



CALIFORNIA LEGISLATURE PASSES SEGREGATION BILL

Japanese Children Excluded From Public Schools

OTHER TWO DEFEATED

Measure Passed is Considered by President as Most Offensive Bill of All

ROOSEVELT IS DISPLEASED

Wires Are Kept Hot Between Washington and Governor Gillett When President Hears of Action Taken Toward the Jap.

SACRAMENTO, Cal., Feb. 4.—With the defeat of two anti-Japanese bills in the House today, followed by the unexpected passage of a third bill segregating Japanese school children in separate schools along with the Chinese, Koreans and other Asiatics, regarded as the most offensive measure of all, President Roosevelt has again taken a hand in the anti-Japanese legislation in the state legislature. Hardly had the bill passed when Governor Gillett received the following message from President Roosevelt:

"What is the rumor that the California legislature has passed a bill excluding the Japanese children from public schools? This is most offensive bill of all, and in my judgment is clearly unconstitutional and we should at once have to test it in the courts. Can it be stopped in the legislature or by veto?"

The Governor at once sent a reply the nature of which he declines at this time to make public and requested of the President an immediate answer. Pending receipt of another telegram from President Roosevelt, the Governor declined tonight to discuss the action in the assembly today.

The bill passed today which was one of three measures introduced by Assemblyman Grove L. Johnson and it amends the existing statute by placing the word "Japanese" in the paragraph providing for separate schools for Mongolian children so as to make it read: "Trustees shall have the power to establish separate schools for Indian children and for children of Mongolian, Japanese or

Chinese descent. When such separate schools are established, Indian, Chinese, Japanese or Mongolian children must not be admitted into other schools."

By its action today the lower house of the legislature has taken the step which the board of education of San Francisco intended to make two years ago which was dropped after the board and former Mayor Schmitz were called to Washington, and had several long conferences with the president. At that time it was contended by the Japanese that they are not Mongolians and this led to the question whether the statute could be enforced in absence of specific mention of the word "Japanese." The action of the assembly today was a complete surprise. After the defeat yesterday of the Drew anti-alien bill, followed today by the defeat of two more anti-Japanese bills, a defeat of the segregation measure seemed a foregone conclusion and a result of the vote on the bill was entirely unlooked for. Upon learning the assembly action, Governor Gillett called into consultation Speaker Stanton and the Republican leaders of both Houses. The latter expressed a hope for being able to defeat the measure in the assembly upon reconsideration, and to that end Assemblyman Leeds after a roll-call changed his vote from no to yes and gave notice that tomorrow he would move to reconsider the vote of 48 to 26 by which the measure was carried. It will require 41 votes to carry Leeds' motion. In the event it is adopted, it is freely predicted that one of the fiercest battles ever waged in California legislature will result from effort to kill the bill.

Governor Gillett is preparing tonight a message to the legislature asking that body to reconsider the vote by which the segregation bill was passed. This action is a result of a message from President Roosevelt today appealing to him to devise some means for blocking the measure in the legislature.

WASHINGTON, D. C., Feb. 4.—Nes of the passage by the California assembly of the bill segregating the Japanese school children received in officials quarters here with surprise and consternation. In the message to Governor Gillett, President Roosevelt clearly indicated that he has not changed his opinion expressed two years ago in his annual message to congress that to shut the Japanese out of the common schools is a wicked absurdity. Senator Perkins of California asserted his belief tonight that the right should be given to the school authorities of the state to provide separate schools for the Japanese. Perkins said he did not think there was any objection ever made to the Japanese attending the higher institutions of learning by Californians but that in the lower schools, there are often found Japa-

nese children much older than American children and that the Japanese often kept back the Americans because of their ignorance of the English language compelled their being taught more slowly. Senator Flint said he is surprised to learn of the passage of the bill. He refused to discuss the possibility of its passage by the upper house. He said his views were similar to those of Perkins.

NEVADA JAP SITUATION.

CARSON CITY, Nev., Feb. 4.—The anti-Japanese resolution shorn of its reference to President Roosevelt came up in the Senate today and was committed to the judiciary committee. This committee will smother it in accord with the wishes of United States Senators Dixon and Newlands.

APPLE BOXES.

