

CHINA CANNOT BREAK TREATY

PRESENT BOYCOTT AMOUNTS TO INFRINGEMENT

PEKING OFFICIALS VERY LAX

Celestial Government Notified That It Will Be Held Directly Responsible for Any Invasion of American Rights

Special to The Herald.
WASHINGTON, Aug. 14.—It is said at the state department today that the United States government intends to hold the Chinese government responsible for the results of the present boycott of American goods insofar as the workings of the boycott show an infringement on the provisions of the Tien Tsin treaty, signed by this government and that of China in 1858.

The government at Peking has been informed by Rockhill, the American minister there, that the United States will insist that part of it relating to the rights of American citizens to sell goods in China, be enforced to the letter. That many of the steps being taken by those behind the anti-American movement involve infringements upon the agreement of 1858, which the Chinese government should prevent, is the belief of the government officials.

One phase of the movement which touches particularly on this aspect of the situation is the proposed plan of the boycotters to refuse the use of lighters to American vessels, or to allow stevedores to assist them in unloading cargoes of American shipments in Chinese ports. Such action on the part of China would be regarded by this government as a direct violation of the terms of the treaty whereby the Chinese government agrees to protect American merchants in China as far as the laws of the empire will permit.

The belief is prevalent here now that the officers of the Chinese government have not been active in fighting the movement as they might be. Consul General Rogers has reported that the officers at Shanghai have done absolutely nothing.

12 MORE DEAD OF THE FEVER

(Continued from Page One.)
The police to prosecute all landlords and agents who fail to screen their cisterns. The relief work of the Italian societies is now in full swing. Interesting scenes are daily witnessed in the charity restaurant which the societies have opened in the heart of the old French quarter and the restaurant is thronged at meal time with a motley crowd of men, women and children. Three meals are served daily, but arrangements are being made to feed any who come, whether it is during the regular meal time or not. It is estimated that the restaurant is now feeding a thousand persons daily.

The relief committee is also looking after the poverty-stricken Italians in the matter of clothing, rent, and other necessities.

GOVERNOR PAROLÉS LIFE TERM PRISONERS

MRS. ADA WERNER LIBERATED FROM PRISON

Woman Who Slew Husband in Fit of Jealousy Ten Years Ago Given Her Freedom on Recommendation of Keepers—Three Commutations

By Associated Press.
SACRAMENTO, Aug. 14.—Governor Pardee today assented to the parole of Ada Werner, sentenced to life imprisonment at San Quentin for killing her husband in San Francisco about ten years ago.

Her husband, a butcher, treated her cruelly, and one day, finding a number of endearing letters in his pockets from other women, she shot and killed him. The prison directors recommended that Mrs. Werner be paroled and the governor assented.

Jo Chung Tung, a Chinese sentenced to life imprisonment from Alameda county, is also paroled. There seems to be some doubt as to the man's guilt. He has served twenty years of the sentence imposed.

The governor commutes the sentence of Walter Talmadge, sent to Folsom from Tulare county for eighteen years for grand larceny. The prison physicians affirm that Talmadge is suffering from aneurism of the heart and may die at any moment. Talmadge has served all but three years of his sentence.

The sentence of Christopher Murphy, who was given eighteen months in the Alameda county jail a year ago for disturbing the peace, is also commuted. Murphy with several others raised a disturbance in a railroad depot at Oak land, but he was the only one arrested and prosecuted. The sentence was regarded as too severe, considering the nature of the offense, and Police Judge Samuels of Oakland joins in the petition for the commutation of sentence.

MAYOR OF LONG BEACH DECLARES HE WILL NOT RESIGN



R. A. ENO

GUILTY ONES NOT YET IN CUSTODY

Continued From Page One.
been prominently identified with the investigation and arrest of suspects of the dynamiting of his chief's home, tendered his resignation to be effective immediately. The resignation was accepted.

Immediately afterwards, Policeman Folsom's resignation was read and it was laid over for two weeks. Folsom stated in his resignation that he had attempted to conscientiously discharge his duties and resigned that his friends might not be embarrassed in arriving at a settlement of the police quarrels.

