

Honolulu Star-Bulletin

RILEY H. ALLEN

EDITOR

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INDETERMINATE SENTENCES AND PAROLES.

There seems to be "a screw loose" somewhere in the administration of the law relating to indeterminate sentences. Mr. J. W. Waldron, chairman of the board of prison inspectors, had called the attention of the Star-Bulletin to action on the part of the first district magistrate of Honolulu which the former believes virtually nullifies those provisions of the law in question made for the protection of society. This is when a paroled prisoner is convicted by him of some offense, and, instead of demanding the culprit to the prison authorities, to be dealt with by them under the provisions of the parole and indeterminate sentence laws, he imposes a penalty for the misdemeanor of which the defendant is found guilty. This of necessity is at most a term in the county jail of not exceeding one year, upon serving which the prisoner is turned loose to resume his career of crime.

Under the original parole law, the prison inspectors could of their own initiative take hold of the case and send the parole-breaker back to prison to serve out his original sentence. The later statute of indeterminate sentences took all such power out of the hands of the prison inspectors, placing the responsibility of looking after one guilty of breaking the conditions of parole upon the warden of the territorial prison. This strange weakening of the law was at least partly remedied by an act passed at the 1915 session, which provides for approval of paroles, when recommended by the warden, "by the board of prison inspectors by law provided," instead of approval by the attorney-general. Yet a section of the same act, providing for the discharge of a prisoner who has served not less than six months of his parole, upon reasons reported by the warden and the attorney-general, with the approval of the governor, was left by the 1915 legislature unamended, so that the prison inspectors would appear to have no say in the discharge of a prisoner under parole.

In the case of a prisoner who has won his discharge and afterward is arrested upon a fresh charge, there would seem to be no hold on him on account of his previous record, unless he is convicted of a similar offense to that for which he was originally sentenced, or of an offense involving moral turpitude. Then the judge before whom he is convicted has power to give him a term of imprisonment that otherwise would be his due. If, however, the new offense was a felony any district magistrate would have to pass the case up by commitment to the grand jury.

At all events, something is wrong if parole-breakers brought into the district court for minor offenses are to be dealt with in manner as if their former record was a clean sheet. An amendment of the law may be desirable to prevent such a possibility, also one to give the prison inspectors clear authority in the matter of discharging paroled prisoners as well as in that of granting paroles. So that the whole question may be understood, in view of the approaching election for a new legislature, the following abstract of the laws in question is presented.

Sections 1493, 1494 and 1495 of the revised laws of 1915 deal with the parole of prisoners. They may be paroled by the governor, upon rules and regulations made by the board of prison inspectors and approved by the governor. No parole shall be recommended by the warden "unless it appears to him that there is a strong probability that the prisoner will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society. No parole shall in any event be granted to any person convicted of murder in the first or second degree, or to any felon who has been convicted in any jurisdiction of a felony other than that for which he is being punished."

It is provided that a person when on parole shall be in the legal custody and under the control of the prison inspectors, subject to the rules and regulations before mentioned, and further subject to be taken back to the prison or jail from which he has been released at any time until the expiration of the term for which he was sentenced. The written order of the board of inspectors, certified by its secretary, shall have the same force as any other warrant authorizing any sheriff or police officer in the city to take into custody and return to the prison any paroled prisoner.

The revised laws of 1915 which provide for indeterminate sentence enactments, which were held up for consideration by the legislature, are now also in a "heroic" state of being still officially alive.

ing only to have its constitutionality affirmed. It sets forth that, excepting for murder and one or two other heinous crimes, also contempt of court, the court shall not fix the limit or duration of sentence, but the term of imprisonment shall not exceed the maximum nor be less than the minimum provided by law—the maximum to be the term where life imprisonment might be imposed, and where no minimum sentence is prescribed by law the court shall fix such to be not more than five years.

