

AGREE TO PRESENT AOKI TEST CASE

Conference Outlines Policy in Dealing With Japanese School Children Problem

STATEMENT OF FACTS

Agreement was reached yesterday at a conference between United States District Attorney Devlin, City Attorney Burke and Baggett, and President Altmann of the Board of Education on the statement of facts to be made the basis of the proceedings to be begun in the State Supreme Court in the name of 10-year-old Kei Kechi Aoki to test the validity of the segregation of Japanese attending the public schools of San Francisco.

The statement of facts is essentially the same as the one drafted last Friday, which has already been published in full in The Call. A change was effected by District Attorney Devlin on the part of the United States section of the document, which now draws attention to the fact that Michitsuki Aoki, father of the boy selected as plaintiff, pays taxes in San Francisco, although he is not a naturalized subject of the United States. City Attorneys Burke and Baggett have reserved the right to alter this section in the event of an investigation which they will undertake into the matter with respect to developments that will change the aspects of the facts presented. The section now reads as follows:

CHANGES IN SECTION

"That Kei Kechi Aoki was born in the empire of Japan and is a subject thereof; that the said infant is of the age of ten years and three months and is a resident of the city and county of San Francisco, and with the exception of being of Japanese descent, has the qualifications provided by the laws of the State of California for admission to the public schools. That Michitsuki Aoki is his father; that said father was born in the empire of Japan, is not a naturalized subject of the empire of Japan, but is a resident and taxpayer of the city and county of San Francisco. That the above-named infant, prior to the adoption of the resolution of the Board of Education * * * attended one of the regular public schools of the city and county of San Francisco, known as the Redding Primary School, to which American children and children of other nationalities were admitted, and that after the passage of said resolutions he was prevented from attending said Redding Primary School and was permitted to attend no other public school than the said Oriental School."

AVOIDS CHINESE QUESTION

The father of the plaintiff, Aoki, is a bookseller in business at 2291 Pine street, and has refused to allow the boy to attend the Oriental Public School since the resolutions providing for the segregation of Chinese children of other nationalities were admitted, and that after the passage of said resolutions he was prevented from attending said Redding Primary School and was permitted to attend no other public school than the said Oriental School.

Another change has been made in the statement of facts. In section 8 of the original draft reference was made to Chinese and Korean children attending the public school in such a manner as to indirectly raise the question whether or not their segregation could not be construed as unjust discrimination if it was so in the case of the Japanese. Chinese or Koreans are not mentioned in any manner in the section of the amended document, which is noticeable throughout as the presentation of a matter in dispute solely between Japan and the United States.

The statement concludes with section 9, which declares that the school authorities of San Francisco intend to enforce the resolutions of the Board of

THE transportation difficulties confronting Potrero merchants have been satisfactorily adjusted by General Manager Calvin of the Southern Pacific, who has arranged for handling Santa Fe freight on the spurs of the Harriman road in that district. Before the Board of Supervisors representatives of the Potrero Manufacturers' Association, advocating spur-track privileges, declared that the Southern Pacific Company is given every favorable consideration at the expense of citizens.

Calvin Adjusts Spur Track Difficulty

Southern Pacific Supervisors Said to Haul Santa Fe Freight to Favor the Railroad

General Manager E. E. Calvin of the Southern Pacific Company addressed a letter to the Chamber of Commerce yesterday stating that the Harriman line is ready to make concessions on the spur tracks while the real good of the community is overlooked. Jacobs was present in behalf of the petition of the association that the section of the spur-track ordinance which prohibits the joint use of spur tracks running on private property, which was interpolated in the ordinance in deference to the Southern Pacific Company, be stricken out.

"If the Supervisors do not do their duty," said Jacobs, "the people themselves will initiate legislation on matters affecting the prosperity of the city. You are only the servants of the people and there are things to be done which you are not doing. These include the widening of Montgomery street, the purchase of an auxiliary water supply system and the elimination of the objectionable clause in the spur-track ordinance which prevents interchanged switching of cars where a track runs on private property."

"We are doing more than our duty," retorted Supervisor Coffey, "and we will not be coerced by any class of men."

This concession on the part of the general manager of the Harriman road is an important one to the industrial interests of the Potrero district. They had made an active campaign to have an agreement existing between the two roads—the Santa Fe and the Southern Pacific, whereby there could be a community use of the tracks of the latter line. Those houses which brought their freight from the East by the Santa Fe were at a great disadvantage in handling their wares.

During last summer many firms which had been previously located in the south of Market street district moved to the Potrero. These and the firms already established in the district used the Santa Fe extensively. But they were cut off from direct overland transportation there through the Ripley road not having tracks in the district, and the firms were burdened with the expense of trucking their freight by drayage.

The matter provoked considerable contention between the merchants and the railroad company and the former again secured the power to dictate under what conditions a corporation shall enjoy a spur-track permit. All companies should have the right to use spur tracks in common, whether on private property or not. We have legal advice that private property must be condemned to lay a spur track thereon and this puts it on a plane with public streets. It is just as legal for you to strike out the clause as it is for you to put it in, for it has no business there."

