, you did," replied the witness. He then admitted that Judge Torrance in his conversation did not refer to the Gay case in an argumentative way.

The throng of lawyers and judges who were seated about the court room were next treated to a surprise when Judge Noyes declared that Torrance had not made any effort whatsoever to influence his mind in connection with the Gay divorce case.

Judge Noyes testified that he was apprehensive of results whenever the San Diego judge came within talking distance, but on cross examination yesterday he even admitted that his fears were groundless.

Attorneys Wrangle

A wrangle then ensued wherein Attorney Anderson was not entirely satisfied with the cross examination by Attorney Shortridge.

"I am not accusing your association of prosecuting in bad faith," declared Shortridge. "You have been misled—grossly misled."

The next surprise in order was the statement made by Attorney Anderson, who said:

"I think the statements of Judge Noyes differ from what I expected him to testify."

The Riverside judge materially qualified certain statements made in a letter dated January 5 last, addressed to Attorney Newby of Los Angeles, and he placed an entirely different construction upon his language than did the attorneys interested in the prosecution.

GIVES DAMAGING TESTIMONY

Attorney Jackson Asserts Judge Torrance Was Drunk

The taking of testimony was begun at 11 o'clock at which hour the members of the assembly committee filed into the court room and took seats in front of the supreme court bench.

Ernest Weyand, chairman, Frank R. Devlin, George A. McGowan and Frank J. O'Brien constitute the committee before which the charges are being heard.

Judge Torrance was represented by Samuel M. Shortridge, the "Lord Chesterfield" of the California bar, of San Francisco, and A. H. Sweet, president of the San Diego Bar association, while the prosecution of the charges was conducted by Attorney Will Anderson, and Ross Avery, who appeared in behalf of the local bar association.

The first witness called to the stand was Attorney Grant Jackson of Los Angeles, whose testimony was exceedingly damaging to the cause of the San Diego jurist.

He testified that he visited the court of 1903 he had gone to San Diego for the purpose of securing Judge Torrance's signature to a bill of exceptions, which had been prepared in the suit of Katherine Tingley against the Times-Mirror company.

tion until after his return from a proposed vacation.

Judge Was Profane

On the following day he met Judge Torrance in front of the Horton house at San Diego and again urged him to attach his signature to the legal document, and this time, according to the witness' testimony, Judge Torrance wheeled around and angrily replied:

"— you, I told you yesterday I wouldn't settle that bill of exceptions until I have examined it."

Jackson then asked Torrance when he would consent to take the matter up. "I don't know, I am going on my vacation," replied Judge Torrance. Attorney Jackson testified that he then pressed the subject, and said:

"I'd like to get this settled, it's only trivial anyway."

"I don't give a ——— what you'd like," Torrance replied, testified the witness, "I've been accused by the defendant of being a prejudiced judge, and I am going to see this is right. You may be able to pull the wool over McKinley's eyes and over Judge Andrews' eyes, but you can't over mine. You ——— fools come here from the city and think you can run us because you are from the city and we are from the country, but you can't do it."

The attorney then testified that Torrance continued his abuse on the occasion of the conversation in front of the Horton house by saying:

"Billy Hunsaker is a good friend of mine, and you ——— you, ought to be, too, though I don't know that you are. Judge McKinley is all right, but he is too ——— slow, and Judge Andrews is all right as well, only he don't know a ——— thing."

The witness declared that the accused judge was under the influence of liquor at the time, and he attributed his irascible temper to this fact.

"He looked drunk and he acted drunk," insisted the witness, and in spite of the attempt made by Attorney Shortridge to refute his testimony on direct examination, he refused to alter the force and effect of his testimony on direct examination.

The investigation will be resumed today, at which time a number of local attorneys will be called upon to testify.

WANTS TO RENEW ENTENTE CORDIALE

Colombia Sends Proposal to Washington Looking Toward Re-establishment of Relations

By Associated Press. NEW YORK, Feb. 9.—Advices from Bogota, Colombia, to the Times state that President Rafael Reyes has sent to Washington proposals for the re-establishment of friendly relations between the United States and Colombia. In substance the proposals are:

1. The republic of Panama to be permitted to vote on the question as to whether or not she shall return to Colombia.

2. If Panama should vote to remain independent, then the United States to buy from Colombia at a liberal price the islands of San Andres and San Luis, in the Caribbean sea.