WASHINGTON, Feb. 4.—Senator Fulton of Oregon has presented to the Senate a petition of the Legislature of his state, asking for the defeat of the "Porter bill" which favors a single standard for apple boxes on the ground that there are now in use a "standard" and a "special" box for the shipment of apples from the Northwest. The Legislature sees in the situation a possibility of federal interference which it does not relish.

DOES NOT MATERIALIZE.

BOISE, Feb. 4.—The Japanese resolution did not materialize in the legislature today. It is understood that Senator Borah has brought evidence to bear to prevent introduction of such resolution and has received assurances that it will be throttled if presented.

LOGGER SHOT DEAD BY SALOONKEEPER

TONY MOER KILLED DURING DRUNKEN QUARREL IN PORTLAND.

PORTLAND, Feb. 4.—Tony Moer, a Norwegian logger, was shot and almost instantly killed tonight by Hans Goodager, proprietor of a saloon on North Third street in this city.

Moer and Goodager were both, it is alleged, under the influence of liquor. Goodager who was arrested, charged with murder in the first degree, admits the shooting. According to an eye-witness, Moer and a companion entered Goodager's saloon and asked to be served with liquor. The saloonman refused, because he states Moer had the reputation of being a saloon brawler. Goodager, ordered Moer to leave the resort, and at the same time, it is alleged, threatened him with a revolver. Moer knocked this weapon from Goodager's hand and the latter picked up another revolver. The saloonman is alleged to have become infuriated by this time, and coming from behind the bar, it is asserted he shot Moer in the back of the head.

DOING GOOD WORK.

CHICAGO, Feb. 4.—Some of the difficulties encountered by a "Marine" evangelist as discussed last evening by the Rev. Wilfred T. Grenfell who has chased the demon rum all over the high seas and has it concerned, just now, on the bleak coast of Labrador. The English evangelist told how, in his tour of the fishing fields he boarded all sorts of crafts and held prayer meetings and sought to close up those "Ocean saloons." He said that as a result many shipowners have ceased paying off their men in saloons, as had been the custom.

NOTED PYTHIAN DEAD.

CHICAGO, Feb. 4.—William Daves Kennedy, one of the highest officials of the Knights of Pythias order and the author of Kennedy's Pythian History is dead here, from heart disease. He was closely associated for years with Justus H. Rathbone, founder of the order.

TO RE-CONSIDER RACE BILL

On Ground That Senate Rule Had Been Violated

RUSH OPTION BILL

Every Move to Delay Anti-Saloon League Measure is Defeated

WANT NEW TRAINING SCHOOL

Appropriation of \$25,000 For New Training School is Recommended by Message From Lieutenant-Governor Hay.

OLYMPIA, Feb. 4.—On the ground that the Senate rule has been violated by the transfer of the anti-race track bill to the house immediately after the passage by the Senate yesterday, both Houses today expanded from yesterday's journal records the proceedings in which the House refused to concur in the rejection of the Senate of the emergency committee. Having laid in the Senate as required, for 24 hours, the bill will be reported over to the House tomorrow morning when yesterday's action will likely be repeated. The Senate today received a new bill increasing the membership of the state supreme court from seven to nine members. The measure divides the court into two departments with four members in each, the chief justice at liberty to sit in either department. Three members of one department can render an opinion.

The controlling working majority of the house local option leaders today successfully brought the McMaster or anti-saloon league on the floor of the lower branch of the legislature and defeated every move to delay or amend. Beginning at 10 o'clock when the bill was reported by the majority of the judiciary committee without recommendation of the house wrangled over attempts at alteration until late tonight. By a vote of 59 to 36 a substitute bill proposed by the minority of the committee fixing a double unit composed of counties outside of the cities as one and cities as other unit was killed off. An attempt to delay matters by making the bill the special order for next Tuesday failed. The House spent the entire afternoon discussing the first section of McMaster's bill with the county as the controlling unit. The amendment to make all cities and towns voting units was voted down as was another amendment naming the first, second and third class cities as separate units. Advocates of the more liberal law than proposed amendment making first-class cities of which there are three in the State, separate units, but lengthy debate that ensued indicated that the liberal faction was hopelessly divided and the proposed amendment was withdrawn.

Today Lieutenant-Governor Hay sent a message to the legislature recommending that the reform school at Chehalis be removed to the irrigated land in Eastern Washington and that the buildings at Chehalis be converted into an insane asylum. An appropriation of \$25,000 for a new training school was recommended. It was so recommended that old soldiers at the Orting Home be removed to the new Veterans' Home at Port Orchard, and the Orting institution be converted into an institution for the feeble minded youths.

