

HAWAIIAN STAR.

Telephone 2365 Star Business Office

SECOND EDITION.

VOL. XIX.

TWELVE PAGES.

HONOLULU, HAWAII, THURSDAY, JUNE 15, 1911.

TWELVE PAGES.

No. 5995

JOHN CUMMINS LOSES IN THE SUPREME COURT

Hon. John A. Cummins has lost his case in the supreme court. Auditor Fisher is upheld in refusing to pay Cummins the \$5000 voted to him by act of the legislature.

Chief Justice Robertson is author of the controlling opinion of the court rendered this afternoon.

Justice Perry writes a concurring opinion, some of his grounds differing from those presented by the chief justice.

Justice De Bolt files a dissenting opinion, holding the act constitutional, but he concurs at the outset in the opinion of the chief justice "as to the right of the auditor to raise the question as to the validity of the statute."

Lorrin Andrews and Eugene Murphy appeared for appellant, and Attorney General Lindsay for the auditor. Following is the syllabus of opinion:

"The auditor of this Territory may invoke the invalidity of a statute in defense of his action in refusing to allow a claim."

"An appropriation of money by the legislature to refund the amount of a fine paid pursuant to a judgment of a court of competent jurisdiction upon the assumption that the accused was innocent, is an illegal attempt to exercise judicial functions. (Per Robertson, C. J.)"

"It is beyond the power of the legislature to authorize the expenditure of money raised by taxation by way

of gift or gratuity to individuals in the absence of, at least, a moral obligation to support the appropriation. (Per Robertson, C. J.)"

"The courts are not always concluded by a legislative opinion or finding that a moral obligation existed to support an appropriation of public money for a private purpose. (Per Robertson, C. J.)"

"Act 144 of the Session Laws of 1911, held to constitute an invasion of the judicial power, and an illegal attempt to divert public funds to private use, and hence, not a rightful subject of legislation within the meaning of section 55 of the Organic Act. (Per Robertson, C. J.)"

"The power to pardon is by section 55 of the Organic Act vested in the governor exclusively and cannot lawfully be exercised by the legislature. Under this power the governor may grant pardons which are partial in their operation, as well as those which are full and absolute. The legislature may not remit a fine judicially imposed. (Per Perry, J.)"

"An appropriation was made by the legislature of a sum of money 'for the purpose of refunding' to a person duly convicted and sentenced by a judicial tribunal 'the fine' imposed under the sentence and paid by the accused. As to the fine, the executive had refused or at least failed to grant a pardon. 'The appropriation was not within the legislative power and is invalid. (Per Perry, J.)"

A Sea Serpent Story Comes From Hauula Coast

The sea serpent has been reported from the coast of Koolauloa and the natives, all the way from Kahana Bay, are keeping a keen lookout for its reappearance in the district.

One of the oldest inhabitants of Honolulu stated this morning that early last Tuesday morning a long, black object was seen in the shoal water off the beach at Kalaunui, a point midway between Hauula and Punaluu. It was about thirty feet long and was motionless when first seen, in fact it seemed to be floating on the water.

Thinking that the object was a mass of seaweed, two natives put out from the beach in a canoe and paddled toward it. To their surprise and terror, on their approach the object seemed to come to life and dashed seaward in a swirl of water that came near upsetting the canoe. The natives watched it swim along the reef toward Hauula for about half a mile, when it suddenly dived and disappeared from sight.

They believe that the object, whatever it is, is making its home in one of the great caves which honeycomb the coral reef along the windward side of the island.

The natives who were in the canoe say that the object had bristles all down its back and that it was a mui-kai or sea snake, a creature which still figures in ancient Hawaiian legends, but whose appearance has not been recorded in these islands for over a century. Its broadest part was thick as a man's leg.

It is believed that the mui-kai came into Kalaunui harbor after a school of of amama or akule, and that it was in a semi-dormant state from a heavy meal of these fish when observed on Tuesday morning.

The appearance has created much excitement all along the coast of Koolauloa and especially at Hauula, the most thriving and populous settlement on the other side of the island.

SUGAR NOW HAS CENTER OF THE STAGE

(Associated Press Cablegrams to The Star.)

WASHINGTON, June 15.—Petitions for the reduction of the treaty on sugar have been presented in the House by representatives of Massachusetts, Kansas, Kentucky and South Dakota.

President Joseph F. Smith, of the Mormons, and John D. and Adolph Spreckels have been summoned to testify in the sugar trust investigation.

SEVERE ADRIATIC STORM.

TRIESTE, June 15.—Many people have been killed and much shipping destroyed, by a storm in the Adriatic.

SEAMENS' STRIKE NOT GENERAL.

LONDON, June 15.—The White Star line has compromised with the striking seamen. The strike is not general.

REVOLUTIONARY PRESIDENT ARRESTED.

SAN DIEGO, June 15.—Dick Ferris, the new President of the Republic of Lower California, has been arrested here on a Federal indictment in connection with the revolt across the line. He is accused of hiring soldiers to fight abroad.