Section 3845 originally provided for the parole of a prisoner who had served a term of not less than the minimum, by the governor upon the recommendation of the warden, approved by the attorney-general, thus cutting out the prison inspectors; but Act 177 of the laws of 1915, as already stated, substituted the inspectors for the attorney-general. Section 3846 provides for the absolute discharge of a prisoner under parole, upon the recommendation of the warden and the attorney-general—the prison inspectors being ignored.

Lastly comes the retributive section, 3847 which provides double the minimum sentence for a prisoner discharged under the previous section who commits a similar offense to that for which he was originally convicted, or any offense involving moral turpitude. If the second offense, however, happens to be below the grade of heinousness described in the section the former black record of the offender, it would appear, goes for naught. Yet the minor offense may show that the subject is an inveterate contemner of law and order, only awaiting the opportunity to make himself a dangerous menace to society.

If the offense of such a culprit brought before the district magistrate does not measure up to the gravity defined in section 3847, perhaps it is not incumbent upon that functionary to deal with it other than upon its prima facie aspect. In that case, as already suggested, the law ought to be amended so that any breach of law by a person who had been discharged while under parole would automatically relegate him to the custody of the prison authorities.

RAPID TRANSIT DISCUSSION.

What does the new Rapid Transit charter plan mean to the people of Honolulu?

This question will be discussed tomorrow night in the public meeting called for 7:30 o'clock, senate chamber, Capitol building. The subject is of vital interest to Honolulu and there should be a big attendance. So rapidly have the utilities commission and the company's representatives progressed that after but a week of conferences an entire new franchise has been worked out. What it means, what privileges it gives the company and what control it reserves to the public and the public's servants, are now to be considered item by item. For the sake of argument, we should like to hear Supervisor Hatch bring up at this meeting some of the questions he asked a few nights ago when the supervisors talked over the matter briefly. There is no disposition to question the intentions of the Rapid Transit Company to give Honolulu a continuance of and an improvement upon its present good service; but the charter as finally sent forward to Congress should be thoroughly understood and approved by the public and so clear in its provisions that there need be no necessity of litigation hereafter to determine whether or not the street railway is abiding by the terms under which it is given very valuable franchise rights. Furthermore, it should be definite beyond all peradventure what power the public has to insist on improvements felt necessary.

Col. Roosevelt led the historic revolt of 1912 because of what he claimed was gross irregularity in the make-up of the Republican convention. Our own Bull Moose conclave on Saturday night was highly informal, and the point of regular election of delegates was conveniently overlooked, but nobody revolted and marched out of the hall. True but true that it makes considerable difference whose ox is gored.

The Illinois Bar Association cheered Roosevelt's speech Saturday. He did not urge the recall of the judiciary.

The relief force didn't "muddle through" to Kut-El-Amara.

Progressives are now also in a "heroic" state of being still officially alive.

LETTERS

LIQUOR LICENSE AND CORAL GARDENS.

HILO, Hawaii, April 28, 1916.
Editor Honolulu Star-Bulletin:
Sir—It was with much interest that I read your recent editorial regarding the objection to selling liquor under a license at the Coral Gardens. For the year and more since I opened this resort, with the idea that in time it would become a valuable promotion asset to Honolulu, I have made no effort to obtain a license, and the high class of visitors who have availed themselves of the facilities there have shown that there is an attraction in a place where strong liquors are unobtainable, yet where other entertainments can be secured, as approximately 4600 people visited the place since the glass-bottom boats were placed in commission slightly over a year ago.

The story that an effort was being made to secure a license for the Coral Gardens was due to the fact that a gentleman who was desirous of securing the place for a first-class hotel and resort believed that a hotel license (such as our best hotels have) and some which are "not so best" would be of benefit to the place and at the same time cater to the tourists, who have formed a large part of those who have visited the Coral Gardens. No formal application has been made for a liquor license that I know of.

Incidentally, I would be very much pleased if the Coral Gardens could receive the support from those opposed to liquor which the place deserves. One reason why liquor is sold in so many places is because the people who patronize such resorts or hotels demand it.

