

# THE UNDATED RESIGNATION

## SENATE—THIRTY-FOURTH DAY.

The members of the Senate are satisfied that the taxpayers get only a one-man form of Government when each head of a department signs a resignation when he accepts the position which the Governor tenders him. They feel, further, that it is in direct violation of a clause in the Organic Act which says that certain officials shall be appointed "by and with the consent of the Senate," and removed the same way. Senator McCarthy thinks it would be an easy matter for the Governor to appoint a dummy during the session and accept his resignation the day after the Legislature adjourns and put in a person known not to be acceptable to the confirming body.

In order to put an end to the practice Senator Hewitt presented the following which passed first reading on Saturday:

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. From and after the 30th day of June, A. D. 1907, it shall be unlawful for the Auditor to draw any warrant for the payment of any salary to any Territorial official or employe whose resignation as such official or employe, dated or undated, is in the official or personal possession of any heads of departments of the Territory of Hawaii, or in the official or personal possession of any official of this Territory authorized by law to fill the office covered by such resignation either by nomination or appointment. Provided, however, that nothing in this act shall be construed to prevent the bona fide resignation of any official or employe of the Territory.

Section 2. All laws and parts of laws in conflict with this act are hereby repealed.

Section 3. Any person who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and upon due conviction therefor, shall be fined not more than One Hundred Dollars (\$100.00) for each such offense.

Section 4. This act shall take effect upon the day of its approval.

There is not a doubt that the bill will go through a-humming but there is a question as to the effect. There is a fear that Governor Carter may send another resignation or refuse to entertain the Congressmen when they come here, but the Senators in the local Legislature are willing to take a chance.

The introduction of that bill was the real feature of the session on Saturday. The climax was when Senator Dowsett asked consideration of his married women teachers' bill. Senator Smith seems to be the champion of the teachers in this regard and no one knows just why he holds out. The other day he brought up the case of a teacher whose husband has deserted her but that was found not to fit the bill, so he abandoned that particular instance as one that would be affected by the law. On Saturday he moved to amend the bill so the aim of the introducer would have been entirely lost by its adoption. Senator Dowsett said that to insist upon keeping married women in the schools is to encourage race suicide.

In a conversation after adjournment he referred to a young lady, a graduate of a university, working in one of the schools at a paltry salary of forty-two dollars and fifty cents a month. She is fitted to fill any position aside from principal, and youth is the only drawback to that, in any of the schools in the city. One of the barriers to a better paying position than the one she holds is the married women who teach. One of them draws a hundred dollars a month in a school while her husband gets two hundred and twenty-five dollars a month in the same institution. The Senator is of the opinion that equally good, and perhaps better, results would be obtained if those salaries were divided among two families instead of being kept in one—all things being equal.

The Senator has a list of about twenty married women on this island, some of them getting as high as a hundred dollars a month. In one instance a mother and daughter are employed by the Board of Education and the husband draws a good salary for a clerical position in a business house on Fort street. Still another is the teacher whose husband is drawing a good salary in an institution while she teaches school because she would rather hire the household work done than have the bother of looking after it herself. And yet she has not a child who is an expense. The married white women get the best salaries while the single ones are shunted into places where the pay is small.

Much has been said in the Senate about discrimination shown by the Superintendent of Public Instruction. One Senator said on Saturday that if there was better judgment and more discrimination shown the need for such a meas-

ure as that introduced by Senator Dowsett would not be so great. With more of the better schools to offer the teachers who would come from the universities this Senator believes the standard could be raised materially. And he believes that in the positions in the schools paying two hundred dollars a month men and women with superior training for the places could be obtained without much difficulty.

## THROUGH THE MORNING.

Senator Lane stole a march on his colleagues by watching the clerk while he was reading the journal. Directly he said "adjourned" the tall young man from Palama moved adoption. It was the first time he had looked natural for a week.

