

TERRITORY POWERLESS

The trouble growing out of the recent sale of the tug Eleu, which sale was annulled at Washington on the ground that the tug was Federal property, and consequently could not be sold by Superintendent of Public Works Holloway, has led to some rather interesting correspondence between the National and Territorial authorities, and the final introduction in Congress of a bill giving the Territory the right to dispose of property here belonging technically to the United States, under certain restrictions. The bill is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled: That all personal and movable property ceded and transferred to the United States by the Republic of Hawaii, under the joint resolution of annexation, approved July 7, 1898, may be sold, leased, or otherwise disposed of in such manner as may be provided by the laws of Hawaii.

"Provided, That all sales, leases, or other disposals of such property heretofore made by said Territory, under the authority of such laws, are hereby ratified and confirmed, and all moneys or revenues derived from sales or disposals heretofore made, or made under authority of this act, shall remain the property of said Territory."

This bill was introduced as a result very largely of the writing by Governor Carter of the letter following to Secretary of the Interior Hitchcock:

Executive Chamber, Honolulu, Hawaii, Dec. 12, 1905. Dear Sir: The Chief Executive of this Territory is responsible for its property, and as such I find myself in a peculiar position—in fact, it is rather remarkable.

By the terms of the joint resolution to provide for annexing the Hawaiian Islands to the United States, approved July 7, 1898, it was provided that the Republic of Hawaii ceded to the United States the absolute fee and ownership of all public, government or crown lands, public buildings, or edifices, ports, harbors, military equipment, and all other property of every kind and description, belonging to the government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining.

The existing laws of the United States relative to public lands were not, however, to apply. Congress was to legislate especially in regard to them, and all revenue and proceeds therefrom was to be solely for the benefit of the inhabitants of these islands. And, further, that until Congress should provide for the government of these islands, all the civil, judicial and military powers exercised by the officers of the existing government were continued in such persons as the President should appoint. Thus a method of transition was reached.

By virtue of the treaty of annexation and this joint resolution the title to all public property, both real and personal, became vested in the United States of America. The personal property so transferred comprised a vast amount of material of every kind—office furniture, books, tools, and machinery used in internal improvements, live stock and vehicles—in short, the usual variety of personal property necessary for the conduct of governmental affairs such as had existed for years in these islands. Among other property so transferred was the steam tug known as the Eleu.

None of this property was ever received or taken any account of by any Federal official. It practically remained in the hands of the various departments through the transition period, passing in this way into the custody of the Territory.

When the Organic Act was enacted some two years later it contained a provision relative to the property so transferred. That provision is as follows:

"Sec. 91. That the public property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of Annexation, approved July 7, 1898, shall be and remain in the possession, use and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii. And all moneys in the Hawaiian treasury, and all the revenues and other property acquired by the Republic of Hawaii since said cession shall be and remain the property of the Territory of Hawaii."

This section appears to leave with the Territory only the possession, use, and control of this vast amount of personal property, subject to future disposition by Congress. Yet at the same time property acquired since July 7, 1898, appears to be vested in the Territory, and its various officials, as provided for by law, can dispose of the same. But no power appears to have been given to the Territory to dispose of any of the property that was ceded.

The Republic of Hawaii operated the tug Eleu, as in the early days government assistance was necessary in order to maintain a tug here, and thus in a way it became a function of the former government in these islands. She continued to be so operated during the transition period, and for some time after the approval of the "organic act." Beyond engaging in the towing business, however, the Territory had little or no use for her. During Governor Dole's administration, Sprickels Brothers, of San Francisco, sent down an ocean-going tug called the Fearless, and began to operate her in these waters. Their representatives immediately complained against the Territory's operating the tug Eleu. Some correspondence was had with Washington in relation to the matter. The Fearless was a large and powerful boat and soon usurped the entire trade, and when my duties as governor began the Eleu was practically reduced to the work of taking garbage out to sea. The cost of operating her amounted to between \$500 and \$800 a month, and a local steamship company offered to tow the garbage scows and do all the work that it was necessary for the Eleu to do for \$150 a month. The Territory's tug was therefore immediately put out of commission, anchored in the harbor, and a watchman kept on her at \$30 a month. She became a "white elephant"—a constant source of expense, and brought in no revenue whatever.

