

# LIQUOR AMENDMENTS ARE FINALLY FORCED THROUGH THE SENATE

(From Saturday's Advertiser.)

The Moore amendments to the existing liquor law, further altered at the last moment by an amendment submitted by Senator Chillingworth, passed the Territorial Senate yesterday morning on third reading, by a vote of eleven to four.

Republican Senators Quinn and Chillingworth voted for the passage of the measure introduced by the whisky ring. Quinn made a lame attempt to defend the attitude he assumed in direct opposition to the Republican County and Territorial platforms, but Chillingworth did not make explanation.

Senators W. O. Smith and Fairchild led the fight against the final passage of the bill, but the only support that they received in the voting was from Senators Knudsen and Kalama. Baker was known to be wavering, but when the final test came he capitulated and went over to the side of the majority.

Senator Smith spoke at length in defense of the existing law. Without mincing words he told his colleagues that they had their seats in the Senate chamber as representatives of the people and that they well knew what the will of the people was; that it was unalterably opposed to the passage of a measure that will detract from the efficiency of the present liquor traffic law.

It was a crowded gallery that listened to the proceedings, members of the Woman's Christian Temperance Union and representatives of the Civic Federation being interested spectators of the senatorial labors that resulted in the final passage of the whisky ring bill. Senator McCarthy was chief interpreter of the amendments, his chief second being Senator Moore, the introducer of the bill.

Chillingworth's amendment provides that appeals from the decisions of the Board of License Commissioners shall go to a Circuit Judge in chambers, and not to a jury.

House Bill 108, the measure for the stimulation of immigration and the conservation of the Territory's resources, was taken up for third reading in the Senate yesterday, but no action was taken on it. Senator Woods said that sufficient time had not been given to the Senators to consider the provision of the bill and that it looked as though an attempt was being made to "railroad" the measure through the upper house. Chillingworth had moved that the bill pass third reading, seconded by Quinn, when Senator Woods registered his objection and the Senate then voted to postpone further action until today.

## THE SENATE.

There were no members of the upper house absent when the Senate convened yesterday morning for the twenty-fourth day of the session.

A sheet of bills that have passed third reading in the House of Representatives was transmitted to the Senate and went through the usual form of passing first reading by title. The measures received were House Bill 88, defining the powers of counties; House Bill 90, relating to the appointment of jailers; House Bill No. 96, making provision for a public park at Hilo; House Bill 117, relating to a stamp duty, and House Bill 79.

The concurrent resolution that was adopted by the House of Representatives Tuesday, asking that the Delegate to Congress come from Washington and explain to the Legislature the exact bearing of the proposed Organic Act amendments, was received by the Senate and was referred to the Judiciary Committee for consideration and report.

The second concurrent resolution from the House of Representatives, urging Congress to place a protective duty upon coffee, was read and Senator Fairchild moved that it be adopted without the formality of being referred to a committee. President Smith thought, however, that the resolution should go to a committee and as there was no objection the resolution was turned over to the Ways and Means.

The concurrent resolution, placing the Legislature on record as favoring yearly sessions, adopted by the House Tuesday, was referred to the Judiciary Committee.

A petition was read by Clerk Savidge from twenty-three residents and citizens of Pawa, Oahu, asking that the Senate accord its support to Senate Bill 16, introduced by Coelho, limiting the fishing waters of the Territory to citizens of the United States, or person eligible to become citizens.

## W. C. T. U. Petition.

A petition signed by the officers of

the Woman's Christian Temperance Union was read, in which that organization asks that no amendment or change be made to the existing law regulating the legal school age of children or to reduce the salaries of the teachers of the Territory. Senator McCarthy thought that the petition should be referred to the Ways and Means Committee because it referred to the salaries of teachers, but President Smith thought that it should go to the Education Committee, and the presiding officer's suggestion was carried out.

Senator McCarthy observed that the Ways and Means Committee had already dealt with the question of teachers' salaries by providing an increase in the salary appropriation for the Department of Public Instruction, amounting to \$14,000.

