

# PHYSICIANS OF ORIENTAL RACES MAY BE BARRED BY LANGUAGE TEST

(Continued from Page 1)

acted or authorized by the legislature, to "understandingly speak, read and write the English language," that they may, of themselves, know the laws and regulations of the Territory of Hawaii and obey them where so stipulated, and, where they are commanded to enforce, be able to so enforce them from their own direct knowledge; and whether any official has authority to permit or accept the substitution of an intermediary person or persons of language or languages in lieu of personal understanding and personal compliance with the mandates and regulations of the law; and

What is the authority or limitations as to language or individual substitutions.

## THE ORGANIC ACT, RELATIVE TO THE ENGLISH LANGUAGE AS OFFICIAL.

Section 44 provides: "All legislative proceedings shall be conducted in the English language."

Section 83 provides: "but no person... who cannot understandingly speak, read and write the English language shall be a qualified juror."

## REVISED LAWS OF HAWAII, 1915, RELATIVE TO THE ENGLISH LANGUAGE AS OFFICIAL.

Section 1 provides: "The common law of England, as ascertained by English and American decisions, is declared to be the common law of the Territory of Hawaii, etc., etc."

Section 2 provides: "The Secretary of the Territory to promulgate and publish every law enacted... in the English and Hawaiian languages, etc., and same to be printed and bound in book form."

Section 24 provides: "Whenever there shall be found to exist any radical and irreconcilable difference between the English and Hawaiian version of the laws of the territory, which have been or may hereafter be enacted, the English version shall be held binding."

Section 29 provides: "The county clerk shall cause to be published in both English and Hawaiian languages... and cause to be printed in both the Hawaiian and English languages."

Section 31 provides: "Such proclamation shall be published in the Hawaiian and English languages."

Section 274 provides: "The department may... establish select schools in the English language."

Section 277 provides: "The English language shall be the medium and basis of instruction in all public and private schools within the Territory, and any school where English is not the medium and basis of instruction shall not be recognized as a public or private school within the provisions of this chapter, and attendance thereat shall not be considered attendance at school in compliance with law."

Section 1294 provides: "each assessor shall publish in the English language... the names of the delinquent taxpayers... and the amount of assessed taxes and penalties remaining delinquent."

Section 1411 provides: "Called warrants... Such call shall be made by publication for one week in two or more daily newspapers in Honolulu published in the English and Hawaiian languages."

Section 1951 provides: "Whenever a lien shall be enforced by advertisement and sale... shall advertise... in newspapers published... in the English and Hawaiian languages."

Section 2065 provides: "That the licensee (Pawnbroker) shall not sell any article pledged... without advertising in a local newspaper; if none... then in a newspaper published in Honolulu in English."

Section 2178 provides: "Such ballots shall contain a brief statement in both the English and the Hawaiian languages."

Section 2874 provides: "Sale of animals shall be upon notice by publication in an English or Hawaiian newspaper, or by posting notice in the Hawaiian and English languages."

Section 2900 provides: "The judge shall cause a notice of notice... in the English or Hawaiian language."

Section 3308 provides: "Dissolution of corporations... The treasurer shall enter... by publication in Hawaiian and English."

Section 3324 provides: "Delinquent assessments... notice of such sale has been given by publication thereof in the English language."

Section 3327 provides: "Corporation exhibits... to be published in Honolulu in the English and Hawaiian languages."

Section 3336 provides: "Dissolution of corporations... The Treasurer shall enter such petition... after publication in Hawaiian and English."

Section 3376 provides: "Every fiduciary company... shall publish in the English language."

Section 3449 provides: "Registration of name, etc., on bottles... such description to be printed... in a newspaper published in the English and Hawaiian languages."

Sections 3650 and 3651 provide: "For the publication of a dictionary of the Hawaiian language and... be ancient and modern words and phrases and their respective equivalents or meanings in the English language," shall be given."

Section 3771 provides: "Every native Hawaiian arraigned

upon indictment for any offense shall, on demand upon the attorney general, be furnished with a copy of the indictment in the Hawaiian language."

## SESSION LAWS OF 1915, RELATIVE TO THE ENGLISH LANGUAGE AS OFFICIAL.

Section 1, Act 32, provides: "(Amending Sec. 925, R. L. H. 1915, 'Civil Service Examinations under the Board of Health.')

"Such examinations... shall be conducted in either the English or the Hawaiian language."

The above quotations from the Organic Act, Revised Laws of 1915, Session Laws of 1915, are the only sections that contain any reference to the English or Hawaiian languages or any other language. The laws specifically state the English language shall be the authoritative language in case there is a conflict between the two.

