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REPORT OF METCALF UPON THE EXCLUSION OF JAPANESE PUPILS

Laid Before Congress in a Special Message From the President

DISCRIMINATION SEEMS CONFINED TO ONE CITY

And That City is San Francisco— Japanese Are Admitted to the State and Stanford Universities— The President Expresses the Hope That a Suit to Test the Constitutionality of the Act of the San Francisco School Board Will Be Unnecessary—Military and Civil Power of Federal Government to Be Invoked Should it Become Necessary to Protect Japanese From Violence.

(By the Associated Press.)
Washington, Dec. 18.—President Roosevelt's message to congress on the exclusion of the Japanese from the schools of San Francisco was read in congress today. The message was accompanied by the report of Secretary Metcalf on the situation. Both follow:

To the Senate and House of Representatives:
I inclose herewith for your information the final report made to me personally by Secretary Metcalf on the situation affecting the Japanese in San Francisco. The report deals with three matters of controversy—first, the exclusion of the Japanese children from the San Francisco schools; second, the boycotting of Japanese restaurants; and third, acts of violence committed against the Japanese.

As to the first matter, I call your especial attention to the very small number of Japanese children who attend school in the territory as to the brightness, cleanliness, and good behavior of these Japanese children in the schools, and to the fact that, owing to their being scattered throughout the city, the requirement for them all to go to one special school is impossible of fulfillment and means that they can not have school facilities. Let me point out further that there would be no objection whatever to excluding from the schools any Japanese of the age of age. It is obviously not desirable that young men should go to school with children. The only point is the exclusion of the children themselves. The number of Japanese children attending the public schools in San Francisco was very small. The government has already directed that suit be brought to test the constitutionality of the act in question; but my very earnest hope is that such suit will not be necessary, and that as a matter of courtesy to the Japanese in their persons and property, both the chief of police and the acting mayor of San Francisco assured Secretary Metcalf that everything possible would be done to protect the Japanese in the city. I authorized and directed Secretary Metcalf to state that if there was failure to protect persons and property, then the entire power of the federal government within the limits of the constitution would be used promptly and vigorously to enforce the observance of our treaty, the supreme law of the land, which treaty guaranteed to Japanese residents everywhere in the union full and perfect protection for their persons and property; and to this end everything in my power would be done, and all the forces of the United States, both civil and military, which I could lawfully employ, would be employed. I call especial attention to the concluding sentence of Secretary Metcalf's report of November 26, 1906.

THEODORE ROOSEVELT.
The White House,
December 18, 1906.

The concluding paragraph of Mr. Metcalf's report follows:
"If, therefore, the police power of San Francisco is not sufficient to meet the situation and guard and protect Japanese residents in San Francisco, to whom under our treaty with Japan a guarantee full and perfect protection for their persons and property; then,

It seems to me, it is clearly the duty of the federal government to afford such protection. All considerations which may move a nation, every consideration of duty in the preservation of our treaty obligations, every consideration prompted by fifty years or more of close friendship with the Empire of Japan, would unite in demanding, it seems to me, of the United States government and all its people, the fullest protection and the highest consideration for the subjects of Japan."

Secretary Metcalf's Report.
Concerning the school situation Secretary Metcalf says to the president, under date of November 29:

In my previous report I said nothing as to the causes leading up to the action of the school board in passing the resolution of October 11, and the effect of such action upon Japanese children, residents of the city of San Francisco, desiring to attend the public schools of that city. A report on this matter will now be made, therefore, and after describing the local public sentiment concerning the recent disturbances with regard to the Japanese, an account will be given, first, of the boycott maintained by the Cooks and Waiters Union of San Francisco against Japanese restaurants doing business in that city; and, second, of the several cases of assault or injury inflicted upon the persons or property of Japanese residents.

It seems that for several years the board of education of San Francisco had been considering the advisability of establishing separate schools for Chinese, Japanese and Korean children, and on May 6, 1905, passed the following resolution:

"Resolved, That the board of education is determined in its efforts to effect the establishment of separate schools for Chinese and Japanese pupils, not only for the purpose of relieving the congestion at present prevailing in our schools, but also for the higher end that our children should not be placed in any position where their youthful impressions may be affected by association with pupils of the Mongolian race."