Respectfully,
ARTHUR L. MACKAYE,
Proprietor the Coral Gardens.

VITAL STATISTICS

BORN.

HILO—In Honolulu, April 25, 1916, to Mr. and Mrs. John Hilo of 1579 Auld lane, Palama, a daughter—Hannah Luksela.

NISHIHITA—In Honolulu, April 16, 1916, to Mr. and Mrs. Kinzaburo Nishihita of Christy lane, off Fort street, a son—Jun.

WOO—In Honolulu, April 12, 1916, to Mr. and Mrs. Woo Nye of Sing Loy lane, Mollili, a son—Kul Wah.

PERRY—In Honolulu, March 27, 1916, to Mr. and Mrs. Frank Perry of Kaulani tract, Kalihi, a daughter—Evelyn.

TAMURA—In Honolulu, March 23, 1916, to Mr. and Mrs. Tsumetaro Tamura of Nuuanu valley, a son, Sadao.

ANANU—In Honolulu, April 7, 1916, to Mr. and Mrs. Hango Ananu of Robello lane in Palama, a son, To-shihara.

KURASAKI—In Honolulu, April 13, 1916, to Mr. and Mrs. Matagaro Kurasaki of Nuuanu valley, a son, Yoshikatsu.

MARRIED.

STONE-HART—In Honolulu, April 29, 1916, W. H. Stone and Miss Ethel E. Hart, Rev. Samuel K. Kamalopili, assistant pastor of the Kaimakapili church, officiating; witnesses—W. N. Lester and Edward Charles Wolter.

OLSEN-HEENEY—In Honolulu, April 29, 1916, Reidar W. Olsen and Miss Cecile Marie Heeney, Rev. Father Stephen J. Alencastre, pastor of the Catholic Church of the Sacred Hearts, Punahou, officiating; witnesses—Archie Nicholson and Miss Marion Kennedy.

QUINTA-RODRIGUES—In Honolulu, April 29, 1916, William Faria Quinta and Miss Mary Rodriguez, both of Waialua, Oahu; Rev. Father Patrick St. Ledger of the Catholic Cathedral, this city, officiating; witnesses—John Silva and Balbina Fernandes.

PAIXOA-AVILLA—In Honolulu, April 28, 1916, at the Catholic Mission, Joseph Paixoa, age 21, to Louise Avilla, 18. Ceremony performed by Rev. Father Patrick.

AVINTA-RODRIGUES—In Honolulu, April 29, 1916, at the Catholic Mission, William F. Avinta, age 20, to Mary Rodriguez, age 18. Ceremony performed by Rev. Father Patrick.

PIERTAS-PLURAS—In Honolulu, April 30, 1916, at the Filipino Mission, Juan Puertas, age 28, to Maria Pluras, age 18. Ceremony performed by Rev. C. C. Ramirez.

DIED.

PAHAU—In Honolulu, April 29, 1916, Henry Keawekulua Pahaui of 1391 Auld lane, Palama, unmarried, private, Company F, 1st Regiment, N. G. H., a native of Makawala, N. Kona, Hawaii, 37 years, 7 months and 16 days old.

BROWN—In the Queen's hospital, Honolulu, April 29, 1916, John Brown, colored, a native of the United States, 31 years old.

LUM—In Honolulu, April 28, 1916, Yuk Tong, son of Mr. and Mrs. Lum Sun Tim of Parker lane, off Liliha street, three months and 25 days old.

WONG—In Honolulu, April 26, 1916, Wong Lee of North Beretania, near

Y. W. C. A. OUTING TO EWA MILL IS PLEASANT TRIP

The outing conducted by Prof. H. S. Walker for the Young Women's Christian Association to the Ewa sugar mill last Saturday afternoon was quite as instructive and pleasant as was anticipated.

After the dreary weather of the preceding days the bright sunshine appeared a subject for special gratitude, and the lights and shadows on the mountains along the road added much to the beauty of the scenery. The dust alone detracted from the pleasure of the ride.