The Constitution of the United States makes no reference to official language.

## YOUR DUTIES

are disclosed in the following sections quoted from the Revised Laws of Hawaii.

It is your duty to pass upon the qualifications of those applying for a license to practice medicine.

You are also to consider if they are of themselves able to know and comply with the law.

Section 938 reads: "Sec. 938. Physicians to report. It shall be a duty of every physician having a patient infected with cerebrospinal meningitis, cholera asiatica, conjunctivitis follicular, diphtheria, dysentery amoebic, enteric (or typhoid) fever, fever paratyphoid, leprosy, measles, dengue, paralysis infantile, portia, plague, scarlet fever (or scarlatina), tetanus, trachoma, tuberculosis, typhus fever, varicella, variola, varioloid, yellow fever, or any other infectious or communicable or other disease dangerous to the public health, to give immediate notice thereof to the board of health, or its nearest agent, in writing, and in like manner to report to said board, or its agent, every case of death which takes place in his practice from any such disease; provided, however, that whenever a physician has a patient infected with variola, varioloid, scarlet fever, diphtheria, plague, cholera, yellow fever, typhus fever, cerebrospinal meningitis or amoebic dysentery, such physician, in addition to the notice in writing required to be given as above, shall immediately notify the board of health, or its nearest agent, either by telephone or by direct oral communication. Every physician who shall refuse or neglect to give such notice, or make such report, shall be fined for each offense the sum of not less than ten nor more than one hundred dollars."

Section 950 reads: "Sec. 950. Reports by physicians and others. It shall be the duty of every physician in the Territory to report in writing the name, age, sex, nationality, occupation, place where last employed, if known, and address of every person known by said physician to have tuberculosis, to the board of health, or its nearest agent, within 24 hours after such fact comes to the knowledge of said physician. It shall also be the duty of the superintendent in charge of any hospital, dispensary, asylum or other similar public or private institution to report in like manner the name, age, sex, nationality, occupation, place where last employed, if known, and previous address of every patient having tuberculosis who comes into his care or under his observation, within twenty-four hours thereafter."

Section 956 reads: "Sec. 956. Physicians; precautions; instructions. It shall be the duty of a physician attending a patient having tuberculosis to take all proper precautions and to give proper instructions to provide for the safety of all individuals occupying the same house or apartment."

Section 957 reads: "Sec. 957. Physicians to make statement of procedure and precautions. It shall be the duty of the board of health to transmit to a physician reporting a case of tuberculosis, as provided in section 950, a printed statement and report, in a form approved by the board of health, naming such procedure and precautions as in the opinion of the board of health are necessary or desirable to be taken on the premises of a tuberculosis patient. It shall be the duty of the board of health to keep on hand an ample supply of such statements and reports and to furnish the same in sufficient numbers to all physicians. Upon the receipt of such statement and report, the physician shall carry into effect all such procedures and the precautions as are therein prescribed and shall thereupon sign and date the same and return it to the board of health or its nearest agent."

Section 958 reads: "Sec. 958. Reporting recovery of patient. Upon the recovery of any person having tuberculosis, it shall be the duty of the attending physician to make a report of this fact to the board of health or its agent, who shall record the same and shall relieve said person from further liability to any requirement imposed by this chapter."

Section 969 reads: "Sec. 969. Vaccination by physicians; penalty for parents. The vaccination of children required by law may be performed by the officers appointed for such purpose by the board of health, or by duly licensed physicians, at the option of the parents or guardians of such children. Every parent or guardian having the charge of any child who shall fail to cause such child to be properly and successfully vaccinated within the age prescribed by statute, shall be liable to a fine of five dollars."

Section 970 reads: "Sec. 970. Manner of vaccination. No child shall be vaccinated except after an opportunity has been given to the parent or guardian to be present at such vaccination, unless such

parent or guardian shall have consented in writing to such vaccination, and then only by a duly licensed and authorized physician who shall use for such vaccination bovine virus only, obtained from standard manufacturers; such vaccination shall be only by means of scarifier and points put up in hermetically sealed tubes or other antiseptic receptacles; each receptacle shall be opened immediately before a scarifier or point is to be used, in the presence of the person to be vaccinated, and no scarifier or point shall be used for the vaccination of more than one person.

"Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars or by imprisonment not to exceed one year, or by both such fine and imprisonment."

