

WOULD LESSEN POWERS OF COMPANY

Kau Ditch Enterprise Is So Great That It Startles.

SAFEGUARDS ASKED

McCrosson Is Willing to Give Up Rights Granted.

Fear of the unknown, in connection with what might happen if the men behind the Kau ditch got busy in the Hilo district, is the moving spirit of opposition to the enterprise, as expressed at a public hearing on the proposed bill in congress yesterday. It is the uncertainty of just what the company can do that startles. What do the extensive powers granted the company mean? That's the question.

Considerable opposition was manifested against the new Kau ditch bill, as proposed in senate concurrent resolution number six, which was given a hearing before the senate judiciary committee yesterday afternoon, with Senator Judd presiding.

But John T. McCrosson showed a willing spirit to meet the objections of the vested interests in the Hilo district to certain clauses in his bill, especially in regard to wide powers given the proposed company in the bill. He consented in several instances to modifications of certain powers to be granted, and asserted again and again that he had no intention of infringing upon the rights of others in his scheme to take water from the Hilo district and carry it to the Kau district.

It was quite a distinguished gathering which fronted the members of the judiciary committee; beside Mr. McCrosson there being Frank Thompson, his attorney; Judge S. M. Ballou, T. H. Patric of Castle & Cooke; Prince Kalaniana'ole, Delegate to congress; Forester Ralph Hosmer, Superintendent of Public Works Marston Campbell, Richard Ivers, E. Faxon Bishop, W. W. Goodale, while a number of senators not members of the committee also took an interest.

Controversy Starts.

Mr. McCrosson explained the purpose of the bill and went into the financial end of the proposition, asserting that the interest on the capital involved, in case the bill passed the United States congress, would have to be low to permit of any profit.

Judge Ballou appeared for a Hamakua plantation and other interests, and was insistent as to the meaning of certain rights granted in the bill, especially in regard to the highest bidder, but that if privately owned water was needed the company would open negotiations with the owners.

"Then you will not object to an amendment that nothing in this bill will permit condemnation?" asked Judge Ballou.

McCrosson—"Not at all. I know I could not get such rights through this legislature or through congress."

Judd—"Has anyone else any objections?"

Too Extensive Powers.

Ballou—"Yes. On behalf of my clients I object to this bill as giving too large powers."

Judd—"Is there any special clause?"

Ballou—"Yes. In regard to section two."

Judge Ballou then explained at some length that this clause might be construed as preventing any private person putting in a power or irrigation plant in that district, while the Kau Ditch Company, with its power of eminent domain, would have absolute control. He read a letter from Manager John M. Rom of the plantation objecting to the bill on the ground that the ditch might cut off the water supply from the forests from which the plantation secured its own water supply.

It was explained that there was a special danger in the company running tunnels which might cut off the underground water supply, and Judge Ballou added that the water supply of Hilo was not sufficiently safeguarded in the bill.

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AMMUNITION FROM PHILIPPINES: MORE MEN WANTED FOR THE INFANTRY

(Special Cable to The Advertiser.)
MANILA, March 23.—In addition to fifty thousand reserve uniforms, going forward to the States by the army transport Sheridan, it was learned yesterday that she took on here, by cabled order of the secretary of war, three million rounds of rifle ammunition and six thousand army Colt's revolvers, to be used in connection with the military demonstration along the Mexican border.

Order to Recruit.
(By Associated Press.)
WASHINGTON, March 23.—A call has been issued to all infantry regiments of the United States to recruit to their full strength, in preparation for an expected order to be sent to Mexico, either to strengthen or to relieve troops now in the field. The mobilizing of the troops in Texas is proceeding with all possible speed.

MAY CALL NEW PARK AFTER KEALIMAIKAI, A HERO OF THE OLD BATTLEGROUND SITE

Into the controversy as to whether the Queen Emma property in the Nuuanu Valley be named in honor of the Hon. Sanford B. Dole or of the Hon. Jonah Kūhio Kalaniana'ole is cast the shadow of an old-time high chief, Kealimāikai, "The Good Chief," a brother of Kamehameha the Great, who was the grandfather of Queen Emma.

Members of the committee yesterday took a trip to the proposed park and inspected the grounds. It was on this very spot, according to history, that the king of Oahu was killed in battle by Kamehameha before the conquerors drove the Oahu men over the Pali to their death.