Prof. Walker proved an ideal guide, both because of his practical experience as an apprentice in the Ewa mill and because of his thorough theoretical knowledge of sugar technology. He answered a multitude of questions and volunteered much of interest as he led the party from process to process, beginning with the unloading of the cars of cane and ending with the loading of the cars with bags of sugar.

A change in the schedule of outing has been found necessary. It is probable that the Kaneohe Coral Gardens will be visited this week instead of on May 20, as previously announced, and that the visits to Fort Ruger and to the Diamond Head lighthouse, which were originally scheduled for next Saturday, will be postponed until May 20.

The trip to the Kaneohe Coral Gardens will be made in seven-passenger automobiles. Prof. W. A. Bryna will accompany the party and will tell of some of the interesting research work which he has done among the marine life in this bay. Since this outing is likely to attract a greater number than can be accommodated in the glass-bottomed boats at Kaneohe, only those who have made advance reservations on or before Friday will be admitted.

KALIHI UNION PASTOR COMING

At the evening service on Sunday, Rev. J. P. Erdman, chairman of the prudential committee of the Kalihi Union church, read a letter to the church from their pastor-elect, Rev. Charles H. McVey. Mr. McVey and his family are on their way to Honolulu and will arrive on May 17 by steamer Niagara from Vancouver. A reception for Mr. and Mrs. McVey will be given in the church on the evening of May 18, at which time the members of the church and the residents of Kalihi district will formally welcome their new pastor.

PERSONALITIES

A. K. AONA, clerk in Judge Witney's court, is still confined to his home with a slight illness.

MAJ. LEWIS S. SORELY of the 1st Infantry, Schofield Barrack is now able to be about again after being confined to the post hospital with a broken ankle.

WILLARD BROWN, accompanied by Mrs. Brown and Miss Wilfred Brown, will leave for the mainland in the Matsonia next Wednesday on the way to New York for a two-pneth trip through New England.

2ND LIEUT. CHARLES MEYER ITT, of the 1st Infantry, Schofield Barracks, has received order assigning him to the 26th Infantry now stationed on the Mexican border. He will sail on the June transport, accompanied by Mrs. Everitt.

The bill establishing prohibition in Ontario passed its second reading in the legislature at Toronto.

Maunakea street, unmarried, laborer, a native of China, 30 years old. IGNACIO—In Paipaku, HI Hawaii, April 21, 1916, Antonio Lacio, student, a native of Hilo.

WRIGHT—In Honolulu, April 30, 1916, Frederick Wright of 21 Puunui avenue, a native of England, aged 39 years and one month. Funeral this afternoon at 3 o'clock from Williams' undertaking flors. Interment at Oahu cemetery.

NGAT—In Honolulu, May 1916, Seui Ngat of McCandless lane, male, married, age 67.

KAIWI—In Honolulu, April 1916, at the Lunalilo Home, Wiam H. Kaiwi, age 87.

RIKARD—In Honolulu, April 30, 1916, Kapena Richard Jr., infant son of Mr. and Mrs. Apena Richard of Alewa road, age 1 month 15 days.

An Exceptional Opportunity

We are offering for sale the old homestead property of the late Reverend Hiram Bingham, on the corner of Alexander and Dole streets, near Oahu College. The grounds cover more than an acre. There are old shade and fruit trees which only time can prode, with fine open lawns.

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LITTLE INTERVIEWS

L. L. McLEAN, vice-president of Inter-Island: We are giving the matter of Kauai steamer service careful consideration and should be able to announce something definite in the next two weeks.

—FRANK T. SULLIVAN, superintendent of mails, postoffice: Instead of dropping off, as in previous years, the volume of mail from the mainland to Honolulu continues to keep up equal to the midwinter rush. There has been no let-down, which would tend to show that business is better and more tourists are here than last season.

—MALCOLM A. FRANKLIN, collector of customs: The newspapermen of Honolulu I have found to be gentlemen in every way. They have cooperated with the work of this office in a most commendable manner.

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