

FREAR SCORED IN REPORT TO FISHER

(Continued from Page 1)
tive to the protest in question, or to know the substance of the contents thereof.

Yours respectfully,
(Signed) W. A. KINNEY,
Attorney for Hon. J. K. Kalaniana'ole,
In the matter of the complaint of Hon. Jonah Kūhio Kalaniana'ole, Delegate in Congress from Hawaii, against the administration of Hon. Walter F. Frear, Governor of Hawaii.

BRIEF TENDERED BY COMPLAINANT.

In the complainant's original letter of protest against the reappointment of Governor Frear in October, 1911, occurs the following passage:
If four years more of Governor Frear's administration produce no better results than the last four years, Hawaii is likely to drift into conditions where public degradation from the status of a territory to one where self rule even in purely local matters is denied her people, may become a "live national issue."

While this statement was copied into the specification of charges furnished December 2, 1911, it was not commented upon or explained by me, and I feel it my duty, in justice to myself and the people of the Territory of Hawaii, to explain upon the record the statement in question, both to show full justification for it, and to make clear and prominent and surroundings under which the Governor is charged to have committed specific acts of omission and commission in disregard of his obligations as Governor.

If any specific act charged is proven or admitted to have been committed by the Governor, the significance or culpability of such act and the degree of disregard of duty to be inferred therefrom and the availability of the Governor in view of such acts for useful service to the people of Hawaii and the public generally may best be judged by considering general conditions in Hawaii at the time and how urgent the necessity of promoting homestead laws has been during the period in question; claiming in this connection, as I do, that so urgent and imperative is the necessity of counterbalancing the rising tide of Asiatic ascendancy in the population of Hawaii, which chief asset and instrumentality in which effort is the homesteading of the public lands with a desirable non-Asiatic citizen population, that acts of omission and commission in the discharge of his duties by the Governor which, under normal conditions of population, might not raise any decided issue, though disproved, when viewed in the light of undisputed and indisputable conditions of population in Hawaii, become not only grave derelictions of duty, but carry with them the suggestion of downright betrayal of the Territory of Hawaii in matters of vital importance to her very existence.

The event which will precipitate an issue over our Asiatic population in Hawaii and reveal the far-reaching consequence of bringing in an alien population in such overwhelming numbers, is the fact that, within ten years' time, under existing conditions as demonstratable from the Census returns, there will be enough male Japanese and Chinese born in Hawaii, come of age, to cast 30 per cent of the votes of the electorate of Hawaii, and, in fifteen years, enough, in all probability, to constitute a clear majority of that vote.

The census for Hawaii of 1910 shows 98,211 Japanese and Chinese, out of a total population of 191,969, of which 21,628 are Chinese. Of the total population, 98,156 are native born; i. e. born within the United States and its possessions. Of that number, 18,899 are Japanese, and 7,195 Chinese; making a total of 27,094 Asiatics entitled to American citizenship, out of a total of 98,156,—equalling about one-fourth of the native born American population. In 1900, out of a total of 63,221 native born, 4,925 were Chinese and 4,877 Japanese, totaling 8,903 Asiatic native born citizens or something over one-eighth of the total number of native born American citizens.

In another decade, says Governor Frear, in his report of June 30, 1911, the majority of Japanese and Chinese will probably be native born.

Beside the foregoing, there are large numbers of Japanese children born in Hawaii that have returned to Japan, but practically all of them equipped with birth certificates, verifying their rights to American citizenship, and who, evidently, cannot be prevented from returning and exercising the rights of American citizenship, if they so choose.