Section 1004 reads: "Sec. 1004. Record of prescriptions. Every licensed physician, druggist, or apothecary, who shall compound, sell, or deliver any prescription containing any poisonous drug, or substance deleterious to human life, to be used as medicine, shall enter upon his books said prescription written out in full, with the date thereof, with the name of the physician who prescribed the same, and the person to whom the same was delivered; and no such prescription shall be compounded, sold or delivered, unless the name of the person compounding, selling, or delivering the same, or the name of the physician prescribing the same, be appended to the prescription in full, and every such prescription shall be preserved; and said books and prescriptions shall be subject at all times to the inspection of the board of health or its agent."

Chapter 77 reads: "CHAPTER 77. 'MEDICINE AND SURGERY.'"

"Sec. 1017. License. No person shall practice medicine or surgery in the Territory of Hawaii either gratuitously or for pay, or shall offer to so practice, or shall advertise or announce himself, either publicly or privately, as prepared or qualified to so practice, or shall append the letters 'Dr.' to his or her name, with the intent thereby to imply that he or she is a practitioner of medicine or surgery, without having a valid unrevoked license, obtained from the treasurer of the Territory of Hawaii, in form and manner substantially as hereinafter set forth. Such license shall only be granted upon the written recommendation of the board of health, provided, however, that licenses to practice osteopathy may be granted to graduates holding diplomas from any legally chartered and regularly conducted school or college of osteopathy, and further provided that a certificate to practice osteopathy has first been obtained from any state board of osteopathic examiners until such time as there is an osteopathic board of examiners appointed for the Territory of Hawaii."

"And provided further, that the practice of medicine as contemplated and set forth in this chapter shall not be construed to exclude the use of any method or means or other agent either tangible or intangible by any person licensed to practice osteopathy, for the treatment of disease in the human subject, provided, that no person so licensed to practice osteopathy shall, by reason thereof, be authorized to administer drugs or medicines, or to perform any surgical operation. Any person applying for a license to practice osteopathy shall first file with the treasurer a certified copy of such diploma and satisfactory evidence that the applicant is a fit and proper person to be so licensed to practice osteopathy, and file with the president of the board of health a certificate from the board of osteopathic examiners certifying that the applicant had passed the required examination, and is entitled to practice osteopathy in that state."

"And further provided, that nothing herein contained shall apply to so-called Christian Scientists so long as they merely practice the religious tenets of their church without pretending a knowledge of medicine or surgery; provided, that the laws and regulations relating to contagious diseases are not violated."

Medical Practice Defined. "Sec. 1018. Practice of medicine defined. For the purposes of this chapter the practice of medicine shall be held to include the use of drugs and medicines, water, electricity, hypnosis, or any means or method, or any agent, either tangible or intangible, for the treatment of disease in the human subject; provided, however, that nothing herein contained shall be held to forbid any person from the practice of any method, or the application of any remedial agent or measure under the direction or with the approval of a licensed physician; and provided further, that when a duly licensed physician pronounces a person afflicted with any disease hopeless and beyond recovery and shall give a written certificate to that effect to the person afflicted or his or her attendant nothing herein contained shall be held or construed to forbid any person from giving or furnishing any remedial agent or measure when so requested by or on behalf of such afflicted person."

"The provisions of this section shall not be construed to amend or repeal the law respecting leprosy or segregation."

"Sec. 1019. Board of medical examiners. No person shall be recommended by the board of health for a license to practice medicine or surgery except upon the written report of a board of medical examiners, to be appointed and constituted as in this chapter provided, setting forth that the applicant named therein has been duly examined and found to be possessed of the necessary qualifications."

Appointed by Governor. "Sec. 1020. Appointment, removal, qualifications. For the purpose of carrying out the provisions of this chapter the governor is authorized and directed to appoint in the manner prescribed in section 80 of the Organic Act, a board of medical examiners, whose duty it shall be to examine all applicants for license to practice medicine or surgery, and to report the

result of such examination to the board of health.

"Such board of medical examiners shall consist of three persons, all of whom shall be licensed physicians or surgeons under the laws of this territory. The appointments, unless to fill out unexpired terms, shall be for three years, subject, however, to removal by the governor in the manner prescribed in section 80 of the Organic Act. The members of the board of medical examiners shall serve without pay."

"Sec. 1021. Fee. No applicant for a license to practice medicine or surgery shall be examined, until he shall have paid to the treasurer a fee of ten dollars."

"Sec. 1022. Form of license. The form of license to practice medicine and surgery shall be substantially as follows: Territory of Hawaii, Department of the Treasury. License to practice medicine and surgery. .... aged ... years, having been duly examined by the board of medical examiners, and having been recommended by the board of health as possessed of the necessary qualifications, is hereby licensed to practice medicine and surgery in the Territory of Hawaii."

