The Pacific Commercial Advertiser

U. S. WEATHER BUREAU, MAY 25.—Last 24 hours' rainfall, .00. Temperature, Max. 78; Min. 66. Weather, fair.

ESTABLISHED JULY 2 1856

SUGAR.—96 Test Centrifugals, 4.36c; Per Ton, $87.20. 88 Analysis Beets, 12s 3d; Per Ton, $93.00.

VOL. XLI., NO. 7113. HONOLULU, HAWAII TERRITORY, FRIDAY, MAY 26, 1905. PRICE FIVE CENTS.

HIGHTON WILL BEGIN TODAY

Papers in the County Act Case Will Probably be Filed This Morning.

At last the facts have been agreed upon and now the legal battle over the County Act will forthwith begin.

Judge Highton expects to be able to file the case in the Supreme Court at 10 o'clock this morning. To do so he figured last night on having to toil until 4 o'clock this morning. At first he was to have until 2 p. m. today, but it was learned that the Supreme Court was about to take its summer vacation. Then there was hurry.

There is of course a possibility that the Supreme Court will not entertain the submission. In that event another mode of testing the County Act will have to be considered or awaited.

As it is being prepared, the attack upon the County Act will be mainly on the ground that it does not provide a mode of local self-government according to the American system. This statement is a direct contradiction of the assertions that the proposition to test the Act emanated from the enemies of American local self-government. Yet it is a fact.

William R. Castle is the complainant in the case, and A. L. C. Atkinson, Secretary of the Territory of Hawaii, the respondent. Mr. Castle takes action both as a taxpayer and a bondholder of the Territory. His line of attack is to stop the special election for officers of counties now well under way. Thus, if the County Act is a nullity, by having it so declared by the Supreme Court before the election has been pulled off a great deal of financial damage to the Territory will be averted.

"William R. Castle, a taxpayer on his own behalf and on behalf of all and singular taxpayers, and William R. Castle, as owner and holder of bonds of the Territory, vs. A. L. C. Atkinson, Secretary of the Territory of Hawaii," the submission will be entitled.

The parties declare that there exists a "question of difference which might be the subject of a civil action in the Circuit Court of the First Judicial Circuit of the Territory of Hawaii, or before one of the Judges thereof, and that they have agreed on the facts in said matter and that the same shall be submitted to the judgment of the Justices of this Honorable Court."

Following is a condensed summary of the facts:

THE AGREED FACTS.

Castle is a taxpayer and has paid his proportion of the taxes now in the treasury.

Atkinson is Secretary of the Territory.

In the year ending Dec. 31, 1904, the total of taxes collected in the Territory was $1,617,467.84, collected from 60,500 taxpayers.

June 13, 1896, an "Act to provide for public loans" was passed by the Legislature, which Act contained a provision "that the payment of the principal and interest" of such loans "shall constitute a charge upon the consolidated revenue of the Republic."

The outstanding bonds under that Act amount to $830,000.

A Loan Act was passed on April 25, 1903.

Bonds under this Act to the amount of $1,000,000 were issued and the proceeds paid into the treasury.

Bonds of $2,000,000 have been issued.

Two thousand bonds of $1000 each have been issued, of which "principal and interest are exempt from any and all taxes whatever and the payment thereof constitutes a charge upon the consolidated revenues of the Territory of Hawaii," and each of the bonds contain an obligation "that the faith and credit of the Territory of Hawaii are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms." These bonds are redeemable in five years and payable in fifteen years.

Bonds amounting to $500,000 were authorized by Act of Congress, January 26, 1903, to be issued by the Territory of Hawaii for the purpose of defraying expenses of suppressing an epidemic of bubonic plague. An Act of the Legislature provided that the payment of these bonds is hereby assumed as a charge on the revenues of the Territory of Hawaii.

Bonds under these acts are outstanding to the amount of $315,000.

Castle owns some of these bonds.

The aggregate bonded indebtedness of the Territory is $3,145,000.

April 12, 1905, the Legislature passed an "Act creating counties within the Territory of Hawaii and providing for the Government thereof." It was vetoed by the Governor April 13, and on the 13th and 16th passed over the veto by a two-thirds vote.

April 25 the Legislature passed an Act to amend the County Act, which was approved by the Governor.

April 26 an Act "relating to funds for the payment of the expenses of the several counties" was passed. On the same date it was vetoed by the Governor. The Legislature passed it over the veto.