Whatever agreeable things may be said in favor of these young Asiatic American citizens, either by the plantation element in Hawaii, particularly the religious plantation element, which is wholly responsible for this Asiatic population and, of necessity, must recommend and endorse them, to save their own faces, and notwithstanding the agreeable things that may be said about these young Asiatics here on the mainland, most American citizens in Hawaii fear that the Federal Executive and Congress and the American people themselves will never allow existing conditions in Hawaii to progress to the point where the country at large is confronted with the fact that Asiatics have advanced not only to industrial but political control of Hawaii as well, and the result will be that, before any such conditions develop, Hawaii will be deprived of her charter and status as a territory, and reduced to a commission government, and 75,000 genuine American citizens deprived of the vote and reduced to a status of political vagrancy on the plea that only in that way can Asiatic political control be broken in Hawaii, without committing any act of discrimination that Japan can complain of, in that day the majority of the citizens of the territory will be of that race, withstanding the high opinion of the Asiatic as an American citizen enter-

tained by the plantation element of Hawaii, they will be found, in the main, ranged up in favor of commission government, animated by a desire to be relieved of the consequence of Asiatic political control of Hawaii, and that any appeal to them to test their high appreciation of the Asiatic native born citizen, the fruits of their own handwork, by continuing local self-government under Asiatic control, will meet with any icy reception. I do not undertake to state my opinion of the coming Asiatic American citizen, beyond admitting that they promise to be an able and progressive set of men, the difference of opinion not turning on that point but on the point whether he will use this ability on the side of the national claim of America or the racial claim of Asia in a struggle for supremacy between the Anglo-Saxon and the Asiatic. Whatever may be said either way on this point, all agree that the racial balance between the Asiatic and other races in Hawaii should be kept as much our way as possible, certainly should not be allowed to be swept away altogether as now clearly threatens, as this position is as far as I need go for the purpose of this protest.

The fact is, with the army and navy influence mainly in favor of commission government as against territorial government, in that it will give them more direct control in Hawaii; with many citizens on the mainland otherwise friendly to Hawaii, viewing with distrust and hostility her status as a territory, thus making statehood possible, and weighted down with an overwhelming Asiatic population, fast becoming a citizen population, and taking into consideration the fact that Hawaii has been selected as the place to concentrate the defenses for the entire Pacific coast, where the environment of an Asiatic population is already so suggestive, evidently to the military branch of the government, that we find it rapidly re-enforcing its garrisons in Hawaii, the average American citizen in Hawaii knows that when Hawaii and her civic institutions threaten to come into contact and collision with the rising Asiatic vote, the result will be by her the result will be that she will be stripped of her territorial franchise and deprived of all her political rights and condemned to look exclusively to bureaucratic rule for recognition and enforcement of her remaining civic rights; and this, though, prior to annexation, Hawaii maintained for 70 consecutive years, independent responsible government, where life, liberty and property were remarkably secure and after civic achievements and intelligent administration of public affairs of no mean order.

Hawaii was annexed by the action of her own Government; the treaty of annexation signed by her Commissioners at Washington, constituting her offer of annexation, and the resolution of annexation passed by Congress, constituting the acceptance of that offer. These political acts clearly show that both parties contemplated a union in which the people of the United States were to guarantee to the citizens of Hawaii civil and political rights in self-government in local affairs; in short, the contracting parties contemplated the development in Hawaii of a commonwealth, along traditional American lines, and not a reservation, military or otherwise, governed by a civil or military commission. In speaking of Commission Government I mean such a government in form, as they have in the District of Columbia, but without the vital representation of the District of Columbia has in Congress by being the home of all members of Congress part of the time and all of the time of a portion of said membership.

The commission government that is talked of for Hawaii is one of necessity with so little representation and so far removed from the center of Government, that the rule of the local commissioners will, for all practical purposes, be well-nigh absolute.

In 12 years after annexation, commission government is already being discussed as something bound to come, a condition which would have blocked annexation at once, if then suggested; for the native Hawaiian distrusts annexation and feared, for himself and his posterity, the results of that movement; and it was finally the belief that, after all by annexation Hawaii and Hawaiians would secure, for all time, the blessings of self-government in their own affairs that prevented any outbreak blocking and preventing the offer of annexation on the part of the Hawaiian government.

If commission government for Hawaii becomes necessary by reason of the development of an Asiatic population, where will the fault lie? Primarily and chiefly at the door of the executive branch of the federal government, which ever since annexation has held and now holds in its hands the appointment and removal at will of the Governor and leading officials of Hawaii, who in turn hold the heart strings of Hawaii's civil life in their hands.

Since annexation the Japanese population has increased by 18,548 and the government appointed over Hawaii have been from among the plantation element and so closely related with these interests that the results of their administrations were foreshadowed at once they were appointed.