The surety company which furnished Marshal Conklin's bond served notice upon the board of trustees that it desired to be released from further liability, and City Attorney Knight advised the trustees that it was drawn in accordance with the requirements of the statute, and would become effective in ten days, advising that the board adjourn to meet Saturday, August 19, to fill the vacancy at that time should Marshal Conklin not furnish a new bond in the meantime, which is not considered probable since his removal from office by the superior court becomes effective August 27. The suggestion of the city attorney was favorably acted upon.

With the outgoing of the marshal and his deputy and the retention of Folsom, the Oakford faction demonstrated its control of the board, and the three trustees will doubtless name the new appointees.

Mayor Will Continue
Mayor Eno has reconsidered his determination to resign and announced yesterday that he would retain his office until the expiration of the term. This reconsideration was brought about by the action of his friends, who urged him to remain in office for the full term. His aged parents joined in the request that he continue in office, and he reached the decision yesterday to accede to these requests.

Mayor Eno does not believe in the guilt of Davies, although admitting the evidence against him is strong. He holds to the theory that the wrecking of Conklin's home was done by a crank or irresponsible person who became unduly excited by the agitation of political enemies of the mayor and marshal in the differences springing out of the Conklin-Folsom fight.

This explanation, he argues, tends to prove that the guilty persons attempted to avenge actions by the marshal and himself in interpreting the law and enforcing it, seeking by the use of dynamite and torch to intimidate the officers into a disregard of the law. He says he has received several anonymous letters in the last few months, in which the writers threaten every form of harm from disfigurement to a violent death and he considers it possible that one of the writers, encouraged and incited by the opposition of political enemies of the mayor and marshal, perpetrated the outrages.

Sympathy for Marshal Conklin appears to be dying out and yesterday several subscribers to the fund being raised for his benefit made request that their donations be withheld, pending developments. It is said that if the fact develops that his home was wrecked as a result of a family feud, several subscribers will recall their donations. Mayor Eno has changed in his attitude toward the marshal. He said yesterday that he had no desire to defend Conklin personally, but would defend him as an official elected by the people until he was no longer an official.

SAN FRANCISCO CUSTOM HOUSE CONTRACT AWARDED
WASHINGTON, Aug. 14.—The contract for the construction of the new custom house at San Francisco was awarded to Thomas Butler of that city, at his bid of \$1,194,000, the building to be completed by March 1, 1908.

DEBATE RUSSIAN JEWISH PROBLEM

DELEGATION CONFERS WITH M. WITTE

HOPE FOR REIGN OF EQUITY

Oscar Straus Says Emigration Can Never Settle Question and That Equal Rights is the Only Solution

By Associated Press.
PORTSMOUTH, N. H., Aug. 14.—A free exchange of views on the condition and treatment of the Jews in Russia was held tonight in a conference between M. Witte, Baron Rosen and Oscar Straus, Jacob H. Schiff, Isaac N. Seligman and Adolph Lewisohn of New York and Adolph Kraus of Chicago. The statement was made by the delegation calling on the Russian plenipotentiaries that nothing tangible resulted but that future benefit was looked for. The financial condition of Russia was not mentioned in the discussion and was not suggested as a topic of discussion, according to Mr. Kraus.

Oscar Straus shortly after his arrival at the hotel made the following statement: "We have come here on a very simple mission. A conference was arranged by M. Witte, who desired to confer with us regarding the condition of the Jews in Russia and to discuss with him the best means to improve their condition and to give them the same rights as other Russian subjects have. This is in no way involved with any financial question. It is purely and simply a question of humanity, and the belief on our part that equal rights among all the subjects of Russia will promote the best interest of that empire."

"I would further say that the Russian Jewish question must be settled in Russia. Emigration, no matter how large it may be, can only affect the outer surface. M. Witte, I have understood, has seen with his own eyes while in this country the progress that has been made among the Russian emigrants to America, and what he has seen cannot fail to have an influence upon him as indicating the way to make the Russian Jews helpful in the upbuilding of that empire."