April 26 an Act to appropriate money for defraying the expenses of the special election of 1905 under the provisions of the County Act from the public treasury was passed, which was approved by the Governor.

This Act appropriates $10,000.

The Secretary has promulgated all these acts.

The Governor made two election proclamations, the second one relating to the amending act.

Under the County Act the Secretary is proceeding with the election and "unless restrained and enjoined from the further expenditure of public money" under the Act appropriating $10,000 "will complete the performance of the duties imposed upon him." The election proclamations have been and are being published in various newsfree with officers of the Territorial government and their duties, since both the offices and their functions are pro-

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CONFERENCE IS CLOSING

Last Sessions Are Today--An Old Folks' Meeting.

CLOSING CONFERENCE SESSION.

Friday, May 26.

9:30-10:00 a. m.—Prayer Meetings—
Hawaiian led by Rev. D. W. K. White, Lahaina.
English and Portuguese led by Rev. R. A. Buchanan, Kohala.
Chinese led by Rev. Ting Ah Lin, Wailuku.
Japanese led by Rev. K. Komuro, Kona.
Korean led by Mr. P. K. Yoon, Honolulu.
10:00-11:45.—Bible Conference.
Bible Talks on the Holy Spirit.
Address—Rev. D. Scudder, D.D.
Address—The Gift of the Spirit. Rev. Henry Ostrom, D.D.
2:00-3:00 p. m.—Annual Meeting for Organization of the Hawaiian Board in the Board Rooms.
3:00-4:00 p.m.—Old People's meeting, Central Union church.
Address—Rev. Henry Ostrom, D.D.
7:30 p. m.—Evangelistic Mass Meeting in Central Union church.

Yesterday's sessions of the Bible Conference, concluding with the inspiring mass meeting last night, were expressive of the depth of the revival movement. The meetings of the past week are being of value not only to Honolulu, but to all the islands through the two hundred or more delegates from churches all over the territory who are in attendance at the conference. All the addresses and discussions are translated into the several tongues used in the islands and the suggestions made are having a profound effect on the pastors, especially on the native and Oriental pastors, many of whom have not had the educational advantages that their white brethren have had. These men are taking the deepest interest in the addresses and getting practical help and inspiration for the problems they have to struggle with.

A feature of the services is the singing and the prayer meetings held in the various languages.

EVENING SESSION.

There was a big audience last night at Central Union church at the great

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FUSION PLAN HAS FAILED

Democrats and Home Rulers Fail to Come Together.

Democratic and Home Rule committees met at Waverly Hall last night to effect fusion—and failed to do it. The Democrats were a committee headed by Fred Turrill, appointed at the County Convention, with full power to agree upon a ticket and a scheme of fusion. The Home Rulers were a committee from the Home Rule executive committee, headed by Jonah Kumalae, late Republican, and had no power at all.

It was, therefore, an unequal combination. The Home Rulers could not deliver the goods, and the Democrats would not show their hand. The meeting resolved itself into a gabfest, in which both parties were much at home, but in which nothing whatever was accomplished.

"It was like a horse trade," said Mr. Turrill after the meeting, which was executive. "They could not do anything, and we would not show our hand. You see, we were appointed by our convention with full power to go ahead, agree upon the officers each side was to nominate, and effect a fusion. They were appointed by their executive committee, and had no power at all. They would report back merely, after they found out what we wanted, and get further instructions. In other words, we would be bound, and they would not be. Well, we would not consent to go into a deal of that kind.

"We shall report back to our convention on Saturday night, and will then nominate a complete ticket. The Home Rulers will report back to their committee. And the attempt at fusion has come to nothing."

It is known that the name of Frank Harvey was considered at the joint meeting for the nomination for Sheriff, but whether favorably or not was not stated. But the statement was made in the meeting that Harvey was the strongest man that could be nominated. However, an evening paper last night quoted Harvey as saying that he would not be a candidate for the office, as he could not afford to give up his private business to make the race.

There was little doing among the Republicans yesterday beyond a rumor, promptly denied, that Governor Carter was going to take an active hand in the political game. The Republicans are waiting for the action of the Democratic Convention on Saturday night—and so are the people who are behind the non-partisan movement, probably.

SKIRMISHING FOR BATTLE

The Russians and Japanese Near Gunshu Pass Feeling of Each Other's Strength.