A communication from the Superintendent of Public Works in answer to an inquiry by Senator Coelho, relative to the pay of laborers on Maui for October and November, 1906, was not satisfactory and a few remarks were made on the subject. Coelho was for sending it at once to the Judge of the Second Circuit and have the matter investigated by him. In his opinion the superintendent was trying to cover up a deal by which the men had been kept out of their pay. He had merely replied to the query by saying the vouchers are on file. Senator Coelho remarked that vouchers are always signed but the men are sometimes kept out of their money by the person who uses it in the payment of his personal debts and who returns it when convenient for him to do so.

Senator Chillingworth contended that the reply of the superintendent was in due and correct form and opposed the action of sending the matter to the circuit judge. If the men have not been paid it is a case for the grand jury, not for the judge.

Senator Kalama suggested that it be sent to a committee for investigation and suggested the Ways and Means. Senator Dowsett agreed with him but thought the Public Expenditure committee was the one to handle it, and to that one it went.

## THE GRAB BILL.

A rather lengthy debate followed the reading of a request for the return of House Bill No. 136, relating to salaries of the county officials. When first called the request was filed and afterwards taken up. Senator Makekahu made a stiff fight against returning the bill to the House, claiming that as it had passed first reading in the Senate it was too late for any such action. The House rules say a bill may be returned within twenty-four hours but it happens, also, that the House rules do not govern the action of the Senate. The request to return was granted. The action of Senator Makekahu was not understood by his colleagues. It seems the House would reconsider the question of the salaries of the county officers with a view to decreasing them under the amount provided by the bill. The Senator from Hawaii believes in the decrease and for that reason it is not known exactly why he objected so strenuously to the bill going back.

Senator Coelho made a short statement relative to the Molokai trip, warning the Senators against any risk of accident and adding that the Board of Health would not be responsible. There are certain rules of the Board, he said, which would have to be observed by the Senators and in the event of an infraction the Senators would be treated as ordinary citizens. Senator Lane objected to the remarks and asked to be given the same freedom of action that is allowed the committee.

Senator Smith made the following report on House Bill 103, which afterward passed first reading: "Section 1895 reads 'All judges' and clerks' fees, provided for in this chapter, shall be accounted for, quarterly, to the treasurer for the benefit of the public treasury.'"

"The bill under consideration amends this section by providing that all fees collected by judges, clerks, high sheriffs, sheriffs and police officers, shall be accounted for to the treasurer, except as otherwise provided in Section 1566 'and except such fees as are intended to reimburse such officers for actual expenditures made by them.'"

"Section 1566 provides that the high sheriff, sheriffs and deputy sheriffs may retain certain fees which are specified in the section."

The same Senator reported as follows on House Bill 103: "The Judiciary committee have had under consideration House Bill No. 103, entitled 'An Act relating to terms of Circuit Courts, amending Sections 1644 and 1646 of the Revised Laws as amended by Act 34 and 37 respectively of the laws of 1905,' and we recommend the passage of the bill."

"The bill relates to the terms of court to be held in the several circuit courts of the Territory and provides for certain changes in the dates at which the terms shall commence. These changes are set forth in detail in the bill. "There is also a provision by which the terms in the first and fourth circuits shall continue from the time of their commencement until the commencement of the next succeeding term, which practically keeps them in session continuously. "The proposed changes are approved

by the Judiciary committee."

Senator Chillingworth made an oral report of the visit of the committee to the Governor relative to the undated resignations and on motion the report was accepted.

Senator Knudsen gave notice of his intention to introduce a bill to amend certain chapters of the Revised Laws and did so introduce and the bill passed first reading by title.

## THE MUNICIPAL BILL.

The municipal bill was called in its regular order and Senator Dowsett moved to defer on account of press of other work. Senator Coelho was willing to adopt the report of the committee, and all of the pages of amendments, holas-bolus, but Senator Smith said the bill was too important for any such action. Senator Chillingworth, seconded by Senator Dowsett, moved that the Senate go into night sessions during the week but before a vote was taken Senator Smith asked that action be deferred on the motion until Monday when the Senators would know just what amount of work would be left for action.

Senate Bill No. 76 passed third reading unanimously as did House Bill No. 41, which will give the outside papers a chance at the publication of the legislative enactments. House Bill 52 also passed third reading but when No. 91 was called a motion was made to defer until Tuesday, so the bill went over.

