

PRESIDENT IS WINNING IN HIS EFFORTS TO DEFEAT ALL ANTI-JAP LEGISLATION

Declares that Administration is Doing What States Want Done.

NO SETTLEMENT IN EITHER COUNTRY

Oriental Going Back to Japan in Numbers Under the Plan.

WASHINGTON, Feb. 8.—The policy of the administration is to combine the maximum of efficiency in achieving the real object which the people of the Pacific slope have at heart, with the minimum of friction and trouble, while the misguided men who advocate such action as this against which I protest are following a policy which combines the very minimum of efficiency with the maximum of insult and which, while totally failing to achieve any real result, yet might accomplish an infinity of harm.

In this language President Roosevelt today in a long telegram to Speaker P. A. Stanton of the California assembly set forth the government's view of the anti-Japanese school legislation now before that body. The president stated that the bill gives just and grave cause for irritation and that the government would be obliged immediately to take action in the federal courts to test such legislation, because it is held to be clearly a violation of the treaty obligations of the United States.

Provides for Exclusion. To Speaker Stanton the president set forth the following: "At least there will be no misunderstanding of the federal government's attitude. We are jealously endeavoring to guard the interests of California and of the entire West in accordance with the desires of our western people. By friendly agreement with Japan we are now carrying out a policy which while meeting the interests and desires of the Pacific slope, is yet compatible not merely with mutual self respect, but with mutual esteem and admiration between the Americans and Japanese."

The Japanese government is loyal and in good faith doing its part to carry out this policy precisely as the American government is doing. This policy aims at equality of obligation and behavior. In accordance with it the purpose is that the Japanese shall come here exactly as Americans go to Japanese which is in effect that travelers, students, persons engaged in international business, men who return for pleasure or study, and the like, shall have the freest access from one country to the other, and shall be sure of the best treatment, but that there shall be no settlement in mass by the people of either country in the other.

Japs Going Home. During the last six months under this policy more Japanese have left the country than have come in it, and the total number in the United States has diminished by over two thousand. These figures are absolutely accurate and cannot be impugned. In other words, if the present policy is consistently followed and works as well in the future as it is now working, all difficulties and causes of friction will disappear, while at the same time each nation will retain its self-respect and the good will of the other. But such a bill as this school bill accomplishes literally nothing whatever in the line of the object aimed at, and gives just and grave cause for irritation, while in addition the United States government would be obliged

immediately to take action in the federal courts to test such legislation, as we hold it to be clearly a violation of the treaty. "On this point I refer you to the numerous decisions of the United States supreme court in regard to state laws which violate treaty obligations of the United States. The legislation would accomplish nothing beneficial and would certainly cause some mischief, and might cause very grave mischief. In short, the policy of the administration is to combine the maximum of efficiency in achieving the real object which the people of the Pacific slope have at heart, with the minimum of friction and trouble, while the misguided men who advocate such action as this against which I protest are following a policy which combines the very minimum of efficiency with the maximum of insult, and which, while totally failing to achieve any real result, yet might accomplish an infinity of harm.

"If in the next year or two the nation of the federal government fails to achieve what it is now achieving, then through the further action of the president and congress it can be made entirely efficient. I am sure that sound judgment of the people of California will support you, Mr. Speaker, in your effort. Let me repeat that at present we are actually doing the very thing which the people of California wish to be done, and to upset the arrangement under which this is being done cannot do any good and may do great harm. If in the next year or two the figures of immigration prove that the arrangement which has worked so successfully during the last six months is no longer working successfully, then there would be ground for grievance, and for the reversal by the national government of its present policy. But at present the policy is working well and until it works badly it would be a grave misfortune to change it, and when changed it can only be changed effectively by the national government."

(Signed) "THEODORE ROOSEVELT."

POSTPONE ACTION.

