

House resolve itself into a whitewashing Committee.

Mr. Gibson said this discussion seemed to hinge upon an interpretation of the law. The law creating the Auditor-General-ship was that he shall not follow any profession or employment during his tenure of office. He (Mr. G.) had taken part in the discussion of this law before it was passed, and he felt that a person taking this office should not be a merchant, or engaged in any lucrative business or profession.

The Hon. Noble had stated that he had received no emoluments in his capacity as executor for a deceased person. The hon. member for Koolauloa had said the same. Shall it be said that a person holding this office shall be incapacitated from acting as an executor for his brother, sister, or even his wife? If that be so, then he was prepared to say that the law had been broken still more flagrantly than had been stated. The Honorable Noble had filled various positions. He had been elected President of the Humane Society. In the fulfillment of such an office he had had a certain amount of employment, but no remuneration. The member for Lihue had stated that his occupation was similar to that of the Judges of the Supreme Court, in that their salaries cannot be abated during their tenure of office.

Mr. Smith—Is there any statute to support that?

Mr. Gibson said he was not citing statutes, he was citing the opinion of the member for Lihue. The positions are similar in that the holders of such offices they must keep aloof from other professions. One of the learned judges who had passed away, and also the present incumbents of the bench have a variety of business outside their duties in the Court, from which they derive large incomes. He felt that the statement made by the Auditor-General was plain, simple and straightforward. What he had done was within the meaning of the law. He thought it proper that the Assembly should accept the explanation, and he did not think it improper at this stage of the proceedings to move the previous question.

The Attorney-General said there used to be a prophesess in the ancient city of Troy whose prophecies were always right but she was never believed. There were members of the same profession as himself in the Assembly, who with the exception of two, would turn and twist his statements and try and make others believe that he (the A. G.) had said something else. If the charge had been proven it was the duty of the House not to allow the Auditor-General to sit any longer in the House. The possibility of his being removed from office had nothing to do with what had been said in this Assembly. Certain papers had been laid before the Assembly. What the Finance Committee do hereafter has nothing to do with this question. They may bring evidence sufficient to impeach the Hon. Noble but so far there was no such proof. He thought the resolution was due to Mr. Walker and also due to the House.

The vote was put to the Assembly and the motion of the Attorney-General carried by a large majority.

At 4:15 P. M. the House adjourned until 1 P. M. Wednesday.

[TWENTY-FIFTH DAY.]

WEDNESDAY, May 28, 1884.

House met at 1 P. M.

Minutes of previous meeting read and approved.

PETITIONS.

Mr. Kamakele presented a petition from Makawao praying that the word "servants" be stricken out of the Masters and Servants Act. Laid on the table.

Mr. Kauwila presented a petition from Puna praying that no Crown Lands be leased to others than those residing on the lands. Laid on the table.

Also a petition from Hanalei praying that Dr. Hammond be appointed physician for that district and that a sum of \$4,000 be appropriated for his salary. Referred to the Judiciary Committee.

Mr. Kamakele presented a petition from Makawao praying that a magistrate be employed for the leper settlement. Referred to Judiciary Committee.

Mr. Kaulukou presented a petition from Honolulu praying that the law of right of ways and rights of water be amended and that one Commissioner be appointed and that he be paid a salary of \$500 per annum. Referred to Judiciary Committee.

REPORT OF STANDING COMMITTEES.

Mr. Smith presented a report from the Special Committee on the diseases of animals and also presented a new bill on the subject. Ordered to be translated.

RESOLUTIONS.

The Attorney-General read for the first time a bill to amend Sections 1006, 1007 of the Civil Code as amended by the Session Laws of 1872, Chapter 3 relating to appeals. Read a second time by title and referred to Judiciary Committee.

Also by the Attorney-General a bill to amend Section 552 of the Civil Code relating to Custom House officers and their duties on board ships. Read a second time by title. Referred to Finance Committee.

Also by the Attorney-General a bill to endow a chair of natural science and chemistry at Oahu College, asking for Government support to the extent of \$1,200 per annum for salary of professor of chemistry. Read a second time by title and referred to Committee on Education.

Mr. Baker read for the first time a bill to incorporate a gas company for the lighting of the city of Honolulu. Read a second time and referred to a special committee. The President appointed Messrs. Cecil Brown, J. T. Baker, J. W. Kalua, S. G. Wilder, Minister of Interior.

Mr. Palohau moved that the editor of the *Hawaii Pae Aina* be called before the bar of the House and made to answer for certain statements derogatory to the character of the Members of the Assembly, in accordance with Article 52 of the Constitution.

Mr. Kalua agreed with the object of the resolution he read from the paper in which the statement appeared.