The "one man one job" bill was up and Senator Smith moved that it be amended so that one person should draw but one salary from the Government. The amendment was accepted and the bill passed thirteen to one.

House Bill 152, relating to the fees of jurors at coroner's inquests passed third reading and Senate Bill No. 10, relating to pounds, passed second reading by the adoption of the committee's report published on Saturday.

Senate Bill 10, relating to married women being employed as teachers in the public schools, was called and Senator Smith moved, seconded by Senator Knudsen, an amendment that would have wiped out the kernel to the measure and the teachers would have not been interfered with. The Senator remarked that such a law might work a hardship but as it happens that the husbands of the married teachers in the Honolulu schools are all doing well the statement had no effect upon the champion of the single girl's rights.

He said it was the duty of married women to stay at home and look after the household cares and bring up their children properly instead of neglecting them by leaving them to the care of Oriental servants or allowing them to run wild. The fact that these ladies are willing to teach causes discrimination on the part of the Superintendent of Public Instruction and the younger and just as capable teachers are sent out in the country. When Hawaiian girls get married they give up teaching and look after their homes as a rule.

Senator Smith moved to amend the bill so it would reach the women whose husbands support them but this was also objected to, Senator Coelho remarking that it might be a temptation for a man to tell his wife to get out and hustle and support herself.

Senator Lane moved to defer action until Monday.

Senator McCarthy claimed his turn to be a changed man. He said he had signed the committee report but something had cropped up to cause him to wish for more time and he asked that the bill be recommitted. This motion was lost and Senator Lane's motion to defer carried.

House Bill No. 149 was referred to the Educational committee. Senate Bill No. 78, called for third reading. This is the bill which provides for "legitimizing" children and was again deferred.

## THE TRUST BILL.

Senator Makekahu's bill dealing with trusts had opposition from several members, notably Smith who contended that as there is a federal law on such matters the Territory had better keep hands off. His motion to table was lost and Senator Chillingworth, "the poor man's friend," offered an amendment that made the blood in the veins of the attorney Senators turn into ice water. It reads "or to fix, reduce or increase, the rate of exchange or labor, insurance or compensation for professional services."

Senator Smith said there was a rule relative to fixing the rate of insurance and Senator Chillingworth intimated that the rule was framed according to pull; that in Chinatown the rate was high on account of absence of it while in the neighborhood occupied by white persons the rate was lower. It did not occur to the young Senator that the risk is not so great.

On motion of Senator Knudsen action on the bill was deferred.

## ON SECOND READING.

House Bill 26, relating particularly to the appointment of officials who had been removed from office on account of malfeasance, passed second reading.

House Bill 117, an excellent measure for the relief of homesteaders who have been evicted from their holdings on account of failure to comply with the strict letter of the law, was called and passed second reading. This points a way by which the disposal of the improvements on the land may be sold

# KANIHO IS OBSTRUCTING

The House spent the principal part of its morning session on Saturday in a long drawn out and objectless debate over a bill conferring on the counties the right of eminent domain. The bill was plain enough on its face and was also succinctly explained by Rawlins, but this did not prevent Kaniho from haranguing the House for over half an hour, nor keep Mahoe and Kaleo from following the lead of the member from Kohala. Sheldon, too, got in on the debate on the objecting side, but the measure finally came to a vote and the bill passed its third reading.

An interesting report was read by the clerk during the session, dealing with the status of the various House bills which had passed. There are seventy-one in number, of which the Senate has forty-five and the Governor four, while nineteen have become law through the Governor's signature, two are in force through the veto being overridden and one caught the veto and never recovered.

Of the bills which have already become law, six are credited to Sheldon, five to Rawlins, three to Kaleoapu and one each to Pali, Kaluna, Lelelew, Kahana and Rice. There are two bills in the hands of the Governor which will have been held by him the limit by tomorrow, while two others of Sheldon's measures are being subjected to his scrutiny.