"I regard the whole question as a very simple one. It only involves giving all the subjects of the emperor equal rights. That I regard as fundamental."

American Opinion Emphasized
After the conference, which concluded ten minutes before midnight, Mr. Straus made the following statement: "M. Witte explained with much frankness the condition of the Jewish population of Russia, while the American gentlemen endeavored to explain to the Russian gentlemen the state of public opinion in the United States and to impress them with the impatience on the part of the American people with the restrictive laws exercised by the Russian government against its Jewish subjects."

"While the discussion in its nature could not lead to immediate reforms, we believe that in course of time and indirectly the frank exchange of opinion and views which has been had cannot but bear beneficial consequences."

COLLINS DENIES WEDDING STORY

DECLARES HE NEVER MARRIED CHARLOTTA NEWMAN

A CONSPIRACY, HE ALLEGES

Sensational Testimony Given in Victoria by San Francisco Attorney Under Trial for Extradition for Perjury

By Associated Press.
VICTORIA, B. C., Aug. 14.—After giving expert evidence on California law, disputing the evidence of R. N. Whiting, assistant district attorney of San Francisco, regarding its application to perjury, George D. Collins, being tried for extradition for perjury before Judge Lampman, gave sensational evidence under cross examination by Frank Higgins, representing the state of California. He says the evidence given of a marriage between himself and Charlotta Newman at San Francisco was utterly false and was part of a conspiracy framed to persecute him. He stated he had never married Charlotta Newman, now styling herself Charlotta Collins, in whose suit for maintenance against him at San Francisco the affidavit was made upon which the perjury charge against him is based, but had married her sister, Agnes M. Newman.

His marriage with Agnes M. Newman had been contracted in his office, witnessed by Dr. Euston and his daughter, Jennie Euston, whose present whereabouts he did not know. He had written the contract which he, Agnes M. Newman and the witnesses had signed. He had given it to her and had not seen it. She had continually urged him to go through a ceremony of marriage, and he yielded on May 15, 1889, when the ceremony was performed by Father Conolly at St. Johns church, in San Francisco. He had drawn \$1000 which she had deposited in the Iberian bank in her name and she had assigned it to him prior to her death. She was always acknowledged and was buried publicly as his wife.

Mr. Higgins produced the license and certificate of marriage, in which it was written that the marriage was between Charlotta Newman and George D. Collins. Collins said he had signed the application for a license before it was filed out and left a client, James Mulcahey, since deceased, to get it and give it to Agnes Newman. The name of Charlotta Newman must have been placed in it by error. The placing of the name of Charlotta Collins in the marriage certificate was also a mistake. He denied it was in his handwriting and said if Mr. Groom, court clerk, had so sworn, he was mistaken. The testimony of Thomas Curran and William Newman as to the wedding with Charlotta Newman was absolutely false. Curran did not know whom he married and Newman was willfully lying, being eager to do anything criminal, mean or diabolical to further the conspiracy against him. Collins further stated that the deposition of Charlotta Collins, who he said had no right to so style herself, was false. The three children in her custody were the children of her sister Agnes, the issue of her marriage with him. He had not sent any money to provide for them, but would look after them as soon as he was freed from the conspiracy launched at San Francisco which had now engulfed him.

Mr. Higgins will continue the cross-examination of Collins tomorrow.

ALIENS ARRESTED FOR NATURALIZATION FRAUDS

Four Persons Captured in San Francisco Confess Certificates Are Forged

By Associated Press.
SAN FRANCISCO, Aug. 14.—Four arrests of aliens guilty of fraudulent naturalization were made today by United States Secret Service Agent Richard I. Taylor. All the prisoners confessed and surrendered the forged naturalization certificates upon which they had secured from the United States local inspectors licenses as mates, masters and pilots. Many of these papers purported to be certified copies of certificates of naturalization and to be signed by William C. Ralsch, deputy county clerk, assigned to Superior Judge Bahr's court. Ralsch is under arrest on charges of having forged the papers.