3. The canal zone in any event to remain the property of the United States.

FRANCO-TURKISH DISPUTE IS TO BE COMPROMISED

Order for the New Guns Is to Be Shared With German Makers

By Associated Press. CONSTANTINOPLE, Feb. 9.—The Franco-Turkish dispute, it is now understood, will be compromised, France securing an order for a share of the new guns destined for the rearmament of the Turkish artillery.

Following the vigorous steps taken by Ambassador Constans, Tewfik Pasha, the foreign minister, submitted to the ambassador fresh proposals whereby the Germans will find the money to pay the Krupp's arrears owing to Turkey for previous armament and for a portion of the new batteries, while part of the loan to be contracted for by the Ottoman bank will be devoted to purchasing the remainder of the guns in France. This, together with the settlement of the Syrian railway situation, will, it is believed, be satisfactory to the French demands.

Oakland Contractor Killed

OAKLAND, Feb. 9.—Reuben G. Collins, a contractor of Seattle, was found lying between the Southern Pacific tracks at First and Jefferson streets shortly after 8 o'clock tonight unconscious and bleeding badly from a fracture of the base of the skull and other wounds about the head. He was removed to the receiving hospital where he died.

Ballot Box Stuffer Appeals

SAN FRANCISCO, Feb. 9.—The case of Charles Wyman, sentenced to three years in San Quentin for ballot box stuffing at a primary election, was taken to the supreme court today on a writ of habeas corpus. The petition recites that Wyman was convicted of a charge not constituting a public offense.

HELD GUILTYLESS OF AWFUL TRAGEDY

IROQUOIS THEATER MANAGER NOT TO BLAME

Indictment Against Will J. Davis Is Quashed as Not Showing Any Failure to Perform His Duty

By Associated Press. CHICAGO, Feb. 9.—The indictment charging Manager Will J. Davis of the Iroquois theater with manslaughter on account of the loss of life in the theater fire was quashed today on the ground that the document fails to show any omission of duty on the part of Davis.

Throughout the debate which so vitally concerns her husband, Mrs. Emmons sat by his side at his desk in the senate chamber.

Lukens' Resolution Carried

After a spirited debate Senator Lukens' resolution was carried by the vote of 22 to 13. This means that the senators will not be allowed to testify under oath.

When his name was called, Senator Bauer desired to be excused from voting as he had personal differences with accused senators while on the re-entrenchment committee. Leavitt asked him if he could not vote without bias, Bauer said that he could, and his request to be excused from voting was thereupon denied. The accused senators were not allowed to vote.

In strong contrast to the deliberations of the senate today were the proceedings in the bribery investigation resumed in the upper house chamber tonight. Today the greatest solemnity prevailed during the debate on the question of whether the accused senators should be given the privilege of testifying in their own behalf. The spectators seemed anxious to applaud the clever speeches, but the spirit of the occasion prevented any demonstration.

Tonight the crowd chatted merrily as if in a theater, and applauded and laughed over the repartee of the opposing counsel causing Chairman Belshaw of the investigating committee to make frequent use of his gavel.

Belshaw introduced as a portion of the records of the investigation the resolution adopted by the senate this afternoon, providing that the accused senators be not allowed to make sworn statements before the committee. Attorney Cator took an exception to the ruling of the committee.

Jordan Called to Stand

Joseph S. Jordan, who confessed last night to bribe-giving, was called to the stand by the prosecution for the purpose of cross-examination. Attorney Cator objected for the defense to the further examination of Jordan, claiming that he was a witness for the prosecution. Attorney McNab said he understood that Jordan had been subpoenaed by the committee of inquiry and disclaimed that he was a witness for the prosecution.

"What the prosecution seeks to do," protested Cator, "is to patch up differences in the testimony of Mr. Jordan and Clarence Grange."

Attorney Frank D. Nicol said that all the prosecution sought of Jordan was to go over his story once more to make the truths given by the witness stand out still more plainly.

Chairman Belshaw stated that the committee sought still further evidence and ordered the cross-examination to proceed. In answer to the questions of Attorney Nicol, Jordan then reiterated his story told last night. The witness identified the key to his room, which he had given to Detective Tichenor, whom he knew under the alias of Newell.

"When did you become acquainted with the personnel of the committee on commissions and re-entrenchment?" asked Attorney Nicol.

"As soon as it was named."

"Who told you that the committee of commissions and re-entrenchments was to investigate building and loan associations?"

"Senator Bunkers."

Questions on Grange's Testimony

A series of questions were asked and answers given to corroborate testimony given by Clarence Grange to the effect that Jordan had been able to postpone the examination of certain building and loan associations by the committee.

"Did you have a meeting with Clarence Grange in San Francisco at which you told him you had paid the senators as per agreement?"

