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SEMI-WEEKLY.

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JAPANESE ALIENS

Their Right to Enter Hawaii Under Dispute.

THE COURT HEARS ARGUMENT

First Day of Proceedings Under Habeas Corpus.

Morning Hours Spent in Motions and Objections—Petitioners' Counsel Argues in Afternoon.

If the fate of the whole Japanese colony in the Islands had hung in the balance, no greater interest would have been shown in the habeas corpus case now pending in the Supreme Court, and no more representative contingency of Japanese would have been present than was gathered in the Court room yesterday morning when the petition of Taku et al., free laborers, was called. The room was filled with spectators, Japanese predominated, of course, and, judging from the expression of their faces, one might easily suppose that every one of them understood perfectly well what was being said. They took the keenest interest in the various motions, counter-motions and objections in which the opposing attorneys indulged, preliminary to arguing on the question at issue. They may have had their doubts as to what it was all about, or they may have entertained some fears lest their countryman, Taku, would be translated before their sight.

Prominent members of the bar were there also. The case had interest for them as well. It is not often that the question of the right of the Japanese to enter the country is raised in Court. There were laymen there, too, some of them men who are interested in the welfare of the Islands, and in one way the case before the Court has a bearing on Hawaii's future.

The case was on all day. The morning was occupied by the discussion of points preliminary to the main issue. In the afternoon the question itself was argued. The Court adjourned at 10 o'clock this morning when the argument will be continued. The full bench was present. Kinney & Ballou and A. M. Robertson appeared for the petitioners; W. R. Castle, J. A. Magoun and W. S. Edings for the Collector General and Mr. Cooper, Attorney General ad interim, as intervenor.

Taku, one of the Japanese laborers, represented himself and the other laborers, who by stipulation, were allowed to be absent. The Court opened at 10 o'clock. Mr. Kinney read the petition, signed on his behalf and on behalf of the others, by Mr. Ballou, as their counsel. Mr. Cooper, at once made the point that Mr. Ballou, who signed the petition, had not shown his authority to do so. He moved that authority be shown. Mr. Kinney objected, and moved that the motion be reduced to writing. This was ordered by the Court. Mr. Cooper argued that he had a right to move to quash or to dismiss the writ, citing authority for his argument. Mr. Kinney denied the right and argued that nothing but a return of the writ of habeas corpus should contain all the defense of the Government, whether in the nature of a demurrer or in the nature of an answer on the merits of the case.

Mr. Cooper then began to argue the case, claiming that he was not compelled to make a return until he had argued the preliminary motions. He said that a decision of these motions was necessary before the return to the writ was necessary. Mr. Kinney moved the consolidation of the three or four preliminary motions already made. After a consultation the Court ruled that all preliminary motions, as well as merits be heard at once, in order to expedite matters, as it would be very easy for counsel to amend and include them in the return.

Mr. Kinney again objected. He expressed doubt as to expediting matters, because the pleadings were not complete, and the issues of law and fact were not definite.

The Court said that it wished to hear the points of the intervenor for the Republic. Mr. Cooper read the motion in intervention. The petition showed that the petitioner was an alien, that the Deputy Collector had made his decision and no appeal had been made to the Collector General, whose decision is final, and that therefore the decision of the Deputy was final. He therefore moved that the case be awarded to the intervenor.

Mr. Castle argued, on the question of practice, that the Court has authority to make such rules as it sees fit as to the practice in this particular case. He held it was quite in the authority of the Court to allow pleading in the nature of a demurrer before the return of the body of the petitioner in Court. Mr. Kinney argued that dilatory pleas, delaying the proceedings, would defeat the effect of habeas corpus, and that all points on the merits and the law of the case should be argued on the return. Mr. Cooper maintained that Mr. Ballou must show his

authority to sign the petition on the behalf of the petitioners.

The Court convened at 1:30 o'clock. Chief Justice Judd announced that the Court had come to the conclusion, and that it would establish its own practice and consider that all points should be established by the writ. Dilatory proceedings might defeat the purposes of the writ. The Court said that if all matters were put before the Court in the return, the Court might decide on the question.

