

UTILITIES BOARD  
CENSURES I. I. FOR  
DOUBLE DROWNING

Negligence of Some Members of  
Kilauea Crew Responsible  
For Lahaina Tragedy

SUPERINTENDENT SHEEDY  
THINKS FINDINGS UNJUST

He Tells Commission Its Limitations  
In Spirited Tilts With  
Its Members

POINTS AGAINST INTER-ISLAND  
Digest of Utilities Board Findings

POINTS made against the company by the Public Utilities Commission in its finding handed down yesterday on the double drowning at Lahaina landing, May 1:

1. That there was no deck officer in charge of the capsize boat.
2. That the crew, with the exception of the boat steerer, deserted the struggling passengers.
3. That the boat steerer was warned he was off the course, but says he did not hear the warning.
4. Finding of the coroner's inquest sustained.

Negligence of some of the employees of the Inter-Island Steam Navigation Company was held responsible by the public utilities commission yesterday for the double drowning at Lahaina Landing Maui, May 1, of Chow Soy and S. Uchi Kaway, deck passengers on the Kilauea.

As originally handed down, the findings included a letter from Joseph E. Sheedy, general superintendent of the Inter-Island, submitted in the form of an affidavit, and the reply thereto of Chairman Charles R. Forbes of the commission.

On the advice of Arthur G. Smith, first deputy attorney-general, this correspondence was discovered from the findings and made a part of the record.

Mr. Sheedy walked into the board room while the correspondence was under discussion and asked to be allowed to reply in detail to the points made in Chairman Forbes' letter. Although the commission already had arrived at a decision, which it announced could not be altered by anything Mr. Sheedy might have to say, he was given permission to put into the record any further contention or facts he might wish to bring forward, and there resulted a spirited argument as to the jurisdiction of the commission.

"This commission," said Chairman Forbes with some heat, "is not going to interfere in any way with the federal statutes governing the operation of ships at sea."

"Of course," retorted Mr. Sheedy, "I don't think you can."

The findings of the commission follow:

"Having reviewed all the evidence, we are satisfied in our own minds that the accident could have been avoided had the boat been on its proper course, and under control of a deck officer. The evidence bears out the fact that the weather on this occasion was not unusual; that no danger signals were displayed; that no precautionary instructions were given to the boat's crew; that the boat was steered to the west of the boat steerer becoming aware of the fact that he turned the boat to get on the right course, and in so doing was capsized at the edge of the reef, some 150 yards west of the Lahaina wharf, reason for the said capsizing given as being the breaking of a steering gear."

**Crew Deserts Capsized Boat**  
"The crew, with the exception of the boat steerer, deserted the capsized boat without rendering all possible assistance to the passengers; that the boat steerer was warned that he was on the wrong course by a passenger who was thoroughly familiar with the Lahaina waters. However, the boat steerer departs having heard this."

"In the main, the evidence given by persons examined by the public utilities commission corroborates the evidence given at the coroner's inquest held at Lahaina, Maui, on May 6, 1915."

"From the evidence taken at the coroner's inquest, dated May 6, 1915, and at the hearing held by the public utilities commission of Hawaii on May 8, and on July 16 and 19, 1915, we are satisfied that the loss of life on the occasion of said accident on the first day of May, A. D. 1915, thereat inquired into, was due to the negligence of some of the employees of the Inter-Island Steam Navigation Company, Ltd., to wit: the boat-steerer and the crew of the boat which was capsized, and this commission concurs in the findings of the coroner's jury handed down on the sixth day of May, 1915, at Lahaina, Maui."

**Mr. Sheedy Takes a Hand**  
Superintendent Sheedy walked into the board room just as the commission was taking up his correspondence with Chairman Forbes.

"Let me say," offered Mr. Sheedy, "that when I attended earlier hearings of this commission on this matter, I offered to supply any facts that were desired and to correct some of the misstatements that were made in testimony, acting with the understanding that what the commission desired was the shortest cut to the truth, regardless of the formal rules of evidence."

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eral statement. Now you know, gentlemen, that the hardest thing in the world to make. There were many things that I wanted to bring up as we came across them in the course of the testimony, but I wasn't given a chance to tell a thing.

"Self-Evident Errors"  
"Without a transcript of the evidence, without knowing what was wanted of me, or what I might be expected to answer, I wrote the commission the letter you now have. Some of the assertions Mr. Forbes makes in his reply, as I have just heard them read in part, are self-evident errors that can be corrected in a moment."

"I think," interposed Mr. Smith, "that for Mr. Sheedy's sake and in justice to the Inter-Island, he should have an opportunity to give all the evidence he wishes."

