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WOULD PAY BACK CHINESE FUND

HOUSE SPECIAL COMMITTEE REPORTS THE RESULTS OF ITS INVESTIGATIONS.

The House special committee on the investigation of the Chinese fund and the departure of Treasurer Wright made its report yesterday afternoon, submitting a large transcript of testimony and a bill declaring the fund a government realization and providing for means of paying back to the depositors who paid it to the government. The report discusses the status of the fund and the Wright I. O. U. at considerable length. The bill submitted with it passed first reading and the report and testimony were ordered printed. The report was as follows: It is quite apparent from the law, and the testimony elicited, that the fund referred to is not peculiarly a "Chinese Fund." It is in fact "Balance due depositors in the late Hawaiian Postal Savings Bank," some of which is the property of other nationalities, but the mass of it belongs to citizens of China, who were compulsory depositors in said bank. At the time annexation took place there was none of this money on hand, all having been used for Public Works. The "Fund" was money sent here to pay amounts due depositors in the defunct Hawaiian Postal Savings Bank in accordance with requisitions sent to Washington signed by the Governor and countersigned by the Secretary of the Territory. So long as the government paid interest for the use of those deposits it had the undoubted right to the use of them. By the Organic Act interest ceased on those deposits on the 1st day of July, 1900, and when the Federal Government remitted the exact amount claimed by the Territorial Government as due to the depositors for their deposits and interest thereon to July 1st, 1900, the money so remitted should have been held sacred as a trust fund for the payment of such depositors. As to whether this fund can be used by the Territorial Government, the Attorney-General renders an opinion that it can be so used. His opinion we do not endorse. He admits that the Hawaiian laws pertaining to deposits in the Hawaiian Postal Savings Bank were repealed by the Organic Act. Any business man would tell him that "interest is money paid for the use of money" and when no interest is being paid for a trust fund in one's possession it would be wrong to use such fund. He does not state the law when he says that part of the Immigration Laws of Hawaii are still in force. It appears as of yesterday that he was arguing before the courts that the U. S. Immigration Laws had superseded the Hawaiian Laws in toto and that the permits in the hands of returning Chinese were void, having been annulled by the Joint Resolution which annexed Hawaii to the Union. In a Territory of the United States the Immigration Laws of the Union maintain, and when the U. S. Government saw fit to register the Chinese laborers and thereby granted them the right to remain in Hawaii for an unlimited period, it did so intelligently, and such registration did abrogate their agreement to depart.

We hold that the money sent here by the Federal Government is due and payable to all the depositors in the late Hawaiian Postal Savings bank, whether Chinese or otherwise, except in the latter instance they should, when presenting their pass books, exhibit their registration papers. It would be wrong to withhold for an unlimited time this money which is the property of men who have earned it by the sweat of their brows to the enrichment of Hawaiian planters, and who have been granted by the U. S. Government an unlimited time of residence. There was no forfeiture clause in the agreement to depart as soon as they ceased to be employed at agricultural labor nor can they be now deported under any law of the United States should they be found at other employment. They should have their deposits when properly demanded. We believe that the using of this fund, as it has been used under the directions of Acting Governor Cooper, was most reprehensible. All the evidence goes to show that it has been handled in a most unbusinesslike manner, and presented a great temptation to those in charge of it, which unfortunately some of them were unable to resist. After the admission by W. H. Wright, Treasurer, of abstracting money of which he was in charge, he should not have been permitted to go except under the surveillance of an officer. We believe that Governor Dole did not use his customary good judgment, after he was informed of Wright's delinquency, in not ordering his immediate arrest or placing him under surveillance, and was wrong in following Secretary Cooper's advice to give him further time to make good his shortage. We believe that Governor Dole and Secretary of the Territory Cooper from their silence in not immediately calling the attention of Attorney-General Dole to the fact of Wright's confession of abstracting those government moneys aided him in making his escape from the Territory. We advise that the whole fund be placed in the Treasury and that it be paid out to the owners of claims against the late Hawaiian Postal Savings Bank as quickly as it can be done with regard to its getting into the proper hands. And with this view submit herewith an Act appointing a Board to supervise and facilitate the disbursement of this "Chinese Fund," and as soon as possible placing the amount in the hands of the parties to whom it properly belongs. The fact that the Auditor-General did not discharge his duty in the supervision of the accounts of the several departments is no excuse for the negligence of the several heads thereof, a negligence which gave opportunity for wholesale embezzlement, and amounted in our opinion to criminal carelessness. In Mr. Cooper's evidence will be found the statement that W. H. Wright informed him that the abstraction (by him, Wright) of Government funds had been going on for two years and a half. If such statement is true, as to the period of time, then it would go to show that the abstraction of money from the general funds of the Territory was made good by a taking from the "Chinese Fund" of sufficient money to meet the shortage and would account for

The ungiven amount covered by the I. O. U.