The return to the writ was read by Mr. Cooper. It stated that the petitioners were aliens, that they had been properly examined by the inspector; that the inspector had used his discretion and had rejected them. He also claimed that the Collector General could review the finding of the inspector, but the petitioners had not sought to review it. The Court held that all objections to the writ must be declared in the return. The traverse to the return recited the history of the arrival of the Japanese, and alleged that the authorities had not given the Japanese the opportunity to be fairly heard; that the proceedings were secretly held, and no counsel was permitted to aid the immigrants, and that the proceedings were in the nature of a scheme on the part of the Government to send them back without proper consideration of the case.

Mr. Kinney then argued the case at length. He charged that the Government had violated treaty rights with Japan, under which the Japanese were entitled to the same protection as the citizens of the most favored nations. He cited the treaties with Italy, Spain and Switzerland, under which the citizens of these countries are entitled to the full protection of the Courts, to the advice and assistance of counsel.

He claimed that the treaty with Japan was violated by the inspection of the immigrants, without clear knowledge on their part of the object of the proceedings; that they had been carefully kept, so that no counsel or friends could get access to them; that the application of his firm for permission to see them and consult with them had been denied.

Mr. Kinney also urged that a question of such importance as the exclusion of the immigrants should not be left to the decision of an inspector; that it should be passed upon by the Courts; that if the Courts were shut out it would only bring in diplomatic intervention. The Anglo-Saxon would not tolerate the treatment which the Japanese suffered at the hands of the Government.

He said that Hawaii could not fight other powers. Her security was in doing what was right. It was, therefore, he said, to stand on the record made by the Government. The petitioners were now in the dark as to what the Government had done with them. They could not appeal from the inspectors, because they had not been told what the decision was. The point that there could be no writ issued until there had been an appeal to the Collector General was absurd, because there was no decision from which they could appeal.

Mr. Kinney claimed that the Supreme Court must decide this question, and not Mr. McStocker. Even if the proceedings had been open, and the Japanese had counsel, the Court could review the decision of the inspector so far as to see that he had proper and sufficient evidence before him. That was the rule, in the Courts of the United States; the Executive must decide, but the Courts will see that he does it on sufficient evidence. He cannot act in an arbitrary manner. The Courts must protect all alike.

Mr. Kinney maintained that although the Congress of the United States could override treaties, the Legislature of Hawaii could not. It was a part of the Constitution that the Judiciary must protect treaties. The rule was not the same as it was in the United States. Mr. Kinney closed by saying that justice and fairness was apparent. If this was not done, Hawaii would suffer for it.

At 4 o'clock, with Mr. Ballou arguing, the Court adjourned to 10:30 today.

FREE SILVER REPUBLICANS.

Plan to Attack Monetary Conference Bill.

CHICAGO, March 1.—The Post's Washington special says: The free silver Republican contingent held a caucus today, at which it was resolved to assail the international monetary conference bill when it comes up for final approval. Senators Teller, Dubois, Cannon, Pettigrew and associates agreed to attack the bill on the ground that it is an absolutely useless piece of legislation, conceived in folly and to be carried out in bad faith.

The position they take is that the commission, if appointed, will make no advancement to the advantage of silver, and it will not be intended by the body that it shall make progress in that direction.

A man stands no chance of being elected to the mayorship of a city unless he enjoys the confidence and esteem of his neighbors. Geo. W. Humphrey is the popular mayor of Swanton, Ohio, and under date of Jan. 17, 1896, he writes as follows: "This is to certify to our appreciation of Chamberlain's Cough Remedy. My family and neighbors have tested it, and we know it is an excellent remedy for coughs and colds.—George W. Humphrey." Sold by all Druggists and Dealers; Benson, Smith & Co., Wholesale Agents for Hawaiian Islands.

William E. Cooke of Portsmouth, R. I., who recently celebrated his 160th birthday, says that he has chewed tobacco for 82 years.