In consultation with other government officials I made an attempt to sell the tug. No private individual would buy her unless she could comply with the regulations and pass the Federal inspectors. As they visit the islands but once a year, a delay of nine months followed in regard to the matter. On the arrival of the Federal inspectors the Territorial officials were informed that if the tug was Federal or Territorial property they could not inspect her. During this delay some slight investigation was made as to whether the boat would be of use to any of the Federal departments, and if such had been the case the Territorial officials would have gladly turned her over to any one of them. No such use could be found for the boat, and rather than see property of such value literally waste away it seemed to be a sound and common sense way of looking at things to sell the boat and put the money into the Territorial treasury as a government realization. This course was finally concluded on, and the boat was disposed of at auction for the sum of \$2000, conditioned upon her passing a satisfactory inspection. The purchaser made application for an inspection, she was taken up on the marine railway, and it was seen that the repairs would be considerable. The Territorial officials felt justified in expending any amount, at least up to \$2000, as otherwise she would be a total loss.

Upon these repairs being completed, the certificate of inspection was granted. The purchaser thereupon made application, under the navigation laws of the United States, for registration of the tug through the collector of customs. The Bureau of Navigation responded by asking the collector of customs by what authority the Territorial officials had sold the boat. How that Bureau could expect the collector of customs to answer such a question is still an enigma. The collector of customs referred this letter to the superintendent of public works, who replied to the effect that under the republic his department had full power to sell personal property. These powers had been continued during the transition period, and under Hawaiian statute they still exist.

On my return from a trip east I learned to my surprise that the tug was still in our possession, and that the Territory was still paying \$30 a month for a watchman. I then took up the matter with Secretary Metcalf, and in my perhaps vigorous way suggested that if the boat belonged to the Federal government I would gladly pay for a cablegram if he would inform me to which department I could turn her over, and where the Territory could look to be reimbursed for the expenditure on her repairs and the cost of maintaining the watchman.

Secretary Metcalf did not cable the information, but furnished me with an opinion of the Attorney General's (Continued on Page 2.)

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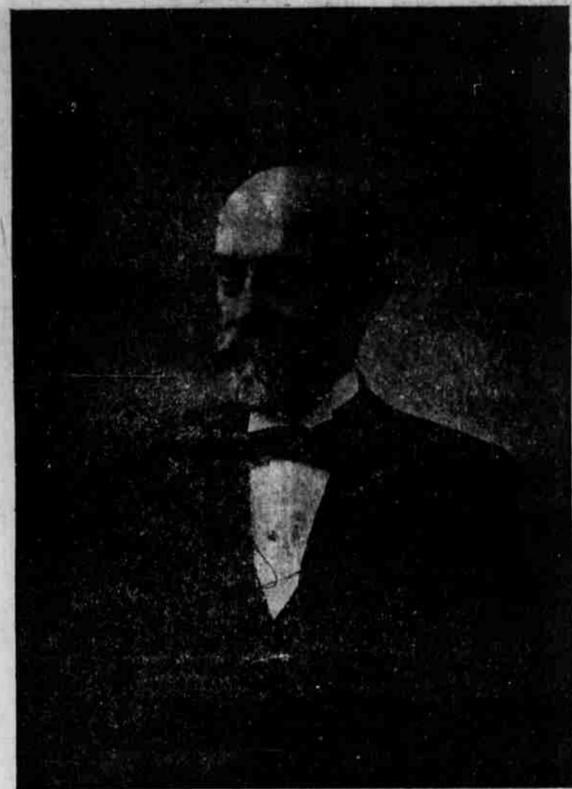
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DEATH CARRIES OFF AN EMINENT CITIZEN



THE LATE COL. W. F. ALLEN.

(From Monday's Advertiser)

Col. William Fessenden Allen died last evening at 6:15 o'clock at his residence, corner of Beretania and Victoria streets, as a result of a stroke of paralysis which attacked him last Tuesday and from which he never regained full consciousness. Death came to him peacefully and was not entirely unexpected by his family and friends, as he had been invalided for the past eighteen months, and the last stroke so completely paralyzed one side and the muscles of his throat that he was able to take but little nourishment.

The remains are to be cremated and the funeral will take place on Tuesday afternoon at 3 o'clock from his late residence. The pall-bearers have not yet been selected.