He had been invited but had never accepted the invitation. Others have been there, but it was not to be supposed that they went there to beg. He thought this particular newspaper ought to be rebuked.

Mr. Aholo did not think this the only paper that made such remarks about the Honorable members of this Assembly, and he thought this mention of the fact would be sufficient to deter a repetition of such statements and there would be no necessity to pass the resolution.

Mr. Smith said the expression was an objectionable one and no doubt arose from the members partaking of the hospitality of the Minister of Foreign Affairs. The object of it is known and cannot be concealed. Any gentleman has a right to invite people to his board, but for a member of the Ministry to entertain members of the House daily, is using unfair influence. It is beneath the dignity of a Minister of His Majesty.

Mr. Gibson said the subject for discussion was a resolution. He, like the member from Labaina, would be in favor of letting the matter pass by. He did not wish to rebuke the party in question. He was not aware of any party being injured by newspaper abuse. Speaking for himself, individually, it had greatly assisted him and he would be sorry to dispense with it. In reference to the remarks of Member for Wailuku, he would say this, that in 1878, and '80, he had invited guests to join him at the festive board at the hotel, and it afforded him a great amount of satisfaction to talk matters over at a friendly board. This was his practice as a member, and so it had been since he became a Minister. Though he invited members, he never discussed the business of the Assembly at his board; he avoided referring to questions of public interest that were before the Assembly. He had had the satisfaction of having gentlemen at his board who were regarded as members of the opposition. He remembered in 1880, dining with one of His Majesty's Ministers and looked upon it as a matter of hospitality pleasantly extended and pleasantly enjoyed, but never for a moment felt that his (Mr. G.'s) opinions were influenced by that hospitality. His house was very convenient, only 100 yards from the Legislative Hall. There were among the members of the Assembly, gentlemen with whom he had been on the most intimate terms for 20 years or more. It was no new thing with him during the past 25 years, to have Hawaiian gentlemen, members or not, at his board.

Mr. Cecil Brown thought these remarks had no bearing on the resolution.

The President ruled that the Minister had a right to reply to the Member for Wailuku.

Mr. Gibson went on to say that he did entertain his friends and he intended to do so. He considered the words in the newspaper referred to, were most uncomplimentary. There was no occasion for such remarks, as the members received a liberal compensation for their services, but notwithstanding the meanness of the insinuation, he agreed it was better to take no notice of it.

Mr. Dole rose and said there was an old saying that "the short road to a man's heart was through his stomach." Anyone knows there is no harm in inviting a friend to his table, and it was not against the law to keep open table for all the members of the House. He gathered from the remarks made by the Minister of Foreign Affairs that he does keep an open table for all and he thanked him for the explanation. He did not know who goes there, but whoever went there customarily did not wish to have his name published in newspapers. He did not defend the remarks that had been made in the newspaper that spoke of the members as "beggars." If anything to be ashamed of, it was not in the publication of the name, it was in going there. He did not believe

the members were afraid to have their daily acts published to all the world, at any rate, he hoped not. As to keeping an open table it needs more explanation than had been given by the Minister of Foreign Affairs in order to make it seem right to him. He would not attempt to say what it meant, but there was no one so deficient as not to know what it means, and if carried on it is inexcusable and improper. Public sentiment is against it. If the newspapers simply report their doings and report them faithfully he thought they would have no fault to find.

Messrs. Kaulukou, Baker and Palohau spoke on the resolution and it was finally put to the vote and indefinitely postponed.

Dr. J. Mott Smith moved that the Government be requested to suspend the enforcement of payment of duties in gold coin until after the several currency questions are decided upon. He said there had not been time for the House to manifest its disposition towards the bills introduced. A great deal of difference of opinion existed on this subject, not only here but all over the world. He would like the Currency Committee to have time to consider the question for the benefit of the country. As he believed the Government are not disposed to force the law prematurely, he asked the House to pass this resolution.

Mr. Widemann said he supported the resolution. He thought it was no exaggeration when he said there was a good deal of excitement about the currency question. He stated that it was not the present Ministry that first broke the currency law. The question arose, can the Government meet the demand for gold without receiving gold.

Mr. W. O. Smith made a few remarks about the Ministry, to which the Attorney-General replied that it did not become a member of this House to draw aspersions on the Ministry. The law on this matter is mandatory, and he would like to ask the Assembly, if by a resolution they could repeal the law.

Mr. Smith asked if the Ministry only found that out on the 15th May?

Mr. Neumann said he would add a demurrer to that by stating that the law had been broken from time immemorial. If the Ministry did not put it in force, the member for Wailuku, who was always cavilling at the action of the Ministers, would ask why they had not put it in force. A great deal of the time of the House was consumed by the member for Wailuku abusing the Ministry.