UNDER TWO FLAGS

Pall Mall Gazette Suggests "Two Pearl Harbors."

HAWAII GOOD FOR BRITAIN

Foundling on Uncle Sam's Doorstep.

Naval Key of the Pacific—Within British Triangle—Regular Yankeeedom.

The Pall Mall Gazette of Feb. 16, says in an article entitled "The Naval Key of the Pacific": Every time a fresh President on his entry to office crosses the threshold of the White House he discovers a foundling living on the steps, which has now learned to cry "Papa" in such a winning way that he feels very much inclined to enfold it in the president arms and wrap it in the national flag. The foundling is the Hawaiian Republic.

When President Cleveland met it a few years back he despatched "Paramount Blount," as he was facetiously termed, to undo the too precipitate hoisting of the Stars and Stripes by Minister Stevens, after the overthrow of the ex-Queen's Government. Finally, he surmounted the difficulty of adopting the waif by declaring that the United States could not justly be "party to a treaty of annexation to a provisional Government, in the establishment of which its own representative had unfortunately assisted." While, however, he thus declared unambiguously in favor of a policy of at all events temporary abstention, the spirit of the Monroe doctrine evidently underlay the final growl, in which it was distinctly stated that "the United States would not regard with indifference the intervention of any other Power." His decision was not a popular one. Absentism, however just, seldom is. There is not the smallest doubt that the annexation of the Hawaiian group by the United States is not merely highly favored by the powerful American settlement established there, but also by the more progressive party in the States, who would regard it as a set-off to some of the checks their expansive temperaments have received on the Atlantic.

The Government, which was purely de facto when Cleveland gave his decision, is now firmly established de jure. There would be no constitutional objection to negotiating with such a Government regarding annexation. It is not surprising, therefore, to find that according to rumor Mr. Olney is considering the question, though it is scarcely likely to come on for serious debate until McKinley comes into office. It would, indeed, be startling some of his successor's legitimate thunder if Cleveland played to the gallery by reversing his former policy and openly favoring annexation.

Commercially there is no doubt that America, whether she administered it nationally as a naval station or territorially as a future State would lose nothing by the bargain. The balance of the Government assets over liabilities is estimated by the ex-Minister of Finance, Mr. Peter C. Jones, at over 4,000,000 dollars, and there is little doubt that after annexation the value of assets in land would rise considerably in value.

The assumption of an increased import tariff would at the same time enhance the income from custom house receipts. Even in the event of the islands being admitted as a territory, which would probably involve the retention of the present Government property by the local Government that would take its place; it has been estimated that the income from customs duties alone, for twenty years (the terms of the Government bonds) would pay the entire interest on the public debt, together with the debt itself, and leave a balance in the Treasury of over 700,000 dollars.

That Honolulu is virtually an American town is evident to the visitor the moment he lands. He strikes Yankeeism here as truly as at San Francisco. The people, the hotels, the churches, the shops, the accent, even the white pallings round the houses, are predominantly American. How is it that our island empire has left out this large and fertile group of islands, totalling up to half the size of Ireland? Is it going to be one of our "lost possessions"?

In 1842 we were generous enough to enter into a gratuitous agreement with France to guarantee the independence of this group. The United States was then invited to be a party to this agreement, but significantly declined. And yet, some little time after this, the Times, commenting on the proposed cession of Pearl Harbor, near Honolulu, to the United States, declared that "the maritime power that holds Pearl river and moors its fleets there possesses the key to the Northern Pacific."

There are said to be 450,000 bound volumes in the library of Harvard University, and as many more unbound. There are also several thousand manuscripts.

the Hawaiian Islands almost exactly bisect one of our longest and weakest naval nerves, between Vancouver and Fiji; in fact, it lies directly between Canada and Australia.

Admiral Colomb, in his "Development of Naval Power," says regarding the Pacific: "The nerve system here is the most defective of any."

