

WORKMEN'S COMPENSATION LAWS UPHELD

Compulsory workmen's compensation laws in the United States may be said to be now well established by judicial decisions maintaining their constitutionality. They have been tested in the courts of many states in the past seven years, or since a New York act of 1910 was declared to be in violation of the constitution of that state. A California law met a similar fate, but in both these states constitutional amendments paved the way to the enactment of compensation statutes which today hold good.

It has been an uphill battle in the various commonwealths where the traditional modes of deciding claims for damages for injuries to workmen against their employers have been superseded by measures to procure the settlement of such controversies between man and man by fixed rules binding upon all parties. As Lindsey D. Clark, M. A., LL. M., in a section covering 132 pages prepared for a bulletin of the bureau of labor statistics, 1917, says, "the laws under consideration were obviously wide departures from the principles that had been applied theretofore." Further on the author says: "Naturally in the case of such wide departure from established procedure, going away with trial by jury, questions of negligence, contributory negligence, and old methods of procedure generally, and establishing a system contemplating practically automatic compensation and placing the burden of industrial accidents on the industry rather than on any particular member of it, the question arose as to violations of the constitutional guaranties of due process of law."

The bulletin just mentioned contains the full texts of 40 American compensation laws, including those of Hawaii, the Philippine Islands, Porto Rico and the United States, as well as analyses of the laws in a separate section. It is stated that no two compensation laws are alike, but "a number of provisions have been adopted quite uniformly by nearly all the states." Hawaii is one of the 27 jurisdictions that have compulsory insurance, and in the table under this head is shown to have both private insurance and self-insurance as have nineteen of the states. Thirteen of the compulsory laws have been sustained by state courts. In the earlier contests reported, most of the states involved had elective or voluntary systems, yet the constitutional questions raised included those of due process of law and the right of trial by jury. Some of the differences may be briefly quoted here:

NEW YORK—(On the new law after the constitution was amended): Reference was made by the court to the fact that "the federal constitution had been so construed by the supreme court of the United States as to permit the enactment of such legislation as that under consideration."

WASHINGTON—(Sustaining the law of that state): "The clause of the constitution now under consideration was intended to prevent the arbitrary exercise of power or undue, unjust and capricious interference with personal rights; not to prevent those reasonable regulations that all must submit to as a condition of remaining a member of society."

PENNSYLVANIA—The contention was made that the abrogation of the customary common law defenses where an employer failed to accept the provisions of the act was a deprivation of property without due process of law. "This was denied by the court, which held that there was no violation of rights in the mere enactment of a new rule of conduct, subject to be changed at the will of the legislature, in the absence of constitutional limitations, which do not exist in the present instance."

The foregoing citations refer to due process of law. Following are some expressions with regard to trial by jury:

WASHINGTON—"The right of trial by jury accorded by the constitution, as applicable to civil cases, is incident only to causes of action recognized by law." On this Professor Clark comments, "If, therefore, the legislature is able to take away the cause of action on the one hand and the ground of defense on the other and merge both into a statutory indemnity, the right to trial by jury is lost."

The United States circuit court of appeals, while discussing the Washington statute, "pointed out that the guaranty of the federal constitution as to trial by jury does not prevent the establishment of a process of law in which trial by jury is omitted."

MONTANA—"It was pointed out by the court that the constitution of the United States does not guarantee a trial by jury in a civil action in a state court, citing a decision by the supreme court of the United States."

Upon the questions of liability without fault and abrogation of employers' defenses, the courts show little disagreement according to several cases cited—the compensation laws are upheld in every instance where they are not in conflict with state constitutions. The New York court of appeals said that the power of the state to make changes in methods of procedure and the rules of law was clearly recognized. "We have said enough," that court declared, "to show that the statutory modifications of the fellow servant rule and the law of contributory negligence are clearly within the legislative power. These doctrines, for they are nothing more, may be regulated or even abolished."

On the matter of usurpation of judicial powers alleged against the industrial accident boards, the courts are unanimous, though upon diverse grounds, in holding that there is no merit in the objection. The industrial commission of Wisconsin was held as not being vested with judicial power within the meaning of the constitution, while the California accident commission was held to have the powers of a court but with full sanction of the state constitution.

