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NOTICE.

WHEREAS THE UNDERSIGNED, CONCHEE & CO., have this day purchased the entire interest of J. MENDOZA in the Palama Dairy, Honolulu. CONCHEE & CO. February 25, 1884. mh22-w2m

Legislative Assembly,

SESSION-1884.

SEVENTH DAY.

SATURDAY, MAY 3, 1884.

The Assembly met at 10 A.M. Minutes of the previous day's proceedings read and confirmed.

PETITIONS.

Mr. KAMAKOLE presented a petition from Makawao, praying that the Reciprocity Treaty be continued. Referred to Committee on Finance.

RESOLUTIONS.

Mr. KAULOKEU gave notice of his intention to introduce a joint-resolution, and on suspension of the rules, it was read for the first time, viz: That \$40,000 be appropriated for defraying the necessary expenses of the Legislative Assembly of 1884.

Read a second time and passed to engrossment. Ordered to be read a third time on Monday.

Mr. LILIEALANI moved that the Sergeant-at-Arms be authorized to provide 300 2-cent postage stamps for each member.

Mr. SMITH moved an amendment that 100 stamps be provided. Carried.

Mr. CECIL BROWN read for the first time a bill to provide for the registration and identification of male Chinese, to become law on the 1st January, 1885. Passed to second reading.

Mr. SMITH read for the first time a bill relating to the recording of marriages. Passed to second reading.

Mr. CECIL BROWN read for the first time a bill to define the ownership of turkeys, pheasants, peacocks, quail, geese or chickens found on the lands of property owners. Passed to second reading.

Mr. GODFREY BROWN moved that the House meet at 1 P.M. for two weeks, commencing on Monday, the 5th instant, in order to allow the standing Committees sufficient time to perform their duties. Carried.

Mr. AMARA moved that \$500 be appropriated for anchors and buoys in the harbor Puniki, Oahu. Laid on the table.

Mr. HITCHCOCK moved that \$1,500 be appropriated for improving the landing at Lanipohoe. Referred to Committee on Public Lands, &c.

Mr. NAWABI introduced a resolution, that whereas the report of the Minister of Finance, dated May 5th, 1883, shows a balance of \$89,789.29, and a subsequent report shows a balance of \$48,280.71, be it resolved that the Minister explain the cause of the difference of \$41,508.58.

Messrs. Kaulokou and Kauhane were in favor of the resolution.

Mr. GODFREY BROWN, in the absence of the Minister, explained the difference. He said it was a mere matter of accounts, and arose from the Custom House returns. Whoever made out the account was evidently not conversant with the rules of the department, or he would not have allowed such a statement to go forth.

The resolution was referred to the Committee on Finance.

On the suspension of the rules, Mr. Nakaleka presented a petition from Kalawao, bearing the signature of 61 kokuas (nurses) praying that the custom of requiring them to work be abolished.

In support of his petition, Mr. Nakaleka stated that if these kokuas do not work and do as the superintendent orders them, they are driven away from the place. Petition referred to the Sanitary Committee.

ORDER OF THE DAY.

Second reading of an Act to amend section 1442 of the Civil Code, relating to the granting of Charters of Incorporation.

Mr. SMITH, the introducer of the bill, stated that the amendment was slight. It was merely to substitute the word "may" for the word "shall." A proposed charter having met with the approval of the King in Privy Council, it is the duty of the Minister of the Interior to grant that charter.

The Attorney-General pointed out that there had been a decision rendered by the Supreme Court that the Minister of the Interior had no discretion in the granting of charters, consequently there was no question that the section should be amended as proposed, but if amended in that way, it would also be necessary to amend section 1445. If the petition was informally drawn, or did not comply with the Statutes of the Kingdom, and not fit to be brought before the Privy Council, he considered the Minister of the Interior should be empowered to refuse it. As the law stood now, the Minister of the Interior had absolute discretion to receive or reject a petition. This discretion had been taken away from him by the Judges of the Supreme Court. The Supreme Court had taken upon itself to legislate, which it had no right to do, and now asks that the Legislative Assembly endorse its action.