"You don't want to reopen the whole case, do you?" asked the chair. "We've already made our findings."

"But not signed them," retorted Mr. Smith.

"Very true," said Commissioner Williams, "but nothing that could be admitted would induce us to change our findings—that is to say, nothing that I think of as representing an interrogation points Bristol."

Nevertheless, Mr. Sheedy was allowed to put in his objections for what good they may do him, after it had been explained that the first draft of Chairman Forbes' reply to his affidavit had been revised and materially altered, so that the portions of it which he heard read did not at all represent the document he ultimately will receive. For that reason it is impossible to print the correspondence here in full or to report more than the general import of the detailed discussion based on it.

The paragraph in Superintendent Sheedy's letter that caused interrogation points to be placed on Chairman Forbes' back was the following:

"While the company would welcome any information to throw light upon this accident and in order to prevent a repetition of this disaster, yet in order that there may be no misapprehension as to the jurisdiction of the commission with regard to the safety of passengers, we beg to call your attention to the fact that the federal laws and regulations with regard to shipping are exclusive, and that neither the Territory of Hawaii nor any of its political subdivisions, boards or commissions, has authority to add any burdens whatsoever in this regard."

"In regard to this very emphatic paragraph in your letters," said Chairman Forbes, "if in which you call the jurisdiction of this commission in question, just what do you mean, Mr. Sheedy?"

"Just what I said," replied Mr. Sheedy.

"Don't you suppose," inquired the chair, with rising heat, "that this commission knows what its business is?"

"I'm not altogether sure of it," admitted Mr. Sheedy.

"Well," Mr. Sheedy asserted, Mr. Forbes with great positiveness, "and we propose to see that our orders are obeyed, and our recommendations given weight."

"As to the comfort and accommodation of passengers, service rendered and fares charged, yes; as to their safety at sea, the navigation of the ship and the conduct of the crew, no," declared Mr. Sheedy.

**Distinction Is Accepted**  
Mr. Forbes accepted the distinction. "This commission," he explained, "is not going to interfere with the federal statutes in any way."

"Of course I don't think you can," retorted Mr. Sheedy. And there the episode ended.

The interchange had its origin in one of the recommendations the commission later will make to the company—that be names of all deck passengers be taken.

Superintendent Sheedy took the position, in the first place, that it couldn't be done and, in the second place, that it didn't have to be done. The coastwise navigation laws, he said, don't require that the names of passengers be taken.

Chairman Forbes questioned the facts. Superintendent Sheedy replied that they were easy of access and recommended him to search for the authorities and find out for himself. Finally he plumped out this flat declaration:

"If it is decided by the proper authority that accommodations must be put for deck passengers, then there won't be any more deck passengers."

**Company Gives Value Received**  
In other words, the company feels that it is giving the equivalent of value received. If it is compelled to furnish deck passengers with something more than transportation, which is all that is called for now, they will cease to be passengers and become something else for which they will pay more money.

Chairman Forbes fevered to the name. He inquired if cabin passengers did not give their names and was informed that they did, whether they were Caucasians, Asiatics or what not. Why not, then, he asked, the same for deck passengers?

Mr. Sheedy explained that the federal law did not require a passenger's name unless he occupied a stateroom, so that when the commission asked him "how are you going to get their names in the event of a catastrophe?" the answer was "you don't."

Railroad companies, excursion steamers, vessels in the coastwise trade and other carriers whose business does not require that they register their passengers, are not required to register their passengers. It is required to register their passengers, but not more than half the names of the passengers ever had been learned.

**Listing Deck Passengers Impossible**  
"Coming down to the difficulty of the case, and putting to one side the legal obligations, he told how nearly impossible it often is, in the case of a deck passenger with luggage, to get him to give his name, so that his receipt can be made out for him and taken up again."

"In this regard," he said, "the company would be obliged to maintain a duplicate list of the names of the passengers in writing, because you can't read it

after they have written it, supposing they can write in the first place, and if they pronounce it, you can't get them to spell it."

"Deck passengers tumble into the ship in droves, with no payment in advance. You collect from them when they get off. I can remember when they used to swarm over the sides of the ship. That was one of the first things I put a stop to, after I had seen a number of these narrowly miss break their necks by falling over boardwards. If they are to be looked and registered, the whole system of traffic must be revolutionized."

**Commission Is Obdurate**  
The commission remained strongly of the opinion that it ought to be done.

"Well," consented Superintendent Sheedy, rather reluctantly, "We'll try anything once, but I don't think it can be done."

