

SHIPPERS SCORE STATE RAILROAD COMMISSIONERS

Charges of Flagrant Neglect of
Duty to Be Filed Before the
Canners' League

Proceedings Approaching Im-
peachment Will Be Launched
at Big Local Convention

Board Fails to Carry Out Legis-
lature's Mandate to Protest
Against Increased Rates

PROCEEDINGS approaching
impeachment hang heavy over
the heads of the state railroad
commissioners. Charges of flagrant
neglect of duty are in preparation.
They will be filed before the Canners'
league, which will meet in San Fran-
cisco in annual session January 13.
These charges will recite that H. D.
Loveland, Theodore Summerland and
Alexander C. Irwin, as members of the
commission, have failed to carry out
the mandates of the recent legislature.
The authors of the movement propose
to carry their case to the governor.

Failed to File Protest

The attempted impeachment will be
based upon the failure of the commis-
sion to protest against the general ad-
vance in transcontinental freight rates,
although they were instructed specifically
to take action. The year 1909 has
elapsed. The higher tariffs have re-
mained in force and no voice has been
lifted in official protest. The canners
have suffered to the extent of \$500,000
through the increased schedule.
It is recognized that great difficulties
lie in the way of a successful impeach-
ment. The commissioners may be re-
moved only through legislative pro-
cess. The terms of Loveland, Sum-
merland and Irwin will have expired
and their successors chosen by next
year when the legislature will con-
vene. The governor has not the power
of removal. Still, he can throw the
fear of the future into the somnolent
commission.

The canners will at least be able to
explode a few firecrackers under the
soles of the \$6,000 a year trio. They
propose to get some action for their
endeavors, even if it be only up and
down.

Will Revive Agitation

President L. F. Graham will call the
league to order in the rooms of the
chamber of commerce in the Merchants'
Exchange building. One of the topics
of chief discussion will be freight rates.
The canners will revive the agitation
that died in its infancy of railroad
chloroform a year ago. In the mean-
time, the Southern Pacific and Santa
Fe have collected \$10,000,000 from the
California shippers in excess rates.
It was this advance in rates that
brought the question squarely before
the last legislature. The result was a
bill of many clauses and phrases, into
one of which—and it may have been
purely accidental in the light of legis-
lative history—crept a prod. It was a
peremptory order to the commission to
get busy. The commission has since
broken its former championship record
of inactivity.

The Legislative Mandate

Here is the section containing the
legislative mandate on which the can-
ners rely:

The said commission is hereby au-
thorized and directed, when pub-
lic interests require, to file peti-
tions for investigations, or com-
plaint or complaints with the in-
terstate commerce commission and
to file such suits or suits in tribunals
or courts of competent jurisdiction
as are permitted under the terms
of what is known as the interstate
commerce act, complaining of any-
thing done or omitted to be done by
common carriers subject to the pro-
visions of the interstate commerce
act.

Said board is also hereby author-
ized and instructed to file petitions
for investigations, or complaint or
complaints, and to commence such
suits or suits in tribunals or courts
of competent jurisdiction, complain-
ing of the order or orders of any
transcontinental railroad com-
pany or other common carrier,
either railroad or steamship, rais-
ing freight rates or entering into
contracts or combinations to raise
or maintain rates, or to take any
action that will prevent competition
to and from, or to or from Cali-
fornia points to points in the
United States outside of California.
The attorney general is hereby di-
rected to represent said board and
the people of the state of California
in any proceeding commenced un-
der the provisions of this section.
The said commission is hereby
empowered and directed to co-
operate with the interstate com-
merce commission in the investi-
gation of discrimination in charges
of facilities for transportation of pas-
sengers or freight made by any
railroad or other transportation
company between places or persons,
in the facilities for the transpor-
tation of the same classes or pas-
sengers or freight within the state

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D. O. Mills, Noted Millionaire, Is Called by Death

Father of Mrs. Whitelaw Reid
Succumbs to Heart Failure
at Millbrae

D. O. Mills, a California millionaire
and philanthropist and father of Mrs.
Whitelaw Reid, wife of the American
ambassador to Great Britain, died at
9:30 o'clock last evening at his home
at Millbrae, San Mateo county. He had
an attack of heart trouble, with which
he has been afflicted for several years,
and his death came suddenly. Mrs.
Reid was with him at the last.