Four alleged heads of the Mexican junta here were arrested this morning on Federal indictments.

BOARD OF HEALTH FORCES BUSY WITH THEIR NEW WORK

The Board of Health people are working overtime on the license renewal matter and it will be a wonder if the bulk of detail work entailed is disposed of by July 1, the date of the issuance of the new licenses.

Every license applied for is referred to the Board of Health in order that an inspection of the premises may be made and a certificate as to fitness and cleanliness granted, without which no license will be issued.

Not only is Oahu affected by Makekua's law, but every island in the group.

In Hilo the matter will be attended to by the chief sanitary officer; on Maui by H. V. Trevenan, the Board of Health's representative on that island. On the other islands the government physicians will make the inspections and issue the necessary certificates.

Outside of Oahu the system will not be in full force until after July 1, it being necessary to wait on the appropriation for ways and means where-with to carry on the work.

Thousands of Inspections.

The work calls for the inspection of thousands of premises, and every class of license is affected.

Locally, the work is being divided up among the administrative officers of the Board of Health and county officers.

The reports are being checked by Food Commissioner Blanchard, City and County Physician Moore, General Health and Sanitation Officer Pratt.

Chief Inspector of Sanitation Charles Cook, District Sanitary Inspector of Oahu Frank Cook, President Mott-Smith and Secretary K. B. Porter.

On the recommendation of the checkers the required certificates will be granted and the license issued, on presentation of the certificate to the county treasurer.

The licenses include those for barber shops, ice cream parlors, cleaning and dyeing works, meat, fish and vegetable markets, bakeries and confectionaries, slaughter-houses and laundries.

Some of the Questions.

Some of the questions asked in the blanks are as follows:

- Restaurants—
- Is the kitchen used as sleeping quarters?
- Are small animals or fowls allowed in the kitchen?
- Condition of eating-room.
- Character and condition of garbage bins?
- Location and condition of vault or water closet.
- Character and condition of adjacent property.
- Meat, Fish and Vegetable Markets—
- Is refuse removed promptly?
- Is market screened?
- Flies or evidence of flies present?
- Bakeries and Confectionaries—
- Is bake-room used as sleeping quarters?
- Are small animals or fowls allowed in bake-room?
- Condition of bake-room.

LANDING OPIUM IN HILO AND BRIBING A POLICE OFFICER

Were Hilo ambitions to be the opium smuggling capital of the Territory, she would assuredly stand well in the running at this date. Revelations made today at the preliminary examination of Charles Kaul, a policeman of that town, for aiding in the unlawful importation of the article, indicate a stratum of refrigerated corruptibility and crookedness at that port which should qualify it for taking first rank as an illicit opium entrepot. The one drawback is that the outcropping is so bold and rugged that it is bound to reveal itself to the most cursory prospecting.

U. S. Commissioner George A. Davis began the hearing but it was not concluded this morning, a continuance being granted at defendant's request.

Startling Revelations.

Joe Baker, formerly chief engineer of the Matson steamer Wilhelmina, was the witness that made the startling revelations. District Attorney Breckons had allowed him to go to San Francisco in the steamer and he returned in her last trip as a passenger.

On the witness stand Baker promptly admitted that he brought a satchel containing opium ashore from the Wilhelmina at Hilo on the date in question.

(Continued on Page Five.)

WILLIE WELSH SUED FOR DIVORCE

Katherine Keifer Welsh is suing William Lawrence Welsh for divorce on the grounds of extreme cruelty. She relates a terrible tale of physical and verbal abuse received from him. Their child is also said to have been a victim of his mistreatment. Mrs. Welsh asks for alimony, stating that she is dependent, for support of herself and the infant, upon her work as a milliner, and that her husband owns a dwelling at Kaimuki worth \$2500 which is renting for \$30 a month.

The McQuaid divorce case is still on trial before Judge Robinson.

MAY AFFECT QUEEN'S CASE

Governor Frear is looking forward with interest to the decision of the Supreme Court in the Cummins case. "The decision will be an unusually interesting one," said the Governor this morning, "and if in favor of one of the parties is likely to have a wide application."

In this connection it may be mentioned that there is considerable talk around town as to the possibility of a verdict against John Cummins affecting the pension granted ex-Queen Lilioukalani by the Legislature, the right of the Legislature to appropriate public money for private individuals being involved.

CLEGHORN ESTATE WORTH \$223,140

The estate of the late Hon. Archibald Scott Cleghorn is valued at \$223,140.95 by the court appraisers—James W. Pratt, M. T. Simonton and Charles S. Desky. This amount is made up of \$197,430 real estate and \$25,710.95 personal property.

The estate of the late Mrs. Cornelia Hall Jones is valued at \$85,965.40 by Henry C. Hapai, M. T. Simonton and Fred B. Damon, appraisers.

MAGOON ON THE BRAIN.