And on October 1 the board passed the following resolution:

"Resolved, That in accordance with Article X, section 1962, of the school law of California, principals are hereby directed to send all Chinese, Japanese, or Korean children to the Oriental public school, situated on the south side of Cary street, between Powell and Mason streets, on and after Monday, October 15, 1906."

The action of the board in the passage of the resolutions of May 6, 1905, and October 1, 1906, was undoubtedly largely influenced by the activity of the Japanese and Korean Exclusion League, an organization formed for the purpose of securing the enactment by the congress of the United States of a law extending the provisions of the existing Chinese exclusion act so as to exclude Japanese and Koreans. The league claims a membership in the state of California of 78,500, three-fourths of which membership is said to be in the city of San Francisco. The membership is composed almost entirely of members of labor organizations. Section 2, article 2, of the constitution of the league is as follows:

"The league as such shall not adopt any measure of discrimination against any Chinese, Japanese or Koreans now or hereafter lawfully resident in the United States."

Yet, on October 22, 1905, at a meeting of the league held in San Francisco, as reported in the San Francisco Chronicle of October 23, 1905, a resolution was adopted by the league instructing its executive committee to appear before the board of education and petition for separate schools for the Mongolian children of San Francisco.

Prior to the action of the league, the board of education, as I am informed, received many protests from citizens of San Francisco, whose children were attending the public schools, against Japanese being permitted to attend these schools. These protests were mainly against Japanese boys and men ranging from 16 to 22, 23, and 24 years of age attending the primary grades and sitting beside little girls and boys of 7 and 8 years of age. When these complaints became known to Japanese residents, I am informed that some of the older pupils left the primary grades. On the day when the order of October 11 went into effect, viz, October 13, there were attending the public schools of the city of San Francisco 33 Japanese pupils. These pupils were distributed among twenty-three schools of the primary grade. There are eight grades in the public schools of San Francisco, the first grade being the lowest and the eighth the highest—graduates of the eighth grade going into the high school. Of this total of ninety-three pupils, sixty-eight were born in Japan and twenty-five in the United States. Those born in the United States would, of course, under section 1 of Article XIV of the constitution of the United States, be citizens of the United States and of the state

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SEVIER SECOND VICE PRESIDENT

And Traffic Manager of the Seaboard System

SUCCESSOR OF COST

First Vice President Garrett Announces That Mr. Sevier, Who Comes From the Alabama South- ern, Will Assume His Duties on the First of the Year.

(By the Associated Press.)
Norfolk, Va., Dec. 18.—It was officially announced today from the office here of W. A. Garrett, first vice president and general manager of the Seaboard Air Line Railway, that L. Sevier, of Birmingham, Ala., will become second vice president and traffic manager of the Seaboard from January 1, succeeding E. F. Cost, who became traffic manager of the Kansas City Southern Railway. Mr. Sevier is now general freight agent of the Alabama Great Southern Railroad at Birmingham. His formal election by the Seaboard directors will occur in New York on Thursday.

It was also officially announced today that O. B. Bidwell, freight claim agent of the Seaboard Air Line, has resigned from January 1 to become auditor of the Merchants & Miners Transportation Company at Baltimore. Mr. Bidwell's successor here will be named by General Manager Garrett, but it was said from Mr. Garrett's office today that no one had been selected for the position as yet.

THAW TO BE TRIED LATE IN JANUARY.

(By the Associated Press.)
New York, Dec. 18.—Harry K. Thaw will be tried on January 21st on a charge of the murder of Stanford White, according to an order signed by Justice Newburger today. The trial will be before Justice Fitzgerald.

GENERAL STRIKE AT ITALIAN PORTS.

(By the Associated Press.)
Rome, Dec. 18.—A general strike has been proclaimed in all the ports in Italy, and serious injury to commerce is beginning to result. This general movement is an outcome of the recent strike on the part of the men employed on trans-Atlantic steamers, which began at Naples and Genoa.