Mr. CECIL BROWN was in favor of the bill as introduced. The Privy Council could always refer petitions to the Judiciary Committee of the Council, composed of the Chief Justice and the Attorney-General, and if in order they are passed. To place the sole power in the hands of the Minister of the Interior was a more technical objection to the bill.

Mr. KAULOKEU said that formerly there

were very few applications for charters, but within the past year a great many charters had been applied for. The difficulty was, whether the stock represented was worth so much or not. According to the proposed amendment, there might not be a dollar in the whole concern. In the case of the Gazette, one individual said he had so many shares, but on examining the tax books it was found that he had paid taxes on \$1,000 only. Certain parties make a great noise about the non-observance of the law, and they themselves are yearly trying to evade the law. The application for a charter was a mere shadow. He therefore moved that the bill be referred to the Judiciary Committee.

Mr. WIDEMANN said the bill as it stands takes away all discretion from the Minister of the Interior. He ought to have the power to reject bills that are not properly drawn. The facts are, that a good many petitions come before the Privy Council that are faultily drawn, and he did not think the task of revising them should be thrown on the Privy Council. He thought it better that the Minister of the Interior should have the authority to reject such petitions and if so, there ought to be no objection to having it expressed in the law. He moved that the bill be returned to the member for Waialuku to make the necessary alterations.

Mr. SMITH said he could not do that. What he wished to prevent by the bill was to prevent any favoritism or spite on the part of any one man. The Minister of the Interior was not the man to decide whether a petition was properly drawn or not. He is not the Attorney-General. He wished to deprecate bogus Companies. Petitions for some charters that have been already granted ought to have been scrutinized before they were granted. There may be vexatious delays by the will of one man merely through spite. As the statute stands, the Minister of the Interior has greater power than the Privy Council.

The Attorney-General said the question is not whose charter has been granted or whose has not, but shall this Legislative Assembly pass a bill that is not in proper form. If will be faulty if the changes he had previously pointed out are not made. As an example he pointed out that a warrant for a man's arrest could not be issued unless the application was in proper order, and the clerk who issued it was the Judge in that matter, and not the man who afterwards tries the case. You might say that if you give the Minister of the Interior any piece of paper, he must present it to the Privy Council. There was no doubt that petitions ought to be presented, provided the statutes are complied with. He asked the introducer of the bill to remember that though it was the Minister of the Interior that granted the charter, he could not do so unless the King in Privy Council approved of it. If the supervision of irregularity is taken away from the Minister you might just as well give the petition to a Government messenger, or why not strike out everything relating to the Minister of the Interior and hand petitions direct to the Privy Council.

Mr. SMITH remarked that the object of handing it to the Minister was that it be recorded.

The Attorney-General did not consider that any answer to his objection.

Mr. WIDEMANN moved that the House adjourn. Carried.

The Assembly adjourned at noon.

EIGHTH DAY.

The House met at 1 P.M. Minutes of Saturday's proceedings were read and confirmed.

PETITIONS.

Mr. KAMAKOLE presented a petition from Makawao praying that employers of persons under contract service be prevented from punishing their employees by imprisonment for any neglect of duty or desertion from service. Referred to Judiciary Committee.

Mr. KANEALII presented a petition from Waialuku praying that all fathers having four or more children be exempt from school tax. Laid on table until a bill is introduced to amend the existing law.

Mr. PILIPO presented a petition from Molokai praying that the election of Messrs. Kupihea and Nakaleka be declared void, on account of votes having been cast in their favor that were not legal. Referred to Judiciary Committee.

Mr. KAULUKEU presented a petition from Puna praying that no fees for tuition be charged those parents who send their children to English schools. Referred to Committee on Education.

Mr. PILIPO presented a petition from the inmates of the branch hospital at Kakaako, praying that they be kept there and not sent to Molokai. Referred to the Sanitary Committee.

Mr. NAKALEKA presented a petition from Molokai praying that the number of police on that island be increased to eight. Laid on table.

Mr. KAULUKEU presented a petition from Puna praying that lepers be allowed to remain in the districts to which they belong and be cared for by their friends. Laid on the table.

Mr. NABINE presented a petition from South Kona praying that a hospital be erected there. Referred to Sanitary Committee.

Mr. KUPIHEA presented a petition from Molokai praying that a resident foreign phy-

sician be appointed for the island of Molokai. Referred to Sanitary Committee.