DITCH LOSS IS THIRTY PER CENT

MANY PLANTATIONS LOSING VALUABLE WATER BY SEEPAGE.

Some of the plantation irrigation ditches examined by water experts from the hydrographic office at Washington lose thirty per cent of their water through seepage. So serious is the loss of this most valuable commodity that, in the opinion of one leading expert, it would pay to cement-line the ditches in many places.

This was stated in the course of an address on "Measuring the Flow of Surface Streams," interesting alike to the layman and the engineer, delivered last night by J. C. Hoyt, assistant chief of the hydrographic office, United States (Continued on Page Eight.)

POI SHOP BILL NOW UP TO THE SENATE

PASSES THIRD READING AFTER RATHER HOT FIGHT IN THE HOUSE.

Clean poi will soon be as easy to get as the dirty poi was before the recent cholera outbreak caused the closing of the unsanitary Chinese poi shops in this city, for the bill to regulate the poi shops and establishing a standard of cleanliness where this food is manufactured passed the house of representatives yesterday, and it now remains only for it to pass the senate and be signed by the Governor to become a law.

Considerable opposition was manifested in the house when the bill providing for cement floors and cement walls at least six feet high in poi shops and the use of only pure water came up for third reading. A number of the Hawaiian members of the house were afraid that with the stringent rules in force it would interfere with the manufacture of poi in small places, where the taro is pounded only two or three times a week for a few families.

But it was explained that there is no intention of interfering with such places, yet the bill, if it passes, will give the board of health the authority to close any poi shop which is found to be making poi under filthy and disease-breeding conditions. The idea, it was said, is that the cleaner the poi the better for the people who will eat it.

In the morning there was a hot fight over the bill, and several motions and amendments were offered to delay the passage of the bill or to amend it so as to apply only to the city and county of Honolulu. But it was shown that this would be illegal, as under the law it is not possible to discriminate in such measures.

Kanaka, Tavares, Sheldon, Rice, Kellini, Conroy and others took part in the discussion, and it became quite warm in the house, especially during the afternoon session, when the bill was forced through by a vote of twenty-one to nine.

POPULARITY MEN DO NOT AGREE

THEATER TRUST THREATENED WITH A LAWSUIT AS A RESULT.

The managers of the "popularity contest," now raging in the local theaters, are no longer popular with each other. In fact, they do not speak as they pass by any more, while their language regarding one another is unkind, to say the least.

Yesterday the Honolulu Amusement Company fired J. W. Winkelbach, the man who started the balloting. Following his dismissal, Winkelbach proceeded to get busy in preparation for a suit for breach of contract. Jack Scully, who handed Winkelbach his passport, states that the popularity man wouldn't do what he was told and had to be fired for the good of the service. Winkelbach comes right back and announces that he was fired because he was making too much money.

The whole matter will be aired in the courts and in the meanwhile the company will run its own contest to see who is the most popular man or woman in town, by actual count.

It is generally understood that the name Winkelbach does not appear on the official ballot.

What Scully Says.
"We found good and sufficient cause to discharge Mr. Winkelbach and will be ready to prove our case in the courts, as we have heard he threatens to take the matter into the courts," said Mr. Scully last night.

"At all times he was supposed to be under the control of the management of the amusement company, but he failed to abide by the terms of the contract and consequently we consider that he has broken it. We feel absolutely assured of our position in the matter."

Winkelbach's Statement.
J. W. Winkelbach, who has been man- (Continued on Page Five.)

EMPEROR OFF ON TOURIST TRIP

ITALIAN SOCIALIST MAY ENTER CABINET

ROME, March 23.—The king today conferred with Bissolati, a socialist deputy, with a view to his possible participation in the government, to succeed Luzzati, who resigned from the cabinet.

PERSIA OFF PORT.

The P. M. S. S. Persia arrived off port after midnight this morning, and will dock as soon as passed by the port officials.

MERCHANTS WANT ANOTHER CHANGE

MAHUKA EXTENSION BAD—NOW IS TIME, IF AT ALL, TO SECURE CHANGE.

Public opinion is veering around to the point of general opposition to the Mahuka site as the place for the proposed federal building. Those who advocate the reopening of the question, if it be possible, are among those prominently associated with the advocacy of the site originally. It is becoming generally recognized that a mistake was made in backing the Mahuka site, particularly as it proved to be too small and is to be enlarged through the condemnation of a whole block of established business houses.

