

FATHER IN JAIL; FAMILY STARVING

BEASTS PROTECTED, HUMANS HAVE NO FOOD

MOTHER APPEALS FOR AID

S. P. C. A. Arrests a Mexican for Cruelty to Animals—Humane Society Rescues Wife and Children From Starvation

By causing the arrest and imprisonment of a Mexican teamster on a charge of cruelty, the Society for the Prevention of Cruelty to Animals unintentionally brought a state of starvation to the home of the prisoner.

The Humane society is now caring for the wife and children of the object of the sister society's zealous work.

"An officer has taken my husband away and I and my children are without bread," wailed a poorly clad Mexican woman as she staggered into the police station yesterday morning accompanied by her three babies and fell upon a bench near the sergeant's desk.

The woman was attended by an older woman, who endeavored to quiet the wails of the children, but without success, and an officer ran for the matron while another dashed for the detectives' office to secure an interpreter. Detective Leon responded and the woman told her story of suffering.

Several days ago her husband, Antonio Samora, a teamster, left his little adobe home in a camp on East Twenty-fourth street and went to work. He secured a team from a contractor and was on his way with a load of earth to the dumping grounds when an officer of the S. P. C. A. stopped his team and took him prisoner to the police station on a charge of cruelty to animals. The horses were in a weak condition and unfit for work, but in spite of the protestations of ignorance offered by Samora, he was sentenced to twenty-five days in the city jail. His employer failed to pay the fine and the man was committed to prison.

Mother and Babies Hungry

Late that night neighbors found the distracted mother sitting in the doorway of her little home awaiting the return of the father with supplies for the family, but no father came and for several days the woman endured her sufferings and gave what aid she could to her little ones. When she arrived at the police station in search of help she was nearly exhausted from hunger and her condition was pitiable. Immediate steps were taken for the relief of the little family and Detective Leon set the first example by furnishing a good dinner for the mother, grandmother and three little children.

Later in the day Humane Officer Webb arrived at the police station and started to repair through his department the unexpected suffering created by the other society. A small but comfortable room was found and rented in the Mexican quarter and the family moved there. They will be provided with food and shelter until the parent serves his sentence.

Food in plenty for several days to come was left at the house, representing the good work of the society, and as the officer walked away he looked back and saw three bright happy faces of three little brown babies as they stood before their mother, each receiving his portion of food with mouth extended like a young robin.

The S. P. C. A. and Humane societies while not affiliated occupy adjoining offices in the Johnson building.

BUSINESS MEN WOULD SAVE FIRE CHIEF STROHM

Merchants and Manufacturers' Association Protests Against Removal of Official

The Merchants and Manufacturers' association yesterday endorsed the work of Fire Chief Strohm and protested against his removal as proposed by Mayor McAleer and the fire commission.

Chief Strohm was highly commended by the directory for his long service and efficiency, in connection with the adoption of the following resolution:

"Resolved, By the board of directors of the Merchants and Manufacturers' association, that we protest against the removal of the present chief of the fire department unless charges can be substantiated showing that his removal is made for the good of the department and the community."

When the resolution is presented to the council it is expected that many business men will be present to protest against any change affecting the head of the department.

Indorse Roosevelt's Course

HELENA, Mont., Feb. 23.—The house of representatives, by a unanimous rising vote, today adopted a resolution commending the attitude of Roosevelt in regard to the trusts and endorsing the president's recommendations for an enlargement of the powers of the interstate commerce commission.

RAILROADS IN UNLAWFUL POOL

DECISION BY THE INTERSTATE COMMISSION

ORANGE RATE UNREASONABLE

Ruled That the Southern Pacific and Santa Fe Are Combining to Raise Freight Charges on Citrus Fruits

By Associated Press.