Also a petition from same place praying that the Government bore the Artesian wells for which appropriations were made last Session. Laid on table to be considered with the Appropriation Bill.

Also, that wharves be built at Pukoo and Kaunakakai. Referred to Committee on Public Lands, etc.

RESOLUTIONS.

Mr. KAUBANE moved that \$7,000 be appropriated for improving the roads in Kan, viz: \$3,000 for road from Punaluu to the valley of Wawahiwa, and \$4,000 for other roads in that district. Laid on the table.

Mr. KAUNAMANO gave notice of his intention to introduce a bill to amend Section 1, Chapter 90 of the Penal Code, relating to any difference which may be found to exist between the English and Hawaiian version of the laws of the Kingdom. As it stands at present the English version is held binding.

Mr. PILIPO moved that \$800 be appropriated for improving the landing at Kailua; \$800 for the same purpose at Keauhou; \$500 at at Holualoa; and \$2,500 for road from Kekolo to Huehue. Referred to Committee on Public Lands, etc.

Mr. NABINE moved that \$1,000 be appropriated for deepening and improving the landing at Hookena; \$500 for ditto at Napoopoo; \$500 for ditto at Hoopuloa in South Kona. Referred to Committee on Public Lands and Internal Improvements.

Mr. KAUNAMANO moved that the House take a recess for two weeks from date.

In support of his motion he said that last week a resolution was passed that the House meet at 1 P.M. daily. The expenses were heavy for each day and in order to curtail expenses they had better adopt the resolution.

Mr. KAUBANE doubted about the economy that would result from the adoption of the resolution. If it provided that no member should leave Honolulu during the two weeks he would vote for it.

Mr. ANOLO was in favor of the resolution on account of the work to be done by the Finance Committee.

Mr. GODFREY BROWN stated that the Finance Committee had no interest whatever in the resolution. In his opinion there were some members of the legal fraternity in the House who were anxious to go on the Hilo Circuit. The resolution was merely to hoodwink the House. At the end of the time given to the Finance Committee they would have the work so well under weigh that they would not require further time.

Mr. SMITH said there was other work to be done than that by the Finance Committee and in his opinion it would be detrimental to have this adjournment.

Mr. KALUA objected to the resolution and on the motion being put to the vote, it was lost.

Mr. GODFREY BROWN read for the first time a bill to amend Section 780 of the Civil Code, relating to the representatives of the people. Passed to second reading.

Mr. DOLE read for the first time a bill to provide for the descent of property to the next of kin. Bill ordered to be printed.

Mr. PALOHAI read for the first time a bill to amend Section 1, Chapter 7, of Session Laws of 1878, relating to persons serving under contract being entitled to holidays on certain days. Passed to second reading.

Mr. KAULIA read for the first time a bill to amend Section 43, Chapter 44 of Session Laws of 1882, relating to the time for which the liquor law shall continue in force.

Mr. KANEALII read for the first time a bill relating to the number of hours that shall constitute a day's labor; also, to amend Section 1417, of the Civil Code.

Mr. HITCHCOCK gave notice of his intention to introduce a bill relating to the holding of the Circuit Court at Lahaina; also, to amend Chapter 8, of the Session Laws of 1882, relating to the Police Justiceship of North Kohala.

Mr. KAULOKEU moved that \$7.50 be returned to one Kalakabuna, amount of taxes paid twice. Referred to Committee on Finance.

Mr. GODFREY BROWN stated that the report of the Minister of Finance was full of alterations and eliminations, and altogether a most slovenly production. He asked whether in its present condition it was supposed to be correct?

Mr. DOLE read a report of the Judiciary Committee on the bill relating to diseases among animals.

On the motion of Mr. Bishop the report was laid on the table to be considered with the bill.

Mr. MARTIN asked for leave of absence. Granted.

Mr. KAUNAMANO gave notice of his intention to introduce a bill to amend Section 15, Chapter 44 of Session laws of 1882 relating to retail licenses for the sale of spirituous liquors.

Mr. CLEGGHORN moved the order of the day. Carried.

ORDER OF THE DAY.

The unfinished business was taken up. Second reading of an Act to amend Section 1412 of Civil Code.