"I did."

"Were the bills you gave the senators identical with those that had been given you by Tichenor?"

"They were."

"What did you do with your bills?"

"I changed two of them in San Francisco."

"Did you have any conversation with the senators after they received the money?"

"I did. I went to Senator Emmons' room at his hotel and said that he might as well give it back as it had been marked."

"What did Emmons say?"

men shall have the right of self-defense when we are standing between heaven and hell.

"District Attorney Seymour has made a mistake in his interpretation of the law. Are you going to condemn us without the light of a sworn statement before you? There is no court in the land that would not hold that I have the right to tell my story. Don't think that I have kept away from the senate because I am guilty. But I could not bear to hear the hammering to which I have been subjected."

"For God's sake, gentlemen, be fair. There is a simple way out of this. Postpone your report. Say to the grand jury and District Attorney Seymour, 'get out your indictments, but give us the right of a hearing. We are innocent until we have been proven guilty. Do unto others as ye would be done by.'"

Stenographer Testifies

Robert Vaughn was sworn. He testified that he had been employed by the committee on re-entrenchments and commissions; as a stenographer and was at a meeting of the committee on January 21. He was instructed by the investigating committee to secure his notes and bring them before the committee. Sergeant-at-Arms Martin of the senate was called before the committee and asked if he had any subpoena issued by the committee on re-entrenchments and commissions. He replied that he had, and was instructed to secure them. He returned to the stand with the papers. Martin told of having directed several building and loan managers to appear before the committee on commissions and re-entrenchments at its request.

Stenographer Vaughn submitted to the inquiry committee the transcribed notes taken by him before the committee on commissions and re-entrenchments.

A. L. Murphy, a political writer of the Examiner, was next called to the stand. He said he had been asked by Senator French to furnish information regarding building and loan associations that is in possession of the paper. He said he had endeavored to make an appointment for French with a member of the paper who was handling the building and loan news. Murphy had never spoken to Emmons, Wright or French in regard to building and loan associations until the day that William Corbin was supposed to appear before the committee on commissions and re-entrenchments. He had been informed that Corbin would be cited for contempt if he did not appear.

Willing to Show Telegrams

Murphy said he was willing to exhibit every telegram that had passed between himself and his paper. The "Examiner" has had nothing to do with the investigations of building and loan associations by the committee on commissions and re-entrenchments, said Murphy.

The witness stated that he had known Senators Emmons, Wright, Bunkers and French but a comparatively short time.

At this point the committee informed Attorney McNab that he was asking questions of Murphy that were not entirely germane to the bribery investigation.

"Did you try to influence in any way the appointment of the committee on commissions and re-entrenchments?" asked Chairman Belshaw of Murphy.

"I have never urged the appointment of any member of the legislature on any committee," was the answer of the witness.

Fred S. Myrtle of the Examiner was next called to the stand. He said he had been detailed by his paper to interview Senator French, who had given out the statement that he intended to have building and loan associations investigated. French sought to have the Examiner support the committee, and Myrtle stated that the news of the investigation would be published if the inquiries were made in a bona fide manner.

French was the only member of the committee with whom Myrtle had talked.

E. H. Hamilton on Stand

Edward H. Hamilton, an Examiner writer, stated when asked by the committee on investigation that he had not suggested to Lieutenant Governor Alden Anderson the personnel of the committee on commissions and re-entrenchments. Attorney Cator at this point submitted the case on behalf of the defense.

"My clients were arrested this evening," said Cator, "or we might have been able to put on additional witnesses at their suggestion. The defense maintains that a case has not been made out by the prosecution."

Attorney McNab declined to be termed as a prosecutor, and on that account said he would rest his side of the case without argument. Cator was invited by the committee to make an argument on behalf of his clients. He agreed to do this, stating that his review of the testimony would consume an hour and a half. Senator Ralston suggested that the argument might be before the bar of the senate. Monday night was set as the time to plead.

Attorney McNab then asked leave to analyze the testimony in the case Monday night, when the case will be closed.

At 11:30 o'clock an adjournment was taken until Monday night at 8 o'clock.

ALL ABOARD! SALT LAKE CITY TO PACIFIC COAST!

First Through Train Has Started, Carrying Vice President Clark and Select Party

SALT LAKE, Feb. 9.—The first through passenger train over the new San Pedro, Los Angeles & Salt Lake road left here early today for the Pacific coast.