Business men have had time to consider the whole question and have begun to feel that to take out an entire block of the really short area of Fort street business property, would hamper the development of commercial enterprises which should, logically and by right, be permitted to remain.

Those who express opposition views to the government's present plan to take in the whole Mahuka block, point to the fact that the usual public building does not attract crowds, and instance the case of the customhouse on lower Fort street, which is visited by few and those mainly brokers, who are numerically an extremely small portion of the business community. They point to another case of "dead walls" which now interfere with trade development, the Catholic convent and cathedral on Upper Fort street, which take in, relatively, half the long block from Hotel to Beretania. It is their theory that those two structures, sandwiched in between business enterprises, repel rather than attract patronage to that particular section of Fort street.

Among those who are in opposition to the present Mahuka site plan are two of Fort street's prominent business men.

Irwin Site if Necessary.
"I was surprised when I returned to Honolulu the last time to learn that the Mahuka site question was again up in the air," said H. P. Wichman, of H. F. Wichman & Co., jewelers, yesterday. "I was originally an advocate of the Mahuka site. It did not occur to me that the federal government would want the remainder of the block. I would advocate any steps being taken to retain the original site—the Mahuka site. I certainly would not like to see a splendid part of Fort street, where business houses have been established for decades, wiped out for a federal building. I believe, if I were a part of E. O. Hall & Son, who have established their business by being right there at that corner, that I would fight tooth and nail to retain my established place of business."

"Rather than that the federal government should take over the whole block, in case they decide they really can not utilize the original Mahuka site, I would certainly prefer the building to go to the Irwin site.

"The question of keeping a business in an established place, one where you have built up your trade from the bottom, is important here as elsewhere. I was at one time offered an opportunity to move my business to a new locality, into a new building. I had to decline. It was stated to me that my friends would follow me. With this I disagreed, saying that they would follow me only because they would find prices right, but their own convenience would be consulted as to following me entirely. There have been established business houses moved to other parts of town and they suffered financial loss. An established place is a valuable asset."

"I would not like to see Fort street's retail business enterprises ousted by the federal government."

McInerney a Convert.
"I was a Mahuka site man originally," said W. H. McInerney, "but I certainly did not expect that the federal government, in addition, would reach out and proceed to take in the whole block. On that ground I am unalterably opposed, and I have heard that this view is shared by a number of others who originally favored a downtown site."

"I believed in the beginning that the Mahuka site was about right. It was utilizing a lot of property going to waste, or at least was not being used then, for commercial purposes. When the government wishes to take in valuable business property, however, taking over and wiping out buildings devoted to commercial enterprises and removing that much from the center of town, then I am opposed to such action. I hope the matter can be revived and either keep the original Mahuka site for the building or else have a site elsewhere."

"Everybody knows that a customhouse is the dearest kind of a building. Go to the customhouse any day. The only persons there besides the employees, are a few brokers. They are practically the only people you'll find. As to the postoffice that is used mainly by the Assistant. The business men either have their mail delivered by carriers, or collect it from boxes by their office boys. I believe the agitation to have the matter entirely reopened is sound and I believe in retaining Fort street for its present purpose—business of the town and not for business purposes of the federal government."

Superseded by Senor Limantour



RAMON CORRAL, Vice President of Mexico, whose place as spokesman for the administration has been taken by the finance minister, Limantour.

FEDERALS WIN IN A BRISK FIGHT

AMERICAN PRISONERS BEING EXECUTED AFTER A COURT MARTIAL.

AGUA PRIETA, Sonora, Mexico, March 24.—The federal were victorious in a sharp engagement between small forces here yesterday. The revolutionists held their ground until thirty-six had been killed, when they broke and fled into the mountains. The federal loss in killed is eight.

Executing Gringos.

SAN ANTONIO, Texas, March 23.—Word was received here today to the effect that the Mexican government will hereafter deal out extreme punishment to all outsiders caught assisting the rebels. In this connection it is reported that four Americans who, it is claimed, participated in the insurrection in the State of Chihuahua, have been court-martialed and shot by orders from the headquarters of the federal troops. It is reported that a number of other Americans have been captured among the insurgents who surrendered and that a life punishment will be inflicted.

LIVES LOST IN FIRE IN CANAL ZONE

COLON, Panama, March 24.—A serious fire broke out here yesterday, doing damage before it could be checked to the amount of three hundred thousand dollars. Several lives were lost in the flames. Fifty houses and three churches were destroyed.