Those arrested are Rudolph Rasmussen, Hans Morthenson, Julius Svenson and John O. Omland. The latter had secured in Seattle a license as master and in this city a license as pilot. John F. Green, second officer of the steamship Siberia, was rearrested immediately after having been discharged by United States Commissioner Heacock.

INTERSTATE COMMERCE CONVENTION TO MEET

By Associated Press.
MILWAUKEE, Wis., Aug. 14.—At a meeting in Chicago today of the executive committee of the interstate commerce law convention, representing 300 business organizations, it was decided to call a convention the latter part of October in Chicago. The convention will be for the purpose of giving expression to the public sentiment that is calling for an amendment to the interstate commerce law which will give the commission power to compel reasonable rates.

JAPANESE TERMS THOUGHT ABSURD

RUSSIA DOES NOT CONSIDER HERSELF CRUSHED

SHE IS STILL FULL OF FIGHT

Official and Public Sentiment Agree That Unless Demands Are Materially Modified Further Discussion Is Useless

By Associated Press.
ST. PETERSBURG, Aug. 14.—The Associated Press is in a position to declare that practically the only hope entertained in high Russian official quarters for a peace agreement at the conference at Portsmouth lies in the expectation that Japan will recede materially from her terms as published.

Officials and public sentiment regarding the possibility of peace, as outlined to the Associated Press by one official who has constant and close relations with the highest authorities, is as follows: "That the terms are regarded in their entirety as quite impossible of acceptance, and close scrutiny has not removed the very unfavorable impression their first reading has produced here. If they are not modified, especially in the matter of indemnity and territorial concessions, peace, it is thought, is impossible, and the continuance of the negotiations useless.

"Russia is honestly and sincerely desirous of securing an honorable and lasting peace, and to this end has sent her plenipotentiaries to Portsmouth. They did not journey thither merely to learn the Japanese demands—the nature of their credentials proves that—but they went in an earnest endeavor to do everything possible to terminate the war in a manner compatible with the dignity of a great nation.

"The Japanese terms are regarded in Russia as a demand which might be made upon an utterly crushed and powerless enemy, but it is absurd to propose them to a power like Russia which has half a million men in the field facing the enemy.

Army Eager for Action

"This army is in good condition and eager for action. It possesses many advantageous positions and the winter is coming on, when naval operations would be impossible. Vladivostok is also splendidly fortified and supplied.

"Japan, as well as the world at large, has persistently underestimated Russia's strength in the field and her financial resources at home.

"The more hopeful feeling which is noticeable here can be traced to the conviction that M. Witte, who is thoroughly cognizant of the views of the Russian government, would not continue negotiations at Portsmouth unless he had reason to believe that Japan would reduce her demands sufficiently to render them acceptable to Russia. The Russian envoys went to Portsmouth ready to make reasonable and honorable concessions, and if peace is to result from the negotiations on American soil, Japan also must show an equal spirit of reasonableness and sincerity in her protestations for peace. Russia believes that the world will recognize that the fault, in the case of failure, will not rest with Russia."

CRISIS STILL TO COME

Plenipotentiaries Agree to Three Articles of Little Importance

By Associated Press.
PORTSMOUTH, N. H., Aug. 14.—Although very rapid progress was made with the peace negotiations today, three of the twelve articles which constitute the Japanese conditions of peace having been agreed to by M. Witte and Baron Rosen on behalf of Russia, neither of the two articles to which M. Witte in his reply returned an absolute negative was reached. The crisis, therefore, is still to come.

It may be reached tomorrow, as the cessation of Sakhalin comes fifth in the list. The three "articles found," as they are officially designated in the brief communications authorized to be given to the press, which were disposed of today, are in substance as follows: First: Russia's recognition of Japan's "preponderating influence" and special position in Korea, which Russia henceforth agrees to be outside of her sphere of influence, Japan binding herself to recognize the suzerainty of the reigning family, but with the right to give advice and assistance to improve the civil administration of the empire.