"This license is granted and accepted on the express condition that it may be revoked at any time for professional misconduct, gross carelessness or manifest incapacity; such misconduct, carelessness or incapacity, having been proved to the satisfaction of the board of health, and by that body reported to the treasurer."

"Sec. 1023. Penalty. Any person who shall practice medicine or surgery in the Territory of Hawaii, or who shall offer or attempt to so practice, or shall advertise or announce himself, either publicly or privately, as prepared or qualified to so practice, contrary to the provisions of section 1017, shall be guilty of a misdemeanor, and shall be liable on conviction to a fine of not more than two hundred and fifty dollars, in the discretion of the court."

"Sec. 1024. Revocation of license. Licenses to practice medicine and surgery may be revoked by the treasurer at any time for professional misconduct, gross carelessness or manifest incapacity; such misconduct, carelessness or incapacity, having been proven to the satisfaction of the board of health, and by that body reported in writing to said treasurer. In case any license is revoked for any of the causes named in this section, the holder thereof shall be immediately notified of such revocation in writing by the treasurer."

"Sec. 1025. Notice, hearing. In case of an alleged misconduct, carelessness or incapacity on the part of any holder of a license to practice medicine or surgery, the person so charged shall be notified in writing of the charge or charges that have been made, and of the time and place when and where evidence in support of the same will be heard, and shall have the opportunity to present evidence and be heard in his own defense."

"Sec. 1026. Sorcery, etc., penalty. Any person who shall attempt the cure of another by practice of sorcery, witchcraft, amana, hooplopo, hoomanana, hoomanama, or other superstitious or deceitful methods, shall, upon conviction thereof, be fined in a sum of not less than one hundred dollars, nor more than two hundred dollars, or be imprisoned at hard labor not to exceed six months."

Section 1142 reads: "Sec. 1142. Births reported by parents, physicians. It shall be the duty of the father of each and every child born in the Territory of Hawaii; or if the father be absent from the country at the time of the birth, or not living, or if the child be illegitimate, then it shall be the duty of the mother of such child, within thirty days after the birth of such child, to notify the registrar of births, deaths and marriages of the district in which such birth takes place, of the date of birth, sex and name of such child, if named; the names of the parents of such child, whether it is legitimate or illegitimate, and the locality of the birth. It shall also be the duty of every physician who shall attend, or be called upon in connection with the birth of any child in the Territory of Hawaii, within thirty days after such birth, to report such birth and the other facts relating to such child in this section above set forth."

Respectfully submitted, (Signed) LUCIUS E. PINKHAM, Governor of Hawaii.

## NEW GREEK CABINET MUCH LIKE THE OLD

LONDON, Eng.—M. Skouloudis, the new Greek premier, has declared his intention of observing an attitude of very benevolent neutrality toward the entente powers.

ATHENS, Greece.—M. Skouloudis, commissioned by King Constantine to form a new cabinet, has accomplished the task. All of the members of the Zaimis ministry are retained except the premier himself. The new premier has taken the portfolio of foreign affairs. The formation of the new cabinet, it is generally assumed, will delay, if not eliminate, the crisis which would probably follow the dissolution of the chamber of deputies by the king.

The cabinet is composed of the following ministers, who took the oaths of office: Premier and minister of foreign affairs, M. Skouloudis. Minister of public instruction, M. Michellidhis. Minister of justice and communications, D. G. Rhalis. Minister of interior, M. Gounaris. Minister of national economy, M. Theotokis. Minister of war, Gen. Yanakitsas. Minister of marine, Admiral Countouriotis. Minister of finance, Stephen Dragoumis.

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Ask to see the Souvenir at the following:

Hawaiian News Co. Wall, Nichols Co. A. B. Arleigh & Co. Fisher's News Cart Young Hotel News Stand

Nothing could be more appropriate for Christmas than this splendid gift.

## Coats of the Turn Water Kind

We have received another large line of those good rain coats, the sort you come home dry in after a heavy rain. We will not handle these cheap glued-together coats which sell for five or six dollars, and if you sneeze in one of them you are sure to open a seam. It is money tossed off and wasted to buy such a coat, and we have no room for such junk. The coats we sell you cost \$15 and \$17.50, and are made by the largest and best rubber makers in America. We guarantee these coats, and your credit can be used in making a purchase. Get a coat today and be ready for the storm of tomorrow.

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