It is hardly likely the French authorities will make an Edith Cavell case of Danseuse Zell by carrying out the death sentence. No doubt the dread penalty has been earned, but then the sexes are not yet upon a wage equality. Neither are the Huns and their foes upon the same plane of civilization.

EITHER FOR OR AGAINST

As men and women get deeper into this war, they cannot fail to understand the truth of the statement that he who is not for you is against you.

This is a time when there can be no divided allegiance. You are either for the United States of America or against it. You cannot be a supporter of the American cause, and at the same time aid and counsel the enemy. The purpose of the enemy is to kill and destroy, and even your misdeeds and misguided toleration has promise of being made the medium of your own eventual destruction.

There is no occasion for any American to adopt the tactics of the enemy. It is important, however, that citizens and officials should not suffer themselves to be duped and the nation's interests endangered through a weak sentimentality that can only bring harm to our own people, our own houses and our own country.

Carnival of Song

Why not a Carnival of song?

It is a foregone conclusion that everyone is united on the one thought that the usual Carnival season of Honolulu should be marked by a program appropriate to conditions.

Another factor in managing the program for that period is to have something different from former years.

Honolulu furnishes a splendid setting for a Carnival of song that would have individuality, be interesting to the visitor, instructive to the old resident, educational for all those taking part, appropriate to the islands and its people and a great source of satisfaction to all those attending and taking part.

A Carnival of song is not a new idea in the sense of being something the general public would not understand. It is not altogether new in its application to Hawaii, because the one number of Carnival programs that has gained in favor year after year, is that devoted to the songs by the children.

Why not develop more of our local talent and bring it before the public? Supplement this with one of the great singers from the mainland if we must "do things as they do in the states."

Work out a program along this line and the Carnival days of the war period can be a great inspirational season with all the best features of a drive in patriotism.

Instead of a tired and worried community we will have a great Honolulu family thankful for the refreshing uplift that is always the aftermath of good music.

If it were only in supplying four and a half million dollars' worth of Red Cross supplies in the first two years of the war, Japan would be entitled to much praise; but she has also made the Rising Sun banner glorious by service in actual warfare on land and sea. After it is all over and things now hidden can be told, the part that Japan had in keeping the Pacific lanes of travel safe, especially in the early days of the war, will probably be an astonishing revelation.

Here's to Commissioner Rivenburgh, that he may acquit himself as well in the duties the federal government has given him in connection with the development of the Hawaiian national parks as he did in the superintendency of Kapiolani park. And that is wishing him some glory of achievement.

Another famous architect has come to town to give suggestions on future building plans. Honolulu is waking up to an appreciation of its opportunities, and if the good work goes on we shall have a real worth while city instead of a country town.

Evidently the British navy is putting the boot on the other leg in its elimination of commerce between Germany and neutral countries. We betide the enemy, though, if reprisals in kind for air raids upon British towns are initiated.

They have shortened "Theodore" to Teddy and "John J. Pershing" to "Black Jack," but it takes quite a stretch of the imagination to figure the free and untrammelled German citizen referring to Chancellor Michaelis as "Mike."

If the ruthless submarine warfare continues on the wane, the status indicated by last week's reports, the fact will largely offset the disgraceful collapse of a portion of the Russian forces.

Giving us the Northern Pacific boats in place of the Matson liners, when the latter are taken into national service, will be pretty white treatment at the hands of Mistress Fate.

The more emphatic the official denials of attempts on the kaiser's life, the more readily will the rumors thereof be taken as indicative of disaffection among his subjects.

Definite action toward constructing roads and trails in the national parks of Hawaii is something that should be celebrated now in a way to help the work along.

When Goethals gets well started with his engineer corps on the western front, look out for California slides on the Hindenburg line.

Molasses is too sticky to pave the road to the governorship. Hutchins should have known what a failure it was on Kalakaua avenue.

That Hindu conspiracy was a fizzle, but its flare-back is a hummer.

New Zealand Welcomes Entry of U. S. In War

Chairman of Auckland Association Which Raised \$300,000 for Soldiers Visits City

America's entry into the world war was of tremendous encouragement to the people of New Zealand and was greeted with much enthusiasm, but this was not due alone to the great man and material power which we know your nation can furnish. It was more of a moral encouragement than a material one. We want to know that you were with us, that your views regarding the deprivations of Germany were the same as ours; that your hearts were with us; and that the last great English speaking nation had felt the call to side with us in the fight against military aggression.