The death of Col. Allen removes another of the kamaainas who were important factors in the upbuilding of Hawaii during the middle era and the end of the monarchical days, including the change to a Republican form of government. For many years he was an officer of the government and served some time as a staff officer to one of the kings. Upon his retirement from an official career, Col. Allen entered private business again and was interested in many business affairs, but since his illness he resigned from directorates and severed his connection with business matters as far as practicable.

William Fessenden Allen was born at Bangor, Maine, December 19, 1831. He attended Williams College and came to Honolulu for his health about 1850. He went to San Francisco also, where he was employed in 1850 and 1851 with G. B. Post & Co. He was there on Admission Day. He returned to Honolulu in 1852. Mr. Allen was bookkeeper for C. L. Richards & Co., ship chandlers, in the whaling days. For thirty years he served the monarchical government as Collector-General of Customs, retiring during the reign of King Kalakaua in the latter part of Walter Murray Gibson's premiership. He was also a member of the Privy Council.

Mr. Allen gained his title of Colonel from having been chief of staff under Kamehameha V.

In 1865, Mr. Allen married Cordelia Church Bishop, cousin of Hon. C. R. Bishop, formerly of Honolulu, and now a resident of San Francisco, and of Senator E. Faxon Bishop of Honolulu. The deceased leaves surviving him besides his wife, a sister, Miss Allen, who has resided with Mr. and Mrs. Allen for some time, and a brother, who is a resident of New York. The latter was at one time Hawaiian Consul-General at the metropolis.

Col. Allen's father was the late Hon. E. H. Allen, who was appointed chief justice of the Supreme Court of the Hawaiian Islands on June 4, 1857, which post he resigned February 1, 1877, to accept the position of Hawaiian Minister to the United States. He dropped dead in the White House January 1, 1883, during the administration of President Arthur.

Col. Allen was a member of the Masonic fraternity and was Master of Hawaiian Lodge from 1864 to 1866.

Mr. Allen, while possibly not a wealthy man, had a comfortable fortune.

SHOYO FACTORY IS NEW JAPANESE ENTERPRISE

Shoyo, or "Soy," as the product is more generally known here, is now being manufactured on a large scale in Honolulu. The factory, backed and conducted by Japanese, was formally opened on Saturday evening with a celebration in a Japanese in which not only Japanese, but many foreigners, participated.

The new concern has a catch-phrase of its own—"Patronize Home Industry"—and as it manufactures shoyo from beans grown in the islands and wheat brought from the mainland, the promoters of the enterprise believe they are entitled to hearty local support.

The soy factory is located in Pua Lane, Palama, back of St. Elizabeth's House. The factory buildings are low structures and enclose three sides of a square. The court is roomy and the premises are arranged to make it sanitary. All the buildings are raised from the ground. The plant is not entirely modern, and some of the methods employed are crude, but everything is present in apparatus and containers to make a soy which the promoters claim will be equal in all respects to that imported from Japan.

The consumption of soy in Hawaii is large, \$150,000 was paid out last year for soy. Added to this is the duty of 35 per cent, which went to Uncle Sam. Then there is considerable loss of soy in transit. The product is shipped from Japan to Honolulu in wooden tubs. The wood absorbs much of the stuff, and, with leakages, it is believed that fully ten per cent. of the quantity goes to waste.

The Hawaiian-made soy is put in tin cases, same size as oil tins, and these are shipped two in a wooden box. The tins are fancifully painted and bear the name of the firm, "Yamakami Soy Co."

Mr. Yamakami, a chemist in his own country, is the head of the concern, his partners being Messrs. Tashiro and Nozawa. Mr. Yamakami is superintendent of the business. For the past two years he has been conducting experiments in Honolulu with vinegar and misu, but, owing to the quality of the water, both experiments failed. Mr. Yamakami explains that the water used in his experiments came through iron pipes and this was not the best kind for these products. He finally decided to make soy, and now has several hundred gallons in the fermentation stage. There are two "crops" a year in the soy business. It takes six months for the materials to ferment properly. After going through the final processes of pressing and extracting the liquid, a new "crop" is placed in the great 500-gallon vats. Should the business demand it, a duplicate set of vats will be installed so that four "crops" a year may be taken off.

The first process is to roast the wheat, then it is ground and spread out in shallow boxes to dry, at which time it looks like a fertilizer. Meantime Hawaiian-grown beans are boiled

and are afterwards mixed with the wheat. At the same time an extract of salt is in the process of making. This extract is placed in vats filled with boiling water. Finally the bean-wheat sediment is placed in the 500-gallon vats and mixed with the salt solution, and there it remains for six months. Each vat is over five feet in height. There are forty of these vats.

