



U. S. WEATHER BUREAU, FEBRUARY 27—
Last 24 hours' rainfall, .00; Temperature, max.
78; min. 64; Weather, cloudy.

SUGAR—96° Test Centrifugals, 5.15; Per
Ton, \$103. 88 Analysis Beets, 15s 4 1-2d; Per
Ton, \$106.80.

Established July 4, 1854.

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HONOLULU, HAWAII TERRITORY, TUESDAY, FEBRUARY 28, 1905.

PRICE FIVE CENTS.

HAYSELDEN MILK BILL IS BEATEN IN THE SENATE

Victory for the Man Who Owns a Few Cows and Sells Product to His Neighbors.

The Senate yesterday knocked out the Hayselden Milk bill on the mere suspicion engendered by some of its features that it might have been drawn in the interest of the Dairyman's Association, although the introducer of the measure made a plea for it on the ground that it was intended to meet a condition in the outside districts, and not to apply to Honolulu at all. Unfortunately, the law was framed as a general law and not to apply solely to the outside districts.

The House was somewhat inclined to waste itself in oratory, as usual, and Carl Smith's revision committee came in for some criticism at the hands of Fernandez, who had introduced a leprosy bill and wanted the gallery to know it. Mr. Smith explained that the bill was held up in the interest of economy to prevent duplication, and the member subsided.

LEGISLATURE--TENTH DAY.

THE SENATE.

Because of a suspicion, rightfully or wrongfully based, that it could be twisted into an act in behalf of the Dairyman's Association, and because of a very decided disinclination in the Senatorial mind to put any more power into the hands of the President of the Board of Health, which disinclination was somewhat emphatically expressed in the debate, the Hayselden milk bill was defeated on third reading in the Senate yesterday. And so the man who keeps a few cows can be relieved of the apprehension which the terms of the act had raised in his mind.

The bill came up in the regular order on third reading, well along in the morning session of the Senate. President Isenberg asked to be excused from voting on the measure, and was excused. Then Paris began the work of destruction by asking whether it was intended that the provisions of the bill should apply to everybody who kept a few cows and sold milk to the neighbors.

"It covers everybody who has a license to sell milk," answered Bishop. "That is just exactly who it is intended to cover," said McCandless. Senator Dickey got the floor at this point, and read from the revised Statutes to prove that the bill was unnecessary, in that the Board of Health had abundant power under the law as it stood to attend to the proper sanitation of dairies.

HAYSELDEN'S DEFENCE.
"If that is true," said Mr. Hayselden, arguing in favor of the passage of his measure, "I do not see that it can do any harm to pass this measure. It has been urged against this bill that if it is passed the Board of Health will have power to go into every man's cow yard and make him put down a cement floor in it. I do not think that is a reasonable argument, but if the Board of Health should find that cement floors are necessary, then it should compel the putting down of them. This bill is a measure intended to apply to the outside districts, where most of the milk is sold by Asiatics, and where without some such measure as this the people would have no protection at all. It was not intended to apply to Honolulu, where there is abundant protection. The Board of Health is here. If the Board of Health is not competent to draft proper and reasonable regulations under the bill, then a vote of lack of confidence is in order. But if we have a Board of Health, we should trust it."
"And I hope that the Senators from the outside districts, at least, will vote for the bill."

Achi said that the Board of Health permitted the fouling of the water used at Koolau school within two hundred yards of the school house, and protests were unheeded.
Senator McCandless bore this out. "The Board of Health says that my cows are doing that," he went on. "That statement is absolutely false. I have no cattle on that side of the island. That water is fouled by a swimming pool within two hundred yards of the school, and the Board of Health permits it. There is law enough, but the Board does not enforce it, and I think it is high time we did get a Board of Health that would enforce the law."

THE BILL BEATEN.
The vote then came on the bill, and it was beaten, eight to six, by the following vote:
Ayes—Bishop, Brown, Dowsett, Gan-

dall, Hayselden, Kalama—6.
Noes—Achi, Dickey, Hewitt, Lane, McCandless, Paris, Wilcox, Woods—8.
Excused from voting—Isenberg.
The session of the Senate began yesterday with calling back for proper formal passage of Bill 16, the measure having been allowed to go through without the call of the roll on Saturday. It passed third reading without dissent.

House concurrent resolution to detain all lepers at Kalaheo Station was laid on the table.
House concurrent resolution instructing the Delegate in Congress to work for the grant of a bounty on coffee created some discussion, and at last went to the Public Lands Committee.

Paris presented a petition from South Kona asking for \$20,000 for road improvements, and for the passage of a law to keep straying animals off the roads. Referred to Public Lands Committee.