EXPLOSION IN A MINE

Two Men Badly Injured in Enormous Shaft

One of Them, Thomas K. Wright, Loses an Eye and an Arm and May Die From the Effects of His Hurts.

(Special to The Evening Times.)
Lexington, N. C., Dec. 18.—Yesterday at 5 o'clock there was an explosion of dynamite in the Emmons Mine of the Hercules Gold and Copper Company, owned by New York capitalists, located 15 miles from here in Davidson county. Thomas K. Wright lost one eye and his left arm and was otherwise badly injured, and Walter Hughes was also severely hurt.

John Gallimore, Millberry Hill and Leonard Wilson were badly shaken up. Wright was on the four hundred foot level main shaft walking along the top to put a charge in for a blast. He carried the dynamite with cap and fuse and a candle in his left hand. The candle set the explosion off.

Wright's chances for recovery are doubtful. The others will live.

RIVER AND HARBOR BILL IN COMMITTEE

(By the Associated Press.)
Washington, Dec. 18.—Several sub-committees of the house committee on rivers and harbors met today, and Chairman Burton announced that the full committee will meet on December 31st for final consideration of the river and harbor appropriation bill.

VOTE BEGUN FOR NEW OFFICERS

For the New York Life and Mutual Life

MANY VOTE BY PROXY

Balloting in the New York Life Elec- tion Began Early—Many Votes Cast in the First Hour—In the Mutual the Balloting Was Not So Heavy.

(By the Associated Press.)
New York, Dec. 18.—Balloting for new officers of the New York Life Insurance Company and the Mutual Life Insurance Company began promptly today. In the offices of the New York Life nearly two hundred thousand ballots were turned in before the end of the first hour. Practically all of these votes were cast by proxy. Representatives of the "administration ticket," made up of present officers of the company, turned in 115,000 proxies at one time, and a few moments later the anti-administration party handed in ten boxes containing 3,500 proxies each. These proxies have not yet been accepted, however; a question as to their legality having arisen from the fact that they were handed in by private parties.

State Superintendent of Insurance Kelsey was present with several of his deputies when the voting began. Superintendent Kelsey has in his possession 190,000 ballots which he will turn in later in the day. These ballots were sent to Mr. Kelsey direct by policyholders.

At the home offices of the Mutual Life Insurance Company the early voting was not so heavy. The first ballots deposited were a lot of about thirty thousand, representing the foreign proxies held by the officials of the company. A representative of the company said that a great many of the foreign proxies came from France.

Objection to Proxies.
Among those who appeared to vote at the New York Life office, were many men, each of whom offered bundles, each containing several hundred proxies. Samuel Entenmyer, acting for the International Policyholders' Committee, objected to these proxies being received. They were accepted conditionally notwithstanding the protest. Each of the men who offered the proxies was closely questioned by Mr. Entenmyer under oath. They were advised as to their replies by William Nelson Cromwell, acting for the insurance company officials. The purpose of the questions was, first, "Are you an employe, agent, or in any way connected with the company?" To this by advice of counsel, the men declined to answer.

They were then asked: "Did you collect these proxies yourself?" and they all said they did.

Then they were asked if when they sent out the proxies they put on the blanks the numbers of the policies, which they declined to answer, as they did a question of where they got the numbers of the policies.

Superintendent Kelsey said that the protests which had been made would be decided later in the day, and if the inspectors came to the conclusion that the men offering the disputed proxies should answer the instructions proposed.

TRIAL OF WOMEN AIDS TO WALKER

(By Southern Bell Telephone.)
Graham, N. C., Dec. 18.—The trial of Fanny McCain and Annie Turner, indicted by the grand jury as accomplices of Harry Walker, the negro who murderously assaulted Col. L. Banks Holt on the night of November 6th, proceeded in the superior court this afternoon. Counsel for the McCain woman had asked for a continuance on the ground that important witnesses were absent. Effort was made to secure their presence, but at 12:30 o'clock the court called the case and a jury was sworn. Witnesses are being examined this afternoon.

Walker was respited by the governor in order to have him here to testify at the trial. The women were formerly employed in the Holt home, and they assisted Walker to make the attack of Colonel Holt.