"I don't doubt for an instant that there will be considerable difficulty, but I think it ought to be done, and I am sure it ought to be tried," insisted Commissioner Williams.

Running his pencil down Chairman Forbes' letter, Superintendent Sheedy came to a recommendation that a deck officer be placed in charge of every landing party sent ashore. He appreciated the desire of the commission to fix responsibility, but in practice, he said, the thing often worked out differently. The purser or the freight clerk might be and was a much better verifiers than the second mate.

"We bring our mates down from the Coast," he said; "they are competent officers, but many of them have had no experience with small boats except on the open sea. There are some of them I wouldn't go through the surf with myself. I'd prefer an Hawaiian boatsteerer."

**Reasoning Not Intentional**  
Chairman Forbes did not seem to think this line of reasoning was wholly ingenious.

"Do you mean to tell me," he asked with some asperity, "that if you had a deck officer at that boat at Lahaina, he wouldn't have had more influence over that crew in maintaining discipline than the boatsteerer?"

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"Not necessarily. I've got to say," exploded the chair, "is that your mates aren't worth a damn!"

"That is not true," replied Superintendent Sheedy steadily. "And if you've traveled around these islands at all, you know it. The officer might have been the one to need assistance first."

"I think the suggestion should stand," said Commissioner Williams. "If it should prove to be impracticable, then it can be withdrawn."

**Spare Boat At Lahaina**  
The commission further suggested that the company maintain a spare boat at Lahaina landing, to be manned by volunteers in the event of an accident. Superintendent Sheedy did not consider the suggestion practicable.

Life saving, he said, was work demanding organization. If the boat was to be of any value, a trained crew on duty night and day must be maintained to man it, and it was not just, he thought, to require the company to go into the business of equipping and maintaining life saving stations all over the Hawaiian Islands. If at Lahaina landing, as well as any other.

"I've been thinking a good deal over this accident," he said. "I began thinking of it before the commission took it up. The company is desirous to prevent a repetition and I have thought it might be well to have an extra boat lowered away fully manned and kept in readiness in the lee of the ship."

**Better Abandon Landing?**  
"Better send the extra boat in to follow the others," recommended Chairman Forbes.

"No," dissented Superintendent Sheedy with emphasis. "If Lahaina landing is as dangerous as that, it's no place to put women and children aboard. It had better be abandoned."

The commission in its findings did not touch at all on one other point brought up in the testimony which figured rather prominently in the headlines of the newspapers at the time—namely, the basis of a letter to the Inter-Island by the same name, in which the league recommended that the company employ only seamen who are total abstainers, supposing such to exist.

That point was the testimony of John Saffry, his wife and one other woman passenger, that the boat-steerer and his crew were drunk.

**Testimony Not Given Weight**  
Informally and not as a part of the record, one of the commissioners said yesterday that he and his associates had not given the testimony weight as nothing had been added to support it.

Superintendent Sheedy had this to say on the same subject in his written statement:

"During your hearing before the board, one of the witnesses, John Saffry, testified to the effect that the crew of the boat which was overturned was drunk."

"In this regard you are advised that Captain Berg states that while Hiku (the boat-steerer) served under him while he (Berg) was mate of the Mauna Kea, he had never seen any sign of drink on him. Hiku himself states very emphatically that he never drinks or smokes. And while this may seem remarkable, the writer has good cause to believe it."

"It is not at all probable that when the Kilauea left Honolulu some of the crew had been drinking, but when Lahaina was reached, six hours had elapsed without opportunity for the crew to obtain any more liquor."

**Cabin Passengers Only Served**  
"While the Kilauea has a bar service, it is maintained entirely for cabin passengers and none of the deck passengers or crew can obtain any liquor therefrom. This rule has always been strictly enforced. Furthermore, none of the crew are allowed on the upper deck of the vessel except to go to the boats and are not allowed under any conditions in the passenger quarters."

**DECK PASSENGERS NOT MISTREATED**  
As clearly indicated in advance by the lack of evidence and the informal comment of the commissioners at the only hearing ever held, the complaint of Mr. Negro, general secretary of the Japanese Association of Hawaii, that deck passengers of his race are abused,

curled and extortionately treated by the Hawaiian crews of the Inter-Island Steam Navigation Company, was dismissed yesterday by the public utilities commission as unsubstantiated.

At the same time, General Superintendent Joseph E. Sheedy of the Inter-Island notified the commission that the company would supply mats to its deck passengers at a nominal rate and that employees have been forbidden to rent their rooms to deck passengers.

Mr. Negro complained that mats are now rented by members of the crew for fifty cents apiece and that in some cases passengers are threatened with discomforts if they do not choose to rent. No evidence to support this latter charge was adduced.