Paris also presented a petition from North Kona praying \$20,000 for road improvements. Public Lands Committee.
Paris presented a petition asking for \$5000 for teacher's cottages in North and South Kona, and \$1000 for a warehouse and tank at Napoopoo. Referred to the Loan Committee.

A communication from the government physician at North Kohala to the President of the Senate asked compensation for distress caused by the cutting off of his salary. The physician is John Hecherly.

COMMITTEE REBELS.

The Ways and Means Committee presented the following:
"Your Committee on Ways and Means to which was referred Senate Bill No. 22, entitled 'An Act to regulate the investment of Funds by Trustees,' begs to report as follows:

"The bill has been carefully considered on its merits, but owing to the fact that your Committee has information that other bills touching on the law governing Trustees in their duties are likely to be introduced during the present session of the Legislature, it recommends that the bill be laid on the table to be taken up at one and the same time with such other bills."

The report was adopted.
The Ways and Means Committee reported:

"Your Committee on Ways and Means, to which was referred a Joint Resolution authorizing the appointment of a Joint Committee of the Senate and House of Representatives to destroy by burning certain paid-up warrants of the Government, after interviewing the Treasurer of the Territory on the subject of the resolution, respectfully recommends the adoption of the same."
The report was adopted, and the resolution was adopted on an aye and nay vote, without dissent.

The Miscellaneous Committee reported favorably on Senate Bill 29. The report was laid on the table to be considered with the bill.
The Committee on Public Expenditures reported:

"Your Committee on Public Expenditures, to whom was referred Senate Bill No. 42, have given the matter careful attention.

"The object of the bill is to put government employees in the same category with all other citizens in the matter of their indebtedness to the government for taxes and otherwise.

"The bill is eminently a proper measure for legislation, and we recommend that it pass."

(Continued on Page 3.)

COMMITTEE OF SENATE HEARS RAILWAY TALK

Proponents and Opponents of Lucas Belt Line Appear Before Dickey Committee and File Briefs.

"Mr. Lucas, the only man whose name is mentioned, has informed me that he has no special interest in the bill, and had allowed his name to be used at the request of the Senator who introduced it, and who is the only other person who has appeared before your committee to champion the measure."—Extract from the brief of President Tenney Peck, of the Honolulu Rapid Transit Company, filed at the hearing upon the McCandless Railway bill, before the Senate Special Committee yesterday.

The Senate special railway committee, Messrs. Dickey, Gandall and Paris, gave hearing yesterday to the friends and the opponents of the McCandless bill to grant a franchise for the railway through Honolulu and around the island of Oahu which has become known as the "Belt Line." Everybody is familiar with the terms of the bill. Its passage is being opposed by the Oahu Railway and Land Company, and by the Rapid Transit Company, and is being urged by Senator McCandless, who is the introducer of the bill. Senator McCandless appeared at the hearing yesterday, as did Mr. Lucas, who is mentioned in the bill as the applicant for a charter for the new road. L. Tenney Peck and Superintendent Ballentyne, appeared for the Rapid Transit, and the Oahu Railway was represented by Attorney Sidney M. Ballou. The committee will not be ready to report for some days.

There was, however, no argument before the committee excepting the arguments made in the briefs filed for and against the passage of the McCandless bill. All three of the parties interested filed briefs. That of the Oahu Railway Company, prepared by Mr. Ballou, is presented herewith as follows:

OAHU RAILROAD BRIEF.

February 27, 1905.
This is a "wide open" franchise. Practically no restrictions are laid on the method of construction. "The best modern practice" is too indefinite to mean anything. There are no restrictions as to:

1. Gauge.
 2. Style of rails.
 3. Up-keep of public streets through which the railroad may run.
 4. Safety appliances at grade crossings of city streets.
 5. Safety appliances at grade crossings of existing rails.
- No penalty of forfeiture of franchise or otherwise is attached to the failure to complete 10 miles within the time limit, so that this provision becomes useless.

II.
That portion of the proposed road lying between Diamond Head and the harbor is one from which a steam railroad should be absolutely barred. As some one has pointed out, it would cut off Honolulu from its waterfront by a series of grade crossings, which if the experience of American cities be any guide, would have to be removed by the next generation at an enormous expense. A steam railroad, even though built according to the "best modern practice" would ruin and disfigure Kapiolani Park and that portion of Waikiki through which it ran. The Rapid Transit Company attempted to secure permission to haul by steam over its Waikiki and Queen street lines, such use to be limited to night hours, but the provision was stricken out of the bill.

III.
The valuable part of the proposed line is between Kalaheo and Diamond Head and is simply a parallel line to the Rapid Transit and a portion of the Oahu Railway & Land Company. If there is any bona fide intention to develop the country districts the applicants should submit to an amend-

ment requiring 10 miles to be completed outside of the District of Kona within the two year period.

