

# Honolulu Star-Bulletin

RILEY H. ALLEN . . . . . EDITOR

FRIDAY . . . . . AUGUST 25, 1916.

## The Supreme Court Upholds Community Progress.

Simple but comprehensive; breathing the very spirit of wideawake community progress, is the opinion of the supreme court handed down yesterday upholding the frontage-tax law and the validity of local improvement bonds.

The supreme court's decision in the so-called "Manoa bond case" has been awaited with entire confidence by the city officials and all others who have worked for the application of the local assessment principle of improvement in Honolulu. They have had no doubts of the reasonableness of the statute called into question on a test case. They have felt fully convinced that the legislative act and the procedure of the board of supervisors would be upheld. But the decision, with its terse and plain-spoken endorsement of the city's action, is none the less a victory for civic progress.

The clear and unmistakable language of the opinion should put an end not only to much of the loose talk concerning restriction on bond issues but to much of the looser talk against the local assessment principle. The Star-Bulletin desires to repeat some of the findings:

"A statute providing that the cost of a highway improvement shall be assessed against the lands benefited by the improvement cannot be said to provide for or constitute a taking of private property for public use without just compensation or without due process of law because it does not expressly provide that the amount of an assessment shall not substantially exceed the special benefit conferred."

"Much latitude must be left to the legislature in determining the method of assessment, and a statute can be successfully called in question only when it is so devoid of any reasonable basis as to constitute an arbitrary abuse of power."

"The issuance of bonds payable only out of a specific fund raised by a special tax for a public improvement does not constitute municipal indebtedness within the meaning of the fundamental limitations upon such indebtedness."

(This, by the way, disposes of the claim that this local improvement bonding impairs the power of the city to issue municipal bonds for permanent general improvements, such as contemplated in the waterworks and sewers project.)

"The statute of this territory . . . is fair on its

face, and by no means necessitates the making of unfair or unequal assessments. On the contrary it discloses an intent on the part of the legislature to provide a plan whereby public road improvements may be made at a cost of land to be specially benefited by the improvement."

The court is equally broad in discussing the complaint that the contract and bond were not executed by the contractor within ten days from the date of the awarding of the contract, as required by Section 1798. The court holds that the territorial statute neither expressly nor impliedly goes to the extent of requiring that a contract should be executed within the ten-day period from the date of award. The action of the board of supervisors in extending the time for the execution of the contract and bond is upheld, as common-sense has all along upheld it, because it was plain the supervisors were seeking to play fair with a contractor who had acted in good faith, and by giving him every possible chance, to insure the beginning of actual work without needless delay.

The supreme court's opinion is not a surprise, for the territorial statute is based on law found good and proved sound elsewhere; it was carefully drawn and carefully considered by the legislatures of 1913 and 1915. Leading Honolulu bankers, before the test case was begun, had expressed their belief in the soundness of the law and in the desirability of the bonds as investments. But the stamp of approval by the supreme court clears away any possible lingering doubts; it justifies the board of supervisors in operating liberally under a liberal statute; it justifies contractors in going ahead with their contracts, sure that their payment is coming; it justifies owners of property in taking the initiative in highway improvement. Of course the decision does not in any way impair or limit the right of protest against a proposed improvement, under the provisions set forth in the statute. But it does uphold the vital principle of local assessment for highway improvement, either by frontage or area taxation, or both, and thus indorses broad and liberal administration of the law guided by good intent—not tied down at every step by exact and unbending detail. Under this welcome construction of the statutes, public improvements cannot be knocked out on non-essential technicalities.

### DEPUTY ATTORNEY CARDEN'S APPOINTMENT.

The appointment of Deputy City Attorney Carden to the public utilities commission was a surprise and it is no wonder that city officials believe he should not hold the two positions. When City Attorney Brown named his two young assistants, Cristy and Carden, he told the Star-Bulletin that they would give all their time to the municipal work. There has been considerable criticism, largely justified, that city officials were giving too much of their time and energy to other than city business. If the city attorney's office has so little to handle that its head can take long vacations away from the city and one of its staff act for other public duties, it would seem that a reduction in the number of deputies might serve economy without sacrificing efficiency. Is it good public policy to "double up jobs" for city officials, whether municipal or territorial, so that they must scatter their energies as some officials now have to do?