Mills recently came to California
with Mrs. Reid and has been living
quietly at Millbrae. His health has been
feeble and Doctor Hertzstein has been
attending him. Yesterday morning the
doctor was called to the bedside of his
patient and found him in a serious con-
dition. Doctor Hertzstein returned to
the city, but last night was again sum-
moned to Millbrae. He arrived just
about the time of the death of the
millionaire.

Mills was the builder and owner of
the Mills building in this city, which
was probably the first steel frame
building erected in the west. He was
the founder of the D. O. Mills National
banking company of Sacramento.

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TUESDAY, JANUARY 4, 1910

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RAILWAY KINGS AND PRESIDENT IN CONFERENCE

Heads of Six Great Systems Call
Upon Taft to Protect
Their Interests

Special Message to Congress
Will Aim Direct Blow at
Watered Stocks

WASHINGTON, Jan. 3.—Following a
forenoon conference with the presi-
dents of six of the great railroad sys-
tems, President Taft late this after-
noon announced a change of program
in the sending of his message dealing
with interstate commerce and anti
trust laws amendments to congress.

Segregates Two Issues

The message will be split into two
parts. The section dealing with trusts
will be sent to congress Thursday
noon. The section dealing with the
interstate commerce law, in which rail-
roads are directly interested, will be
deferred until Friday.

The president's special message on
conservation of natural resources is
expected to be ready for congress on
Monday.

Soon after the railroad presidents
had left the White House it was an-
nounced that the president still hoped
to have his message ready for congress
on Wednesday. It had been his origi-
nal intention to treat together the two
subjects of interstate commerce and
anti trust amendments. It was said
late this afternoon that the message
probably would receive greater atten-
tion if divided into two parts, neither
of more than 4,000 words.

As a result of the call of the rail-
road presidents, it was said that only
a few verbal changes would be made
in the message dealing with the inter-
state commerce laws, and that these
would make the president's position
more clear.

Railroadmen Considerate

President Taft found the railroad-
men most considerate in presenting
their views. While deprecating the
idea of any legislation at all at this
time, when, they declared, conditions
in the railroad and industrial worlds
are righting themselves after two
years of depression, they did not seek
to deter the president from sending his
message.

They devoted themselves to more or
less specific objections to the bill pre-
pared by Attorney General Wickers-
ham, which forms the text of the mes-
sage.

The president, it is declared, will not
attempt to force the Wickersham or
any other bill upon congress. He will
say in his message that such a bill has
been drafted and is at the disposal of
congress.

The railroad presidents admitted that
their objections to the proposed amend-
ments to the interstate commerce act
were general in their application to all
the amendments.

Morgan Arranged Meeting

The president, however, had made his
position clear to J. Pierpont Morgan in
a brief interview last Friday morning.
Morgan in turn arranged for today's
conference and advised the railroadmen
to confine themselves to suggestions of
changes in amendments rather than to
an attempt to influence the president as
to his general course.

Taft has let it be known that he not
only will make recommendations for
changes in the law, but that he expects
congress to adopt the suggestions at
this session, and thus carry out the
promises of the republican party plat-
form.

Those who attended the conference to-
day were Presidents McCrea of the
Pennsylvania, Lovett of the Harriman
line, Brown of the New York Central,
Mellen of the New York, New Haven
and Hartford, Baer of the Philadelphia
and Reading and Finley of the South-
ern railroad.

The railroad presidents brought
Lewis Cass Lydard of New York with
them as general counsel. Attorney
General Wickersham represented the
legal department of the government.

Changes Stock Amendment

One of the changes which President
Taft agreed to make in his recom-
mendations has to do with the lan-
guage of the proposed amendment pro-
hibiting a railroad company from ac-
quiring stock in any competing rail-
road in the future or from holding
stock in a competing railroad after a
given date. It was claimed that the
wording of this proposed amendment
was such that it might be held to apply
to lines like the New York Central and
the West Shore. The latter is and for
many years has been a New York Cen-
tral line, serving virtually as an over-
flow trackage system on the western
shore of the Hudson river.