In celebration of the opening a canvas canopy was raised over the court and decorated with the Japanese national colors. It was a pretty place at night with rows of Japanese lanterns swinging in the breeze. On a platform a stage was improvised where geisha girls gave a performance. A long table under the canopy was laden with a delicious cold collation, added to which there was a long list of drinkables. Mr. Yamakami occupied the head of the table, and the guests, about 40 in all, filled up the other spaces. Addresses were made by Mr. Yamakami, Mr. Kishi of the Yokohama Specie Bank, Dr. Uchida, Editor Shiozawa of the Hawaii Shippo, and members of the English and Japanese press. Each guest was given a sample bottle of soy as a souvenir of the occasion.

BIG SUGAR MILL FIRE

Onomea Sugar Company sustained a heavy disaster by fire on Saturday night. When the first news reached Honolulu, as it did by the steamer Neeau yesterday morning, E. Faxon Bishop of C. Brewer & Co., agents for Onomea plantation, sent a wireless telegram asking for information. J. T. Moir, manager, returned this answer: "The boiling house burned down Saturday night at 8 o'clock. The vacuum pan and evaporator are left standing. We believe the boiler to be unharmed. The mill and engine room were saved. The fire started in the trash house. Fifteen thousand bags of sugar in the sugar room are a total loss."

Insurance agencies in town hold risks on Onomea Sugar Co.'s property as follows:

Building and Machinery—Brewer & Co., \$21,875; Hawaiian Trust Co., \$13,000; Castle & Cooke, \$17,750; B. F. Dillingham, \$13,000; Waterhouse Trust Co., \$8750.

Sugar—Hawaiian Trust Co., \$40,000; Macfarlane, \$20,000; Grinbaum, \$10,000. There is no underwriting that covers the loss from interference with the grinding of a plantation's crop, such as deterioration of ripe cane awaiting the mill, expense of transporting cane to another company's mill, etc. So the Onomea Sugar Co. can not but lose heavily by the fire.

Manager C. Hedemann of the Honolulu Iron Works, Geo. H. Robertson of Brewer's and A. R. Gurrey, secretary Board of Underwriters, will leave in the Kinau today to investigate the fire. No word has been received of its origin. The loss is placed at \$150,000.

Onomea has 566 among the gilt-edged plantation stocks. With a capital of \$1,000,000 divided into shares of \$20 par value each, the last sale on last week's list was at \$28.75, while \$30 was asked for the stock.

BOXERS GO TO MAUI

The steamer Claudine which sailed for Maui ports yesterday afternoon took as passengers to Wailuku Sam Decker, Harry Wilson and Jack Daly. The two latter are "scrappers." Wilson is an island boy and Daly is a recent arrival from San Francisco.

Decker will act as impresario of a big fistic carnival to occur in Wailuku a week from today.

The program will be: Jack McFadden vs. Kups, 15 rounds. Harry Wilson vs. Ernest Heine, 6 rounds.

Jack Daly vs. W. Johnson, 6 rounds. From Maui Decker will take his stable of boxers to Hilo, where Sullivan and Huihui may join the aggregation.

There are evidently hot times ahead for the village of Wailuku and the hamlet of Hilo.

HOUSEHOLD CARES

Tax the Women of Honolulu the Same as Elsewhere.

Hard to attend to household duties. With a constantly aching back. A woman should not have a bad back. And she wouldn't if the kidneys were well.

Doan's Backache Kidney Pills make well kidneys. Here is a Honolulu woman who endorses this claim:

Mrs. Emma Vieira, of King street, this city, says: "For three or four years I had the misfortune to be afflicted with an aching back. The pain and discomfort this entailed on me can be better imagined than described. I have two children, and it was of course difficult for me to attend to them while oppressed with suffering. The way in which I found relief eventually was by using Doan's Backache Kidney Pills, procured at the Hollister Drug Co.'s store. They did me a large amount of good, as I now testify. I should certainly recommend those who have backache or any other form of kidney trouble to try Doan's Backache Kidney Pills."

Doan's Backache Kidney Pills are for sale by all dealers. Price 50 cents per box (six boxes \$2.50). Mailed on receipt of price by the Hollister Drug Co., Ltd., Honolulu, wholesale agents for the Hawaiian Islands.