So speaks J. C. Spedding, a prominent merchant of Auckland, New Zealand, who is registered at the Moana. Stress is placed by him upon the work that must be done by those who are not actually engaged with the military forces—the work of production and the humanitarian work of relieving the wants of the families of soldiers who do not return from the front, and of the soldiers who do return incapacitated for active service.

Of this work Spedding is well qualified to speak. Since the beginning of the war he has been doing a big business man's job, and for his absence from the work now, he sincerely feels that explanations and apologies are necessary. Simply, he says: "I wouldn't be away from my work in war times if two doctors had not ordered me to take a rest. I paid little attention to the first one, but as the second one was a specialist, I had to obey his orders."

Raised \$300,000 for Wounded Spedding has been a most active committee chairman of the Patriotic Relief Association of Auckland, which has raised \$300,000 during the war for wounded soldiers who have returned and were unable to resume their former work because of the loss of sight, arms or legs. To realize that Auckland has been most generous in its war contributions, it is only necessary to know that this \$300,000 was raised from a population which totals only about 110,000, or by including the suburban districts

of Auckland, at the most, 150,000. Early in the war it was appreciated that the soldiers' pay was entirely inadequate, even with the liberal government allowances, and at a public meeting the relief association was organized, he says. From the first the response was liberal. We aimed to collect a quarter of a million dollars and we exceeded this by \$20,000," he explained.

Besides the \$200,000, a great deal of money has also been collected for other purposes. Recently, he says, a citizens committee, business men who had never before taken an active interest in U. S. A. work, was organized to collect \$25,000 for "trench comforts" for the men on the front line. In a few days the committee had secured \$12,000 in Auckland. Other funds have been raised by the women by giving fairs and selling jams and fruit.

A sister of Spedding's, Miss Belle Spedding, is chairman of the Ladies Patriotic Society in Auckland. Another sister is accompanying him on his visit to Hawaii.

New Zealand Sends 100,000 Men In man power Spedding declares that New Zealand has contributed as willingly to the aid of the Allies as she has in money. Out of a population of 1,000,000, she has already sent 100,000 soldiers to Europe and before this year is ended will send 200,000 more, a total of 30 per cent of her population.

While the New Zealanders have been lavish in their liberality, their donations have really come out of the profits realized from war prices. Out of a ranch property owned by Spedding and a partner consisting of 3000 acres, he says, they made double their usual earnings during the past year.

As an example of the high prices in New Zealand, he says, benzine now costs on an average of 50 cents a gallon.

Spedding has almost entirely recovered his health by this trip to Hawaii, although he was in bed for five weeks before leaving Auckland. The doctor ordered him to "the islands," and he liberally translated this to mean Hawaii, as he had never been here before. Now that he is well he is anxious to get back to his work and will likely leave for New Zealand on the Canadian-Australasian boat.

YEAR IN JAIL AWAITS SLACKERS WHO FAIL TO REGISTER JULY 31

That imprisonment for one year is the penalty for slackers who fail to register on July 31 should be impressed upon all the young men of the draft age," declared Sheriff Chas. Rose this morning. He made this declaration after stating he had met some young Chinese and others recently who seemed to think the question of registering was one for individual decision.

"Some of them seem also to think the matter is a joke. These young fellows should be given fair warning now, for after registration day my men will be instructed to arrest all slackers. Those who fail to register cannot escape by paying a fine, for a jail sentence is the only punishment provided for in the registration regulations," he added.

"The slackers are required to register when found and so do not escape registration after all," was another statement of the sheriff. He referred to the sentencing of 73 slackers to one year's imprisonment in Chicago as an example of what might be expected here by those who do not comply with the registration regulations.

The portion of the federal statute providing for the punishment of those who fail to voluntarily register reads

WELL-KNOWN HONOLULU COUPLE WED THURSDAY

With only relatives and a few intimate friends present, Miss Adelaide C. Franca and Albert A. Araujo were united in marriage at the home of the bride's mother, 757 Lunalilo street, last night at 8 o'clock. To the many acquaintances of the young couple, surprise as they have kept their plans secret, their respective families not being informed of their intentions until a day or so ago.

The bride was given away by her mother, and her sister, Miss Emma Franca, was the bridesmaid. Piano music was played by Mrs. G. Lewis and during the ceremony Mrs. A. Lucas sang "Oh Promise Me."