Second: Mutual obligation to evacuate Manchuria, each to surrender all special privileges in that province; mutual obligation to respect the "territorial integrity" of China, and to maintain the principle of equal opportunity for the commerce and industry of all nations in that province (the open door).

Third: The cession to China of the Chinese Eastern railway from Harbin southward.

Were Conceded in Advance

There was never any question about the acceptance on the part of M. Witte of these "articles," the first two covering in more emphatic form the contention of Japan in the diplomatic struggle which preceded hostilities.

The railroad, the building of which cost Russia an immense sum, estimated by some at between \$100,000,000 and \$200,000,000, is to go to China. Japan and China, therefore, arranged between themselves the method by which the former is to be remunerated and through this financial operation

AMUSEMENTS

VENICE OF AMERICA **VENICE ASSEMBLY**
Tuesday, August 15—Beginning of Psychic Research Congress
AUDITORIUM, 3 P. M.—Only Appearance of DR. GRAHAM TAYLOR of Chicago, the eminent sociologist and expert on Settlement work. Subject, "SOCIAL MOVEMENTS IN GREAT CITIES." 4 P. M.—First Appearance of the celebrated PROF. JAMES H. HYSLOP of New York, one of the greatest living authorities on Psychic Research. Subject, "OBJECTS AND CONDITIONS OF PSYCHIC RESEARCH." 7:30 P. M.—FRANCE B. B. WENTWORTH LAYTON, in his Fascinating Stereoscopic Lecture on the Wild Indian Tribe, "THE PENITENTES," with phonograph reproductions of their music. 8:30 P. M.—BABA BHARATI, the distinguished Sage and Mystic from India, on "PSYCHIC RESEARCH IN INDIA."
AMPHITHEATER—Grand Concert by AREND'S VENICE BAND.
COMING, All This Week—Prof. James H. Hyslop, Mr. Henry Frank and the Baha Bharati, on Psychic Phenomena.
WHERE TO LIVE IN COMFORT AT SMALL COST.
In our cozy villas and tents you can live cheaper than in Los Angeles. Prices range from \$15 PER MONTH UP; everything furnished, including GAS FOR COOKING, ELECTRIC LIGHTS AND LAUNDRY, without extra charge.
VENICE INFORMATION BUREAU, 216 West Fourth St., Angulus Hotel.

ORPHEUM **Modern Vaudeville**
PATTY BROTHERS, introducing Mr. Alexander Patti, the Only Man in the World Who Walks on His Head; SMITH & CAMPBELL, Talking Comedians; DOMENICO RUSSO, the Favorite Tenor; MME. CELINA HOBE, Violin and Xylophone; WILTON BROS., Comedy Bar Artists; MESSINGER BOYS' TRIO, Singers and Comedians; LA BELLE ESTRELLITA, Spanish Singer and Dancer; ORPHEUM MOTION PICTURES; Last Week of the Popular Actor, S. MILLER KENT, in "Just Dorothy." Matinees Wednesday, Saturday, Sunday. Prices—10c, 25c, 50c. Phone: Main 197, Home 114.

GRAND OPERA HOUSE **The Winning Hand**
Ward Politics, Graft and the Lower World of New York AS IT IS. Matinee Sunday, Tuesday, Saturday, 10c and 25c. Evenings, 10c, 25c, 50c. Next Week—"TRACKED AROUND THE WORLD."
MOROSCO'S BURBANK THEATER **CAMILLE**
"The Best Company and the Best Plays in America for the Money."
TONIGHT!—All this week—Big Matinee Saturday—
Crowned houses tell the tale. A cast full of favorites.
Arthur Welahan in the Herald—"Play break record." Otheman Stevens in the Examiner—"Ten curtain calls after fourth act. Worth seeing." Times' opinion tomorrow.
Matinees every Sunday and Saturday, 10c and 25c, no higher. Evenings 10c, 25c, 35c, 50c. Next week—Instead of "Lights and Shadows," as was previously announced, "THE LITTLE CHRISTIAN," which has just arrived, will be given.
EXTRA—WEDNESDAY AFTERNOON August 24—EXTRA! Miss Blanche Hall as NORA in Ibsen's "A Doll's House." Personally directed by that able Seat sale Wednesday morning.