After a few remarks by Mr. Widemann the bill was referred to the Judiciary Committee.

Third reading of a bill to provide for the

payment of expenses incurred in criminal prosecutions. Passed.

Third reading of a joint resolution to appropriate \$40,000 for defraying the necessary expenses of the Legislature of 1884. Passed.

Second reading of a bill defining the ownership of wild fowls.

On motion the bill was referred to the Judiciary Committee.

Mr. CLEGGHORN moved that the House adjourn. Carried.

House adjourned at 3 P.M.

[NINTH DAY.]

TUESDAY, MAY 6, 1884.

The House met at 1 P.M. Minutes of previous day's proceedings read and confirmed.

PETITIONS.

Mr. KAMAKOLE presented a petition from Makawao, bearing 128 signatures, praying that \$8,000 be appropriated for a bridge at Kailua. Referred to Committee on Public Lands.

REPORTS OF STANDING COMMITTEES.

GOVERNOR DOMINIS, Chairman of the Enforcement Committee, reported the bill to provide for the payment of expense of criminal prosecutions, and the joint resolution to authorize the payment of \$40,000 for the expenses of the Legislative Assembly, as having been signed by His Majesty, the King.

Mr. DOLE said that the Judiciary Committee would like the authority to subpoena witnesses from Lanai to give evidence with regard to the alleged illegal election of Messrs. Kupihea and Nakaleka.

Mr. PALOHAI said that as the petition regarding this election probably emanated from some disappointed candidate they should bear the expense of coming to Honolulu to prove their case and not saddle this Assembly with the expense. It is well known that in the case of Hawaiian candidates for the Legislature all sorts of devices are resorted to in order to attain their object. They invoke the aid of kokuas, the law, and the Legislature.

Mr. DOLE said they had sufficient evidence before them to show that the petition deserved further investigation. He quoted from Section 796 of the Civil Code which reads as follows:

Section 796. "Whenever fifty or more of the voters of any district shall petition the House of Representatives, setting forth that any person chosen as representative for said district, has been elected through bribery, or any other unfair means, or that he is not qualified according to law, the House of Representatives shall institute an inquiry into the truth of the charges in said petition; and if they find the charges to be true, they shall immediately declare his election null and void."

The evidence goes to show that there was improper conduct on the part of the Inspector of elections on Lanai. It may be a matter of importance to them to clear themselves of all blame. He therefore moved that the House authorize the Judiciary Committee to subpoena witnesses. Motion carried.

RESOLUTIONS.

Mr. KALUA introduced a resolution that, whereas it had pleased the Almighty to remove the Rev. M. Kunea, formerly one of His Majesty's Ministers, Chairman of this Assembly and Member of the Privy Council, be it resolved that the members of the Assembly attend his funeral, and that they wear an emblem of mourning in the coat button-hole for a period of fifteen days.

Mr. KAULOKEU desired that the motion should be modified somewhat. The motion was carried as originally presented.

Mr. PILIPO reported the bill relating to the descent of property as having been printed. Ordered to be distributed.

Mr. CECIL BROWN moved that the Auditor General explain to the House why the provisions of Section 26, Chapter 25 of the Session Laws of 1882 relating to the annual statement of receipts and expenditures had not been complied with.

Mr. SMITH supported the motion and stated that it was appropriate not only that the House should have the report, but it was also necessary to assist the Finance Committee.

Mr. WALKER said he would reply on Wednesday.

Mr. KANEALII gave notice of his intention to introduce a bill to amend Section 12, Chapter 86 of the Penal Code, relating to tax receipts and qualifications to vote. Also a bill to prohibit the Board of Education from charging tuition fees to parents whose children attend English schools.

Mr. KAULOKEU moved that whereas there were a large number of men, women and children at Kalawao and Kakaako afflicted with the disease known as leprosy, be it resolved that this Assembly ask the Judges of the Supreme Court (1) whether, from the fact of persons having contracted that disease should they be confined and deprived of their liberty. (2) Whether it was not contrary to the Constitution. (3) Whether the law providing for such confinement is not contrary to the provisions of the Constitution.

He did not wish to bring ridicule on the Supreme Court. Fault had been found with the Board of Health for not confining certain children who attended the public schools and who were supposed to have con-