The fact that only a handful of native born Japanese have yet seen fit to exercise their right to vote, and that large numbers of native born Japanese and Chinese citizens have gone during their minority to Japan, has little bearing on the main issue; to-wit, the issue raised by the fact that an overwhelming population of native born Asiatics will in a few more years be available in Hawaii and from Japan to out-vote at will all other electors combined whenever they see fit to do so, either of their own motion by the instigation of others, or by reason of some agitation or collusion of interests that invites them to use the power of their vote.

Under these conditions we find the Governor complacently announcing in his optimistic annual report of 1911 that during the preceding year 174 homesteads were taken up, and that, for the six years preceding June 30, 1911, 2,239 had been taken up, among which, however, were a num-

ber of fake and fraudulent homesteads. Really the situation presents the spectacle of the ship of state of Hawaii in a swamping condition and with worse weather ahead, in charge of a Governor complacently bailing her out with a teaspoon, and the federal executive adjured not to disturb the operation, but to see to it that this process of rescue be continued for another four years.

Congress, in every act concerning Hawaii, has consistently promoted the idea of the development of Hawaii along traditional lines as a self-governing commonwealth, and the trouble now is not so much that we need more laws, but an entirely higher and different conception of the administration of existing laws.

The matter of securing immigrants for Hawaii (upon which movement the planters rely absolutely for laborers) is entirely under federal control, and the federal executive, acting through the Territorial Governor, has a right to require from the trustee of the Planters' Association a complete continuing programme of treatment of immigrants, satisfactory to the government, before it will allow these people to be invited and aided to come to Hawaii. Such a programme would be for people of the territory as well as those coming in readjustment of rates paid for care raised by the settlers now very onerous, and of transportation, marketing and any other matters, to which arrangement the territorial government can and should make itself a permanent party; for one great trouble in Hawaii has been that there is no middle class to hold to rights once conceded and to make it impracticable to withdraw or change them.

Repeatedly, since annexation, American citizens from the mainland have gone, at their own expense and on their own motion, to Hawaii, with the intention of engaging in industrial pursuits; but finding that their prosperity would depend largely upon the good will of those in charge of adjacent plantations, in fact to such an extent that they would not feel free to speak their minds or to assert their personal independence in a way unsatisfactory to dominant local influences, and that they might injure their business and social prospects by so doing, have returned at once to the mainland, with the conviction that Hawaii was no place for a poor man. Some have stayed and taken up homesteads and kept them long enough to obtain patents, and then sold out to the plantations or other large land owners, and returned to the mainland. And, while human nature remains the same, men taking up these lands will make use of them in the way they believe most advantageous to themselves; and, under existing conditions in Hawaii, it pays best for a man to obtain these claims and sell them out at a good figure to the plantations and leave the country. A large percentage, therefore will continue to do so as long as the industrial and social conditions in Hawaii continue as at the present. It is an open question which does the most faking in Hawaii in the matter of homesteads—the Territorial Government in opening the Territorial Government in opening homesteads under conditions which they know American citizens will not permanently accept, or the settler who does what is expected of him and sells out under such circumstances.

If the would be settler, on the other hand, by the intervention of the government, secures a footing whereby he can maintain his own independence and conduct his business and sell his produce on stable and independent lines, few will sell their holdings; for Hawaii is recognized as an exceedingly inviting spot for home building for the white race as well as for others, and many who now leave do so with regret and for reasons already explained.

The authority given the federal executive by Congress to make Hawaii the naval and military center of the Pacific Ocean gives her peculiar and special powers to make Hawaii such, not merely with guns and forts, but with a population and environment surrounding those guns and forts of the right kind, for no garrisons of idle soldiers, however large, offer an adequate substitute. The money spent in maintaining such exceptional large garrisons, if devoted to the reclamation of the public lands and the development of transportation and marketing facilities, would soon make itself felt in an increasing population, absolutely loyal and available to support the military forces and at the same time one that would continue the production of wealth and the maintenance of healthy local conditions.