The train carried Vice President J. Ross Clark, several officers of the road, including Division Superintendents Cullen and Van Houser, General Manager Wells and a small party of Salt Lake and Butte friends. Vice President Clark expects the road to be open for through business early in April.

Death of French Statesman

NEW YORK, Feb. 9.—Charles Jean Jacques Mazeau, the distinguished French statesman and judge, is dead, cables the Herald's Paris correspondent. He served as minister of justice in 1886 and was appointed first president of the court of cassation in 1890. He was 80 years old.

had been sent out by him at the suggestion of Senator Simpson of the committee. Jordan was again placed on the stand that the committee might ask a question.

"Was the money gathered together and given to you?"

"No, it was not."

It was agreed by both sides not to examine any more character witnesses.

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AMUSEMENTS

CHUTES This Afternoon at 2:30 GRAND OPEN AIR CONCERT BY THE GREAT ELLERY BAND. The Program will include "SARACEN SLAVE," TRUMPET SOLO, "SUNSHINE SONG," BY SIGNOR PALMA, "LA TORCA," GRAND SELECTION, "MARTHA," "HUNGARIAN DANCE," "METEORITE," ETC. ADMISSION 5c. RESERVED SEATS 25c.

CHUTES PARK THEATER Special Tonight at 8:30 THE FAMOUS ELLERY BAND. Grand Opera Tonight Mascagni's "Cavalleria Rusticana" WILL BE PLAYED ALMOST IN ITS ENTIRETY WITH SOLOS BY SIGNORI DEMITRI, PALMA, PLANTAMURA, DINATALE AND RISO. SEATS NOW ON SALE AT BIRKBE'S MUSIC STORE, 315 S. SPRING ST. RESERVED SEATS 25c. BALCONY 5c. LOBBY 25c.

CHUTES PARK Sunday at 3:00 P. M. Captain T. S. Baldwin's Famous Airship The "California Arrow" Will Fly DON'T MISS THIS WONDERFUL EXHIBITION OF AERIAL NAVIGATION. ADMISSION TO ALL PARTS OF THE GROUNDS 10c. NOTE—Prof. Wm. Smith, King of the Air, will give a daring balloon ascension.

ORPHEUM SPRING STREET, Between Second and Third. Both Phones, 147. Modern Vaudeville WILL M. CRESSY & BLANCHE DAYNE, in "Town Hall Tonight"; BINNS, PINNS & BINNS, Comedy Musical Artists; ALICIE CAPITAINE, The Perfect Gymnast; THE GREAT THERIESES, Comedy Hypnotism; FOUR MUSICAL AVOLONS; CLIFFORD & BURKE; Last week of the \$1000 challenge act, THE TEN NELSONS, Greatest of Acrobats Families. Prices Permanent, 10c, 25c, 50c. Matinee Wednesday, Saturday, Sunday, MARCH 3-MONSTER THEATRICAL BENEFIT, MASON OPERA HOUSE.

GRAND OPERA HOUSE MAIN ST., Between First and Second. Phone: Main 197; Home 418. THE GREATEST OF ALL DIALECT COMEDIES—BEN HENDRICKS, THE NORTHLAND SINGER, IN OLE OLSON. Matinee Sunday, Tuesday, Saturday, 10c and 25c. Evenings, 10c, 25c, 50c. Next Week—"A LITTLE OUTCAST." MARCH 3-MONSTER THEATRICAL BENEFIT, MASON OPERA HOUSE.

TEMPLE AUDITORIUM (Hazard's Pavilion) ONE NIGHT ONLY, TUESDAY, FEB. 11—The Renowned Prima Donna Soprano MME. MELBA and Her Superb Concert Company Under the direction of C. A. Ellis. Prices only \$1.00, \$2.00, \$3.00 and \$4.00. Seats now on sale at the Union Pacific Ticket Office, 230 South Spring Street. TELS. 128. Mail orders receive prompt attention.

TEMPLE AUDITORIUM Hazard's Pavilion TONIGHT—A GREAT BILL—Matinee and Evening, SATURDAY, FEB. 11—Matinee and Evening, SUNDAY, FEB. 12, SPECIAL MUSICAL EVENT. CREATORE AND HIS ITALIAN BAND SIGNOR C. SODERO—HARP SOLOIST, THE BIG EVENT. POPULAR PRICES—5c, 10c, 15c, 20c, 25c, 30c, 35c, 40c, 45c, 50c, 55c, 60c, 65c, 70c, 75c, 80c, 85c, 90c, 95c, 1.00. Seats now on sale at Union Pacific Ticket Office, 230 South Spring Street. TELS. 128.