This is in no way a criticism of Deputy Carden. It is a criticism of a practise the Star-Bulletin has heard condemned a thousand times but which persists. It cannot be said that the duties of public utilities commissioner are scant. They are, or should be, rather heavy. The commission conducts a large number of important investigations and the legislature intended these investigations to be thorough and effective. Frequent trips away from the city are required. A lawyer who is a member of the commission ought to bring his legal knowledge into play, and for the sake of economy the commission should then dispense as far as possible with the services of a paid outside attorney. Deputy Carden cannot hold both positions without sacrificing full effectiveness in at least one.

Since Mr. Hughes took the stump we are just beginning to realize how many awful mistakes the administration has made.

Italy is apparently just getting her second wind, the first having been mostly used up in preliminary cheers.

The Deutschland has proved entirely sea-worthy. She is able to sink at the psychological moment.

Perhaps when Candidate Hughes' voice gives out they will call on the Colonel as pinch-hitter.

As usual, the public will hold the sack for the railroads if an increase in pay is granted.

Golfers are beginning to wonder if the Allies' Big Drive wasn't a trifle sliced.

Perhaps Denmark wants to get a few outside bids on the West Indies.

Villa continues great sport for the rumorologists.

## Letters OF THE DAY

### L. L. McCANDLESS AND CIVIC PROGRESS.

Editor Honolulu Star-Bulletin. Sir: Republicans of Oahu may have to meet one plausibly strong argument for sending L. L. McCandless to Washington. That is, that it would remove from Honolulu, for some months each year, one of the worst enemies of civic progress this city has to put up with. Still, it would be too high a price to pay, as Honolulu desires none but friends at the national capital. Best to keep him at home, allowing him to "bite off his nose to spite his face" wherever his influence, of money or property, may unfortunately be gotten, and pressing improvement schemes to a finish where he is helpless to hinder them.

McCandless is fighting the frontage tax law at every opportunity, regardless of the fact that it was in the platform of his party the last time the local Democrats were successful at the polls. He pretends to hold out for the doctrine, twice lost by popular verdict through the ballot box, that permanent streets in Honolulu should be built out of revenues assessed for current expenses of the municipal government. Every intelligent citizen knows that this paramount necessity will require millions to meet, and that no adequate program of permanent street construction for a single year can possibly be carried out by any scheme of general taxation which would not be prohibitive in point of exorbitance.

McCandless cries out that he pays

his taxes and therefore should not be assessed for any special benefit of streets to him. Bourbonlike, he refuses to see the bald facts of the matter, one of which is that no part of the municipal revenues can by law be expended in permanent street construction within the district of Honolulu. Another fact is that there is not another citizen of Honolulu who receives more direct benefit from other people's taxes than L. L. McCandless. How far would the taxes on his domains outside of the city district of Honolulu go toward meeting the large expenditure upon the belt road, a highway that increases the value of his lands in the country sections far above what the tax assessor finds?

There should be an amendment to the frontage tax law which would prevent obstructionists like McCandless from blocking improvements under that most progressive statute which has ever been enacted for metropolitan Honolulu. Instead of the 55 percent veto allowed to property owners, the latter should have only the constitutional protection against unjust or exorbitant assessment for improvements. At all events it should be made a penal offense for any property owner to interfere with the voluntary judgment of other property owners with respect to any proposed improvement. "Bossism" of any sort in matters of public welfare is nowadays a solecism and ought not to be tolerated.

PROGRESS.

### THE JEW IN THE ARMY

Schofield Barracks, Honolulu, Aug. 24.

Editor Honolulu Star-Bulletin. Sir: Being as I am a Jew and am serving in the U. S. army, I feel that a great injustice is being done to myself and other fellow Hebrews by their fellow soldiers. It seems to me that a Jew is thrown down to some extent. I have been in the army for the past two years and all I have heard by some ignorant people is kikes, Sheenys and black man. If it comes to a showdown, it can easily be proven that the Jews of the United States, or in fact any other country in the world have always been known to be law-abiding, peaceful citizens of the country in which they have settled down and have made their home. And as far as those concerned that are serving in the U. S. army, I can safely say that the large majority of them are getting along splendidly, for the simple reason that they know enough to live up to the rules and regulations laid down to them by the service. Now, as far as not being as good as a white man, some of these sneering, sarcastic people are so small and narrow-minded that they cannot see any farther than what is in front of them. Because it is God's will that the skin color of another human race is black, this does not signify that we have not the other qualities of other races. If we look

back from the last 50 years we can see what a wonderful progress the colored race has made. Therefore these so-called white people who make such remarks about the Jews and the colored race are far beneath them. It only goes to show when they make such remarks how totally ignorant and narrow-minded they are, and I am sure these men who are liberally broad-minded must feel nothing but contempt and pity for their ignorance.