SAN ANTONIO, Texas, June 15.—Three hundred Magoonists, Socialist revolutionists in Mexico, have captured the town of Piedras Negras and are plundering it.—Advertiser.

FERN WILL SIGN.

Mayor Fern, it was announced today, will sign the building ordinance as soon as it is officially passed to him.

Mrs. Elsie Bolton has bought a beautiful five-seated Stevens car and has presented it to the Big Four.

MUCH LOCAL COIN IN THE GOLD MINE

The Grover Murphy Development Company, Ltd., incorporated recently by a number of local people, has been talked of for a long time past.

H. H. Williams has been the leading light of the enterprise, in which \$105,858 is reported to have been already invested here.

The 105,858 shares already subscribed for on a par basis of one dol-

DR. ROWAT'S AGED FATHER IS DEAD

William Rowat, father of Dr. A. R. Rowat, of this city, died lately at Manotick, Ontario, in the ninety-third year of his age, leaving five sons of a family of ten sons and one daughter. Four of his sons, including Dr. Rowat of Athelstan, Quebec, acted as pallbearers at the funeral, a mention of which in an obituary sketch, with a portrait of the late venerable patriarch, in the Montreal Witness says: "Dr. A. R. Rowat, another son, of Ho-

EARTHQUAKE THIS MORNING.

SAN FRANCISCO, June 15.—An earthquake was registered in many places this morning.

CATHEDRAL DAMAGED BY BOMB.

VALENCIA, June 15.—The entrance to the cathedral here was shattered today by a bomb exploded on the plaza.

MORNING CABLE ABSTRACT.

WASHINGTON, June 15.—Senator Joseph L. Bristow of Kansas, introduced an amendment to the tariff law in the Senate yesterday, which proposes reducing the duty on sugar to "oust" the Dutch standard by removing the differential between raw and refined sugars. It is not believed here that action can be reached on this proposed reduction at this session of Congress.

WASHINGTON, June 15.—Secretary of State Knox, subpoenaed before the Hamlin committee of the House yesterday, testified that Senator Hale had been paid the \$5000 fee for diplomatic work in connection with the Canadian boundary line through Passamaquoddy Bay.

HALIFAX, June 15.—The government wins a decisive victory in the elections, returning twenty-seven out of thirty-eight members to the provincial parliament, giving it a majority of eleven seats.

HAVANA, June 15.—It is expected that the hull of the battleship Maine will be visible today through the cofferdam. The pumping out of the water continues rapidly.

KINGSTON, New Mexico, June 15.—There is reported more desperate fighting in the northern section of Mexico, with the result in favor of the rebels.

APPOINTMENTS COMING SOON

Governor Frear stated this morning that he would be in a position very shortly to announce who would be the new land commissioner. So far he has not given the slightest indication as to who the new official would be.

Alexander Hume Ford had an audience with the Governor this morning and has told his friends that he could have the job if he wanted it. Whether he is a candidate for the office or not it is impossible to ascertain.

Other appointments to be announced are:

Harbor commission, several new liquor license commissioners, a boundary commissioner for Hilo and fence commissioners for Kau and other districts.

THE KNIGHTS OF PYTHIAS SERVICES

The program for the memorial services of the Knights of Pythias, to be held at the Hawaiian Opera House Sunday afternoon, June 18, has been completed.

Mr. Towse as an orator needs no special mention, as his eloquence is known throughout the islands. The eulogy to be delivered by Mr. Deering will be most impressive. Mrs. Herzer, so well and favorably known in musical circles, will render appropriate selections.

Mr. Disson, the tenor, has not been heard by the Honolulu public as often as they desire. His silver-toned voice places him in the ranks of Honolulu's foremost singers.

The ritualistic work of the order is very impressive, and is said by those who have heard it to be the equal of any of the fraternal organizations. The Knights have spared neither labor nor expense to make this occasion the most impressive of any ever attempted by the order in Honolulu.

POND GETS BIG ARMY CONTRACT

A cablegram reached Honolulu this morning from San Francisco giving the advance information that Percy M. Pond has been awarded the government contract for supplying 25,000 bales of bedding for the horses of the Leliuhua reservation.

The bids received here were all sent to department headquarters of California, where they were opened, read, and awards made, at the Chronicle building, San Francisco. Mr. Pond's bid on this item was \$17 a ton.

The entire regiment of the Fifth Cavalry, consisting of twelve troops of horses, and Battery F, First Field Artillery of the army, are the animals considered in this contract for 25,000 bales of bedding, besides many horses and mules in the quartermaster's care and use at Schofield Barracks.

E. FERNANDEZ BUYS THEATER

(Wireless to The Star.)

HILO, June 15.—Eddie Fernandez has bought the Galley theater for \$2,000.

IMMIGRATION BOARD.

Dr. Victor Clark of the bureau of immigration went to Kahuku this morning. As soon as possible after the return of Agent A. J. Silva, which is expected tomorrow, a meeting of the board will be held, at which Campbell will present his report.

Five Job Printing at Star Office