SEA TRIP TOO MUCH FOR OLD SEA DOG

WASHINGTON, March 23.—Rear Admiral Vreeland will represent the United States Navy at the coronation of King George of England. Rear-Admiral Dewey has declined to accept the honor, on account of the length of the journey and the time involved. Rear-Admiral Vreeland will be one of the most important of the many representatives sent to the coronation by foreign nations.

ROOSEVELT BEGINS LECTURE SERIES

BERKELEY, California, March 23.—Theodore Roosevelt yesterday delivered the first of a series of Earl Lectures he is to make before the students. He will be here until Tuesday.

AVIATOR CARRIES ELEVEN PASSENGERS

DOUAI, France, March 23.—Aviator Breguet today carried eleven passengers for two miles in a monoplane, setting a new record.

ALLEGED SHORTAGE AT MARE ISLAND

VALLEJO, March 23.—There is an alleged shortage of \$5000 in the pay office at Mare Island Navy Yard here.

MADERO MAKES BOLD REPLY TO DIAZ

Will Hold Officials as Murderers, if Threat Is Carried Out.

ISSUES A DECREE

Constitution Must Not Be Suspended, He Says.

WASHINGTON, March 24.—Provisional President Madero, of the revolutionary forces, has notified Washington that he has issued a decree to meet that of President Diaz, who intends to suspend the constitutional guarantees and treat the revolutionists as brigands.

Madero announces that he will hold personally responsible any person interested in the promulgation of any notice of the suspension of the constitution and any person assisting in the enforcement of any such promulgation on the part of the Mexican government.

Should, by reason of the suspension, any captured insurgent be executed without a legal trial, he will hold the ones carrying out the trial and execution as murderers and treat them as such on the first opportunity.

What Is Threatened.

CITY OF MEXICO, March 11.—Under a provision of the Mexican Constitution not used in fifteen years, the government will set aside for six months certain personal guarantees. Those detected in the act of highway robbery, of raiding a village or farm, or train wrecking or cutting telegraph or telephone wires, or even of removing a spike from a railroad track or throwing a stone at a train, will be summarily shot by those making the arrest.

The bill providing for this drastic measure was sent today to the committee of the permanent federation of congress. It was signed by Manuel Macoedo, subsecretary of the department of the interior, and clearly states that its enactment is the wish of the president.

It was referred to a subcommittee and this was instructed to report it to the commission Monday at a special session. That it then will be favorably acted on is undoubted.

Explains Necessity.

The decision to ask for the suspension of personal guarantees provided for by the constitution was reached by the President in conference with the members of the cabinet. This provision is one calculated to permit the federal government to put into effect at time of extraordinary conditions a form of government approaching that of martial law. Under the constitution the government may go further and declare martial law, but the provision invoked does not abrogate the power of the civil authorities and does deny, in the cases of certain crimes, the right of formal trial to the accused.

Possibly the nearest approach found in the Constitution of the United States is that which permits under certain conditions, the withdrawal of the habeas corpus.

Explanatory of the measure sent to the congressional commission there accompanied it a note also signed by Mr. Macoedo.

Drastic Provisions.

Attention is called to the importance of the lines carrying electricity supplying light and power to many of the country's larger cities, and the note says that the criminal element has at times interfered seriously with them.

The growing prevalence of highway robbery, pillage and the raiding of villages and plantations is discussed and the statement is made that the President wishes the measure adopted, also, to provide drastic means for dealing with those who commit these offenses.

In this note, Mr. Macoedo indirectly quotes President Diaz as saying he regrets profoundly the necessity of resorting to means so extreme. The conditions now, however, are such that he considers the safeguarding of property of such great importance that it justifies recourse to the extreme conditions of the Constitution.

Under the terms of the measure crimes specified as those which will take from the accused the ordinary right of formal trial include interference with the operation of trains, interference with telegraph, telephone and transmission wires, kidnaping, highway robbery and assault, or raiding of villages and farms.

It is specified that the crimes of interference with trains, cutting of wires, highway robbery and, under certain conditions, raiding, kidnaping and assault, shall be punishable by death. It is provided that in cases where the offender is detected and arrested in the commission of his act, the man making the arrest shall ask no other proof than the fact of the offense and the fact that he has a personal knowledge that the man arrested committed the act, to shoot him.