

THE PACIFIC Commercial Advertiser

WALTER G. SMITH - EDITOR.

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When Sam Parker comes back he won't need any executive session in which to make his report from the President.

The Advertiser is able to say on the highest authority in the United States, that Governor Dole will not be removed or disturbed in the peaceful occupation of his office.

Judge Edings goes back to his own circuit with the respect of the bar and the community. He has worked hard, been patient, forbearing and impartial, and has kept up the dignity of the court without sensationalism.

Beckley's statement that the President asked him to visit Washington before the next Congressional session, is an eager bid for another junketing trip.

The attacks on the Food Inspector, made yesterday in the Legislature, were probably egged on by men who want to sell adulterated wares.

A PARALLEL CASE.

Under the caption: "Roasts Court for Fair Will Decision--Warm Brief for Half a Dozen of the Foremost Lawyers in California--Supreme Justice Henshaw, Charged With Not Knowing What He Was Writing About," the Examiner prints the following statement which, in view of recent events, has an important local bearing:

When half a dozen first lawyers of California characterize a decision of the Supreme Court as "a blot on the jurisprudence of the State" it is to say the least unexpected, for lawyers weigh their words and are careful to the last degree about what they say of the judiciary.

The opinion is full of adjectives, not only of a legal but likewise of a political complexion. People have asked why William E. Herbert was employed in the case on the side of the heirs.

The opening paragraph of the brief says: "Mr. Justice Henshaw has fallen into an inadvertence as to what was decided by the former opinion."

In support of this opening statement the parallel column is used to contrast Justice Henshaw's opinions in 1900 and in 1901. The point on which the case turns is highly technical and of small interest to the general reader.

"That the will created a trust to convey I never entertained any doubt." The brief goes on to suggest "with the utmost deference" that "the learned Justice" did not know what he had decided on the first occasion.

"As a matter of course it is not to be supposed that Mr. Justice Henshaw was not aware of what the opinion which he signed plainly states or that he would have signed it if his views had not been in accord with it."

The brief goes on to charge a vital inconsistency between Justice Henshaw's recent opinion and that of his three colleagues with whom he concurred.

His reason for his change is that there was no legal estate which could vest in the trustees and consequently "no estate in law to support the equity."

It is not a case of different Justices proceeding on different ground. It is a case of those whose concurrence is necessary to a decision proceeding on diametrically opposite grounds on an essential point.

After dealing with Justice Henshaw the brief goes on to handle his three colleagues, Garoutte, McFarland and Harrison, whose present position is the

same as when the case was first decided. Concerning their opinion last filed it is charged that they completely misapprehended the argument made on behalf of the trustees of the will, and after quoting the argument and opinion in parallel columns to illustrate this misapprehension the brief goes on to say: "There is nothing whatever in the argument to justify the statement of the opinion. As appears from the above the argument states the direct contrary to what the learned Justices supposed it to have stated. The opinion, therefore, was based on a complete misapprehension of the argument made, and imputes to us such a silly contention as will expose us to the ridicule of the entire profession."

The brief indulges in biting sarcasm in relation to the innocent remarks of the majority opinion concerning trusts in general and the Fair trust in particular. The following language from the opinion is quoted: "We are more than satisfied with this result when it is considered that a contrary conclusion would perpetuate a trust of this vast estate probably for a period of fifty years and more, and also result in a disinheritation of Fair's children."

These remarks were obviously thrown in by way of giving good measure and as a sort of guarantee of good faith strictly for publication, but the brief falls foul of them and tramples on the prostrate court in this fashion: "Why should the Court express any satisfaction over such a result? The period of fifty years or more is that of the lives in being, which the laws of California expressly provide for. * * * Has the Court any different policy from that of the law? Does it mean that it disapproves of the expressed policy of the law and is not 'kindly disposed' towards it, and experiences satisfaction because it has defeated it?"

Concerning the judicial woe over the possible "disinheritation" of the testator's children there is this bit of sardonic humor: "If it should be said that the cutting off of the children of the testator's son is 'disinheriting' them, it may be answered that it does not appear that the testator's son has any children. And it must be a very tender heart that is moved by the misfortune of beings that may never be born."