CRY FOR FUEL BY NORTHWEST

Hansbrough Called to Con- fer With Roosevelt

PRESIDENT WILL AID

Meanwhile Hansbrough Has a Plan to Force the Railroads by Legisla- tive Action to Anticipate Extra- ordinary Movements of Fuel, Grain, Etc.

(By the Associated Press.)
Washington, Dec. 18.—That President Roosevelt has taken a determined interest with a view to finding legislative remedy for the fuel shortage in the northwest, which now threatens the people with freezing and starvation because the railroads are unable to transport fuel and food to them was indicated by a conference at the white house today.

The president sent for Senator Hansbrough and asked him whether the actual danger of suffering is as great as has been reported by press dispatches and telegrams from individuals. The North Dakota senator reported that from dispatches he has received the statement of conditions in his state, Minnesota and in South Dakota had not been exaggerated.

The president promised to give the question his personal attention with a view to alleviating any immediate suffering, and said he desired Senator Hansbrough to devote time and thought to some legislative remedy in order to avoid recurrences of present conditions.

The plan Senator Hansbrough has in mind is the passage of a law which would compel the railroads to anticipate extraordinary movements of fuel, grain or other commodities and to prepare to take care of such shipments when they are offered. It has been suggested that the interstate commerce commission could investigate probable excessive offerings for shipment of commodities of all kinds, and compel the railroads to furnish the transportation. It is believed by Senator Hansbrough that if a law of this character were passed the railroads would be able to contract for the use of equipment from roads in the south or other parts of the country when the demand for rolling stock is not great during the winter or the crop moving seasons.

THEY SPIT ON THE FLAG

Mormon Children, Declares Wife of Senator Dubois

In An Address She Makes the Assertion That Mormonism is a Greater Curse to the Country Than Slavery Ever Was.

(By the Associated Press.)
Washington, Dec. 18.—"Mormonism is a greater curse to the country than slavery," declared Mrs. Fred T. Dubois, wife of the Idaho senator, in an address at Waugh M. E. Church in this city on "The Effect of Mormonism on Education" late last night. She said that should President Roosevelt make a trip through southeastern Idaho he would no longer be willing to declare that there is nothing in the Mormon question. Six United States senators, she said, owe their election to the influence of the Mormon Church. She criticized the attitude of Senator Proctor, of Vermont, and Senator Hopkins, of Illinois, for their attitude in the Smoot case. In closing her address Mrs. Dubois said:

"Mormon children in Utah and Idaho spit upon the American flag."

SUPREME COURT WILL NOT SAVE MURDERER FROM JAWS OF DEATH

HALL CASE DECIDED No Error, Says Court in Lynch's Case

Question Whether or Not Governor Can Call a Special Term of Court While Out of the State Not Passed Upon—Exception Was Not Properly Taken.

One of the opinions handed down by the supreme court today was in the case of State v. Hall, from Rowan. It is in the matter of George Hall, the man who was convicted of complicity in the lynching of the three Gillespie negroes for the killing of the lively family at Barber's Junction and sentenced to fifteen years in state's prison, and who appealed to the supreme court on the ground that the court that tried and convicted him was not properly constituted for the reason that it was a special term called by the governor while he was out of the state, in Atlantic City, and his private secretary being in the state and issuing the order was not sufficient.

The court finds no error in an opinion written by Associate Justice Platt D. Walker. The question whether or not the governor can call a special term of court while out of the state is not passed on at all, the court merely holding that the exception was improperly taken for the reason that the plea that the court was not properly constituted was made in the court itself about which the question was raised.

THIS GOLD MINE PAYING RICHLY.

(Special to The Evening Times.)
Salisbury, N. C., Dec. 18.—The Gold Hill Mining Company, organized recently with E. L. Hollings as president, has struck it rich on the first jump, and today at a depth of twenty feet is mining ore worth \$180 a ton and shipping it away as fast as it can get it off. For more than a quarter of a century these mines, fifteen miles below Salisbury, have been lying dormant, with the exception of the fortune spent in them by W. G. Newman, who has been succeeded in the presidency of the Gold Hill Copper Company by another man. Land about the place is selling for \$1,200 an acre, and the greatest activity seen about the mines within many years is observed in the daily and nightly operations of the shifts about Gold Hill. With the dissolution of the Gold Hill's receivership last week \$300,000 passed to the creditors, and the new organization is mining daily \$400 and sending it to the New Jersey smelters.