Chairman Chillingworth of the Committee on Military Affairs and Public Expenditures, presented a favorable report on the bill introduced in the Senate and providing for a number of amendments to the existing laws governing the National Guard. Senator Chillingworth moved that the report of the committee be adopted but withdrew his motion in favor of the usual course of laying the report on the table to be taken up with the bill.

The Judiciary Committee reported favorably on the bill relating to the issuance of marriage licenses.

## Appointment Confirmed.

A message was received from Governor Frear, placing Philip F. Frear in nomination for the office of member of the Territorial Board of Dental Examiners.

Senator Fairchild explained that there was one vacancy on the Board of Dental Examiners at the present time and there was need of the third member being named at once, because no candidates for licenses to practise dentistry could be examined without the vacancy being filled.

Senator McCarthy moved that the nomination of Philip F. Frear as a member of the Territorial Board of Dental Examiners be confirmed by the Senate and the motion carried on a unanimous vote.

On the order of the day House Concurrent Resolution No. 5 was taken up for consideration. The resolution petitions the Federal Government to assume the work of condemnation of rights of private fisheries "for the benefit of citizens and people eligible to become citizens." As it stood originally the resolution provided for the condemnation of private fishery rights for the benefit of "the people at large," but the citizen clause was an amendment submitted by Coelho, and seconded by McCarthy. Coelho then moved for the adoption of the resolution in its amended form.

Those whose affirmative votes caused the Senate to adopt the resolution were Senators Moore, Quinn, Harvey, Brown, Robinson, Woods, Baker, Coelho and McCarthy. There were a number of Japanese in the Senate during the consideration of the resolution, it, of course, being intended to prevent the Japanese fishermen profiting by the condemnation of private fishery rights in the event that the idea embodied in the resolution should be ever put in operation.

## The Liquor Bill.

Senate Bill No. 29, on third reading, was the announcement of Clerk Savidge.

Senator Moore, who introduced the bill, moved that it be taken up section by section, but modified his motion on Senator McCarthy's suggestion that the bill should be considered a paragraph at a time.

Section 4 of the bill was first taken up and passed. The section confers authority upon a Board of License Commissioners and provides that its decisions and judgments shall not be "reviewable by or appealable to any court or tribunal except as herein provided." The portion of the bill dealing with wholesale licenses produced a discussion, Senator Smith calling Vice President Kalama to the chair and remaining on the floor through the consideration of the bill.

Senator McCarthy acted as interpreter of the provisions of the bill. In referring to the paragraph dealing with the wholesale license question he said that it was simply intended to increase the minimum quantity of liquor that can be sold by wholesale dealers and that it was really intended as an amendment that will benefit the public.

Senators Smith and Fairchild consistently opposed the passage of each section of the Moore amendments as taken up for consideration. Senator Smith argued against the proposed change,

providing that instead of having the amount of licenses determined by the proximity of the liquor seller to a first, second or third-class postoffice, to an arbitrary classification making a saloon license \$250 throughout the Territory excepting the districts of Hilo and Honolulu where the license figure is fixed at \$750.

## Smith Defends Law.

Senator Smith declared that the present law in the classification by post-offices was fair, and gave ground for figuring out the amount of license in an impartial manner. He said that a saloon or liquor seller in the vicinity of a first-class postoffice was naturally concluded to do much more business than one near a third-class postoffice and that the present law took these presumptions as a basis of calculation.

McCarthy maintained that it would be better to have the districts defined geographically, maintaining that the class of a postoffice might be advanced through some cause that would have no effect upon the business of a liquor dealer in its vicinity.

Senator Chillingworth asked if the operation of the law as intended by the amendment would not work a hardship upon the saloons at Waiaina, but McCarthy replied that the saloons at that place were now all holders of wholesale licenses.

Senator Makiaka managed to discover what he considered to be a hidden virtue in the paragraph dealing with liquor selling by hotels, which he found was prevented during election days in the Moore amendment. He entered into a lengthy disquisition on the evils of selling liquor on election days and from his remarks it is assumed that the legislator from Honokaa has always found that dispensing strong waters in any form on the day of election always contributes to the triumph of what he referred to as the "machine."

