

# GETTING READY FOR LEGISLATURE

## REDUCE EXPENSES AND RELIEVE SCHOOLS

SENATOR W. O. SMITH WHO WILL BE PRESIDENT OF UPPER HOUSE ADVISES ECONOMY AND SUGGESTS CHANGE IN SCHOOL LAW TO RELIEVE CONGESTION IN PUBLIC SCHOOLS—IDEA TO KEEP THE YOUNGER CHILDREN HOME.

Hon. W. O. Smith, spoken of for legislate for economy, to reduce expenses to keep within revenue. President of the Senate, has ceased to argue with himself as to whether or not he will accept the head office in the upper house of the coming legislature and he declares today that he will abide by the wish of the majority. If the majority select him to the dais he will take the gavel, and if their wish is otherwise he will do that duty to which it has pleased the people to call him from the floor of the Senate. "It was a question with me," said Senator Smith this morning, "whether I could be more useful in the chair or on the floor, and I considered that point, when it was suggested that I might be asked to be President, desiring to go where I might be most useful. However, what the majority say I will abide by. I shall accept it if it is the will of the majority that I be President. There will be a meeting this afternoon of Senators in the Judd building."

Speaking of possible legislation or of needed legislation which he believes should be enacted, Senator Smith said: "It occurs to me first of all that it should be the duty of this Legislature to reduce expenses to keep within the revenue of the Territory. Since annexation a considerable proportion of customs, goes to the Federal government. So, while I have at this time no certain bills in mind, generally speaking I think it the duty of the Legislature to hold a session for economy, to

## NO DOCK AWARD FOR PEARL HARBOR

(Associated Press Cable to The Star.)

WASHINGTON, D. C., February 15.—No contract has been awarded yet for the construction of the drydock for Pearl Harbor.

## HONOR MEMORY OF MAINE VICTIMS

WASHINGTON, D. C., February 15.—Memorial services were held today to honor the memory of officers and men of the Navy who were killed in the blowing-up of the battleship Maine at Havana before the opening of the war with Spain. Admiral Sigbee was the chief speaker at the exercises.

## STORM HOLDS UP RAILWAY TRAFFIC

CHICAGO, February 15.—A severe storm is raging throughout middle-western States and railway traffic is on many lines blocked on account of heavy snowdrifts.

## UNKNOWN SHIP AND STEAMER SINK

ALGER, February 15.—An unknown ship and the Belgian steamship Australia have been sunk in collision with the loss of thirty lives.

## CONSTITUTIONAL BAR REMOVED

WASHINGTON, D. C., February 15.—The House of Representatives today passed a resolution removing the Constitutional bar which conflicted with Knox becoming Secretary of State because he was a member of the Senate at the time the vote was taken to increase the salary of the office of Secretary of State.

## SEPARATE STATES BILL PASSES HOUSE

WASHINGTON, D. C., February 15.—The separate statehood bill admitting New Mexico and Arizona as separate States was passed in the House of Representatives today.

## MURDER TRIAL IS CLOSING

DOCTOR SINCLAIR AGREES WITH DR. COLLINS THAT KALEIKINI IS NOT EPILEPTIC.

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OLD DAMAGE SUIT. The somewhat ancient damage suit of Ethel Barr vs. Honolulu Rapid Transit & Land Co. is continued by stipulation until May 24.

JUDGE KINGSBURY. Judge Selden B. Kingsbury took the oath as Circuit Judge of the Second Judicial Circuit, Maui, Molokai and

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## WYNNE MAY NOT HANG

MURDERER OF MCKINNON MAY BE RELIEVED BY GOVERNOR UNTIL PRESIDENT ACTS.

John Wynne has petitioned Governor Frear for a reprieve, which will probably be granted.

He is sentenced to be hanged on Wednesday for the murder of A. McKinnon on board the oil steamer Rosecrans over a year ago.

The Governor has power to reprieve but not to pardon Wynne, he being a Federal prisoner. The reprieve would stay the execution until the President had time to act.

## Test Case Postponed

When the time set arrived the municipal mandamus suit was continued until 2 o'clock tomorrow afternoon for trial of disputed statements of fact which must be settled before the main questions can be reserved to the Supreme Court.

Owing to statements in Treasurer Trent's answer to Coster's writ of mandamus which are disputable, Assistant City and County Attorney Milverton was constrained to file a reply to the answer when the case came before Judge Robinson at 2 o'clock this afternoon. Among the assertions disputed are those denying Road Overseer Cummins' appointment by the Board of Supervisors of the County of Oahu and his filing of a bond, and then the employment of Stable Foreman Coster by Cummins. Also, the denial of the continuous employment of Coster under orders of Cummins up to January 4 last. Also the denial of Mayor Fern's having read an inaugural address. Also the denial that the motion to organize the Board was voted for by all the Supervisors. Also the denial of Coster's employment by the Roads Committee on January 4, of his actual services under continuous employment since, and of the fact that the stables are maintained in connection with the roads. Another matter controverted by Mr. Milverton is the sole ground presented by Mr. Trent for refusal to pay Coster's salary warrant.

VICE CONSUL WOOD. The Governor has received a card from John Q. Wood showing him to be now United States vice consul at Milan, Italy. Mr. Wood is well known here. He was formerly a teacher at Oahu College. In the boom time he made a mint of money and blossomed forth as a prosperous stock broker. After a while he went to Europe where two or three years ago, he married a prima donna and made his home under the sunny Italian sky. Lately he took a special course of study and passed examination for the United States consular service. Governor Frear is an old friend of Mr. Wood and met his wife on the mainland last year.