Finally the brief remarks that the majority of the court is more to be pitied than blamed. They were born that way and cannot help it, but so long as the light holds out--thus: "Of course a man cannot help his underlying feelings as to matters of this kind, but such feelings should at least be such as the law approves and we submit that we have shown that such is not the case as to the matters above mentioned."

The court is at present engaged in chewing on this warm potato. The brief has been under advisement for a week. This scathing brief was filed with the Supreme Court of California, Justice Henshaw sitting on the bench. Yet we are not advised that the court felt itself insulted or that the lawyers were sent to jail for contempt.

THE PROLETARIAT.

The tendency of this city to attract refuse elements from all the islands and from the interior of this one, is making Honolulu, month by month, a less desirable place in which to live. Gradually, but surely, Honolulu has long been filling up with runaway Japanese, and now there is a prospect that we shall get many, if not all, the imported negroes. Yesterday it was learned that thirty-two negroes from the Spreckelsville plantation had left there for Honolulu, because the Japs had persecuted them.

Good use might be made of the vagrants on the public streets, where they could be placed after sending them to jail. The streets need lots of work, and convict labor is about all that can be afforded now. If the police were to round up the vagrants and the District Court give them thirty days apiece, the thoroughfares would be the gainers, and the rebellious laborers on the sugar estates would be made to see that life in Honolulu, for the loafer, is not all bananas and swipes.

Assuredly, there must be some kind of protection for the people of the city from the human brutes which commercial necessity brings to do the labor of the fields. If they cannot be kept out on the plantations, they can at least be made to feel the rough edges of urban inhospitality. So far as the law will permit, we must protect the city against them. If we don't there will soon be a marked increase in crimes of both high and low degree.

DOESN'T AFFECT HAWAII.

The impression is out that the Supreme Court, in declaring, as it is supposed to have done, that the constitution does not follow the flag, has put Hawaii into the category of mere possessions; and that, as a result, our sugar may have to pay duty on the mainland.

This radical idea is based upon the following clauses of the decision: The clause, "all duties, imposts and excises shall be uniform throughout the United States," the court holds, was placed in the Constitution as a result of the jealousies of the States which united in forming the Nation. It was intended to prevent any State or combination of States securing advantage over another or others; to prevent the ports of one State gaining preference over those of another in the importation of goods.

This rule of uniformity was made primarily for the States united, the court holds, not for Territories then possessed or afterward acquired, and the Constitutional requirement is satisfied as long as all duties on imports are uniformly imposed at all the ports throughout the United States. The advantage of this uniformity may be extended to Territories and possessions not States and not members of the American Union, but that is for Congress to determine under the authority of the Constitution.

It appears that Congress has already determined the case of Hawaii, as follows: Section 5 (Organic Act). That the Constitution and except as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States.

As the matters "herein otherwise provided," and the laws which are "locally inapplicable," do not affect the rights of Hawaii as a Territory of the United States, these islands may be regarded as an indissoluble part of the Union.

A FUTILE ERRAND.

Representative Beckley, even though putting his own interpretation on the words of the President, brought cold comfort to the "Dole-must-go" squad. Even Brother Emmeluth did not cheer up visibly when the report was made. Mr. McKinley had advised Beckley to return at once to the islands, had talked vaguely of future "adjustments," and had given the Home Rulers some common-sense advice about economy, the Appropriation bill and the unwisdom of trying to hamper the Government. The attitude of the President was that of a patient father trying to put some sense into the head of an obstreperous child.

Meanwhile, the Advertiser learns on authority which cannot be questioned, that Governor Dole will not be disturbed in the enjoyment of his office. It was the veriest humbug and child's play to assume that anything the political enemies of the Republican party could say against Mr. Dole would have the slightest effect on the Federal Executive unless accompanied by charges and specifications which would convict him of some misdemeanor. It was to get rid of the incubus of partisan hostility that the white plotters who work with the Home Rule party tried to induce that party to join the Republicans. Its failure to do so made its attack on Mr. Dole ridiculous, although if the Home Rulers had fallen in with the scheme they could not have shaken President McKinley's faith, lately reiterated, in the honor and ability of the Governor of this Territory.