The law, as President Taft will sug-
gest, will provide that where a railroad
owns 50 per cent or more of the stock
of another it may acquire the re-
mainder. This, it is said, would afford
a measure of protection to minority
stock holders, for if railroads owning
the majority stock should be prohibited
from acquiring any more the minority
would lose their only probable pur-
chaser. Where a railroad holds less
than the majority of stock in another

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SPURNS ATTORNEY'S LOVE ADDS SENSATION TO SUIT

CLARA HAGGETT SEEKS TO OUST HER ATTORNEY

Woman Suing Banker's Son
Says W. H. Kiler Wanted
Her to Elope to Mexico

Miss Clara Haggett, who is suing P.
E. Bowles Jr. of Oakland for \$50,000
for breach of promise, wants to rid
herself of her attorney of record in
the case, William H. Kiler, who has of-
fices in the Metropolitan bank building,
this city, and one of her grounds of
complaint against the lawyer is that
he wanted her to elope with him to
Mexico.

That such an adventure did not ap-
peal to the young woman is apparent
from the fact that yesterday she and
another attorney, Oren R. B. Leidy,
filed affidavits with the superior court
of Alameda county in support of a mo-
tion that Kiler be replaced by Leidy
in the suit, which comes to trial Janu-
ary 7.

The action brought by Miss Haggett
has been sensational and the develop-
ments promised by the motion just
filed makes it even more sensational.

Bowles, the defendant in the breach
of promise action, is a son of P. E.
Bowles, the Oakland banker. He is a
prominent society man of Alameda
county and was private secretary to
Victor H. Metcalf when Metcalf was
secretary of the navy in Roosevelt's
cabinet. In her complaint Miss Hag-
gett alleged that trusting in Bowles'
fluent promises, she lived with him in
Washington as his wife.

Kiler was out of sight yesterday.
He could not be found at his office in
this city nor at his home, 636 Twelfth
street, Oakland.

There will be some excitement for
him when he appears in the Haggett
case, for the young woman is deter-
mined to oust him from his position
as her attorney. The tenacity with
which Kiler will cling to his job can
only be surmised.

In the affidavits filed yesterday both
Miss Haggett and Leidy assert that
Kiler has ever acted adverse to the
best interests of his client.

Leidy came into the case early. When
the break first came in the affairs of
Miss Haggett and young Bowles the
woman met Leidy in New York and he
agreed to take up her suit for her,
coming on to Oakland to press the
action. Leidy went to Brewster A.
Hayne and E. Kiler to engage them as
attorneys, he says. He offered them 40
per cent of his fee if the case was set-
tled without trial and 50 per cent if
the cause came to trial. Hayne refused
to take the case, but Kiler took it up.

Then, according to the affidavits
filed, Kiler began a series of delays and
of neglect of Miss Haggett's interests.
The wolf at the door nearly spoiled
the suit, for it is stated that the action
was first delayed until Kiler could bor-
row the filing fee of \$5 and enter the
papers. The defense was granted every-
thing it wished and Leidy declares that
the case could have been set for trial
at an earlier date if Kiler had not made
false representations to him.

Kiler wanted to get hold of the ex-
hibits in the case, the tender missives
of love which are said to have been
written by Bowles to Miss Haggett. On
these letters her case largely rests. It
is inferred, however, that Kiler did not
need these letters to learn how to ad-
dress his client in a sentimental strain,
for it is said that he used to write to
her as "Dear Clara." Two letters from
Kiler to the woman are attached to the
affidavit, and one of these carries the
endearing salutation.

During this time, it is alleged, Kiler
tried to undermine Leidy in Miss Hag-
gett's mind. He told Miss Haggett
that Leidy had offered to sell the
Bowles love letters to W. H. Chickering,
attorney for Bowles. He wanted Miss
Haggett to substitute Attorney Phillip
W. Walsh for Leidy. When the plain-
tiff refused to do this, it is said, Kiler
threatened to go to Chickering and
"steal the whole case."

During this time there was a second-
ary romantic movement introduced by
Kiler, who wanted his client to settle
the case and elope with him to Mexico.
When she declined the romantic op-
portunity Kiler grew material and sent
a bill for \$88. He offered to withdraw
from the case if he was paid that
amount.

Leidy asserts that the trial was set
for December 27, last, and that Kiler
was not present in court on that date
and the case might have been dis-
missed had not Leidy been present and
stopped the motion. At that time Fi-
gerald and Abbott were substituted for
Chickering as attorneys for Bowles.