WASHINGTON, Feb. 23.—The interstate commerce commission, in an opinion by Commissioner Clements, today rendered its decision in the California orange cases, brought by the Southern California Fruit Exchange and the Consolidated Forwarding company against the Southern Pacific and Atchison, Topeka & Santa Fe railway systems, in which it holds that the defendant carriers are unlawfully engaged in pooling the traffic in citrus fruits originating in Southern California, and carried by them and their connections to eastern markets; that the defendants by compelling the shippers to pay icing charges as established by the car lines have made such charges part of the cost of transportation and subject to regulation under the law, and that the rate on oranges in carloads from Southern California to points on and east of the Missouri river are unreasonable and unjust.

The rate on lemons is held to be reasonable and present refrigerating charges are held to be not unreasonable.

This decision by the commission is on questions reserved in a former decision by the commission in the same cases which prohibited carriers from denying to shippers of citrus fruits from California to eastern markets the rights of directing over which of the established lines the shipments should be carried.

Rulings of Commission

Rulings are made as follows in the decision now rendered:

The carrier's minimum carload weight of 26,000 pounds on citrus fruit in refrigerator or ventilator cars from Southern California points to eastern destination is not unreasonable with the forty-foot car in general use.

Whether or not the regulating statute applies to refrigeration charges in all cases, the defendants, by compelling shippers to pay icing charges in citrus fruits as established by the car lines or do without necessary refrigeration for the traffic, have made these charges a part of the cost of transportation and subject to regulation under the law.

The refrigeration charges applying on these shipments of citrus fruits to eastern markets have been reduced during the pendency of these proceedings and the present charges for refrigeration are not found, on the record in this case, to be unreasonable.

Engaged in Pooling Traffic

The defendant carriers are unlawfully engaged in pooling the traffic in citrus fruits originating in Southern California and carried by them and their connections to eastern markets, but further action on that branch of the proceeding is reserved by the commission in view of the pendency in the United States supreme court of an appeal from a like decision of the circuit court for the southern district in Southern California in a suit brought by the commission to enforce its order as to the routing regulation above mentioned.

The defendant carriers' present rate of \$1 per 100 pounds on lemons in carloads from Southern California to points on and east of the Missouri river is apparently reasonable.

The defendant carriers' rate of \$1.25 per 100 pounds on oranges in carloads carried from Southern California to points on and east of the Missouri river is unreasonable and unjust, and in the opinion of the commission it should be reduced fifteen cents per 100 pounds, but if the time of service to eastern markets should be restored to the old basis as indicated by eight days to Chicago and twelve days to New York, a rate as high as \$1.15 would perhaps be fair and reasonable.

Commissioner Prouty concurs in the proposed order and recommendation of the commission, but does not agree with some of the facts found and conclusions drawn in the majority opinion.

Orange Rate Unreasonable

Such concurrence is based on the ground that the \$1.25 rate on oranges is unreasonable because the same necessary in transporting these fruits to eastern markets has been greatly lengthened. Chairman Knapp dissents from the decision. The chairman says that in several important particulars the findings in the majority report do not accord with his understanding of the facts, while the inference therein drawn is not warranted in his judgment by due consideration of all the facts and circumstances entitled to be taken into account, and further, that even if the specific findings in the majority opinion be accepted as a fair and accurate summary of the facts and circumstances entitled to be considered, he still is constrained to hold that the unreasonableness of the rate has not been established.

MUST MAKE GOOD MAC KOWAN THEFT

STATE UNIVERSITY REGENTS RESPONSIBLE

SPECIAL COMMITTEE REPORTS

Total Amount Taken by the Former Secretary is \$51,478.76—Change in Financial System is Advocated

By Associated Press.

SACRAMENTO, Feb. 23.—The regents of the state university are held accountable for the defalcation of Former Secretary W. A. MacKowan of the special committee to investigate the financial system of the institution, filed with the senate this morning. The report recommends that the regents be compelled to reimburse the \$51,478.76 stolen by MacKowan.

A complete change in the financial system of the university is recommended and it is advised that local products should be used as far as possible in the construction of buildings on the Berkeley campus.