Resolution voted on and carried.

Mr. Cecil Brown gave notice of his intention to introduce a bill to repeal Chapter 55 of the Penal Code and also the law exempting soldiers from taxation;

Mr. Kaunamano read for the first time a bill to repeal Section 1 Chapter 60 of Penal Code, relating to Hawaiian and English versions of laws.

Mr. Aholo read for the first time a bill to promote mail communication between the Hawaiian Islands and San Francisco. Passed to 2nd reading.

Mr. Aholo moved that the Secretary lay before the Assembly a copy of the tramway bill of 1882. Carried.

Mr. Kaulia read for the first time a bill to provide for a permanent settlement of \$300 per annum for Kahuhu. Read a second time by title.

Mr. Cecil Brown moved the bill be indefinitely postponed. Carried.

The Minister of Finance requested Mr. Wilder to furnish the Assembly with information regarding the proposed Hamakua railway.

Mr. Wilder stated that the distance from Hamakua to Hilo was 27 miles in a direct line. To reach it by rail would require 37 miles. There are a number of gulches that it is simply impossible to think of crossing in a straight line. From Hilo to Kauhaha would require 70 miles of rail. He furnished other details of interest regarding railways on the island of Hawaii.

The resolution was laid on the table. After the "Order of the Day" had been moved and carried, the Attorney-General moved that the Chinese registration bill be referred to a Special Committee. Carried.

The President appointed the Attorney-General, Cecil Brown, Governor Dominis, Governor Kanoa, and G. W. Pilipo.

Second reading of a bill relating to Government holidays.

Referred to Committee on Commerce. At 4:20 P. M. the House adjourned until 1 P. M. Thursday.

[TWENTY-SIXTH DAY.]

THURSDAY, May 29th, 1884.

The House met at 1 P. M. Minutes of previous meeting read and approved.

PETITIONS.

Mr. Kamakele presented a petition from

Makawao praying that Government lands adjoining private property be sold to those owning the latter. Referred to Committee on Public Lands, etc.

Mr. Richardson presented a petition from some merchants of Honolulu on the subject of currency. Referred to Currency Committee.

The Minister of the Interior presented the Report of his department for the past biennial period. Ordered to be distributed.

RESOLUTIONS.

Mr. Aholo gave notice of his intention to introduce a bill relating to contract service.

Mr. Cecil Brown read, for the first time, a bill to repeal Sections 17 and 18, Chapter 55 of the Penal Code, relating to female passengers between the Island. Passed to second reading.

Also, a bill to repeal Sections 6, 7, and 8, of an Act to regulate the carriage of passengers between the islands. Passed to second reading.

Mr. Nahimu read, for the first time, a bill to amend Sections 387, 389, 390, 394, 395, 396 and to repeal Sections 388, 391 and 392 of the Civil Code, relating to *kouhiki* sea fisheries. Passed to second reading.

The President announced that he had received a communication, from the Geo. W. DeLong Post, inviting the members to attend the Memorial Service to take place on Friday, May 30th.

Mr. W. O. Smith moved it be accepted and that the Secretary be requested to acknowledge the receipt of the document. Carried.

Mr. Pilipo reported the bill on the Hawaiian banking corporation as printed. Ordered to be distributed.

Mr. Nakaleka moved that \$7,000 be appropriated for the repairs of roads and bridges on the island of Molokai. Laid on table.

Mr. Kaulukou moved that \$10,000 be appropriated for improving the road from Unlai to Waialae. Referred to Committee on Public Lands, &c.

Mr. Kupihea gave notice of bill to amend Section 782 of the Civil Code relating to the holding of elections. Read for first time and passed to 2nd reading.

Mr. Nakaleka moved that \$1,000 be appropriated for improving roads on Lanai. Laid on table to be considered with the appropriation bill.

Mr. Amara read for first time a bill to amend Section 1477 of the Civil Code.

ORDER OF THE DAY.

Second reading of an Act to define the number of hours to constitute a day's labor in contracts to labor.

Mr. Dole moved it be referred to Committee on Commerce.

Mr. Nakaleka moved it pass to be engrossed.

Referred to Committee on Commerce.

Second reading of bill relating to the recording of births, marriages and deaths.

On the motion of Mr. Smith this bill was referred to the Judiciary Committee.

Second reading of a bill to amend Section 12, Chapter 86 of Penal Code relating to the Inspectors of elections.

Mr. Rowell moved it be referred to the Judiciary Committee.