"There is no doubt," said Mr. Sheedy, "that the present price is robbery. It's a little private graft that has grown up gradually and it's hard to stop. Hereafter the company will supply its own mats, but it does not intend to supply them gratis."

"I may also add for the information of the commission that, shortly after the hearing on Mr. Negro's complaint, I wrote a circular letter to all officers and employees of our ships informing them that members of the crew were forbidden, effective from the date of the letter, to rent out their rooms to deck passengers, subject to immediate dismissal."

The position assumed was that the sailor who rented his room was selling something that belonged to the company, not to him, and pocketing the sales price, which did not belong to him, either. In short, that he was cheating the company."

**Findings of Commission**  
The findings of the commission follow:

"We have reviewed the evidence in the treatment of deck passengers residing on the steamers of the Inter-Island Steam Navigation Company, Ltd."

"It appears that M. Negro was the principal complaining witness and presented for examination one Saburo Onaka to support his complaint."

"Mr. Negro's evidence was hearsay and he personally admitted never having seen any of the so-called abuses and could not testify to or produce any evidence that would tend to show that deck passengers had been abused."

OFFICER OF EVIL IN  
ABOARD MONGOLIA

Lieutenant Commander of Sunk-  
en German Cruiser Escapes  
Captors and Hurries Home

Lieutenant-Commander Lauterbach of the German cruiser Emden, sunk some months ago by the Australian cruiser Sydney, in a sea fight off Cocos Keeling Islands, passed through Honolulu yesterday aboard the steamer Mongolia. He is traveling under the name of H. W. Johnson.

Lauterbach was entertained by members of the local German colony during the stay of the vessel. When the liner rolled out at six o'clock Consul Gos. Rieckert and a number of his countrymen were on the dock to bid the intrepid "Mr. Johnson" farewell.

Lauterbach, who managed to escape from the British authorities at Singapore during the recent mutiny there, en route to Germany via San Francisco.

He was held a prisoner at Singapore, together with other members of the Emden's crew. It was stated by one of the Mongolia's passengers yesterday that he saw the vessel was boarded by British officers at F'inghai, on the lookout for the escape officer.

Lauterbach is said to have stated that he was a Swede and to have exhibited papers seemingly proving his Swedish nationality.

He is a well built man, five feet ten inches tall and weighing in the neighborhood of 185 pounds. He is about forty years old, is clean shaven and of a florid complexion.

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"Mr. Negro's evidence was hearsay and he personally admitted never having seen any of the so-called abuses and could not testify to or produce any evidence that would tend to show that deck passengers had been abused."

"Mr. Negro stated that Mr. Onaka had been abused, but Mr. Onaka's evidence does not bear this out."

"The chairman of this commission has made recent trips to the other islands, at which time he had opportunity to observe the treatment of deck passengers, and while accommodations for deck passengers are inadequate, he did not observe any mistreatment of them. It is true that no bunks are provided for the crew, but the members of the crew rent bunks for the sum of fifty cents, a practice that should be discontinued, and we believe these bunks should be furnished by the Inter-Island Steam Navigation Company, Ltd. It is also a fact that when necessary to enter the hatch or to work in the hold, deck passengers who utilize the hatch coverings for sleeping accommodations, are obliged to vacate this section while work is being carried on. No direct evidence has been presented that abuses as complained of have been committed, and indirect evidence and hearsay reports cannot be taken into consideration. We recommend that the complaint of Mr. Negro, be so informed, and that the Inter-Island Steam Navigation Company, Ltd., be notified that the charges made by the commission are not sustained."

"We are of opinion that this commission should take up the matter of providing accommodations for deck passengers."

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PORTLANDER TANKS  
HAWAII BEAUTIFUL

Ben Selling Says Commission  
Form of Government Has  
Many Advantages

Hon. Ben Selling of Portland, Oregon, former speaker of the assembly and also former speaker of the senate of his state; one time candidate for United States senator and a strong advocate of the commission form of government for municipalities, who is at present spending a vacation in Honolulu, is a big booster for the islands and thinks with the right kind of advertising, the islands can become the ideal tourists' Mecca on the world.

**Honolulu Wonderful City**  
"Honolulu is a wonderful place," said Mr. Selling at the Moana yesterday, "and I am thoroughly enjoying every minute of my visit here. In years past I have gone to New York and the eastern part of the states for my vacations, but I realize now that I have long been missing something by not coming here. Some persons complain of the heat here, but to me it is ideal weather. One can sleep with comfort nights and that is something we can not do in New York, especially during the months of July, August and September."