SACRAMENTO, Calif., Feb. 8.—Only the senators favored agitation of the anti-Japanese question when the matter was called up today by Senator Marc Anthony of San Francisco. The senate decided by a vote of 25 to 5 to defer until next Thursday its action upon the report of the committee on executive communications which advises against legislation aimed at the Japanese. Senator J. B. Sanford introduced a joint resolution asking congress to include Japanese in the provisions of the Great Exclusion act. Senator Anthony's bill providing for submitting to the voters at the next state election the question of prohibiting Asiatic immigration was favorably reported this morning.

NEVADA GOING SLOW.

CARSON, Nev., Feb. 8.—The assembly bill prohibiting Japanese and Chinese from acquiring lands, or acting as corporation agents, reached the senate today. Instead of referring the measure to the federal relations committee along with the anti-Japanese bill, the senate sent it to the judiciary committee along with the anti-Japanese resolution. It is almost certain that the bill will sleep in this committee or be reported unfavorably.

RECEIVERS INSPECT SEABOARD AIR LINE

(By Associated Press.) JACKSONVILLE, Fla., Feb. 8.—S. Davies Warfield, one of the receivers of the Seaboard Air Line railway who is making inspection of the entire system arrived here this afternoon, after having inspected the company's property at various points on the third division. Mr. Warfield and his party went to Tallahassee over the Georgia, Florida and Alabama road, making stops at started points along the line, and this started rumors that his visit there was in connection with traffic contracts. When asked relative thereto tonight, Mr. Warfield declined to make any statement, either to affirm or deny.

SENATE COMMITTEE DECLINES TO SIMPLIFY MILEAGE TICKETS

(Special to the Citizen.) RALEIGH, N. C., Feb. 8.—The senate committee on railroads held afternoon and night sessions to hear representatives of the railroads against the Barringer bill to prohibit the regulations imposed by the companies in issuing mileage books that these be presented to agents for the issuing of mileage tickets instead of the actual mileage slip being pulled by the conductor as was the case prior to the application of the rate compromise. Senator Barringer alone appeared in advocacy of the bill. Against it were Passenger Traffic Manager Hardwick and Vice President Adams of the Southern Railway, General Passenger Agent C. B. Ryan of the Seaboard Air Line, Geo. B. Elliott and W. J. Craig of the Atlantic Coast Line. The bill was reported unfavorable seven to three. The burden of the argument of the opposition was that with the railroad companies it was purely a question of accounting and instituting a checking system that will minimize losses. They scorned the proposition that the regulation had been imposed as a piece of split work

to make the compromise rate unpopular. The system has, they insisted, been in operation for eleven years in the most populous sections of the United States and in these territories is now accepted without opposition. They explained the detail of the passenger mileage and ticket systems much as explained repeatedly in the newspaper publications by railroad officials in defending the system, detailed the abuses it prevents, and outlined the vast and intricate machinery entailed on the railroads by the interchangeable mileage system. Senator Barringer spoke for the bill insisting that the convenience of the traveling public especially the commercial travelers required its passage, and insisting that it would work no hardship or loss in the railroad. He said letters poured in to him urging the necessity for the law. Mileage books had been used for many years before this regulation was injected, and he charged that it was entirely unnecessary. It was "close" to midnight before the committee passed on the bill deciding to report it unfavorably.

"So far as our own country is concerned, steps have thus been taken effectively to prevent the establishment of a monopoly in the practical use of the new applied art. "It deem it highly desirable that the congress before adjournment should enact a law requiring within reasonable limitations, as determined by what the government of the United States has already done and by what prudent and progressive ship owners have already found practicable, that all ocean going steamships, carrying considerable numbers of passengers on routes where wireless installations would be useful, should be required to carry efficient radio-telegraphic installations and competent operators. The subject is now under consideration by the congress, and I am advised that legislation took effect then same general purpose is also under consideration abroad."

"THEODORE ROOSEVELT."

Now, Mr. Haskell



COMPEL USE OF WIRELESS ON OCEAN SHIPS

President Uses Latest Sensation to Urge Action by Congress on Measure.

NAVY'S STATIONS MAY BE EMPLOYED

No Danger of Monopoly to Any One System in the Proposed Legislation.