For a scheme which has shrunk to such little measure, the Home Rulers have to thank their credulity more, even, than their ignorance. They swallowed everything the white marplots told them, as a gudgeon swallows bait. Into the vast pool of their unquestioning faith anti-Dole men threw all sorts of rubbish, and the pool engulfed it. It is perhaps too early to expect the pool to show a frozen surface, but the time will eventually come when Home Rule receptivity, so far, at least, as the assurances of carpet-baggers is concerned, will necessarily congeal.

National Debts of the World.

WASHINGTON, April 28.--The recent announcement of a new British loan of \$300,000,000 lends interest to the statement just issued by the Treasury Bureau of Statistics regarding the national debts of the world. This statement shows, in brief, that the national debts of the world aggregated more than \$30,000,000,000 at the close of the nineteenth century, or ten times as much as in the closing year of the eighteenth century. In 1793, at the beginning of the Napoleonic wars, the national debts of the world amounted to approximately \$2,500,000,000; in 1900 they were, according to the best information obtainable, \$31,000,000,000. In general terms it may be said that the world's national indebtedness in 1900 aggregated ten times what it did at the beginning of the nineteenth century. Meantime population has increased 150 per cent, and gold and silver, which form the basis of the money with which debt payments are made, 300 per cent, which with the utilization of the various forms of credit as currency, may have increased the world's circulating medium quite in proportion to the increase in national debts.

This enormous increase in national indebtedness is chiefly the result of wars, standing armies and works of public utility. To this may be added a tendency in many cases to create an annual deficit by expenditures exceeding revenues made in deference to popular demand, which deficits ultimately take the form of funded or bonded indebtedness. But the bulk of these enormous debts is from war and war preparations and the construction of public works, such as railroads, canals, harbors and the improvement of waterways. Of the railroads of the world, whose total cost has been estimated at \$30,000,000,000, about one-third are owned by national governments, indicating that approximately one-third of the increase in indebtedness has been applied to works of this character. But the fact that great wars have compelled the nations engaged in them to make enormous additions to the funded indebtedness, clearly identifies this as the principal factor in the great increase in national indebtedness which has characterized the history of national finances in the nineteenth century.

Soldier Life in the Philippines.

Armed resistance to our national policy is practically knocked in the head, though support is still given to the bands of guerrillas with whom we have to contend. The numbers of the latter are gradually being reduced by capture, death and voluntary surrender, but the forces we are "up against" now are the more determined of those who opposed us early in the insurrection, and, as is natural, are the more daring and better fighters. If you could see the boys in a scrap over here you would feel proud to own that you were an American. Be what nationality they may, no other soldiers can touch ours when it comes to endurance and fighting.

I remember one time when the old Twenty-seventh Separate Company was having a skirmish drill on the fair grounds, I heard an officer observe that "an enemy was in front shooting at us, we would then, but I know better now. When that electric command "Charge!" is heard, the whole line jumps from concealment as one man, and that good old yell gains in volume and intensity as onward the line dashes, until, as is invariably the end, the niggers break and run, and as victors the panting boys, dry-tongued and perspiring, throw themselves on the ground to rest. Such a scene as is presented when the boys stop to rest will remain in one's mind forever. Every fellow tries to tell in one breath how he reached the present point, how he fell over a tree or ran into a mudhole and how "Bill So-and-So" stopped to pull him out or nailed this or that "gu-gu."

When in post or barracks, life is somewhat monotonous, aside from the entertainments provided in the way of dances, etc., by the rich mestizo families. You would be amused to see how we rigged up to go to a dance. Every man always took a rifle and a "round-about" of ammunition. But the natives don't seem to mind little things like that. Some of the mestizos are very beautiful--the ladies, I mean; the men, don't count.--From a Letter of Walter G. Murray in the Maloe Palladium.

Uncle Jethro--"There ain't no sense in dictionaries, nohow." Edgar--"How do you arrive at that conclusion, Uncle Jethro?" Uncle Jethro--"They spell 'hoss' with an 'r' and leave it out when they come to 'horsepital'."

Salt Rheum

It may become chronic. It may cover the body with large, inflamed, burning, itching, scaling patches and cause intense suffering. It has been known to do so. Do not delay treatment. Thoroughly cleanse the system of the humors on which this ailment depends and prevent their return.

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