And the aim of the American people, if they set themselves to the task, is not shortened, even yet, to make Hawaii what she has a right to expect to be by reason of the civic attainments of 70 years before annexation, and the high obligations imposed upon the American people by the express obligations under which and in consideration of which Hawaii voluntarily surrendered her sovereignty, to-wit, and American commonwealth; where, if by reason of our isolation, statehood is permanently out of the question, she will be permitted to exercise every prerogative short of statehood that can contribute to her advancement and the contentment of her people.

If, to attain this end, the federal government is compelled to condemn and take over every foot of land, public and private, in Hawaii and to reconstruct its industrial system from the foundation up, in order to make good, it should be done; but we believe an honest and effective start in the right direction will be made by the ability of plantation managers or owners, who can undo to-day what was granted yesterday, will in itself have a wonderful reviving effect upon that

independence and freedom of action of the people, which is indispensable to a healthy growth of population and which is now almost totally eliminated in the environment surrounding the small settler in Hawaii. So true is this that citizens, particularly with large families as they acquire means, are leaving comfortable livings in Hawaii for the Pacific Coast, because they feel the future has nothing in store for their families at the islands, and they had therefore better make a fresh start in California where social, economic and political conditions favor the poor man better.

To attempt to meet the situation by commission government would simply be to set up another barrier to keep "would be" immigrants away, besides intensifying the drift to the coast of those now in Hawaii, and leaving the Japanese and their increase to feel the future has nothing in store for their families at the islands, and they had therefore better make a fresh start in California where social, economic and political conditions favor the poor man better.

Hawaii is larger than Connecticut and Rhode Island combined, and incomparably more fertile. She produces fifty million dollars worth of wealth a year, and that amount can be doubled under healthful and stimulating conditions. The natural conditions there "are such as to make it entirely practicable to develop a population of five hundred thousand people of the right kind."

Governor Frear's evident satisfaction with the way things are going in Hawaii is explained by some on the theory that he is a believer in commission government for Hawaii, and from that standpoint lack of progress in developing homesteads does not worry him, for such a condition is the very thing that will promote a commission government. Others believe that the lack of progress in the right direction is due primarily to a lack of executive ability, a defect not apparent until the Governor left the purely judicial functions of Chief Justice for the Executive chair.

The personal phase of the issue is an embarrassment to those protesting against his reappointment, for his faults are largely those of the class to which he belongs and the environment that has surrounded him from his youth up. While a very young man, he became Chief Justice of Hawaii and filled the position with marked ability; and his friends would unquestionably feel that a failure to receive reappointment under protest might readily be accepted by the public at large as a reflection upon his personal character. He, however, has sought and is seeking reappointment and naturally there is nothing left to those who do not propose to let Hawaii drift as she is, without some protest, but to direct that protest against the one who is at the helm and primarily responsible, particularly when we have waited without protest during his term of office hoping for a change thereafter without having to do anything about it.

If Governor Frear, with a tide of Asiatic citizenship rising about his ears, with the plantation interests generally hostile to homesteads and getting more dominant and aggressive every year, and the homesteader himself discouraged and demoralized, can deliberately handicap the homesteading of two of the most promising great public lands of the country, as he did within the last six months, to-wit the land of Waialea, by seeking to let a corporation gridiron it, seven years before its lease was up, with fee simple holdings and rights of way, the enjoyment of which it now has to the end of its lease, and the land of Pahala, by leasing it again, without protecting homesteads thereon in the use of water required for fluming cane, then he is impossible.

These two matters alone are sufficient upon which to challenge his availability for another term of office as Governor. No excuse has been offered, as far as is known, for Pahala and for Waialea, the flimsy one that the Board of Health found the camps and stables in Waialea insanitary, and to make them sanitary the plantations wanted to get the fee simple of the camps and stable sites, carrying, as it would of necessity, the right of way thereto, including a railway right of way.