The report is in part as follows: "The said secretary kept the books of the said board of regents, and, so far as the evidence discloses, there was no supervision exercised over the secretary by the board of regents or the president of the university with reference to keeping the accounts and the receipts of money collected for the university, except that the said board of regents employed John J. Herr to make an occasional examination of the books. The testimony of Mr. Herr on this subject was that he never examined the books except when asked to do so by the secretary himself; that he was often delayed and put off in the examination by the said secretary, on his excuse that the books were not posted up and ready to be audited."

Found Books Correct

"After each examination of the books made by said auditor he gave to the board of regents a certificate of his examination, naming therein the books that he examined, which, in all cases, he reported he found correct. The books included all of the books showing the financial transactions of the regents of the university except, in some cases, the minute book of the regents and the books of the treasurer and the books of the medical department of the university. Auditor Herr made no report of shortage or defalcation by the secretary.

"Your committee further finds that the finance committee of the board of regents, since 1900, gave no time at all to a personal examination of the accounts or personal supervision of the books; that they gave no instructions whatever to said auditor as to the manner or how the books should be audited and took no steps to ascertain whether or not the system of keeping the accounts was efficient for the purpose."

The recommendations of the committee are: "First. That the board of regents immediately provide a system for examination and auditing of the books of the treasurer, and the medical department of the university and provide for a system of triplicate receipts, to be given by the treasurer and persons receiving fees for medical department and for any other office or department of the university receiving money for the said institution, similar to the plan now adopted for the secretary, and that books relating to fiscal transactions be expeted at least semi-annually.

"Second. Your committee, while fully appreciating the fact that the regents of the university are serving the state without pay and purely out of a feeling of patriotic duty to the university, yet recognize that, while doing so, the regents have assumed an important trust—one that when once undertaken should be executed with care and diligence; the loss sustained being one that could have been avoided by the ordinary care and diligence that the regents would have exercised in their own business, leads the committee to the conclusion that the regents are under obligations to reimburse the funds of the university to the full extent of the defalcation by MacKowan.

"We therefore recommend that proper proceedings be taken to obtain reimbursement of the said losses."

The exact amount of money taken by MacKowan is made public for the first time by the committee. The total is \$51,478.76, divided as follows: Students' fees, \$15,307.18. Wilmerding school fund, \$349.32. Levi Strauss scholarships, \$1750.80. D. O. Mills, Lick observatory fund, \$6000. Emanuel fellowship, \$500. Martha A. Hallidie fund, \$500. Alumni hall fund, \$1000. Class of '88, loan fund, \$153. Class of '93, loan fund, \$180.15. Medical funds, \$9703.38. Contingent fund, \$19.70. Hearst scholarships, \$5900.

Anti-Pass Bill Carries

INDIANAPOLIS, Ind., Feb. 23.—The Indiana house of representatives today passed through by a vote of 39 to 9, the Davis bill which prohibits the issuance of railroad passes to any citizen of the state.

CZAR DECLARES WAR MUST GO ON

GERMANY TOLD HIS DECISION IS UNSHAKABLE

RUSSIA CAN AND MUST WIN

Military Reasons and the Domestic Situation Alike Make it impossible to Sue for Peace

By Associated Press.

BERLIN, Feb. 23.—The emperor of Russia has elected to continue the war. His position is absolutely firm, and the German court has been advised in that sense.

The war will be pressed with the utmost energy, the domestic situation being now within the control of the authorities. Those who have advised peace and suggested inquiries for Japan's terms, namely, the French and British governments, are for the present silent, and are likely to remain so, unless events of an extraordinary character shake the Russian emperor's decision.

His reasons, as understood here, are: First—The judgment of the army chiefs that Field Marshal Oyama not only cannot defeat General Kuropatkin, but stands in danger of defeat himself. How cowardly, therefore, for Russia to ask for mercy with all the men and money essential to a successful war.

Second—All the forces of criticism now directed against the government for having fought rather than yield, and for having failed to win victories, would be continued with increased fury against the government. A government that would crave peace of Russia's enemy while still capable of winning victory would be giving the party of change genuine grounds for a revolution.