The night session was devoted to glibustering but friends of the bill defeated all but a few amendments.

The principal concessions secured are ones permitting manufacture of liquors in dry districts for sale outside thereof and an increase in election petition feature from 20 to 30 per cent of qualified voters. When the House adjourned at 10 o'clock tonight it was with the understanding that the consideration of the measure be continued tomorrow.

COLORADO WANTS ONE.

DENVER, Feb. 4.—The Colorado Bankers Association yesterday determined to have a bank guarantee bill introduced in the Legislature that will provide for a guarantee by each bank separately to its own depositors.

A DULL DAY.

WASHINGTON, D. C., Feb. 4.—The monotonous tones of the reading clerk of the Senate as he loaded through a bill of over 100 pages making appropriations for the District of Columbia, constituted the chief feature in the proceedings of that body today. When the Senate adjourned reading of only half of the bill had been completed.

FAMOUS RELIC LOST.

NEW CASTLE Pa., Feb. 4.—The historic Lincoln coach in which President Lincoln rode to Washington for his inaugural ceremony was destroyed in a fire yesterday at Sharpville, Pa. It was the sole passenger equipment of the little Sharpville Railway, running between that town and Washington Junction. It was covered with sheet iron put on before Lincoln made his famous ride and was supposed to be bullet proof.

FORESTRY SERVICE IS AGAIN ATTACKED

CRITICISM COMES PRINCIPALLY FROM SOUTHERN STATES.

WASHINGTON, D. C., Feb. 4.—The forestry service got its usual annual drubbing today, criticisms against it coming principally from Smith of California, Cook of Colorado and Mondell of Wyoming, all of whom charged extravagance in the administration and extortion of money from miners, farmers, and even owners of the bee hives. Cook attributed to Pinchot and the forest service were vigorously defended by Mann of Illinois and Weeks of Massachusetts. All attempts to amend the bill in any important manner failed.

USING THE GOATS.

Put to Work Grazing Off Fire Lines.

WASHINGTON, Feb. 4.—Angora goats to the number of 3000 unconsciously doing yeoman service for "Uncle Sam" in constructing by grazing off mile after mile of fire line through the bushy chaparral growth of the Lassen National Forest of California, shortly will be the novel sight witnessed. The contract for pressing this little band of white animals into government service has been signed and the novel experiment will be undertaken next spring in the forest reserve mentioned. The goats will be given two years in which to "make good," on the job, and if they come up to Uncle Sam's exacting requirements they will be permanently placed on the government rolls. The scheme is to run fire lines parallel with the contour of the slopes by making trails about 80 rods apart which are to serve as guides for the forest reserve mentioned. They will graze in each direction from the trails, killing, it is estimated, a strip of brush about 30 yards wide. The wide lanes cut out and grazed by the goats will serve as ideal fire lines in protecting the forests, and also make a place for reproduction of merchantable trees.

POLICE OFFICERS IN DESPERATE PISTOL BATTLE

FOUNDING THE HOME.

COLORADO SPRINGS, Colo., Feb. 4.—By the purchase of 160 acres immediately east of the Union Printers home as a site of the proposed National Sanitarium of the National Letter Carriers Association, the first step toward the actual founding of the home has been taken. The land was secured from the state, in fee simple by a committee of Colorado Springs men.

MORE THAW TALK.

POUGHKEEPSIE, N. Y., Feb. 4.—"It is just a year ago since I was acquitted and at last my appeal against the faulty commitment that temporarily nullified that verdict has reached the appellate court," says Harry Thaw in a statement sent out from the Matteawan Asylum yesterday. Thaw maintains that the jury which acquitted him expressed no opinion except as to his mental condition on June 25, 1906, when he killed Stanford White. Thaw expresses confidence that the appellate division will decide that section 454 of the penal code under which he was committed to Matteawan is unconstitutional because it despotically imprisons a man without due process of law. There was no process at all to find if I was insane on February 1, 1908.

ATTEL WINS.

NEW ORLEANS, Feb. 4.—Abe Attel easily retained the featherweight championship in a contest with Eddie Kelly of New York tonight. Kelly's seconds threw up the sponge in the event.

MOSQUITOS DID IT.