I do not claim that a Jew is better than any one else, but JUST AS GOOD as the best of people. According to the laws of the United States no man is better than another and all have equal rights, especially in the army. I know this rule is carried out effectively by giving all an equal chance for advancement or promotion. Therefore I have no cause to complain in that regard, but just referring to some ignorant enlisted men. They don't think it right that a Jew ought to have the same privileges. I am only in hopes that some of these soldiers I refer to should read this matter, and if they feel that they have any grievances or that I am not stating true facts, I can give absolute proof in regard to what I have said.

Yours respectfully,  
H. S.,  
1st Inf., Schofield Barracks, H. T.

## Personal Mentions

Because of the illness of Mrs. Taylor, Robert Taylor, customs inspector in charge, has not been to work for the past two days.

D. LORING MACKAYE of the anti-tuberculosis bureau, territorial board of health, is expected to return Tuesday from his annual vacation.

R. WAKABAYASHI, who is transferred here from Sumitomo bank of Osaka, arrived in the Nippon Maru. He will be assistant to Manager Kawakatsu in this city.

## NOTE INTERVIEWS

—WALLACE W. BLAISDELL, assistant and acting fire chief: Well, the jinx is broken at last. That's what usually happens after a long spell of inactivity. I hope we have no more as bad as the one last night.

—LIEUT. LOUIS PEPIN, Fort De Russy: It was a hot fire, all right, but it didn't bother our boys. They certainly deserve a lot of credit for the way they turned out, their orderly formations and their energetic efforts to save the surrounding buildings.

—JOHN KELLETT, detective sergeant, police department: Did I see the fire last night? You bet! Did I go to it? Certainly not! From my place in Kaimuki the view of the flames was magnificent. I hope the loss was small but it certainly was a

## COMPETITION IS KEEN ON GIRLS' SCHOOL BIDDING

Seven bidders competed this morning for the Girls' Industrial school building contract. Bids were opened at 11 o'clock by the department of public works, and the lowest bidder was found to be H. H. Foster, who bid \$350 and 65 days' working time, \$150 lower than the next lowest bidder, Dan B. Cummins, \$500, 50 days. Other bidders were Neves and Fernandez, \$500, 75 days; Pacific Engineering Company, \$745, 90 days; H. L. Fernandez, \$760, 65 days; Henry H. K. Decker, \$687.10, 75 days; and the Honolulu Planning Mill, whose bid reached the office at noon, an hour too late, \$860, 90 days. Foster was low bidder on the first industrial school job, which consisted of alterations to the old buildings. The present contract, which will be let by the industrial school board in a few days, is for erecting a new building or group of buildings.

GERMANY LOSES 3,000,000 MEN. LONDON, Eng.—German casualties in the month of July, according to a table compiled here from German casualty lists, totaled 122,540, bringing the grand total since the commencement of the war, taken from the same source, to 3,135,177.

beautiful sight. When the flames were at their maximum height I think the volcano would have to take second place for a moment.

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### JAPANESE BANKERS ENTERTAINED TODAY AT LUNCHEON PARTY

G. Hayashi, T. Namura and C. Kujima of the Sumitomo Bank of Osaka, who are on their way to San Francisco, arrived in Honolulu this morning on the Nippon Maru. They were guests of the Japanese residents of this city who attended a reception in Osaka at the time of the last excursion to Japan. Friends escorted them to the Shinru Tei on Vineyard street, where a luncheon was served.

Silkoline is good for dusters because it leaves no lint.

### MADAME ALDRICH WILL BE HEARD IN CONCERT

Honolulu music lovers will have an opportunity on Thursday evening, September 7, to hear Madame Mariska Aldrich of the Metropolitan Opera Company, now visiting here, who will give a recital in the opera house, beginning at 8 o'clock. Arrangements for the concert have been completed by Robert E. Scott, acting manager of the opera house, and announcement will be made later regarding the sale of tickets.

Clyde Stratton, a noted convict, and two other prisoners escaped from the Illinois penitentiary at Joliet.

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