Mr. Cecil Brown moved the bill be indefinitely postponed. He stated that it opens the ground for fraud. As he understood the bill anyone presenting a tax receipt on day of election, the inspectors are bound to take his vote even though his name is not on the tax list.

Another objection was that persons could go from one district to another and vote. The ballot box cannot be protected too well, to prevent fraudulent voting.

Mr. Kanealii said he introduced the bill because he thought some legislation was necessary. As the law is at present a person may be a qualified voter but for unknown reason his name may be omitted from the printed list of voters and he is debarred from voting in consequence thereof. He was willing that the bill be referred to a committee. Referred to Judiciary Committee.

Second reading of a bill relating to the keeping of tax receipts by employers who have paid the taxes of their employees. Referred to Committee on Commerce.

At 2:15 P. M. the House adjourned until 10 A. M. Friday.

[TWENTY-SEVENTH DAY.]

FRIDAY, May 30, 1884.

The House met at 1 P. M. Minutes of the previous meeting were read and confirmed.

PETITIONS.

Mr. Kamakele presented a petition from Makawao bearing 141 signatures, praying that the dog tax be reduced to 75 cents. Laid on table.

RESOLUTIONS.

The Attorney-General rose to a question of privilege.

Holding a copy of the *Daily Bulletin* in his hand, he said his reason for rising was not any quarrel with the newspaper; that was beneath his notice. But he had been credibly informed that one of the members of the Assembly is one of the publishers and editors of that paper. If that is so, it is unbecoming for him to supplement his arguments in this House by blackguardism in his newspaper. The rules and laws of the Assembly very wisely allow a member to defend himself from any aspersions that may be cast upon his character. He hoped that it was

not true that a member of the House was editor of the paper, but if it is true, he stigmatized him as a coward, a blackguard and a liar.

The President said the language was hardly parliamentary.

Mr. Neumann said if he had not followed parliamentary rules, he apologized to the President and to the House. His remarks were addressed to the writer for the *Bulletin*. He hoped they did not touch any one in the House.

Mr. Pilipo reported as printed a bill to regulate the currency. Ordered to be distributed.

ORDER OF THE DAY.

Second reading of a bill to amend Section 168 of the Civil Code relating to the appointment of Road Supervisors.

Mr. Richardson moved that it be referred to the Committee on Public Lands.

Mr. Kalua moved that the bill pass. His reason for so doing was because the present system of one general road supervisor for each island does not work well. These road supervisors have deputies to do the work, and all the heads of the department do it to ride about the country and charge for their expenses. He gave an illustration of the work on Maui. The general road supervisor gets \$150 a month, and what does he do? Do not know of any law authorizing the appointment of a general road supervisor; but he did know that a great deal of money was expended uselessly. On the island of Hawaii the state of things is worse; but he would leave that for some member from that island to show up.

Mr. Smith said the matter of having a good road supervisor has great merit. The idea is to have some general plan of road-making he considered to be good. A great deal of money has been wasted on road-making. He thought the House ought to be slow to restrict the Minister of the Interior in the appointment of such general officers.

Mr. Aholo thought that by passing this bill as it is they might cripple the Government. He was in favor of it going to a committee.

Mr. Cecil Brown said the present system of appointing a general road supervisor for each island was unauthorized by law. The Government money is wasted by incompetent road supervisors.

Mr. Rowell stated his reasons for approving of a general road supervisor.

Mr. Isenberg did not agree with having general road supervisors. He referred to the roads on Hawaii that had not been touched for four years. The road supervisor on Hawaii is a hotel-keeper in Hilo. He wanted road supervisors for each district, and to be appointed by the Minister of the Interior. Let be the best man in the district, irrespective of his nationality be appointed.

After several members had spoken on this matter, it was referred to a Select Committee, the President appointing Messrs. J. Richardson, Minister of the Interior, Hitchcock, Kauwila, Isenberg, Kaunamano, and Cecil Brown.

Second reading of a bill to provide for the filling of certain vacancies in office. Referred to Judiciary Committee.

Second reading of a bill to authorize the purchase of certain properties in Honolulu known as "Honolulu Hale," "Leahi," on account of the Hawaiian Government.

Mr. Cecil Brown moved the bill be engrossed.

Mr. Smith thought the Minister of the Interior ought to explain the object of the purchase.

The Minister of the Interior reported that the sale took place on the Monday after the Assembly met.

The property bought adjoins the Post Office. The primary cause of the purchase was the accommodation of the postal service. Again, the Honolulu Hale is the original Government lot. The Government had not decided what they intended to build there yet.

After a detailed explanation, as asked for, the bill was passed and was ordered to be read a third time to-morrow (Saturday).

At 11:50 A. M. the House adjourned until 10 A. M. Saturday.

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