The facts of the military situation, love of country and arguments of expediency are all against peace and for pressing the war hopefully.

Hay Sees No Signs of Peace

WASHINGTON, Feb. 23.—At the White House and at the state department, at the Russian, French, German, British and Italian embassies and the Japanese legation today, where inquiries were made regarding the rumors of peace between Russia and Japan, the most positive statements were made that, if either of the belligerents was thinking of proposing peace, it was a secret securely locked in the foreign office at St. Petersburg or at Tokio.

The president has heard absolutely nothing of an avowed intention on the part of Russia or Japan to sue for peace at this time, much less of an actual proposal. Secretary Hay today assured the ambassadors that, while this government continued ever hopeful for peace and watchful of the opportunity to be of assistance whenever assistance might be asked by the belligerents, there were no indications here that the time for peace was near.

Russian Ambassador Talks

In a long talk with a correspondent of the Associated Press today, Count Cassini, the Russian ambassador, said talk of peace was never more absurd than now. The ambassador has had positive information from the very highest officials in St. Petersburg that the war will be prosecuted with increased vigor. It is expected that General Kuropatkin, with the opening of the spring campaign, will accomplish much, in view of the reinforcements he has received. The emperor has every confidence in his military ability.

Japanese Legation Concur

Equally positive statements are made at the Japanese legation that Japan, while of course ready for peace on her terms, as she has been since the war began, sees no outlook for a cessation of hostilities yet, and is preparing to follow up the victories of last autumn with even more decisive battles in the spring, now that the fall of Port Arthur has released the besieging army there and it is available for operations in the north.

RUMORS OF BIG BATTLE

Absence of Dispatches Construed as Signifying Great Events

By Associated Press. ST. PETERSBURG, Feb. 23.—Although the city continues full of rumors that a big battle is proceeding below Mukden, the war office does not offer any confirmation of the reports. Several dispatches, however, as well as can be judged by the mutilated manner in which they were allowed to pass the censor, portend the imminence of extensive operations. The Japanese are showing activity on both flanks, and the railroad has again been damaged by a raid of mixed Japanese and Chinese bandits.

RUSSIA'S RULER DETERMINED TO CONTINUE THE WAR



NICHOLAS II, CZAR OF RUSSIA

YOSEMITE BILL PASSES SENATE

SENT TO GOVERNOR FOR HIS SIGNATURE

After Long Debate the Vote Results 21 to 13 in Favor of the Measure—Curtin and Belshaw Clash

SACRAMENTO, Feb. 23.—The bill providing for the recession of the Yosemite valley and the Mariposa Big Trees to the United States government has now passed both houses of the legislature and has been sent to the governor for his signature. The vote on the measure which passed the senate after a long debate which ended this afternoon was 21 to 13.

"How do you expect the United States to grant large appropriations for the Yosemite when the government is already overwhelmed with requests for harbor and river improvements, postoffice and other things from one end of the state to the other?" said Curtin in closing his debate.

"I am going to vote for the measure because I believe that recession is for the best interest of California," said Senator Rowell.

In closing the debate on the Yosemite question, Belshaw said Senator Curtin was opposing the bill because if the valley were receded he would not be permitted to run cattle through the reservation as he has in the past. Belshaw took issue with Curtin as to the constitutionality of the recession bill and said he was opposed to burdening the senate with amendments.

"The recession of the Yosemite is a business proposition," said Belshaw, "and everybody knows that the United States is far better able to care for the valley than California is. This state has had forty-one years in which to improve the valley and has done but little."

PRESIDENT HARPER ON THE ROAD TO RECOVERY

Patient is Able to Take Solid Nourishment and Sleeps Restfully

By Associated Press. CHICAGO, Feb. 23.—The condition of President Harper of the University of Chicago, who was operated upon Wednesday afternoon, is said to be improving. In a bulletin issued tonight it was stated that Dr. Harper was making satisfactory progress toward recovery, all nausea having disappeared.