The ceremony was performed under a beautiful canopy of maidenhair and white roses, fastened with white tulle. The bride carried a bouquet of white

roses and delicate pink sweet peas. To the strains of the Lohengrin wedding march, the bride entered the parlor upon the arm of her mother, where she was given to the groom, who was attended by S. Gremette.

The groom is a young Honolulu businessman, associated with his father, and the bride has been connected with the Trent Trust Co. for a number of years. They were both born and raised in Honolulu and have hundreds of acquaintances here. After a short honeymoon spent in the country, Mr. and Mrs. Araujo will make their home in Honolulu.

"Provided further, that persons shall be subject to registration as herein provided who shall have attained their 21st birthday and who shall not have attained their 31st birthday on or before the day set for the registration, and all persons so registered shall be and remain subject to draft into the forces hereby authorized, unless exempted or excused therefrom as in this act provided."

"Provided further, that in the case of temporary absence from actual place of legal residence of any person liable to registration as provided herein such registration may be made by mail under regulations to be prescribed by the President."

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GUAVA JELLY DONATIONS AWAIT PROPER CONTAINER

Guava jelly for the soldiers on the European battle fronts will not be made by the women of Honolulu until a decision has been reached upon a container. Although John F. Soper

REGISTRATION SUCCESS

Will Be Gained Thru Contributed Paid Publicity.

People Must Know, and to know they must be told.

The Route to Reach them is by the recognized mediums of publicity.

To Aid the Government the publicity mediums have contributed publicity that costs them money.

To Aid Your Business you should give it the Paid Publicity that will help.

Everything Worth While in the hands of worth while men should be shared with the public.

This is the Purpose of your business—to reach and serve the public.



Paid Publicity Will Do It.

The general circulation of the Star-Bulletin on July 23 was 6710

found what seemed like a satisfactory container—a paraffine box-shaped container—the authorities at the headquarters of the national Red Cross have yet to pass upon it.

At present the Ad club is awaiting a statement from the Red Cross, concerning the feasibility of the plan and the capacity of the container to do that for which it is intended.

DISTRIBUTE YOUR CUTTINGS

Cuttings of the yellow yam variety of sweet potato will be distributed by the United States experiment station, on Saturday, July 28, between the hours of 9:30 a. m. and 1 p. m., to all those who will call in person or send someone for them.

Tomato plants, pigeon pea seed, papaya seed will also be distributed under the same conditions, and at the same hours. There will also be another distribution on Tuesday from 10:30 a. m. to 1 p. m., Tuesday being a territorial holiday for registration it is felt that many people who can not ordinarily call for plants and seeds can arrange to come on Tuesday.

LETTERS HAVE AND WITHOUT

Editor Star-Bulletin. Sir: Will you please put in tomorrow evening's paper this letter, and I thank you for this space.

Why do the newboys or some other persons must have lights for their bicycles in the night?

I have been stopped by a police and he asked me why don't I have a light, and I was afraid to answer him that I saw some police officers without lights, too.

Every morning I have to see one police officer without lights.

I hope that the police officers read this letter.

Yours very truly, A. H. H.

Sparks from an old fashioned cook stove started a fire in the home of Young Wai on Kalihii road last night and the Palama firemen were called to extinguish the flames. The damage caused by the fire was slight.

HONOLULU REAL ESTATE
Nice building lots in Manoa
On improved street, Vancouver Highway, near corner of Armstrong. 20-foot alley at rear. Large Algaroba trees. Good neighborhood.
100 x 150 feet.
\$1700
TRENT TRUST CO LTD
HONOLULU
RICHARD H. TRENT, PRES.
I. H. BRADLE, SEC'Y CHAS. G. HEISER, JR., TREAS.

Henry Waterhouse Trust Co., Ltd.
FOR SALE
We offer a bargain at Halelana Park, Manoa Valley. New two-bedroom bungalow on lot containing 12,600 square feet. This tract has all modern conveniences, including paved streets.
No street assessments to pay.
Price \$5,000
Particulars at our office.
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Real Estate Agents
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A two bedroom cottage in the Bates Street Tract. Grounds improved with fruit trees. Area 4986 square feet.
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Tel. 3688 Stangenwald Bldg.