IV.
Route 3 in the bill violates the exclusive franchise on the strength of which the Oahu Railway was built. It is true that the bill seeks to avoid a technical violation by excluding steam from this route, but the O. R. & L. Company was given an exclusive franchise for a steam railroad only because that was the only motive power in existence at that time. It should not be robbed of its franchise merely because a new motive power has been invented.

V.
The bill should contain a provision prohibiting the condemnation of other railroads running in the same general direction. Neither the tracks of the Rapid Transit Company nor the O. R. & L. should be subject to condemnation except for the purpose of crossing.

VI.
The proposed railroad should not be allowed to run directly through the yard of the O. R. & L., as now proposed. There are many other ways of coming into the city from the west, which would obviate this interference.

VII.
The rate of fares specified is exorbitant as applied to the district of Kona. The Rapid Transit Company is obliged to carry passengers through the city for a distance of about seven miles for a five-cent fare.

VIII.
The exemption from taxes and grant of subsidy should both be stricken out. With two railroads in the field government subsidies would be more economically applied to their extension. The Oahu Railway in particular is prepared to extend its lines wherever it believes the traffic would pay for its extension. A new company should be put on the same basis.

IX.
There should be a substantial penalty.

(Continued on Page 2)

THE VOLCANO STARTED UP AGAIN YESTERDAY

HILO, Feb. 27.—Advertiser, Honolulu: The activity of the Volcano was only temporarily eclipsed by a landslide caused by an earthquake. A party returning from the crater this afternoon reports that the eruption is increasing slowly. Chris Conradt says the molten lake is two hundred and fifty by a hundred feet in size. Notify Trent.

GEORGE LYCURGUS.

Previous statements were that the fire disappeared Saturday morning, leaving the pit full of smoke.

JAPS CROSS THE SHAKHE

Oyama Plans an Attack on Russian Center--Dutch Liners Held Up off Formosa.

(ASSOCIATED PRESS CABLEGRAMS.)

MUKDEN, Feb. 28.—The Japanese have crossed the Shakhe and occupied Taling, an important position.

ST. PETERSBURG, Feb. 28.—Fighting continues on the Russian left flank. The Japanese are planning to attack the center. The Russians claim that it is impregnable.

DUTCH LINERS HELD UP.

LONDON, Feb. 28.—Japanese cruisers have intercepted Dutch liners near Formosa, alleging that they are carrying contraband.

FORLORN HOPE SAILS.

CHERBOURG, Feb. 28.—The third Russian squadron coaled here and sailed for the Orient.

JAPAN'S PARLIAMENT ADJOURNS.

TOKIO, Feb. 28.—The Imperial Diet has adjourned.

AFTERNOON REPORT.

ST. PETERSBURG, Feb. 27.—General Kuropatkin reports successful Japanese flanking movements. The enemy was repulsed at several places.

NEWCHWANG, Feb. 27.—The Japanese are shelling Mukden.

ST. PETERSBURG, Feb. 27.—The officers of the auxiliary cruiser Lena who violated parole have been ordered back to San Francisco and reduced in rank.

RUSSIA FACES SERIOUS SITUATION IN POLAND

WARSAW, Feb. 28.—The Polish peasant troubles have attained serious dimensions. There are disturbances in forty villages and a general revolt against the compulsory use of the Russian language is in progress.

FREEDOM WAS SHORT.

ST. PETERSBURG, Feb. 28.—Maxim Gorky was released on bail and immediately re-arrested.

MARINE DISASTER OFF THE CALIFORNIA COAST

CRESCENT CITY, Cal., Feb. 28.—An unknown steamer, heavily listed and apparently on fire has transferred her passengers to a collier off this port. No details are obtainable.

CHINESE CADETS FOR WEST POINT.

WASHINGTON, Feb. 28.—The House has passed a resolution admitting two Chinese to West Point.

TERRIBLE ACCIDENT IN CHURCH.

NEW YORK, Feb. 28.—Eleven were killed and fifty injured yesterday by the collapse of the floor of an African church in Brooklyn.

AFTERNOON CABLES.

WASHINGTON, Feb. 27.—Judge Sawne has been acquitted by the United States Senate.

SACRAMENTO, Cal., Feb. 27.—The four Senators recently indicted for accepting bribes, have been expelled from membership in the Senate.

GROTON, Mass., Feb. 27.—George S. Boutwell is dead.

NEW ORLEANS, Feb. 27.—The damage done by yesterday's fire will amount to \$5,000,000.

PARIS, Feb. 27.—Turkey has ordered thirty gunboats from European firms.