**Islands Need Publicity**  
"These islands were better advertised on the mainland I think the tourist travel here would be greater. By that I mean, the people here should hammer home to the mainland what there is for him after he gets here."

"While it is true that the tourist trade will receive a setback through the withdrawal of the Pacific Mail steamers, I feel something can be done to remedy this calamity. If the Great Northern Pacific folk could be assured freight of sugar and pineapples on their return trips to the Coast from Honolulu, I do not think there would be much trouble in getting them to run a line of steamers from San Francisco or Portland to Honolulu."

**Advocate Commission Government**  
"In discussing the commission form of government, Mr. Selling thought it would be a good thing for Honolulu."

"Portland is under a commission form of government," he said, "and while there has been no saving in the running of the city, it has been proven that the people are getting more for the money spent than heretofore. A commission form of government does away with a continuous talk of graft."

"Again, I do not believe that men who are in a position to sell anything to a city, should hold public office. Not because they would not be honest, but simply because it always gives a chance for someone to cry graft."

"I am sorry I can not take in the civic convention to be held next month but business calls me back to Portland and I shall be compelled to leave your beautiful islands within the next twenty days."

**Many Not Diverted**  
Panama Canal authorities assert that the above analysis of the six months' traffic shows that the steamers bound to and from the Far East make up most of the tonnage which has been withdrawn from the Suez Canal traffic, although to a certain extent the traffic between Europe and the Pacific formerly utilized the Suez Canal. Many of the lines operating from Europe to the Pacific Coast owe their inception to the building of the Panama Canal; therefore it is felt that the vessels of these lines were not diverted from the Suez Canal.

**Almost Half Coastwise**  
Slightly more than forty-one per cent of the cargo handled in the Panama Canal during its six months of commercial activity has been in movement between ports of the United States and Europe. As a standard, this includes American-Hawaiian ships—has been in movement between the Pacific Coast of North America, principally the United States and Europe, and approximately an equal proportion (twenty-one per cent) has been moving on the route between the West Coast of South America and the seaports on the Atlantic seaboard of the United States and Europe. As a standard, this includes American-Hawaiian ships—has been in movement between the Pacific Coast of North America, principally the United States and Europe, and approximately an equal proportion (twenty-one per cent) has been moving on the route between the West Coast of South America and the seaports on the Atlantic seaboard of the United States and Europe. As a standard, this includes American-Hawaiian ships—has been in movement between the Pacific Coast of North America, principally the United States and Europe, and approximately an equal proportion (twenty-one per cent) has been moving on the route between the West Coast of South America and the seaports on the Atlantic seaboard of the United States and Europe.

**Rule Placing Serum Under Ban  
In Territory Published  
For First Time**

Attention is called to Rule VIII of the division of animal industry of the board of agriculture and forestry, appearing in the "By Authority" column of this issue. By passing this rule, which forbids the importation of hog cholera virus into the Territory, the special permission of the board of agriculture is required for the same precautionary measures that have been adopted by numerous states on the mainland which realize the danger attendant with the use of hog cholera virus.

Hog cholera in a mild form has appeared on occasions in the Territory and more especially on Oahu. It has been successfully treated by hypodermic injections of antihog cholera serum, which remedy is also used to protect exposed but still unaffected hogs from the disease. The immunity conferred upon sound animals by this treatment is temporary, lasting from six to eight weeks.

To make animals permanently immune it is necessary that they be exposed to the actual infection at the time of injection or else that an effective dose of hog cholera virus, that is, the blood from an animal dead or dying from hog cholera, be injected at the same time. While, however, this treatment is efficacious and has been used on the mainland where all or nearly all herds are infected, it is held that the disease of hog cholera can never be eradicated so long as the virus must be kept alive and used in the treatment. A single drop of this virus accidentally spilled on the ground may cause the disease to appear not alone where it can be controlled by the serum treatment but also at more or less distant piggeries, where no such precautions have been taken and where serious losses may occur before preventive measures can be put in operation. The virus or infection may be carried by either dogs, birds or other animals as well as by the shoes or in the clothes of attendants, or visitors or trespassers.

To avoid these contingencies, the territorial veterinarian has recommended the rule and the same has met with the approval of the board and received the Governor's signature.

E. P. Winter, who was brought here from San Francisco last Monday on a charge of animal mauling, will be given a preliminary hearing before George S. Cary, United States commissioner, on August 21 in the federal court building.

SUEZ KEEPS LEAD  
IN CANAL TRAFFIC

Opening of Panama Takes Some  
Business To and From  
Far East