BAD RIDE OF HALF FROZEN HUNDRED.

(By the Associated Press.)
Lima, Ohio, Dec. 18.—A hundred half frozen passengers were forced to ride on a locomotive for twelve miles late last night because of a wreck on the Detroit & Central Railway south of Ottawa, when a broken rail sent all the coaches plunging into an embankment. The locomotive passed over safely. J. A. Simmerman, a wealthy stock man, of South Solon, Ohio, was badly injured by falling through a coach window as the car tumbled. Brakeman Cottrell and Engineer Harry Miller, of Lima, were also injured. A relief train eventually took the hundred passengers south to their destinations.

BODIES OF DEAD WASHED ASHORE.

(By the Associated Press.)
Victoria, B. C., Dec. 18.—While bound to assist the steamer Themis, the steamer H. H. H. owned by charterers of the lost vessel, went ashore on Danger Reef, Ladysmith, this morning.

The schooner Gabriola has been lost off Queen Charlotte Islands, according to advices from northern British Columbia, and three men, Captain Schultz, J. Lindstrom and an Indian, have been lost. Wreckage of the vessel and bodies of her crew were washed ashore on Queen Charlotte Island near Smidgate.

Hodge, Wife Slayer of Dur- ham, Loses His Last Hope of Life Today

LOWER COURT RULING WAS WITHOUT ERROR

Strong Plea Made for Condemned Man, But Former Verdict Must Stand—No Error in Bohannon Case From Guilford—Court Will Adjourn for the Term Latter Part of the Week—Reporter to Succeed Biggs Will Be Chosen in February—George Hall, the Salisbury Lyncher, Failed to Obtain New Trial, and Will Serve Term—Many Cases Decided Today.

Hodge, the Durham murderer, will have to hang, the supreme court today having found no error was committed in lower court. This closes the last door of hope for the condemned man, for there was no possibility of his escape unless it was through a technicality. The murder was one of the most cold-blooded nature and showed the man to be a veritable brute with not the least instinct of a human being about him.

The prisoner was convicted last June for the murder of his wife on 24th of February, 1906. Hodge went to the home of his wife and entered the house between 11 and 12 o'clock at night. His wife and her four children were in bed. He began quarreling about the transfer of some property and threatened his wife when the children interfered but they were driven from the room and the mother pulled from her bed and shot to death.

An appeal was taken to the supreme court on the ground that one Riggsbee, a witness summoned for the defense, was not allowed to testify. The state objected because witness had been allowed to remain in the court room during the progress of the trial and before being put on the stand, whereas other witnesses were sent out of the court room.

This, the court says, was a mere abstract proposition and could not be held error unless the prisoner had made known what the evidence would be. The mere assertion that excluded evidence is material is not sufficient.

Other opinions handed down today were as follows:

State v. Bohannon, from Guilford; no error.

State v. Hall, from Rowan; no error.

Helms v. Telegraph Company, from Mecklenburg; new trial.

Stanford v. Grocery Company, from Rockingham; new trial.

State v. Connor, from Buncombe; new trial.

Ashville v. Weaver, from Buncombe; error.

Ashville v. Trust Company, from Buncombe; error.

Kimberly v. Howland, from Buncombe; affirmed.

McAfee v. Green, from Buncombe; affirmed.

Bourne v. Sherrill, from Buncombe; affirmed.

Matthews v. Fry, from Swain; affirmed.

Green v. Green, from Jackson; affirmed.

Tanning Company v. Telegraph Company, from Cherokee; new trial on issue as to damages.

Railway Company v. Bailey, from Swain; appeal dismissed.

Martin v. Cooper, from Haywood; per curiam, affirmed.

Curiam, affirmed.