The affidavits of Miss Haggett and
Leidy, as originally drawn up, were
startling documents, but the affidavits
censored them before filing. They
crossed out the elopement to Mexico
proposition, so that it is not in the
record, although it can plainly be read
in the document.

Miss Clara Haggett, who seeks to drop attorney in breach of promise suit.



ROOSEVELT PARTY FINDS NEW ANIMAL

"Otocyon Vergatus" Is Small
Carnivorous Mammal Re-
sembling Fox of West

WASHINGTON, Jan. 3.—A new ani-
mal has been discovered in British
East Africa by the Smithsonian African
scientific expedition, which, under the
leadership of Colonel Theodore Roose-
velt, is in that region getting speci-
mens of fauna and flora for the Smith-
sonian Institution.

This new animal, the first announce-
ment of whose discovery was made at
the Smithsonian Institution today, is a
hitherto unknown species of otocyon,
to which officials of the scientific or-
ganization have given the specific
name of Vergatus. It is a small car-
nivorous mammal closely resembling a
fox.

"Otocyon Rooseveltus" as a cogno-
men for the new animal would make
an appropriate designation and one
that would have perpetuated the name
of the former president as the discov-
er of the species, but the Smithsonian
officials, perhaps fearing the discov-
er would object, decided to make its
specific name vergatus, meaning
striped.

The otocyon vergatus is generally
buff in color, and it has been found by
Gerritt Miller of the museum staff to
differ slightly from otocyon magallus,
found farther south in Africa. The
otocyon is peculiar to Africa and is
not represented in the United States,
but resembles in color the swift fox
of the western plains. The skull
of this new form closely resembles that
of the gray fox of our native fauna.

This animal is of special interest for
the reason that comparatively few new
forms were expected from this region
in Africa as the territory has been
pretty thoroughly examined by British
naturalists.

SALOON HOLDUPMAN SUBDUED BY VICTIMS

Desperado Had Complete Bur-
glar's Outfit When Captured

BAKERSFIELD, Jan. 3.—A man giv-
ing the name of Hank Kennedy entered
The Office, a saloon in East Bakers-
field, last night with a drawn revolver
and ordered the five men in the bar-
room to throw up their hands, which
they promptly did.

While the desperado was abstracting
a purse from one man's pocket another
of the victims jumped the holdupman
and the whole five joined in subduing
him.

When searched a complete burglar's
outfit was found upon Kennedy. His
description has been wired to the prin-
cipal cities as that of a probably much
wanted criminal.

STOCKTON LETS TWO BRIDGE CONTRACTS

[Special Dispatch to The Call]
STOCKTON, Jan. 3.—The board of su-
pervisors today let contracts as fol-
lows:
Mowry ferry bridge—M. B. White,
for \$5,630.
Old river bridge—West bridge and
construction company, for \$11,060.
County road south of Bethany—R. T.
Melton and C. L. Ortman, for 27 1/2 cents
a cubic yard.

DEAD ROBBER WAS ENGLISH BARON

Burglar, Shot by Policeman
While Robbing Saloon, Head
of Prominent House

[Special Dispatch to The Call]
CHICAGO, Jan. 3.—Harry B. Feather-
stone, shot and killed by Policeman
Maloney while robbing a saloon new
year's morning, was the head of the
notable English house of Feather-
stonehaugh and the rightful bearer of
the title of Lord Featherstonehaugh, as
one of the barons of that line, accord-
ing to his sister, Miss Emma Feather-
stonehaugh. Although he had dropped
the suffix of the long English name, the
family, consisting of his mother, Mrs.
Eliza Featherstonehaugh; his sister and
his uncle, William W. Featherstone-
haugh, still retain it.

"My grandfather, Henry Bardiff
Featherstonehaugh, was the nephew and
heir of the last Baron Featherstone-
haugh," said the sister. "The family
is an old established one in Essex,
England. A young English woman had
been picked out for him as a wife, but
he ran away and married a poor Irish
girl named Lee. For this the family
disinherited him."

The inquest over the body of Feather-
stone was held during the day. Deputy
Coroner Hartney heard the testimony
of the widow and Jerry W. Mason, a
taxicab chauffeur.

The jury returned an open verdict
and commended Patrolman Maloney for
killing Featherstone.

Featherstonehaugh's family was
shocked when his criminal record was
made known to them. His wife and
sister thought he was in the brokerage
business.