As the days pass the number of House bills not acted upon in the Senate grows larger. Instead of decreasing and the possibility of the session not concluding within the legal limit looms larger every day. For this reason the House members are issuing their reports, such as the above, disclaiming all responsibility for the delay.

## Morning Session.

The House transacted its business Saturday morning with a new set of officials. Clerk Wise and his assistant being absent for some time, their places being taken by Stenographer Kearns and Interpreter Kaukoku, who filled double roles for the time being.

## RESULT OF CONFERENCE.

Rawlins presented a report of the Conference Committee which considered the Senate amendments on his bill relating to private ways and water rights, amendments so voluminous that they were described in the House as "a book." The report recommended knocking out some of the many amendments and accepting the rest. Rawlins explained that the objectionable amendments increasing the costs in water right cases had been knocked out. The report was adopted on roll call.

## LUAAU INVITATION.

An invitation was received from the Hawaiian Relief Society to the members for a luau, to be held that evening at Brewer's wharf.

Kaleoapu, as a member of the society, explained that the society had nothing to ask for from the House except the honor of the presence of the members at the luau.

The Clerk was instructed to thank the society for the invitation.

## LIBRARY BILL.

A report was presented from the Committee on Education relating to Hughes' library bill, and was adopted. The bill provides for the establishment of the Hawaiian Library and provides for its care and management.

## REGULATING PRIVATE SCHOOLS.

The same committee reported favorably on Senator Hewitt's bill to put all private schools under the same regulations as those governing public schools so far as hours of attendance are concerned, and also requiring private schools to be recorded with the Department of Public Instruction.

## LABORERS' PAY.

A bill to take the place of the one vetoed by the Governor, respecting the pay of road laborers, was introduced by Nakaleka. This bill provides that the daily pay for each working day of each laborer engaged in constructing or repairing roads, bridges or streets, waterworks or other works either by contract or otherwise for the Territory of Hawaii, or for any political subdivision thereof, shall not be less than one dollar and twenty-five cents. The bill passed its first reading and was put on the special order of the day for Monday.

## THIRD READINGS.

There was only one House bill on the order of the day, that being Long's act relating to negotiable instruments which was deferred until Tuesday. Two Senate bills, numbers 73 and 44 were also on the calendar. The first of these confers the power of eminent domain on the counties in certain cases, the intention of the bill being to allow the counties to condemn lands needed for county purposes, a power at present only vested in the Territory.

## DRAWN OUT DEBATE.

The consideration of this bill drew out the session until late in the afternoon for the benefit of the man evicted.

House joint resolution relating to the ownership of wharves and landings in the Territory passed on second reading.

House Bill No. 17, relating to holidays, was deferred until April 15.

Senate Bill No. 1, relating to the payment of Government laborers weekly, went over for a week.

House Bill No. 103, relating to terms of court, passed second reading.

Senate Bill 86 was referred to the Judiciary and 87 to the Miscellaneous committee.

The vice president then announced the appointment of the following as a committee on the entertainment of the Congressmen who are expected to visit the islands during June: Senators Lane, Woods, Knudsen and Coelho. At 12:30 the Senate adjourned to 10 a. m. today.

from Rawlins the remark that he wouldn't give the snap of his finger for his chances when represented by one man against two appointed by the government in the matter of arbitrating prices of condemned lands. Hughes and Mahoe asked a number of questions on this bill, which Rawlins answered, but Mahoe could not grasp the purport of the bill. A motion to postpone until Monday was lost, whereupon Kaniho moved to indefinitely postpone because of defects in the bill detected by his honorable friend Mahoe.

Kaniho said the law was a land grabbing measure which might work an injury against the kuleana owners. He rambled on in his remarks for a considerable time.

"I want to see a county a county, not a half-grown babe that has to be fed by the Superintendent of Public Works or any other Territorial official," said Rawlins, who described the present system of having to come up and knock at the Superintendent's door and wait for him to say "come in" and have to say "please" to him to get land needed by the county. The only point in the bill was in transferring to the counties the power now limited to the Public Works department.

Sheldon thought the law a good one although he had an idea that some sections might be amended to make it more fair. The matter of publication of notice might be made longer than for three weeks. He favored a delay in order that these defects might be remedied.

