Assembly Retires from Its Pre-

vious Stand on Anti-Jap-

anese Legislation.

PRESSURE WAS TOO GREAT.

President Well Satisfied-Thanks Gov.

Gillett, Who Also is Pleased, and

All Who Aided Him.

Sacramento, Feb. 16-Yielding to the

pressure brought to hear by President

Roosevelt and Gov. Gillett, the Call

fornia assembly refired from his previ-

ous position on the anti-Japanese mat

ters today by reconsidering the former

vote on the segregation of Japanes

students in the public schools and fin-

ally rejecting the measure by a vote

of 41 to 37. An effort by the support ers of the bill further to reconside

was lost by a tie vote and the assem-

bly is now clear of any anti-Japanese

measure objected to by the national

The fight for the suppression of the

bill was won only after many hours

of heated debate on the floor. The

struggle started at 10:30 o'clock in the

morning, on the presentation of a reso-

of Los Angeles affirming the right of

the state to govern its schools, but

withdrawing the Japanese regregation

measure because of the president's ob-

jection to it, and lasted until 4 o'clock

in the afternoon, when Grove L. John-

son's motion further to reconsider was

The school bill is still to be con-

sidered in the senate, having been pre-

sented there by Senator A. Camenetti.

a lengthy argument. Johnson repeat-ed his defiance of the president and called upon the assembly to "stand by

its guns." He was answered by Tran-sue and Melrose, every phase of the question being reviewed.

Transue suddenly withdrew his reso

defeated on a tie vote of 38 to 38.

administration.

CALIFORNIA

DESERET EVENING NEWS THURSDAY FEBRUARY 11 1909



what the Republican leaders foured that they should be so earnest in their effort to kill the kill. TRANSUE RESOLUTION. The full test of the Transus resolu-HAS YIELDED

The full isst of the Transus resolu-tion is as follows: . "Whereas, it has been represented by the president of the United States that the passage of this bill (the Johnson bill) will in some measure undiscidend, disturb the friendly re-lations now existing between the gov-erament of the United States and the government of Japan, and, "Whereas, The president of the United States has made known to the assembly, through this governor of this state and the speaker of this as-sembly, his wishes that said bill be not passed; and, "Whereas, The president of the United States has caused it to be rep-resented to (his body that it is his judgment that said bill would conflict with the treaty now existing between the government of Japan, and by and the government of Japan, and by such conflict the passage of such bill would be beyond the power of the legislature of this state; and,

legislature of this state; and, "Whereas, the governor of this state and the speaker of this assembly have conveyed to this body their desira that this bill will be not passed; and "Whereas, It is the desire of this body to accede to the wishes of the chief executive of this state and the speaker; therefore be it,

done

ASSEMBLY'S POSITION DEFINED.

"Resolved, That it is fitting and proper that a statement of the position of this assembly upon this question be made to the end that a mistake im-pression does not result from the failure of the assembly to pass this bill; and be it further. "Resolved, That such position is as follows:

follows: "1. The school system of the state of California is an institution of the state alone, maintained, supported, conducted and controlled wholly under and in accordance with the powers reserved to the state alone. "2. That the power to maintain, conduct and control the state schools system has not been granted to the federal covernment.

lution by Assemblyman J. P. Transue

system has not been granted to the federal government. "3. That the legislature of Cali-fornia may properly pass any law rela-tive to the school system of the state than in its judgement may seem best. "4. That,by assembly bill No. 14, it is not designed to deprive the children of Indian, Mongolian, Chinese or Japanese descent of equal school privi-leges and opportunities, but, on the contrary, to these there shall be given and for these there shall be given and for these there shall be provided the same privileges and opportunities as are given to and provided for all other children. "5. The assembly bill No. 14 ron-

The assembly bill No. 14 conuplates the eastblishment and main nance of separate schools for differ it races, but all schools so establishe

sented there by Senator A. Camenetti-bui there is little chance that the meas-ure will be approved when brought up. "I am highly pleased with the ac-tionof the assembly today," said Gov. (Hilett. "The east has been doubly concerned in the measures pending liere and I feared that if the and-Japanese legislation was pressed at this time it would have had disastrous effect." ent races, but all schools so established and maintained shall afford equal and the same facilities for instruction. "6. That this assembly recognizes it to be the duty resting upon the state to formish the children of Indian. Mongolian, Chinese or Japanese de-scent the same facilities and oppor-tunities as are furnished to children of other races, and affirms that no more can be required and that nothing dif-The anti-Japanese forces in the as-sembly were led today by Grove L. Johnson, author of the segregation bill on which the fight bluged, and Louis W. Juilliard, Democratic floor leader. can be required and that nothing dif-ferent is contemplated by said act. That the said act gives to children of Indian, Mongolian, Chinese or Japanese descent who are subjects of other countries the same rights and privi-leres are size to native berg citi W. Juimard, Denotation was directed by Transue and Richard A. Meirose. Transue's resolution opened the de-bate and the fight was really made on this measure, the reconsideration mo-tion not being put until there had been been consideration remain. leges as are given to native-born of the state, and no power to deoand more That this assembly is disposed

a that this assembly is disposed to accele to the wishes of the federal government, as conveyed to us by the governor of this state and the speaker of this assembly, but while doing so, we affirm and reassert that the subject