Quality watches can be had from H. Culman, Fort near Hotel. Quality watches that are perfect and reasonably priced.

ODDS AND ENDS. The second week of after stock-taking bargains is on at Sachs' with bigger bargains than ever.

Best cup of coffee in the city at New England Bakery.

FINE SODAS SERVED. The finest sodas in Honolulu are served at the fountain of the Alexander Young Cafe.

Governor Frear this morning read the last proof of his message to the Legislature.

Fine Job Printing, Star Office.

## REPRESENTATIVES IN FULL CURB COUNCIL

Full curb council is being held by members of the House of Representatives. As yet there is no call for general caucuses, but numerous caucuses are being pulled off wherever it is convenient for men to gather for a few moments. The members from the different islands, nearly all of whom are today in this city, are getting acquainted and are exchanging confidences in regard to proposed legislation.

Every Representative questioned on the subject today proclaimed Holstein for Speaker. Holstein, himself, is saying nothing. Like W. O. Smith, Senator, he leaves the settlement of the chair to the majority and is willing to abide thereby.

Same hat and same smile has Holstein. He and John Lane have been wrapped in consultation since Holstein arrived in town. John and Holstein have earnestly discussed the pro bono publico proposition from schools to taxes and back again.

A matter which is receiving much

consideration in street talk is the appointment of a stenographer or a stenographer and clerk in the House. Many desire that a Hawaiian receive the position of stenographer at \$10 per day and that a Hawaiian also be made clerk at \$10 per day. Others, a few, declare that there does not happen to be a Hawaiian stenographer capable of doing the job, though there are plenty of Hawaiians capable of taking the clerkship. Then there is the proposition to combine the positions of stenographer and clerk, which proposition, it is understood, is not receiving much support.

For clerk Jim Holt, Ed. Woodward and Jas. Lloyd are candidates.

Typewriters are busy with proposed laws and government departments are deep in statistical documents and typewritten for reference by the lawmakers, applications for work are many and Representatives and Senators are besieged by individuals who have claims, ideas, bills, resolutions or axes to grind.

## TAX LIENS ARE NOT EXTENDED

AN IMPORTANT DECISION ON REVENUE QUESTION ON WHICH VARIOUS CASES IN PART DEPENDED—ACT OF 1905 DECLARED NOT TO EXTEND DURATION OF TAX LIENS WHICH HAD ATTACHED PRIOR TO ITS TAKING EFFECT.

"S. L. 1905, Act 89, Sec. 16 does not extend the duration of tax liens which had attached prior to the date that the act took effect."

So reads the syllabus of a Supreme Court decision, written by Justice Ballou, in the case of Assessor Charles T. Wilder against W. T. Lucas, in which E. W. Sutton appeared for the assessor and L. J. Warren for the defendant.

In the opinion of the court the case is thus stated:

This is a submission upon an agreed statement of facts from which it appears that the defendant in December, 1908, became the purchaser at foreclosure sale of real estate mortgaged in 1898, upon which the taxes for the year 1905 are still unpaid. The plaintiff contends that the property is subject to a lien for the taxes for that year superior to the prior mortgage, and the following questions are submitted for decision:

"1. Do the provisions of Section 16 of Act 89 of the Session Laws of 1905, amending Section 1266 of the Revised Laws of Hawaii (1905), operate to extend the term of the lien of taxes for the year 1905 from the term of two years to five years?"

"2. If the previous question be answered in the affirmative: Do the provisions of said Section 1266, as so amended, operate the year 1905, prior

or superior to the lien of said mortgage; or, was such tax lien divested by said foreclosure?"

After quoting the law up to 1905 and the amendment of that year, the court concludes thus:

While it is true, as contended by plaintiff, that the amending act does not impair liens already existing, it does not necessarily follow that such liens are thereby extended from two to five years. There is nothing in the language of the statute to indicate such intent. The lien for the taxes of 1905 attached September 1, 1905, and continued for two years; the lien for the taxes of 1906 attached January 31, 1906, and continues for five years. Statutes providing additional remedies for the collection of taxes will not be applied to taxes previously laid unless such intent is manifest. Fuller v. Grand Rapids, 40 Mich. 395.

The first question is answered in the negative, and consideration of the second question becomes unnecessary. There have been cases in court other than tax appeals which depended for their complete adjudication on the question of tax liens now decided.

## THE FEDERAL GRAND JURY NOW AT WORK

Judge Dole opened the special term of the United States District Court set for Friday. Besides delivering his charge to the grand jury he made some dispositions of cases for trial. J. Rosenberg, for receiving stolen goods belonging to the United States, had one case against him set for tomorrow morning, another one to come on at its conclusion. Leon M. Strauss is his attorney.

John T. Statton pleaded guilty to opening letters, while assistant post-

master of Honolulu. His sentence was set for Friday. Inoi, who with his wife is indicted for importing and harboring women for immoral purposes, had his case put over until Friday for further disposition.

Other cases went over to various dates to be set for trial. Harry Armitage, Jos. A. M. Osorio, Joseph S. Canario, Wm. H. Gomez and

(Continued on Page Four.)

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