Kaleo took a hand in the debate, explaining why he agreed with Kaniho.

## ELECT GOOD SUPERVISORS.

Pali wanted to know why some members agreed with the bill but wanted to delay it. So far as he was concerned, and he spoke for the Maui delegation, he was ready to vote for the bill now as it stood. If the members from Oahu and Hawaii elected supervisors they could trust they should also be able to vote now for the bill. Possibly the honorable member from Waialua had become misled because of the County Beacon cartoons.

Mahoe objected strenuously to this remark, and forsook his usual demure demeanor to emphasize his objection.

Kalana reviewed the bill and heartily disagreed with the proposition that it was a land grabbing measure.

A vote on roll call showed the House divided in favor of the bill by twenty to six.

## DIVERSIFIED INDUSTRY BILL.

Senate Bill 44, exempting from taxation property used for the production of vanilla, starch, pineapples, sial, copra and castor oil, was passed as amended in the House.

## NIGHT SESSION THREATENED.

Senate Bill 30, the Territorial salary bill, was given a first reading and ordered sent to the Printing committee, the amendments in the Senate having made the measure a different bill to that originally drafted and introduced into the House as House Bill 73.

In discussing the necessity of haste over this bill, Rawlins said that if necessary he was ready to move for the holding of night sessions this week.

## COURT INTERPRETERS.

A communication from Henry Smith, clerk of the Judiciary Department, gave the information that C. L. Hopkins and Fred W. Beckley, the Hawaiian interpreters, were Hawaiian born and true citizens. Chang Kim and George Yamada, the Chinese and Japanese interpreters, were not citizens. The former had been a resident for thirty-one years and the latter for twenty-three years.

## SECOND READINGS.

The following bills passed second reading: House Bill 164, authorizing the manufacture and distribution of electricity on the island of Maui;

House Bill 167, requiring the Supreme Court to render opinions to the Legislature and the Governor on important points of law and upon "solemn occasions;"

House Bill 168, another electricity bill for Maui, incorporating a company for establishing an electric light and power plant;

House Bill 169, authorizing a clerk of the court to enter judgment immediately upon the rendition of a verdict and allowing an execution to issue thereon at any time thereafter, unless stayed as provided by law; and House Bill 170, placing the license fees on trust companies in the Territory at \$250 per annum.

## STATUS OF BILLS.

The Clerk reported on the status of the House bills sent to the Senate and to the Governor.

The Speaker called for the minority report on Sheldon's first bill to make the office of road supervisor an elective one, the introducer asking for a recess to confer with his colleague on the minority of the Judiciary Committee. The report, when submitted, asked the tabling of the bill, as the subject was covered by House Bill 178. The report was adopted.

## BUREAU OF CONVEYANCES.

The House went back to the order of resolutions to allow Kaleoapu to give notice of the introduction of a bill to establish a Bureau of Conveyances, a superintendent to be appointed by the Governor, to serve for four years unless sooner removed.

The bureau is to be a branch of the Treasury Department and deputy registrars are to be appointed by the superintendent, for whose official acts he shall be responsible.

The bill passed first reading, after which the House adjourned until Monday morning.

## INCAUTIOUS FRUIT EATING.

Bowel complaint is always more or less prevalent during the fruit season and as an attack is liable to come on without warning, it is best to keep a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy in the home. This medicine is well known for its prompt cures and many times serious illness is avoided by having it at hand when needed. For sale by all dealers. Benson, Smith & Co., Ltd., agents for Hawaii.

SAN FRANCISCO, April 1.—Abe Ruef has appealed to the Supreme Court of the State for a release from the custody of the elisor, W. J. Biggy, who has been guarding the indicted boss since the latter was arrested.

# WALLACH THE FAKER

(Continued From Page One.)

resolutions being slated for a third reading. These were:

House Bill 156, requiring the testimony of witnesses before a coroner to be taken down in writing, signed and a transcript forwarded to the Attorney General.