Senator Smith moved to strike out all of the amended paragraphs read, but the motion was lost.

## Strive for Light.

Senators Smith and Fairchild made a determined effort to learn the actual intention of the paragraph of the Moore amended bill, reading as follows:

"To sell for a period of ten years intoxicating liquors other than those made wholly from fruit grown in the Territory, manufactured in the Territory by the licensee. Such intoxicating liquors shall be sold only on the premises where manufactured, in quantities not less than five gallons, and shall not be consumed on such premises. The annual fee for this license shall be two hundred and fifty dollars."

McCarthy explained that it was intended to force those who had been manufacturing adulterated liquors with imported materials to pay a high license that would tend to put an end to the work.

Senator Smith said that if that was the commendable object in view that it would be better to make the license under that heading \$500 or even \$1000 a year. Senator Smith was also anxious to have enlightenment on the ten-year provision, and the explanation that was given by McCarthy and Moore did not appear very convincing.

Senator Chillingworth thought that the ten-year provision was open to misconstruction and he made a motion that it be stricken out. The motion was lost.

## The Appeal Section.

When the clerk had finished reading the concluding section of the Moore bill providing for the right of appeal, Senator Smith secured the floor and spoke at length, declaring that if the Senate gave its assent to the section under consideration—the substance of the whole bill—that it would be violating the confidence of the people and their known wishes.

"There is no appeal from the decisions of the Board of Police Commissioners in San Francisco," he said. "The summary power that has been granted to boards having control of the liquor traffic is a wholesome one and is an actual protection to the honest dealer. There may be imperfections in the law; a law governing the liquor traffic can not be made perfect, but the law that we now have is as nearly perfect as can be reasonably expected. The vital interest of the people is at stake. We have heard but one voice from the people and that voice has been against a change to the existing liquor law. The present law has worked for the benefit of the Hawaiian people."

"By what right do we sit in these chairs today? We are here as the sworn representatives of the people; we know what their will is in this matter—are we going to act contrary to it?"

Senator Smith moved that the entire section be stricken out and his motion was seconded by Senator Knudsen.

Senator Fairchild declared in positive terms that the passage of the present amendments to the liquor law simply went to prove that the countries must have more independent power.

"Kanae is absolutely satisfied with the present law, but a change is forced upon us by the people who favor a change in Oahu. It brings up the question proving that counties must be independent in the regulation of their internal affairs."

## Four Negative Votes.

After the appeal section had passed with Senators Smith, Knudsen, Fairchild and Kalama the only ones to vote against, Chillingworth offered an amendment, limiting the right of appeal from the decision of the License Commissioners to a Judge in chambers.

## Chillingworth Amendment.

The amendment as presented by Chillingworth and adopted is as follows:

"Section 35A. Appeals shall be allowed from decisions of boards refusing applications for renewals of licenses, refusing transfers of licenses, and revocations and suspensions of licenses, to the Judge of the Circuit Court sitting in chambers without a jury of the same circuit wherein the party appealing, as a licensee, has his, their, or its licensed premises the license for which has been suspended or revoked or for which a renewal or transfer of the license has been refused, whenever the party appealing shall file with the secretary of the Board from which said appeal is taken, his notice of appeal setting forth the grounds of appeal and bond as is now or may hereafter be provided in the case of appeals in civil cases from district magistrates to circuit courts. And such appeals shall operate to the same effect as civil appeals from district magistrates to the circuit courts, subject to appeal by exceptions or writ of error to the Supreme Court, as is now or may hereafter be provided for appeals from circuit courts to the Supreme Court."

"Upon appeals from boards to the judge of the circuit courts, sitting in chambers without a jury, the hearing before the circuit judge shall be de novo under rules and procedure which shall be fixed by the judge, and the judgment thereon of the judge of the Circuit Court sitting in chambers or of the Supreme Court upon exceptions or writ of error therefrom shall be binding upon the board from whose decision or action the appeal shall have been taken."