BLANCHARD HALL Friday, February 10, 8 p. m. There Will Be a Mass Meeting of the ...Sequoia League To urge on Congress the necessity for a new reservation for the Campo Indians and other Indian reforms. BISHOP JOHNSON will preside. Addresses are expected from CHAS. F. LUMBIS, BISHOP CONYAT and OSCAR LAVERIE. MR. LUMBIS will give some interesting details of his interviews with President Roosevelt, various statesmen, Commissioner Leupp, etc., about Indians. Admission Free All Invited

ASCOT PARK Los Angeles Jockey Club Races Races Races 111 Days' Racing, Six or More Races Daily. Races start at 1:40 p. m. TUESDAY LADIES' DAYS—Free admission to ladies. Children under 10 years of age not admitted on Ladies' Day. EVERY FRIDAY GRAND CONCERT BY PROF. FRANKENSTEIN'S CELEBRATED ORPHEUM ORCHESTRA OF 20 PIECES. Admission \$1.00. Private Boxes \$5.00 per day or \$100 per season. San Pedro st., Vernon ave., Maple st. and Electric cars direct to the main entrance. J. W. BROOKS, Manager.

MASON OPERA HOUSE H. C. WYATT, Lessee and Manager. TONIGHT—MATINEE TOMORROW, AND TOMORROW NIGHT—Mr. Frederick Belasco presents Florence Roberts and her superior company in two elaborate productions. TESS OF THE D'URBERVILLES Dramatized by Lorrimer Stoddard from Thomas Hardy's novel. Beginning Monday, Feb. 13, with Wednesday matinee, three nights, "MARTA OF THE LOWLANDS," a Spanish romance by Angel Guiteras. Seat sale now on. Prices—25c, 50c, 75c and \$1.00—No higher. Tels. 10. NOTICE—March 3—Look out for the big BENEFIT PERFORMANCE to be given by the Theatrical Managers' Association of this city at the MASON.

BELASCO THEATER MAIN ST., Between Third and Fourth. BELASCO, MAYER & CO., Proprietors. Phone: Main 230; Home 257. TONIGHT—MATINEE TOMORROW—The Belasco Theater Stock Company presents the greatest romantic play ever written, The Prisoner of Zenda A production of prodigious magnificence; two-score extra players; all the Belasco favorite actors in the cast. No advance in prices, notwithstanding the elaborateness of the production. Every night, 25c, 50c, 75c and 1.00. Tomorrow and Saturday matinees, 25c, 50c and 90c. Next Week—Sydney Grundy's greatest play, "SOWING THE WIND."

MOROSCO'S BURBANK THEATER Sixth and Main. Phone 1579. TONIGHT!! All this week with usual Matinee Saturday!! The Burbank Stock Company in DARKEST RUSSIA A powerful melodrama dealing with the present great uprising in Russia. Positively the biggest sensation presented in this city for months. Matinee every Saturday and Sunday, 10c and 25c—no higher. Evenings, 10c, 25c, 50c. NEXT WEEK—"OUR BOARDING HOUSE." Notice—March 3rd—Look out for the big Benefit Performance to be given by the Theatrical Managers' Association of this city at the Mason.

SIMPSON AUDITORIUM Saturday Matinee, Feb. 11, 2:30 Olga Steeb The young genius of the piano who, according to Paderewski, promises to be one of the world's greatest pianists. Seats now on sale at Bartlett's Music Store. General admission 50c. Children 25c. Reserved seats 75c. Tels.—Home Exch. 82; Sunset John 681; 812. CHAL OPPORTUNITY—The entire 1st and 2nd balconies are thrown open to general admission.

Everybody Goes Up Mt. Lowe And everybody wants to take at least two of the other three great parlor observation car trips afforded daily by our lines. These luxurious cars leave Sixth and Main as follows: 9:40 a. m. to San Gabriel mission, Baldwin's Ranch and Monrovia. 10:00 a. m. to the beaches and the Great Sea Shore ride. 1:00 a. m. to the Ostrich Farm, Pasadena and lovely Rubio Canyon.

The Pacific Electric Railway STEAMERS IN COLLISION; LEIF ERIKSEN SUNK ...For Sale... \$14,000 Saloon First-class, up-to-date saloon; A No. 1 location. Write to BOX No. 811, Herald Co. for particulars.

Standard Oil Freighter Rams Norwegian Off Coast of Florida—Two Sailors Drowned By Associated Press. NEW YORK, Feb. 9.—After having collided with and sunk the Norwegian steamer Leif Eriksen