(By Associated Press.) WASHINGTON, Feb. 8.—Representative Burke, of Pennsylvania, author of the bill pending in the house to require all sea-going vessels carrying as many as fifty passengers to equip themselves with wireless telegraph apparatus, called on the president today and discussed the subject with him. Mr. Burke said the president favored the general principle of the bill and believed that the safety of humanity at sea demanded that something be done. Later in the day the president sent a message to congress recommending immediate legislation requiring within reasonable limitation that all ocean going steamships, carrying a considerable number of passengers, carry efficient wireless telegraph equipment.

President Roosevelt's message follows: "To the senate and house of representatives: Your attention is invited to recent events which have conclusively demonstrated the great value of radio-telegraphy, popularly known as "wireless" telegraphy, as an instrumentality for the preservation of life at sea.

"While the honor of the first practical application of the scientific principles involved may belong to another country, it is gratifying to know that our inventors have been quick to seize upon and develop the idea, and that several systems of approved scientific merit and commercial practicability have been put into operation in the United States.

Stations Established. "Furthermore, through the liberality of congress and the intelligence and industry of the navy department, our Atlantic, Gulf and Pacific coasts are equipped with a chain of shore stations, designed primarily for the national defense, but capable of receiving and transmitting messages by any of the systems of wireless telegraphy now in general use. Even our distant insular territories and Alaska are so equipped.

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BRITT HOLDS UP AUDITORIUM BILL

Will Try to Amend it to Provide for Submission to People.

(Special to the Citizen.) RALEIGH, Feb. 8.—Senator Britt has had the bill held up in the senate that proposes to authorize the aldermen of Asheville to purchase the Auditorium. He has passed the house and is on the senate calendar. His purpose is to offer an amendment when comes up on its final reading, changing the provisions so that the question of purchase shall be submitted to a vote of the people of the city.

LEMP'S DIFFERED IN THEIR FAITH

And a Few Other Things Which Make a Salacious Divorce Suit.

(By Associated Press.) ST. LOUIS, Feb. 8.—The divorce suits which Lillian H. Lemp and her husband William J. Lemp the brewer filed against each other came to trial in the St. Louis circuit court today before Judge Hitchcock. Two hours before the proceedings began an audience of fashionably attired men and women was on hand.

The mother divorce, for alimony and custody of William J. Lemp, III was filed by Mrs. Lemp but immediately thereafter Mr. Lemp filed cross bills asking for divorce and the custody of the child. Mrs. Lemp says her husband is worth \$1,500,000 and has an income of \$50,000 a year and she is not able to support herself and her child comfortably. Mrs. Lemp told her Lemp lost her in the bath room of their home. She declared he decided her when she told her on cross-examination Mrs. Lemp said her husband had taught her to smoke cigarettes. The religious education of their son was one of the main causes of differences, according to Mrs. Lemp. She asserted she had the boy baptized in the Roman Catholic church despite the father's wish to the contrary. She acknowledged signatures of an ante-nuptial contract by which she agreed to surrender all rights of religious instruction of any child born of the marriage until it was seven years old to her husband but declared she had never seen the contract, that when she signed the paper was so folded as to conceal the contents and that she supposed that she was signing another paper that had been read to her.

USING CRUM TO GET BIG WHACK AT ROOSEVELT

Senators Are Riled by References to Perkins in Telegram.

DID NOT CONSULT WITH WESTERN MAN

Prospect That Crum Will be Talked into Oblivion by March 4.

(By Associated Press.) WASHINGTON, Feb. 8.—Under the guise of considering the nomination of Dr. W. D. Crum, the negro collector of customs at Charleston, S. C., re-appointed by President Roosevelt, the senate in executive session today discussed the Japanese question. Incidentally the discussion turned upon the reference to Senator Perkins by President Roosevelt in a telegram to Governor Gillett of California, in which he said that the senior California senator had hampered the administration in its efforts to build up the navy, yet now "advances a policy of wanton insult."

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Reference to this statement was made by Senator Tillman, colleague of Senator Perkins of the naval affairs committee, and indignation was by other senators because of the attack upon Mr. Perkins.