The committee listened meekly to what Jacobs had to say and then took the matter under advisement.

"If you do not eliminate the section we will get 15 per cent of the voters to initiate the legislation, which we have a right to do under the charter," was Jacobs' parting shot as he left the room.

A representative of the United Railroads informed the committee that the corporation had no objection to a permit for a spur track on Beach street, but wants the latter corporation to secure permission to cross blocks 240 and 251, which the United Railroads claims to own.

F. V. Meyers, on behalf of Ingleside property owners, protested against the proposed closing of Ocean avenue, and the matter will come up for action at next Monday's meeting of the board.

EDUCATION OF THE CITY AND COUNTY OF SAN FRANCISCO

Director Attorney Devlin telegraphed the statement of facts in full to United States Attorney General Moody at Washington immediately after it was formally agreed to yesterday. He will await instructions from Moody before instituting the proposed proceedings in the State Supreme Court.

MACARTHUR ON JAPANESE

Labor Editor Points to Danger of Threatened Asiatic Invasion

OAKLAND, Dec. 13.—Walter MacArthur, editor of the Coast Seaman's Journal, tonight spoke before the Chamber of Commerce on the Japanese and Korean exclusion. He said in part:

"The Japanese are at the present time coming into San Francisco at the rate of 1000 a month, and the total number of Japanese entering the United States at the present time is about 3000 a month. Such conditions make the need of immediate legislation imperative. If the Japanese are allowed to enter the United States without restriction the result will inevitably be race riot and this will mean war between the United States and Japan.

"Already the Japanese have driven the white man from every branch of trade and commerce in the Hawaiian Islands, and if unrestricted immigration is permitted the same condition will soon confront the workmen of California."

ENTER BY WAY OF MEXICO

Immigration Officers at Border Report Influx of Japanese Laborers

EL PASO, Texas, Dec. 13.—The number of Japanese applying for admission to the United States through this port has noticeably increased within the last ten days. Today thirty-seven Japanese applied for admission. They are, according to the immigration officers, pouring into the United States from Laredo, claiming to have come to Mexico as laborers. They became dissatisfied with the conditions and their treatment there.

WOMEN SUFFRAGISTS FIGHT POLICE THAT DISTURB MEETING

Second Attempt to Gather Within Precincts of House of Commons

End in Riot

LONDON, Dec. 12.—The female suffragists made another attempt this evening to hold a meeting within the precincts of the House of Commons, and as a result three women and one man were arrested after an exciting fight with the police. The women fought wildly, scratching and kicking the policemen, and were compelled to give way. Those who persisted in resisting were carried screaming to the police station.

BILL FOR MINIMUM PENSIONS

Representative Lacey of Iowa Favors \$12 for Lowest Payment

WASHINGTON, Dec. 13.—Representative Lacey of Iowa introduced a bill today making \$12 the minimum monthly pension to be paid veterans of the war of 1861.

CARS CONGESTED AT LOS ANGELES

LOS ANGELES, Dec. 13.—The Times will print a story tomorrow morning to the effect that Los Angeles is suffering from the greatest freight congestion ever experienced by the transcontinental railroads running into this city. According to the Times, hundreds of cars consigned to local merchants are either delayed or lost in the labyrinth of cars in the local yards. Heavy losses occasioned by this congestion are claimed by wholesalers and jobbers.

MURDERER LEIGH REPRIEVED

PHOENIX, Ariz., Dec. 13.—Governor Kibbey this afternoon granted a reprieve to January 16 to C. C. Leigh, sentenced to be hanged in Kingman tomorrow. Counsel for Leigh desires to bring proceedings to prove the temporary insanity of his client when the murder was committed.

EX-WIFE'S EVERY GOOD TIME WITH THE PHONOGRAPH

Gowns His Divorced Spouse Purchased Cost \$328.90 and Were Not Paid For

ACTION IS BROUGHT AUDIENCE ATTRACTED

Dr. Pedar Sather Bruguiere, who has navigated on several of the seven or more seas of matrimony, is being pursued by a flotilla of bills which come partly sailing from the last-but-one bight in which the physician has laid his course. Bruguiere has passed from one sea to another through the straits of the Superior Court divorce department, and it is reasonable, therefore, that the small fleet of bills should seek to overtake him in the same channel. In legal terminology Bruguiere was sued yesterday by the San Francisco Mercantile Agency, assignee for L. Ransohoff, dealer in women's apparel at Van Ness avenue and Sacramento street, to recover \$328.90 claimed to be due the assignor for gowns purchased by "Mrs. Jane Doe" Bruguiere prior to June and July of this year.

The "Jane Doe" part of the complaint filed in the Superior Court was inserted probably owing to the plaintiff's inability to follow the varying names of Bruguiere's wives. But it has been discovered that during the period in which the reputed debt was contracted Mrs. Maryon Andrews Bruguiere was wife of the doctor, though shortly afterward there was a divorce in the family, and in August of this year Bruguiere married Miss Nana King-Price, stepdaughter of Townsend, the candy maker. The couple are living in Alameda at present, and the former wife is traveling in Europe. The first wife of the doctor was the late Madeleine McKistick, who secured a divorce in July, 1902.