BELASCO THEATER **THE BUTTERFLIES**
TONIGHT—All This Week—The Delightful Comedy, John Drew's Greatest Laughing Success—
NEXT WEEK—The Huge Hilarity, "A STRANGER IN A STRANGE LAND." AUGUST 28, ANNIVERSARY WEEK—Celebration of the Belasco Theater's first year of success, with a magnificent production of the great play, "RICHELIEU," with George W. Barnum as Richelieu.
MASON OPERA HOUSE **Ezra Kendall AND THE LIEBLER Weather-Beaten Benson**
SEE THE MOST REALISTIC RAIN STORM EVER PRODUCED ON THE STAGE.
SEATS NOW ON SALE. PRICES 25c, 50c, 75c, \$1.00 AND \$1.50. TELEPHONE 70.
CHUTES **Every Afternoon and Evening**
DONATELLI'S FAMOUS ITALIAN BAND. "Pinnac's Fortune" in theater. Visit the Japanese Tea House and Garden. Fireworks! Fireworks! Thursday evening, August 17th. Admission 10c. NOTE—Coming Sunday, Aug. 20th, Rube Welch, Kittle Francis and a company of thirty pretty girls, Chutes Theater. Admission free.
FISHER'S THEATER **A Marvelous Mountain Trip Up Mt. Lowe**
FIRST ST., Between Spring and Main. COOLEST THEATER IN THE CITY.
WEEK AUG. 14—Fischer Stock Company in "A TRIP TO THE FAIR," A Real Laugh Maker. Four Big Vaudeville Features. New Motion Pictures. Matinee Tuesday, Thursday, Saturday, Sunday. PRICES—10c and 25c. Reserved Seats 25c.

CHENEY'S TREASURE BOX MYSTERIOUSLY RETURNS
By Associated Press.
SOUTHBRIDGE, Mass., Aug. 14.—The treasure box owned by Herman S. Cheney, with contents intact, which had been missing since February, has been returned, as mysteriously as it disappeared.
The now famous box, containing \$258,000 of negotiable and non-negotiable securities was stolen from his home in February last. He had taken the box from his security vault in Boston and hidden it in his house while preparing a schedule of his property.
Mr. Cheney, who is reputed to be worth \$800,000, was once the largest holder of the stock of the American Optical company. Alarms were sent out stopping transfer of the securities.

WILL DELIVER LECTURES UPON TROPICAL DISEASES
By Associated Press.
SAN FRANCISCO, Aug. 14.—Sir Patrick Manson, K. C. M. G., physician and medical adviser to the English colonial office, arrived in this city today. Sir Patrick is here for the purpose of delivering a course of lectures at the Lane hospital on tropical diseases. He is, perhaps, the leading authority of the world on this branch of medical science, and is in charge of the leading British school upon the subject. He was the first to advance the hypothesis that the mosquito furnishes a home for the bacillus of malaria.

KING EDWARD LEAVES FOR EUROPEAN HEALTH RESORT
By Associated Press.
LONDON, Aug. 14.—King Edward left today, bound for Marienbad, where he will take the usual cure. On the way he will stop at Ischl, on the river Traun, where he will hold an interview with Emperor Francis Joseph.

More Troops to the Front
By Associated Press.
ST. PETERSBURG, Aug. 14.—The sixteenth army corps will leave for the front August 17.

Ayer's Sarsaparilla
Sarsaparilla. The doctors' Sarsaparilla. The tested and tried Sarsaparilla. The Sarsaparilla that makes rich, red blood; strengthens the nerves; builds up the whole system.
J. C. Ayer & Co., Lowell, Mass.