HERALD CIRCULATION IN LOS ANGELES

Attention of the public is called to the fact that the circulation of The Herald in the city of Los Angeles is greater than that of the Examiner and second only to that of the Times. This circulation is permanent, delivered at the homes and not thrown about as specimen copies or swept into the gutters. The Herald, as the oldest morning newspaper in Los Angeles, is more widely read than most of its contemporaries, and its value as an advertising medium is correspondingly greater.

FUNERAL RITES OF MARTYRED DUKE

METROPOLITAN OF MOSCOW INDICTS SOCIETY

CHARGES DEED TO ALL RUSSIA

Memorial Services Are Carried Out Without Disturbance, but Dowager Empress Creates Scene at Family Council

Special Cable to The Herald.

ST. PETERSBURG, Feb. 24.—"The responsibility for the premature death of the martyred grand duke falls on the whole society of Russia without distinction. The memory of Grand Duke Sergius is that of a great martyr and the services he rendered to the state will live for all time among the Russian people. The Lord will accord everlasting rest to the spirit of this martyr. His soul will live as the blood of the ancient martyrs, as the memorial of truth and of the true faith. We may be sure the blood of the grand duke will sow germs of repentance over all classes of society."

This sweeping statement, made by the metropolitan of Moscow at the funeral services of the late Grand Duke Sergius, is being widely discussed, critics saying that if this be true it justifies the contention of reformers that all Russia is at odds with the political system. The wisdom of such statements at this crisis is very generally doubted.

BELLS TOLL IN MOSCOW

Remains of Grand Duke Sergius Are Solemnly Blessed

MOSCOW, Feb. 23.—The solemn ceremony of blessing the remains of Grand Duke Sergius was performed at 10 o'clock this morning in the midst of the tolling of bells in all the churches and monasteries of the ancient capital. Immense crowds thronged the open squares in front of the palaces and there was a great display of troops in the streets. Grenadiers of the Kieff regiment furnished the guard at the Chaudoff monastery, which was the scene of the funeral services.

Public Practically Excluded

So far as the public was concerned, nothing could be seen beyond the carriages of those invited to the funeral, who quickly filled the small available space.

After blessing the body it was conveyed to the adjoining church of St. Andrew, where it was laid on a catafalque. The coffin was concealed by a mass of floral wreaths and crosses. The officials of Grand Duke Sergius' household and his aides de camp formed a circle around the bier, while the regiments of the garrison furnished contingents for the guard of honor.

Great Fortitude of Widow

The scene within the church was pathetic. The coffin was covered with a cloth of silver, trimmed with ermine. The mangled body lay in state, dressed in full uniform, but a veil of fine lace was disposed over the remains of the mutilated face. A gloved hand held an ikon of St. Nicholas.

The grand duke's widow, the Grand Duchess Elizabeth, took her place at (Continued on Page Two.)

THE DAY'S NEWS

FORECAST

Southern California: Fair Friday; light north winds. Maximum temperature in Los Angeles yesterday, 71 degrees; minimum, 51 degrees.

- 1—Father in jail, family starving.
- 2—Senate special session called.
- 3—Rehearsals now in progress.
- 4—Southern California news.
- 5—Society wedding brilliant affair.
- 6—Editorial.
- 7—Traffic agents have returned.
- 8-9—Classified advertisements.
- 10—Sports.
- 11—Markets.
- 12—Humane society skeleton aired.

EASTERN

Interstate commerce commission rules that Santa Fe and Southern Pacific have pooled orange transportation business.

More bodies recovered from mine at Birmingham, and work of searchers continues.

Dr. Harper's condition continues favorable and prospects for recovery are good.

FOREIGN

Czar declares positively that war must be pushed vigorously to successful conclusion.

Funeral services in memory of the late Grand Duke Sergius pass off without disturbance.

COAST

Adolph Weber maintains his cheerfulness and is confident he will yet win.

LOCAL

Roy Spencer, oldest son of C. N. Schmidt, goes to trial in the superior court, charged with robbery.