That I. O. U. presents some peculiar features. It is written in three shades of ink—in blue, in green and in red. It is written in another—and signature in another. But further investigation is barred by the absence of W. H. Wright, and we have to accept the I. O. U. as a confession of guilt. With regard to Locker No. 2, the key was found in the bookkeeper's safe. Mr. Cooper testifies that Mr. Hapai informed him that he (Hapai) could find the key and proceeded to do so. Mr. Hapai admits the finding of the key, but asserts that it was purely accidental and without prior knowledge on his part. Section 103 of the Organic Act provides as follows: "That any money of the Hawaiian Postal Savings Bank that shall remain unpaid to the persons entitled thereto on the first day of July, 1901, and any assets of said bank shall be turned over by the government of Hawaii to the treasurer of the United States, and the Secretary of the Treasury shall cause an account to be started, as of said date, between such government of Hawaii and the United States in respect to said Hawaiian Postal Savings Bank." It is clearly evident, by the provisions of the foregoing section of the Organic Act, that all money remaining unpaid to the persons thereto entitled on July 1st, 1901, in the Hawaiian Postal Savings Bank shall be turned over by the government of Hawaii to the treasurer of the United States, and how the same slipped from the mind of the then Attorney-General so that he illegally advised the executive of the territory to withdraw the money from the First National Bank of Hawaii, its rightful place, is a mystery to your committee. We present herewith a large mass of testimony, much of it contradictory, but all of it showing a strong tendency to shift the blame from one to another, giving however, undeniable proof of procrastination and delay, resulting in the escape of the person claimed to be guilty. We believe that the passage of the Act, heretofore referred to and which we present herewith, is the best solution of the questions relating to this "Chinese Fund" and can but hope that the exposure of this whole matter will prevent a recurrence of the disgraceful carelessness on the part of Government officers and prove the imperative necessity of all government employees having charge of public funds. Under all the circumstances your committee cannot recommend the insertion in the Appropriation in the Appropriation bill of any amount to cover W. H. Wright's shortage, and lays the responsibility for the loss of the money upon the shoulders of those who participated in withdrawing the same from its rightful place of deposit. There will undoubtedly be an unclaimed balance of the "Chinese Fund" and we suggest that an appropriation to cover said shortage is unnecessary. Facts may develop at a future time throwing more light on this shorthanded and proper legislation may then be had for the purpose of making good the money lost in the manipulation of this trust fund. (Signed) JONAH KUMALAE, S. P. CHILLINGWORTH, A. FERNANDEZ, H. JAAGER, CARLOS A. LONG.

WITH THE SENATE. Various Matters Acted Upon At Afternoon Session. At the afternoon session of the Senate yesterday, notice of the appointment of Alexander L. Lindsay, Jr., as chairman of the Registration Board to succeed Lorin Andrews was received from the Governor and the appointment confirmed. The bills to amend the law relating to liquid explosives, relating to the drawing of juries and providing for a Deputy Registrar of Accounts, passed third reading. The jurors were given 10 cents a mile instead of five cents. The House bill to encourage diversified industries, passed third reading. The House's Hack bill was passed third reading. An amendment was made so that three inspectors are to be appointed in every district. The bill amending the general railroad law passed second reading and the House bill which provided for right of action for damages due to neglect or default, was given second reading. A clause which exempted the damages so collected was knocked out. A special committee consisting of Senators Dickey, Achi, J. T. Brown, Wilcox and Paris was appointed to examine the question of salaries of the various territorial officers, in order to determine what positions should be continued. This committee was appointed in order that the Senate could know how to proceed in the making of appropriations. The Loan bill was taken up, but after some discussion, consideration was postponed until today. The Senate bills amending the law relating to foreign corporations, prohibiting officers from issuing false vouchers appropriating \$75,000 for the purchase of the Pahoa Water Works passed third reading. The latter bill was so amended as to make the payment out of current receipts. Senator McCandless moved that the Oahu College water works be purchased too. This was ruled out of order. At the morning session the Senate took up the malt liquor law in order to make the amendments suggested by the Governor. The bill was amended so that no saloon could be located within half a mile of any military post, and was then referred to the Committee on Miscellaneous Petitions.

PARTNERS DISAGREE. A. Barnes has filed suit in the Circuit Court against Charles R. Collins for dissolution of partnership. The plaintiff says the partners are joint owners in property on Liliu street held in Collins name, and property at Waikiki held in his, Barnes, name. They had agreed to carry on a general business as partners, share expenses and profits. The plaintiff claims to have carried out his part of the agreement, but says that the defendant has not done so. CABLE TO THE FARRALONES. Associated Press, Morning Service. SAN FRANCISCO, April 17.—The cable to the Farralones is in operation. It is owned and operated by the weather bureau and is designed to assist in weather forecasts. PRESIDENT IGNORES STRIKE. Associated Press, Morning Service. CINCINNATI, April 17.—President Roosevelt will continue his trip on the Union Pacific railroad despite the protests of labor organizations, which have been boycotting the Union Pacific since the strike began.

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