Remember the name Doan's, and take no other.

ALAWA'S PETITION

Editor Advertiser: One would have thought that President Pinkham of the Board of Health had been contradicted flatly enough and often enough in his public statements concerning health affairs in Kona to make him more careful in speaking. But, no! Here again in the Bulletin of Jan. 18, there is: President Pinkham reported at the Board of Health meeting on the 17th as follows: "I present herewith a petition of David Alawa and others, requesting a change of Government Physician in the District of Kona. As Mr. Alawa mentions the name of the physician they desire substituted the petition is open to suspicion," and so on.

Then he continues to say that "Dr. Goodhue wrote refuting all the charges, that the petition had been signed by 240 persons including the names of many women and children, that the petition had been circulated by Mrs. Atherley and many signatures on it had not been placed there by the bearers of these names."

The above statement is utterly false. The tabling of the petition on the grounds of such inaccurate statement is an insult to the 240 people who have signed it, seven-eighths of whom are voters. Every signature is genuine and I can prove it to be so. That "the names of women and children" occur is as false as it is ridiculous. I should like to know what evidence there is for such a wild accusation. If necessary we will produce another petition with every name witnessed by a notary public. Of course such a thing has never been necessary before and the people of the Kona propose to know the reason why the Board of Health should treat them with contempt, an act for which there is no precedent.

Let Dr. Goodhue produce a counter petition if he can in his own favor. As for the charges against him I can produce actual bills and the details of treatment in support of them. The person responsible for the circulation of the petition is myself. For my own part, as one of the clean persons arrested by Dr. Goodhue and as the one who sent in the petition against him, I have received no personal explanation from the Board of Health, but merely a curt note informing me that the petition is tabled.

DAVID ALAWA.

Honolulu, Jan. 25, 1906.

Honolulu, N. Kona, Feb. 1, 1906. The President and Members of the Board of Health, Honolulu.

Gentlemen: On the 25th of January I addressed a letter to the Board in general and received the enclosed contemptuous reply from the President. I have nothing to do with any private communication addressed to Dr. John Atherley.

As a matter of fact we are at present obliged to pay for a club in order to get a proper medical treatment which cost us less than employing your appointee, Dr. Goodhue.

Still we are not blind to the fact that we, and not you, "President of the Board of Health," actually pay Dr. Goodhue's salary, through the taxes.

I am well aware that I am not the only one whom an overweening sense of irresponsibility to the wishes of the people has led you to treat discourteously.

I am in good company. I understand you absolutely refuse our request and consider our petition worthless fraud and feel yourself strong enough to defy the people.

Very good. We'll see whether this one man rule will stand in America or not. Your letters will be laid in the proper place when the proper time comes.

I am, very truly yours, DAVID ALAWA.

Honolulu, North Kona, Jan. 5, 1906. The President and Members of the Board of Health, Honolulu.

I beg to acknowledge the receipt of your note relative to the tabling of the petition for the removal of Dr. E. S. Goodhue, the present government physician. As you say nothing further, I must conclude that the opinion of 210 voters is so small a matter as hardly to be worth any mention, even the most contemptuous.

I assure you such treatment will hardly conduce to render you popular in a political sense.

Since I read your alleged reasons for tabling the petition only through the daily newspapers, you will find my reply consisting of an absolute contradiction in the same periodicals.

Yours truly, DAVID ALAWA.

Territorial Board of Health, Hawaii, Honolulu, Hawaii, Jan. 29, 1906. Mr. David Alawa, Honolulu, North Kona, Hawaii.

Dear Sir: Your favor of January 25th at hand.

If Dr. John Atherley chooses to show you a personal letter written to him on January 16th you will clearly understand the position of the Board of Health as relates to the doctor.

As to your political threats, permit me to say the Board of Health and its President do their duty according to the best information and [its] judgment is superior to that of those miscellaneous signing a petition.

Yours very truly, L. E. PINKHAM, President, Board of Health.

RHEUMATIC PAINS QUICKLY RELIEVED.

The excruciating pains characteristic of rheumatism and sciatica are quickly relieved by applying Chamberlain's Pain Balm. The great pain relieving power of the Balm has been the surprise and delight of thousands of sufferers. The quick relief from pain which it affords is alone worth many times its cost. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents for Hawaii.