"An appeal from a decision of a board refusing to renew a license or revoking or suspending a license shall operate as a supersedeas, and an immediate hearing on appeal may be ordered by the judge sitting in chambers or the Supreme Court upon good cause being shown therefor, and the party appealing may, pending appeal, continue the exercise of the license suspended or revoked or of which a renewal has been refused, as the case may be, upon executing to such board a bond in the sum of one thousand dollars (\$1000) conditional upon said party appealing, in case he is defeated in his said appeal, paying to the secretary of such board the proportionate part of the annual license fee for each day that such license shall have been exercised by him pending said appeal."

The enacting clause was then passed and the Moore amendments were law as far as the Senate was concerned.

Senator Quinn didn't have anything to say during the voting on the measures, being content with being consistently with the affirmative majority as each vote was taken.

But he rose to his feet after it was all over and declared himself:

"I want to go on record as favoring the passage of the amendment to the present liquor law. I am not that justice has been done. I am not pledged against any change in the law. The county convention had no right to exact a pledge from its candidates in this matter, and I claim that my stand is the right one. My record is clean and if I have made a mistake today and if I have done nothing more than other men in this room have done at some time in their lives." And Quinn sat down.

# HOUSE

The House had the High Sheriff on the rack yesterday when the items for his department in the Appropriation Bill were being discussed. There was a general slashing of estimates again, the salary of the High Sheriff being attacked and that of his assistants pruned or cut out altogether.

Such slow progress on the appropriations have been made that yesterday the House decided to devote every afternoon in the week to the money bills in order to get through in time for the end of the session. Cohen, in the chair, keeps the committee marking time regularly, but nobody could make some of them move forward as long as they have a chance to talk.

Cohen made a strong fight in the

# Navy Tug Iroquois Pulled Troopship Off the Reef Which Has Clutched Her Bow in a Coral Vise Since Last Saturday Evening.

(From Wednesday's Advertiser.)

At one minute past midnight the United States Army transport Logan slipped back off the coral reef of Sumner Islet into deep water, and at five minutes past the hour the vessel lay in the bosom of the harbor ready to be warped over to the wharf.

The work of pulling the Logan off the reef was performed entirely by the United States Navy tug Iroquois, under the command of Lieutenant Commander S. F. Moses, U. S. N., of the Naval Station, who directed the final and successful effort, and the winches and screws of the troopship. Five cables attached to as many anchors had been thrown out from the transport, two a little abaft of the bow and two far astern. The Iroquois was stationed astern. Captain Moses decided to wait until the flow of high tide, large, just at midnight, for the big pull, and everything was in readiness. Just at the stroke of midnight, whistle signals caused every winch and every screw to turn. The water was churned, and at the same instant the big troopship began to move sternwards, and in two minutes was out of the clutch of the coral.

Over on the Fort street wharf a large crowd of soldiers were interested spectators and as soon as the vessel was riding in deep water they set up a shout and followed it with three lusty cheers, Young Bros. launch Huki Huki giving several blasts of her whistle.

Five minutes after midnight the bugler aboard the transport sounded the "recall," and all the soldiers who had been massed in the after end of the boat were released and permitted to go back to their quarters.

The lightening of the ship of her anchors, chains, and forward heavy gear, added to the removal of the cargo stowed away forward, lightened the vessel to an extent which was appreciable, the instant the Iroquois began to pull.

As far as could be ascertained this morning at 2 o'clock the troopship is not damaged.

At that hour she took aboard all her chains and hawsers and will remain anchored in the stream till daylight. A diver will examine her bow during the forenoon.

Early yesterday morning the Matson barge Mohican was moved from the railroad wharf alongside the stranded transport Logan and all day long and far into the night the work of taking off cargo was kept up. The forward section of the troopship, which is resting on the coral edge of Sumner Island, has been greatly lightened, and it is thought that the task of moving the boat from her present berth will not be arduous.