There is nowhere in the world so large a space of ocean unattended by British possessions as the great triangle formed by the Falklands, Fiji, and Vancouver. * * * France and America already possess the Pacific Islands most eligible for affording support to ships operating within the triangle. On the other hand, the whole of the American Pacific States south of Mexico are so situated that their interest would lie in an alliance with that Power which had the chief command of the sea. It appears to me that on such alliances the safety of the Eastern Pacific route must depend. If these alliances were not contracted by us, inimical European Powers would at least meet us in the Pacific on equal terms, a thing which it is of vital importance for us to prevent." The moral is plain. Moreover, any argument based on the vicinage of Hawaii to the United States (it is 2,100 miles from San Francisco) applies just as strongly to its position as regards British Columbia, from which it is only 2,400 miles distant. A legal luminary of Honolulu points out that "the Hawaiian Islands are on the same line of longitude as that which runs through the western part of Alaska, and are, therefore, actually within the longitudinal boundaries of the United States."

It is refreshing to find a western man recognizing any boundaries at all, but on the longitude-latitude system we might put in a far stronger claim for Hawaii for the British Empire on the ground that it is on the same latitude as Bombay, and on the same longitude (produced through the Pole) as Natal. By this logic, therefore, it lies already within our dominions. Seriously, however, if the Americans object to any foreign Power holding Hawaii as a naval station, we as a recognized maritime and colonial Power have far more reason to object to any foreign Power establishing itself similarly in what President Cleveland terms "the half-way house, the central point, the radiating focus of the great Pacific ocean." Captain Mahan, the great American naval expert, thoroughly recognizes the value of Hawaii when he says, "These islands are the key to the entire Pacific, and for a foreign nation to hold them would mean that our Pacific coast ports and our Pacific ocean commerce would be at the mercy of that nation."

At the present moment, when the war-hatchet is buried deep, and the calumet of peace is being smoked over Venezuela, it is to be hoped that the sinister Monroe doctrine may be excluded. To apply it to Hawaii would be ridiculous. The monarchical government, inaugurated by the wise King Kamehameha I., was certainly no menace to the States, and in the opinion of many a distinct improvement on the present mongrel republic. Would not the world laugh if we started a British Monroe doctrine, and objected to the formation of republics within two thousands miles of our monarchical coasts? We have as much right to do so as our progressive cousins.

Let us chaff each other over our little hypocrisies, but let us never be anything but friends. The group is big enough for both of us. Can we not discover two Pearl Harbors, and by constructing joint naval depots hold the Pacific trade routes open against the encroachments of any foreign Power in the joint commercial interests we both possess in the vast mainland of North America, and in the still higher interests of the peace and progress of mankind?

MEXICAN CABLE PLAN.

Proposal to Connect California with Mexican Coast.

SAN DIEGO, March 1.—Colonel Rafael Garcia Martinez, Governor of the Southern district of Lower California, with headquarters at La Paz, has proposed to the Government to lay a submarine cable from the coast of Sonora to the Island of Tiburón, and thence to San Lorenzo and San Esteban on the peninsula, connecting with the new telegraph lines running to Santa Rosalia, Mulege, La Paz and Cape San Lucas. The project is looked upon favorably, and newspapers at the capital intimate that the cable will be laid not only for commercial purposes, but in order to bring the isolated Lower California peninsula in connection with the Central Government.

Zebastian Camacho, Mayor of the City of Mexico, has secured a concession from the Mexican Government to run steamer Guaymas and La Paz on the north to San Benito in the State of Chiapas to the South, taking in the State of Oaxaca and San Esteban on the peninsula, to be paid to the steamers. Mr. Camacho secured the concession as the representative of the Occidental Railroad Company. He has a small line of steamers already running as far south as Manzanillo.

Yale Students Quiet.

NEW HAVEN, Conn., Feb. 25.—William Jennings Bryan lectured in the Hyperion Theater on "Bimetallism" tonight. Yale men stayed away, with the exception of Senator Teller's son and a handful of silverite colleagues.