Both California senators took part in the discussion. Perkins Slighted. Senator Perkins made a statement to the effect that he had not been asked by the president to participate in the conference that have been held concerning the Japanese situation in California. He said that he could not understand why the president should intimate that he had tried to stir up the sentiment in California in opposition to the efforts of the president. He stated what his position had been on the subject of a big navy, declaring that he had always been in favor of a steady growth of the navy, even though he was against the president's four battleship program last session.

Senator Flinn declared that he had not participated in the conference at the white house until he was asked to serve as the intermediary between the administration and the California legislature. He made it clear that he did not approve of the criticism of his colleague.

Crum a Buffer. While it is becoming apparent that Collector Crum cannot be confirmed at the present session it is also evident that the case is being used as a "buffer" for legislation which the leaders do not intend shall be passed.

Senators Tillman, Frazier, and Gary made extended speeches today on the race question in the South. Mr. Gary talked of the Crum case in particular and against the policy of placing negroes in important official positions where it is necessary for whites to come in contact with them, and especially in cases where practically all of the business of an office is transacted by white people.

PANAMA RESENTS SPEECH.

(By Associated Press.) WASHINGTON, Feb. 8.—C. C. Arosemana, the Panama minister, today called at the state department and filed a protest from his government against the speech made in the house of representatives recently by Representative Rainey, of Illinois, in which President Obaldia of Panama was severely attacked. The minister acted in pursuance of instructions cabled by his government.

DIFFICULT TO SELECT JURY IN CARMACK CASE

More Than Two Hundred Talesmen Examined in Nineteen Days.

COULD SHOOT WELL AND WAS EXCUSED

Many of the Farmers Have Not Yet Heard of the Tragedy At All.

(By Associated Press.) NASHVILLE, Tenn., Feb. 8.—The nineteenth day closed with the jury still incomplete in the case of the state against Col. Duncan B. Cooper, Robin J. Cooper and John D. Sharp, charged with the murder of former Senator E. W. Carmack. One juror, the eleventh, in the person of W. A. Adeock, young farmer was sent into the box. Before he was secured 221 talesmen were examined. Of these only seven were able to qualify and six of these were challenged preemptorily. The state now has left three such challenges and the defense thirty-six. There is something like 200 names yet available in the present venire, from which an effort will be made to secure the twelfth juror. Most of the members of this venire live in remote parts of the county where newspapers are seldom read because of illiteracy. The few from Nashville and vicinity cannot qualify as jurors because of having read the testimony at the application for bail.

There was today the usual sprinkling of loafers who find the warm court room and comfortable chairs a delightful resting place during the cold weather. These men and boys come early and stay until put out at night. Others sleep peacefully at times, but none pay a great deal of attention to the court proceedings.

A. L. Miller's talesman excused because he had formed an opinion was once a candidate for governor on the populist ticket. The fourth man in the second panel, D. M. Bannister admitted that his eye sight was failing, but proudly added: "But I kin see to shoot a rifle just as good as I ever could." Asked how many children he had, he replied: "Ef they be all livin' now, and they wuz when last I heard from 'em, I've got eight."

TORPEDO BOATS IN A TERRIFIC GALE

(By Associated Press.) CHARLESTON, S. C., Feb. 8.—The torpedo boat destroyer Worden arrived late yesterday from Norfolk after what Lieutenant Richardson, commanding, declared was the roughest trip he had ever taken. The Worden left Hampton Roads Friday morning with the torpedo boats Porter, Shubrick and Stockton for Charleston, but the first day out, a terrific gale was encountered and the Porter was forced to put back. The Stockton made Beaufort, N. C., and the Shubrick put in at Morehead City, but the Worden succeeded in reaching here in safety.

After the Porter separated from the fleet and put back to Norfolk the others stood through a wintry gale of great force for fifteen hours when the Stockton and Shubrick were forced to seek harbor. The officers and men were greatly exhausted by the terrific pounding.

FROM TREASURY TO GAS.