The bill for \$328.90 is for "gowns," just simple "gowns," Ransohoff says. No party dresses were purchased, nor lingerie fixings, nor would the dealer be explicit and say that the gowns were house gowns or tailor suits.

Mrs. Bruguiere was the legal wife of the physician, and they are all relatives of the debt account. During that time Mrs. Bruguiere once removed enjoyed a substantial income of \$300 a month from the mother-in-law, from whom it might be said, she was later divorced, Mrs. Bruguiere, the doctor's mother.

SAYS GREAT NORTHERN'S NEW CAPITALIZATION IS INVALID

Minnesota's Attorney General Declares That \$60,000,000 Increase Was Without Complying With Law

ST. PAUL, Dec. 13.—Attorney General Young of Minnesota announced today that under the State law the proposed \$60,000,000 increase in the capital stock of the Great Northern Railway recently announced from New York is invalid.

Young holds that before a railroad can increase its capital stock it must serve notice of such intention on the State Railroad Commission for a review and public hearing to determine the necessity for the increase. He also says that the increase of \$25,000,000 made last year must also be explained before either will become legal.

The Great Northern operates under a Minnesota charter and the original company was incorporated under territorial laws.

CALIFORNIANS IN NEW YORK

NEW YORK, Dec. 13.—The following Californians are in New York: San Francisco—A. Hedman, Brozelli; J. H. Johnston, Hotel Woolward; R. H. Scott, Hotel Breslin; Mrs. Sewall, Ger-ald Hotel; G. H. Underhill, Marlborough; Miss E. Davis, Grand Union; W. A. Mears and wife, Hotel Martini; A. Bove Jr., Hotel Seville; G. Dickerman, Murray Hill Hotel; Captain A. Keegan, Astor House; I. W. Lynch and wife, Grand Union; Mrs. M. Parrish, Union Square; H. Schussler, Hotel Seville; O. B. Smith, Broadway Central; F. Welles, Ashland House. Santa Rosa—L. D. Burnham, Mrs. J. J. Oakman, Murray Hill Hotel. Las Vegas—P. Brown, Hotel Gerard. Los Angeles—O. Altmann, Belvedere Hotel; A. W. Dodge, Hotel Cadillac; C. A. Gazette, Herald Square Hotel.

LOCAL MEN VICE PRESIDENTS

BOSTON, Dec. 13.—At the closing session of the convention of the Squares' International Union, William Penje was re-elected president and W. H. Fraser of Boston secretary. The vice presidents chosen included C. J. Harrington of San Francisco, Andrew Furuseth, Edward Anderson, C. J. Harrington and Victor A. Olander were chosen delegates to the next convention of the American Federation of Labor.

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The Subscription Season Sale for the LAMBARDE GRAND OPERA SEASON IS NOW ON AT KOHLER & CHASE'S, Sutter and Franklin.

Repertoire: First Week—"Aida," "Lola," "Pauline." Second Week—"The Barber of Seville," "The Marriage of Figaro," "The Marriage of Figaro," "The Marriage of Figaro." Third Week—"The Marriage of Figaro," "The Marriage of Figaro," "The Marriage of Figaro." Fourth Week—"The Marriage of Figaro," "The Marriage of Figaro," "The Marriage of Figaro."

The Regular Reserved Seat Sales open at the Theater Box Office, and Kohler & Chase's Wednesday, December 19, at 10 a. m. Prices: \$2, \$1.50, \$1, 75c and 50c. Boxes, \$21—\$3.50 per seat.

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9:45—"Kochly Brothers."
9:50—"Julius Steger and Company."
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10:35—"Fairfax and Hooper."
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(See Last Matinee.)

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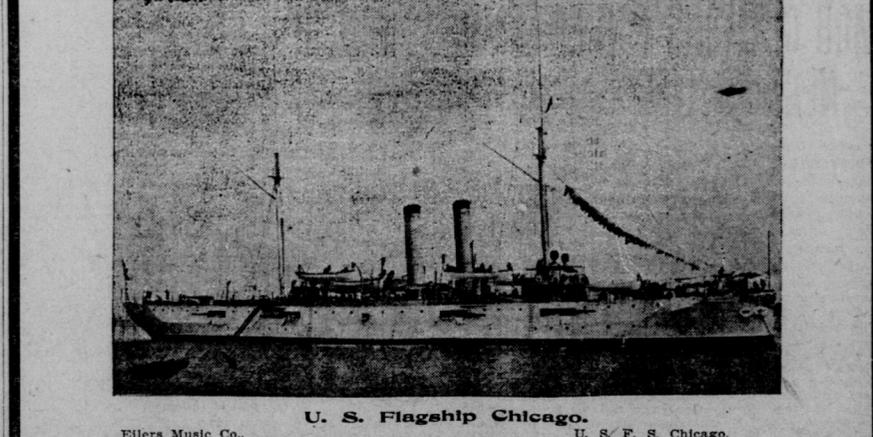
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