## WHAT DID HUGHES MEAN?

House Bill 138, establishing the Hawaiian library, was objected to by Rice as being in the same position as the Kohala hospital bill, which the Governor had vetoed because it carried no appropriation. He thought the Governor would be in the same mind about this bill.

Hughes reminded Rice that man was a reasoning animal and sometimes changes his mind, while a mule never did. It might be after the appropriation bills were finally passed that there would be money for this and for the Kohala hospital too.

House Bill 156 was held over.

## SENATE BILLS PASS.

Senate Bills 66 and 67, relating to private schools and bringing these more under the control of the Superintendent of Public Instruction, passed third reading, Kaniho and Mahoe against. Senate Bill 69, also relating to private schools, enabling the authorities to keep account of the attendance of children, passed third reading.

## LABORERS' PAY.

The special rush bill, number 184, making \$1.25 a day the minimum wage for any laborer on any government or county work, which had been put on the special order of the day, was given a second reading and passed without discussion.

## BAR ASSOCIATION CHARGE.

The Bar Association acknowledged the receipt of the resolution slamming the United States District Attorneys for defending criminal cases before Territorial courts, through its secretary, and announced that the Association were about to get ready to see whether the matter would be taken up by them at some future meeting perhaps.

Speaker Holstein said that the matter had been deferred three times now out of courtesy to the Bar Association. This was said in a tone that indicated that the speaker considered that courtesy had gone far enough.

## KALEIOPU MOVES TO TABLE.

Kaleoipu wanted the resolution tabled. It was aimed at shutting the U. S. District Attorneys out of the territorial criminal courts and was a scheme of the Bar Association to make it appear that it was the Legislature which wanted it. If the lawyers wanted to shut out this competition, let them appeal themselves to Washington and not make catspaws of the members of the Legislature. It may be that the Bar Association might want backing from the Legislature, which was another question.

## RAWLINS TO THE DEFENSE.

Rawlins said he would not say one word concerning the merits of the resolution, but he wanted to defend the Bar Association from attack. It would seem that the former speaker was misinformed about the introducer of the resolution. It had been presented by Honorable Moanui, but from whom he got it or where the speaker neither knew nor cared, but it did not come from the Bar Association.

Kaleoipu explained that what he meant was that the resolution came from those connected with the Bar Association. Rawlins accepted the explanation, but denied knowing any ill-feeling between the association and the Federal attorneys. One reason why the executive of the association had not had a quorum to deal with the matter was because he had not gone, for reasons publicly stated in the House. The Bar Association could not be blamed because their executive committee did not want to deal with such a question but wanted it brought up in general meeting.

Kaniho wanted to know what power the Legislature had over the doings of the Federal attorneys. In default of knowledge of his own on the subject he seconded Kaleoipu's motion to table.

Sheldon agreed that the Legislature had no more power over the Federal attorneys than they had over the Lani deal matter. The intent of the resolution was to show the ideas of the people here respecting the defense of criminals in certain courts while prosecuting them possibly in the Federal courts.

At the present time the Legislature is trying to debar territorial officers from conducting civil cases in the courts and are consistent in extending the principle to Federal officials in territorial criminal cases.

Sheldon moved to defer action until Saturday, by which time the Bar Association could be heard from. Coney agreed, provided there be any assurance of hearing from the Bar Association. The communication this morning had been very indefinite and the end of the session was approaching.

Rawlins said he understood there would be a meeting of the association on Wednesday, but he made this statement with all possible reservations. He refused to commit himself on any point to any extent.

Kaleoipu rose to point of order and wanted his motion to table put without further debate. The speaker ruled in his favor and shut out Pali's motion to amend.

Being assured that he could not be heard, Moanui gravely rose to his feet. He was the introducer of the resolution but has preserved a silence concerning it compared with which the song of a clam is a boarding house gramophone in full action. The motion to postpone until Saturday carried.

## WALLACH STILL PESTERS.

Moanui's freak resolution regarding Wallach was brought up in its regular April fool order.

Coney moved the indefinite postponement.

Moanui defended himself and announced his reasons for presenting such a resolution. Here in the city was a man named Wallach, claiming ability to successfully treat leprosy. Here was the Board of Health preventing

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