Transue suddenly withdraw his reso-lution and the fight contered on the reconsideration motion, presented by Walter Leeds of Los Angeles. This was finally forced to a vote and was narried, 42 to 34. The roll call on the bill ituelf immediately followed and it was rejected by a vote of 41 to 37. Johnson was at once on his feet with a motion again to reconsider, which we affirm and reassert that the subject matter of the resolution falls within the reserved powers and violates no provision of the federal Constitution. "8. That it is the judgment of this assembly that said bill does not con-flict with the treaty existing between the government of the United States and the government of Japan, and that while we recognize the authority to make treaties in the federal Constitu-tion vested in the president and the Johnson was at one on his rest with a motion again to reconsider, which was put to a vote and resulted 38 to 38 and the motion was lost. Gov. Gillett said tonight that the next matter to be taken up by the as-sembly would be the proposed appro-priation of \$10,000 for the compiling of tion vested in the president and the United States senate, we affirm that the right to administer our state school system cannot be controlled by treaty or by the president and the senate of the United States, nor by the president

a census of Japanese in California. He said that if, from the data so gathered,

same time. Don't wait until you get Consumption or Bronchitis. Get Scott's.

it were found necessary to do so, Con would be urged to enact an Asiatic exclusion measure.

GOV. GILLETT'S VIEW.

"Under the agreement between Japan and our government," said Gov Gillett, "the former is pledged to restrict immigration as much as possible. If Japan had grounds for abro-gating this arrangement and decided in view of unfriendly acts upon the part of the California legislature to re-In view of untriendly acts upon the part of the California legislature to remove these restrictions upon the smight for the nestivation of her people, all our porter would be open to the latter. If then we want before Congress and asked the east for support for a general Asiatic exclusion law, the latter might advance the adverse argument that we had the situation well in hand at one time, through federal negotation, and lost our advantage by the acts of our president and secretary of state."
Following Mr. Transue's explanation of his measure, many members spoke for or against the resolution.
Albert P. Wheelan, John J. Ma Manus and Charles A. Nalson of the You have done. Pray extend my congratulations individually to all who have aided you. I feel that the way in which California has done what was right for the nation makes it more than ever obligatory on the nation in every way to safeguard the interests of California. All that I personally can do toward this end, whether in public

THE PRIDE OF JAPAN

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HALF POUND

alone. "9. And finally, while we recognize that assembly bill No. 14 is drawn and could be passed by the legislature of this state in full conformity with the powers reserved to the states and vouchsafed to it by the federal gov-ernment, we are unwilling to do aught which more disturb the relations exist. which may disturb the relations exist which may disturb the relations exist-ing between this government and a friendly power, and for this reason alone we recommend that this bill be reconsidered and withdrawn." 48 to 28 48 to 28. The president was astounded by the news and at once wired Gov. Gillett that this was "the most offensive bill of al." Walter Leeds of Los Angeles had given notice that he would move to reconsider the vote by which the meas-ure passed and the governor sent an-other measure urging the assembly to

PRESIDENT SATISFIED.

2

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Patronize Home Institutions and Remember

other message urging the assembly to reconsider and kill it. This precipitated the battle that cul-

ninated yesterday in a victory for the

HAD TO MARRY SQUAW.

Was Part of Sentence Imposed on

Thomas Hamby. Heiena, Mout., Feb. 10.-Thomas Hamby, formerly of South Carolina, was made the recipient in the federal

was made the recipient in the federal court here of what is regarded as the most remarkable sentence on record. Hamby, convicted on a bigamy charge, was not only fined \$100 and sent to jail for six months, but also to marry an Indian woman. Hamby's first wife, learning of his marriage to a Black-foot maiden, secured his indictment and then a legal separation for herself. Because of the first marriage the sec-ond was declared void. Judge Hunt

nacture of the first marringe the sec-ond was declared vold. Judge Hunt not only imposed the sentence indi-cated, but instructed the marshal to see that it was carried out immediate-ly: and this was done, a justice of the peace reuniting the couple. Hamby made no protest.

THE INDUSTRIAL PROBLEM

Chicago, Feb. 10.-Employers are iargely responsible for the making or unmaking of people to whom they pay salaries, according to Charles W. Ethol. retiring president of Harvard univer-sity, who spoke before the Religious Education association tonight. Among the obstacles named by Dr. Eliot to the weifare of the wage-carner were: Instant dismissal: neglect to provide inducements for a workmen to create a permanent home for bimself, or, what is worse, actually encouraging nomadic habits in an employe by a systematic rising scale; limiting free-dom to rise or deliberately keeping avery employe at work on the same joh na long as possible.

FICKET AGENT ROBBED.

THERET AGENT ROBINED. New York, Feb II.-Cutting the tale-horne wires so liad able could not sum-mon help, three Italians, with drawn being three Italians, with drawn we at a poung woman employed as a utaket agent on the 'L' station at Firin avenue and Twentieth street Brooklyn-last night. All three of the men us-caped. While one of the tric coverad the girl with a revolves, the othere broke into the booth and seized all of the cash on hand, estimated at 56. When the men had gone, the girl rushed to a mentby drug store and neithed the po-the Hearth was immediately begin, but no trace of the men has been found early today.

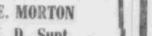
as long as possible.

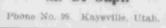
PREST. C. W. ELIOT ON



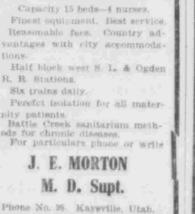
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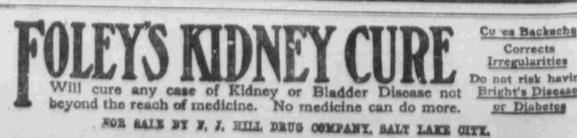


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