(By Associated Press.) WASHINGTON, Feb. 8.—It is well understood among prominent officials in Washington that Secretary of the Treasury Cortelyou has accepted the presidency of the Consolidated Gas company in New York, though Mr. Cortelyou has declined to either affirm or deny the statement.

CHICAGO FLYER DITCHED; ONE IS KILLED AND A SCORE ARE INJURED

(By Associated Press.) MEMPHIS, Tenn., Feb. 8.—One person was killed and a score injured today when the Chicago flyer on the Illinois Central running at a high speed, plunged into an open switch at Coldwater, Miss.

The dead, Martin Stanton, Memphis. The injured: George B. Matthes, express messenger, Musco Victoria; Gus Barnett, Memphis, engineer; L. F. Lieber, postal clerk; Unknown Italian; Hugh Wickley, Memphis; J. P. Stevens, Memphis; J. G. Neudorfer, superintendent of the Mississippi division of the Illinois Central; E. D. Cameron, baggage man; C. L. Hur-

BOND BILL AND TRUST BUSTER UP TO SOLONS

Weaver Puts in Bill to Annex Little Ivy to Buncombe County.

SENATE FAVORS TELEPHONE FRANKS

Routine Business of Legislature Stirs Up Some Sharp Tilts.

(Special to the Citizen.) RALEIGH, Feb. 8.—Senator Manning's expected state bond issue bill and a "trust busting" bill in the house by Representative Koonce were the features of today's session of the general assembly.

The bond issue proposed is for one and a half million dollars for the permanent improvement and equipment of the educational and charitable institutions of the state. If this should become law, it would eliminate the remaining two hundred and fifty thousand and appropriate for the state hospitals for the insane under the Sicketts measure of two years ago, appropriating one hundred thousand dollars for the four years.

The bill introduced in the house by Mr. Koonce defines "trusts" and unlawful combinations and prohibits their baleful activities almost as easily as does the famous Texas anti-trust act.

Senator Jones, of Wake, introduced a number of bills advocated by the North Carolina Merchants' association, including one for the more prompt settlement by express companies of C. O. D. shipments, others to prevent passing worthless checks.

The Klutz bill to regulate fire escapes for public buildings in North Carolina was set for a special order for Tuesday of next week. There is an amendment by Senator Pharr that drops curtains in theatres to be of assistance.

CAPITAL PUNISHMENT.

To do away with capital punishment, except in cases of criminal assault in the purpose of a bill introduced by Senator Dockery.

In the house the fist bill was made a special order for Friday, and in the doing of this the whole bill discussion nearly came up, but was choked off at the danger signal. The committee report is favorable, but it developed that there is a minority report. Amendments by the committee exempt the larger part of the fighting counties, hence the prospect of some long talk. It was remarked that the signers of the minority report were the members who had been added to the committee since the majority report had been decided on. This was positively denied, and the fight was on the way when the chair held the discussion down to the motion to make special order.

The general drainage bill was set for consideration next Monday after being ordered reprinted. It has been passed by the senate.

NIGHT SESSION TALK WAS HEARD.

A resolution by Mr. Mitchell, of Wayne, called for one Wednesday night and every night thereafter until the calendar is exhausted. Mr. Doughton wanted to suspend the rules and pass it at once in the interest of dispatch, but at the earnest solicitation of Mr. Morton it went to the committee on rules.

TO ANNEX LITTLE IVY.

There was a sharp tilt over a bill introduced out of order by Representative Weaver, of Buncombe, to annex a portion of Little Ivy township, Madison county, to Buncombe. Mr. Gray wanted to object, but was just too late. He called attention to the disregard of the rule of the house that a member who introduces a bill must make some statement of its contents, and wanted to know now one could object in time to a bill introduced out of order when the introducer failed to state its object contents.

Mr. Koonce introduced another measure, one that he put in two years ago, to establish an insurance commission to consist of the governor, council of state and attorney general, to be to the insurance department what the state board of education is to the department of public instruction.

To make the work of public ac-