NEW YORK, Feb. 4.—In an address before the College of Physicians and Surgeons, Dr. George Adams, of McGill University, said that it is the mosquito and not graft that caused the French to fail in their project to build the Panama canal. This malarial breeding pest, he continued, was indirectly responsible for the decay of Greece and the fall of Rome. After paying a high tribute to America medical science for the work in Cuba and Panama, he continued:

"Half the population of the world die from malaria in most instances spread by the mosquito. Out of six millions who died in India, five millions died from fever. But now pathological research has led to means of preventing and the death rate has greatly diminished."

W.S. Dudley Shoots Alexander Smith

JEALOUSY THE CAUSE

The Arresting of Brakemen for Stealing Freight Causes Row

DUDLEY ALSO BADLY HURT

Smith Was 50 Years Old and Was a Son of General R. Smith of the Mexican and Civil War Fame—Dudley is 45 Years Old.

SEATTLE, Feb. 4.—In a desperate pistol battle between W. S. Dudley and Alexander S. Smith, a special policeman employed as a night watchman at the freight sheds of the Northern Pacific Railway shortly after 4 o'clock this afternoon Smith was instantly killed and Dudley shot twice being badly wounded. Smith was armed with a .38 calibre revolver with which he shot Dudley twice, once below the left ear and the other in the hand. Smith was shot with an automatic pistol, one bullet striking him over the heart, another in the right leg and a third in the leg.

Smith was 55 years old. He was a son of General R. Smith of Mexican and Civil War fame. Dudley is 45 years old and lives in Tacoma. It is said jealousy over the arrest of two brakemen charged with stealing freight caused the trouble which ended in the shooting.

REPORT SOUNDS GOOD.

MANILA, Feb. 4.—E. W. Sells, of New York, an expert accountant engaged by the insular audits, has completed his work and departed for home by way of Europe. He pronounced the government's system of accounting better than that of any state or city he had ever seen. Sells also declared that the system used by the insular government is the most recommended.

DEATH KNELL FOR CALIFORNIA RACING

Senate by Vote of 33 to 7 Pass the Walker Otis Anti-Race Track Bill

SACRAMENTO, Feb. 4.—Racing in California received a vital blow when the Senate today, by a vote of 33 to 7, passed the Walker-Otis anti-race track bill which prohibits pool-selling, bookmaking or gambling on horse races. The bill having already passed the assembly, it will now become a law. Governor Gillette having signified his intention of signing it, but it is believed that he will not take this action until 30 days have elapsed. As the bill permits pool sellers and bookmakers 60 days time in which to close up their affairs, the present session of racing at Emeryville and Santa Anita courses will not be disturbed.

WOMAN INTERVENES.

CHICAGO, Feb. 4.—Mrs. May Van Dine, mother of the car barn bandit hanged several years ago, has urged Judge Landis to be lenient with Daniel E. Kerr, the former Post-Office clerk, who admitted stealing from the mails for ten years. Mrs. Van Dine says she found the defendant's home in a pitiable state; that his sister is dying from consumption and that his brother also was dying. Judge Landis sentenced Kerr to serve 18 months in the Leavenworth prison, which is considered to be an exceptionally light punishment.

SEVERAL SALARY VEToes SUSTAINED

Bailey's Resolution for Exclusion Laws to Include Japanese and Hindus is Ridiculed

SALEM, Or., Feb. 4.—Two or three vetoes of the governor on the salary increasing bills were sustained by the Senate this afternoon the third bill being passed over his veto with the new alignment in the Senate that almost any veto measure affecting the salary bill will be sustained, members who supported the bills previously announcing their determination to assist the Governor in his stand. At the same time two solutions to the salary problem have been offered; one in the Senate and the other in the House. In the Senate Norton has offered a resolution that the committee be appointed to fix the scale of wages for county officials and report to be made at the next session. In a memorial to congress Senator Bailey urges the present Chinese exclusion law be not abrogated in favor of the general laws, as it is alleged as being advocated. Bailey's resolution asks that the present exclusion laws be broadened so as to include the Japanese and Hindus. After being ridiculed as an absurd amendment, the ten-inch hat pin bill which has passed the House, was indefinitely postponed. The House passed a measure calling for a constitutional convention over the protests of members who suspected it was concealing a plot against the direct primary and other advanced ideas. During the afternoon senatorial courtesy was forgotten and aigs which would have caused physical encounter outside were ung back and forth.