"FAKE" FOOT RACER GETS SEVEN YEAR SENTENCE

Judge Rebukes Young Man
While Passing on Case

DENVER, Jan. 3.—Ernest L. Powers,
a former Denver university student,
who was found guilty recently of de-
frauding a Denver man out of \$13,700
through a "fake" footrace at Council
Bluffs, Ia., was sentenced today to from
two to seven years in the penitentiary.
In sentencing him Judge Whitford kept
Powers standing in front of him for
almost half an hour while he scath-
ingly rebuked the young man for what he
had done in view of "his fine family,
his prominent and respected father and
his beautiful wife."

MAN WALKS STREETS WITH BROKEN NECK

Operated on 10 Days After Ac-
cident; May Die

ST. LOUIS, Mo., Jan. 3.—Ralph Owens,
24 years old, of Memphis, Tenn.,
walked the streets here for 10 days
with a broken neck and did not know
it, until he went to Mullanphy hos-
pital to get treatment for rheumatism
this afternoon.
He fell, he said, 10 days ago, and
since that time his head had been
drawn back, but he did not suffer much
pain.
He was operated on at the hospital
tonight and has slight chance for re-
covery.

WILL FIGHT PURCHASE OF SPRING VALLEY

Mayor Elect Declares His Unal-
terable Opposition to Bond-
ing of City to Acquire
Water Co.'s Property

SAYS DEAL WOULD BRING
CITY ENDLESS LAWSUITS

McCarthy Promises Active Sup-
port in Project to Acquire
and Develop Hetch Hetchy
Reservoir Scheme

SCORES THE SUBMISSION
OF DOUBLE PROPOSITION

M'CARTHY TAKES STAND AGAINST SPRING VALLEY

"I am for Hetch Hetchy and
proposition No. 1. I am un-
alterably opposed to the purchase
of Spring Valley and proposition
No. 2. I have taken my stand.
I am going to it just as hard as I
know how. That means that I
will be fighting night and day
from now until the polls close."
Mayor elect P. H. McCarthy.

CITY WOULD NOT EXCEED ITS BONDING CAPACITY

"The incoming mayor, Mr.
McCarthy, is in error when he
says the city will exceed its legal
bonding capacity in acquiring the
Spring Valley and Sierra sys-
tems. The debt is contracted
with the sale, not the authoriza-
tion, of the bonds."—Judge Cur-
tis H. Lindley.

Mayor elect McCarthy has made an
emphatic declaration in favor of Hetch
Hetchy and against the proposal that
San Francisco should buy the Spring
Valley water property.

At a meeting last evening of leading
commercial men, lawyers, supervisors
and representatives of labor, there was
an almost unanimous expression in
favor of both propositions. Some of
the labor leaders said they were open
to argument and others asked for in-
formation.

THE proponents of the purchase
of Spring Valley for \$35,000,000
will be compelled to combat the
actively hostile influence of the city's
government on and after Saturday,
when P. H. McCarthy assumes the
duties of mayor.

The proponents of the development
of the Hetch Hetchy grant and a new
Sierra water supply through the issue
of bonds, as proposed by proposition
No. 1, and the consummation of the
plans originally submitted with that
proposition, will have the active in-
fluence of the city's government with
them on and after Saturday.

In Thick of Fight
Mayor elect McCarthy announced
yesterday that he would be in the fight
against Spring Valley and for Hetch
Hetchy, day and night, until the polls
close.

McCarthy's advocacy of bonding
proposition No. 1 and his opposition
to proposition No. 2 assumed a new
significance yesterday, when he de-
clared that his speech before the rep-
resentatives of organized labor was
only the beginning of a fight which he
would wage with unrelenting and un-
ceasing vigor.

"I am going to it just as hard as I
know how," declared the mayor elect
yesterday afternoon. "That means that
I will be fighting night and day from
now until the polls close. I shall make
speeches for Hetch Hetchy and against
the purchase of Spring Valley and
proposition No. 2 as submitted by the
incumbent supervisors."

"I am absolutely for the development
of the Hetch Hetchy grant and a proper
water supply for San Francisco. I am
opposed to the alternative proposition
and the purchase of a lot of law suits.
Need Water Supply
"The prosperity of the city and its
people depends very largely upon a
proper water supply. We want a water
supply that is clean, healthful and ade-