It was the duty of the corporation to keep their camps sanitary anyhow. They have made, and are making, very large profits out of the investment and have seven years' right of occupation yet to come under their lease. And there was no obligation whatever cast upon the Governor to place the land of Waialea in such condition that it would come back in the hands of the government handicapped with the fee simple holdings and rights of way scattered all over the property. Aside from the crying necessity of giving the homesteaders some show, and simply as a matter of cold-blooded business, the Governor never would have treated his own property in that way. The answer, in Hawaii, to my protest against the Governor's reappointment has been a torrent of almost savage abuse by the plantation class of the native Hawaiians as a race, although the issue raised by my protest centered exclusively on an economic question pure and simple, which was of equal if not greater interests to other races than to the native Hawaiians.

The Hawaiians, through the Plantation Press, were notified that, if they attempted to resist the leadership of responsible white population—meaning thereby the plantation interests—the time had come to set them aside and put them where they belonged. This outbreak never was endorsed by the white citizens at large; in fact, was very greatly condemned in public and in private as unjust in itself and uncalled for in an issue over the administration of the public lands, involving, as it did, neither directly or indirectly any racial issue, between Hawaiians and others. But, inasmuch as such talk and such views may have been presented privately here in Washington in support of the Governor's reappointment, I desire to state that the history of Hawaii will show that, since the advent of American mismanagement of the public lands, in the main, and is today following the leadership of the responsible and leading element amongst the white citizens, and

to such a degree and to such an unquestioning extent, that the present plight of Hawaii, confronted by an overwhelming influx of Asiatics, is due to too much following on the part of the Hawaiians. All the political sins of Hawaiians combined together from the day Captain Cook discovered the islands to date, have worked incomparably less mischief than has resulted from too blind a following of the plantation interests of Hawaii led by a class of white men that the Hawaiians had been educated to trust and follow.

In the seventies and eighties, in order to get cheap labor, these business interests poured into Hawaii between twenty-five and thirty thousand male Chinese, accompanied by only a few hundred women, resulting in the far-reaching and deep-seated evil consequences to the social life of Hawaii that would follow in any community. Again the plantations wanted Asiatics, and again Hawaiians yielded to their wishes; with the results and consequences now patent to all; and the less said in discussing the present condition of Hawaii, in racial abuse of the Hawaiians, the better for all concerned.

I have raised no such issues, but simply an economic one where I am receiving the heartfelt support and sympathy, though not openly expressed, of large numbers of white citizens of the Territory of Hawaii, who, today are wishing me God-speed in my efforts to secure some readjustment of conditions which may be used to counter-balance the Asiatic population, and in that spirit I renew, without personal ill will but upon grounds of sound public policy, my protest against the reappointment of Governor Frear, charging that the Federal Executive will be taking upon itself grave and far-reaching responsibilities in assuming to allow Hawaii to drift along for the next four years as she has in the past.

Respectfully submitted,
W. A. KINNEY,
Attorney for J. K. Kalaniana'ole,
taph?

ROOSEVELT WILL STAY WITH THE PARTY, HE SAYS

BOSTON, Mass., Feb. 26.—Colonel Roosevelt has no idea of bolting the Republican ticket if he is defeated in the Presidential nomination race. He put himself squarely on record as to that tonight, when he was asked: "In the event that the Chicago convention fails to nominate you, will you support whatever candidate it nominates?"

Colonel Roosevelt unhesitatingly replied: "Of course, I will support any candidate the Chicago convention names." The colonel seemed annoyed that there had been any suggestion that he would break away from his party if President Taft should succeed in getting himself renominated. He wanted it distinctly understood that he was too game a fighter to sulk at defeat.

"Fighting for a Principle." "I am entirely happy," the colonel went on, "because I am fighting for a principle. The issue is in no sense a personal one."

The former President was elated after an active day, in which he conferred with Massachusetts progressives and talked to the Legislature on his preferential primary ideas and the recall of judicial decisions.

The first day of his battle for the nomination had whetted his appetite for fight.

"Yes, it's going to be a great scrap," the colonel remarked gayly. "I'm ready for whatever comes up."

Roosevelt's inclination is to keep out of the fray, as far as active participation goes, as long as he can without hurting his own prospects. He wants the others to do the work.

Won't Shrink From Fight. But he made it plain that if it becomes necessary for him to jump in and take the helm he will not shrink from it. He feels that, with his direct primary and judicial recall issues, together with the recall and referendum, he has a strong campaign platform.

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