The plan of taking the cargo from the forward hold of the Logan was advocated by Captain Vaughn Lewis of the Cambrian and his idea was given the hearty approval of the greater number of waterfront people.

## Will Not Be Much Damaged.

As the matter now stands, little or no damage will be sustained. The plan is to keep the cargo of the Logan in the hold of the Mohican until a complete examination and survey of the ship is made, and, if the troopship has not been materially hurt, it will be put back where it belongs. Much will depend on the orders that will come here from the War Department, after a report of the entire affair has been made there.

Officers on both the Cambrian and

morning for his Income Tax exemption bill, which passed on third reading in spite of worthy opposition.

## MORNING SESSION.

The House yesterday, on motion of Rice, passed a vote of thanks to the Hawaiian Gazette Company, for a set of thirty group photographs of the House members, one of which was presented to each member. This was the first vote of the morning session.

## Resolutions.

The daily list of wants was presented.

Like wanted \$700 for a band stand in Atkinson park, his resolution being enough to raise a brain storm in Kaleiopi's direction. The Speaker ruled the resolution out of order.

Kenawana asked for \$1500 to install a watermain from Kalepolepo to Waialeale, Hilo.

Nawahine wanted \$30,000 for the completion of a new road from Makalua to Kahakuloa, Maui.

Kamanoulu presented a request for \$5000 to open, widen and extend Cook street to King street, Honolulu.

## More Pay Wanted.

The Oahu Prison guards petitioned for a raise in pay, the guards wanting

\$65 a month instead of \$50, and the captains \$75 in place of \$67 per month. The reasons prompting the request, as set forth in the petition, are that the work is hard and the hours long, from 4:30 a. m. until 5 p. m., while "as a matter of fact there is no limit to the time to stay on guard," while the legislature has made it a law that eight hours constitutes a full day.

## Enabling Act Passes.

The third reading of the Enabling Act No. 2 came up on special order of the day.

Sheldon moved the third reading and Moanuuhi moved that the final vote be deferred in order that the names of those to whom money is actually due and the amounts due them might be inserted in the bill. He thought it would take only a short time to get the names.

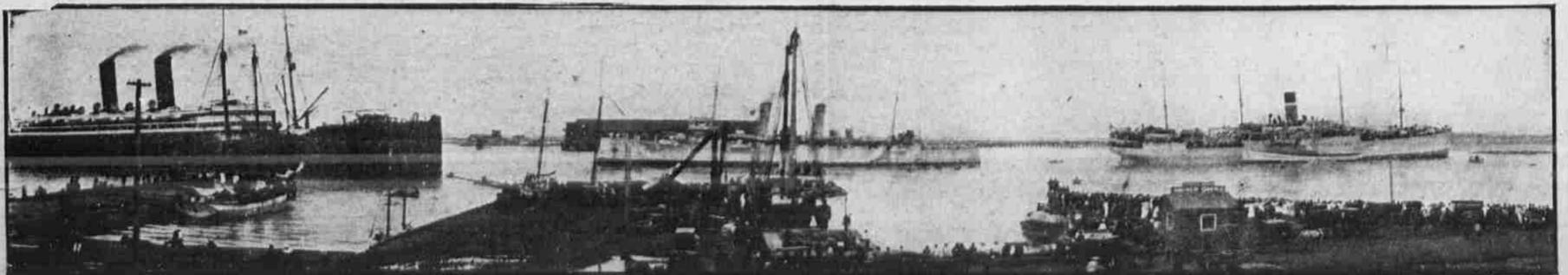
Rice said the names are all on file in the City Auditor's office and that the inclusion of such a list would take a whole page in a newspaper when the Governor signed it. He urged the passage of the bill, stating that all ought to favor it. He thought the Mayor favored it, having now won out in his fight.

(Continued on Page Seven.)

S. S. Korea Entering Harbor, March 15.

H. M. S. Cambrian.

Transport Logan.



KOREA, COMING IN, H. M. S. CAMBRIAN READY TO PULL ON THE STRANDED U. S. TRANSPORT LOGAN.