While Mr. Bryan was delivering his discourse a deputy sheriff levied an attachment on the total receipts, which amounted to about \$500, to cover one of Mr. Bryan's alleged broken lecture contracts.

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HE IS PRESIDENT

McKinley Takes Oath Before Vast Assemblage.

IMPOSING SCENE AT CAPITOL

Thousands of Men Parade Washington's Streets.

Inaugural Ball a Success—Olney and Cleveland Fall Out Over Cuban Affairs.

WASHINGTON, D. C., March 4.—William McKinley of Ohio, at twenty-seven minutes past 1 o'clock today, succeeded Grover Cleveland as President of the United States, when he was sworn to preserve, protect and defend the constitution. Before an assemblage of fellow-citizens as representative of American manhood and womanhood as greeted and previous chief magistrate, and as great in numbers as the accommodations would permit, the fourth son of the State of Ohio to occupy the high office became the head of a nation of 79,000,000 people.

The day broke bright, clear and crisp. The memory of the last two inauguration days was sufficient to cause worry to anybody, but this memory soon faded away. The sun soon came out bright and warm and dispelled the slight chill of the atmosphere.

At the Ebbitt House, President-elect McKinley was preparing for the day. At 10 o'clock Senator Sherman and Senator Mitchell of Wisconsin, the committee from the Senate of the United States appointed to escort the President-elect to the White House, were ushered into Major McKinley's apartments. The party drove at once to the White House where they were joined by President Cleveland.

The approach of the Presidential party to the Capitol building was made through a vast concourse of people, and the appearance of the retiring and the incoming Chief Executive was announced by vociferous cheers. Mr. McKinley proceeded to the Vice-President's room accompanied by Senator Sherman.

It was eighteen minutes after noon when President-elect McKinley, with Senator Sherman, walked to the President's room and joined the retiring President. Headed by the assistant sergeant-at-arms, Senators Sherman and Mitchell preceded and escorted Mr. Cleveland and Mr. McKinley to the main entrance to the Senate. Following them came the members of the Cabinet, with the exceptions of Secretary Olney.

The Senate chamber was already crowded nearly to suffocation. In the diplomatic galleries were the families and friends of members of the Government, the families of the foreign ambassadors and distinguished guests. Mrs. McKinley occupied a seat in the first row of the gallery on the left of the Vice-President's chair. She was assisted down the aisle of the gallery to her seat by Mr. McKinley's private secretary, Addison Porter, and O. J. Bell, chairman of the inaugural committee. A step or two behind Mrs. McKinley was McKinley's mother, Nancy Allison McKinley, a bright faced old lady in the eighties. Ex-Queen Lili was the copper-colored center of attraction. Little Julius Palmer of Boston sat on one side of her and a chocolate-colored individual sat on the other, there being ample room for more. They were seated three rows back of Mrs. Yang Yu, the wife of the Chinese Minister. Hundreds who could not get seats crowded against the walls and blocked the doorways.

Speaker Reed and the members of the House of Representatives were seated in the right hand section of the hall. The vast assemblage arose as the Presidential party entered. The arrangement was as follows: President Cleveland and President-elect McKinley in the two chairs in front of the Vice-President, facing the left.

To the right, the four Embassadors from Great Britain, France, Germany and Italy—Sir Julian Pauncefote, M. Patenotre, Baron von Thielmann and Baron Fava.

The semi-circular row of chairs facing the Vice-President was occupied, the left-hand section by the members of the President Cleveland Cabinet and his private secretary; General Mills and Rear-Admiral Brown, in full uniform; the right-hand section by the Chief Justice and Justices of the Supreme Court of the United States; the Marshal of the District, Mr. Wilson, and General Porter, marshal of the parade, with his aids.

On the right side of the hall beyond the Supreme Court Judges were the Ministers from foreign countries with the secretaries and attaches, all in full uniforms of their diplomatic or military countries, and most of them wearing crosses, medals and other decorations.

At 1:10 o'clock the Presidential party proceeded to the inaugural stand. The first feature of the ceremonies was the administration of the oath of office.