(ASSOCIATED PRESS CABLEGRAMS.)

GUNSHU PASS, May 26.—A Japanese reconnoissance in the rear of the Russian army was defeated by a detachment of Russians.

BANDITS ARE BUSY.

Chinese bandits are active on the Mongolian border.

AFFAIRS OF OUTPOSTS.

CHANCHAVADZE, May 26.—The Japanese advanced to Shahedze and the Russians simultaneously advanced and seized Shachzou and Syaosichzhou.

KUROPATKIN AT THE FRONT.

GUNSHU PASS, May 26.—General Kuropatkin has arrived here.

TROUBLE IN THE CAUCASUS.

ST. PETERSBURG, May 26.—There is disquieting internal news from the Southern Caucasus of trouble between Moslems and Armenians. Seven people have been killed and more losses are feared.

BLOODSHED IN WARSAW.

WARSAW, May 26.—Eight were killed and 100 wounded in conflicts with Jewish workmen caused by a crusade against disreputable Jews. The authorities did not interfere.

FOR CHURCH UNION.

WINONA LAKE, May 26.—President Roosevelt in a message expresses the hope that the Presbyterian churches, North and South, will unite.

THE LAW AND LABOR LEADERS.

CHICAGO, May 26.—Judge Kohlsaat has sentenced two labor leaders to jail for contempt. Shea, the leader of the strike, has been released.

DELHI WINS HANDICAP.

NEW YORK, May 26.—Delhi won the Brooklyn Handicap, purse $16,000; Ostrich second, Grazialda third.

TURKISH TROOPS FOR YEMEN.

PORT SAID, May 26.—The Turkish government is rushing troops to quell the Yemen revolution.

HURRICANE IN ALGIERS.

ALGIERS, May 26.—A hurricane has done immense damage in the province of Constantine.

HOBSON'S MARRIAGE.

NEW YORK, May 26.—Captain Richmond Pearson Hobson was married yesterday.

HAY RECEIVES A KING.

BADNAUHEIM, May 26.—King Leopold of Belgium has visited Secretary Hay.

BARON ROSEN NOW AMBASSADOR.

ST. PETERSBURG, May 16.—Emperor Nicholas has signed the appointment of Baron Rosen to be Ambassador of Russia to the United States.

STATESMEN FEARFUL OF DISFRANCHISEMENT

There has never been a Delegate to Congress legally elected since the Territory of Hawaii was organized. There has never even been a House of Representatives of the Legislature legally elected. Whether a court would go so far as to upset the work of a Legislature upon that point, if it should be raised, is, of course, a question. But these elections have never been legally held, because the election laws for the Territory, as passed by Congress, make absolutely no provision for marking ballots for either Delegate to Congress or Representative in the House.

And yet, in the face of this condition, the House yesterday killed the Paris joint resolution providing for the appointment of a commission to revise the election laws and present the result of its work to Congress. The resolution is called the "Paris resolution," although when he introduced it in the Senate, Senator Paris was careful to explain that it was an administration measure. As a matter of fact, it was a Republican measure and was designed to save Delegate Kuhio, who is in grave danger of being unseated as a result of the Iaukea contest. It does not follow that Iaukea will get the seat—but Kuhio is mighty apt to lose it.

Nevertheless, many of the members of the House who were most strenuous in their opposition, asserted that they opposed the appointment of the Commission because Kuhio opposed it. The Delegate, it is said, is working to change the Organic Act himself in divers ways, and does not want any Commission butting into his domain, even with the purpose of saving him. That looks a little like official suicide, because if the commission did its work properly, framing a workable election law and passing back to Congress the responsibility for conditions here, Congress would not be nearly so apt to declare the seat vacant as it would be if the Delegate attempted to make his fight alone.

The House members, however, had another reason to give for their opposition—namely, the fear that the proposed commission would seek to disfranchise the Hawaiians.

"Not much," one of the most rabid of them said, when told that the resolution was a Republican and not an administration measure. "It is a scheme to deprive the Hawaiians of their votes—to disfranchise them. If it is a Republican measure, why does not the Chairman of the Republican Committee call a meeting and tell us it is a party measure? You cannot fool us that way."

And, under the influence of this fear, and under the influence of the Delegate's opposition, the resolution has been killed. Whether it can be brought to life again at this session is doubtful. But an effort will be made in this direction—in order to save the Delegate in spite of himself.

WYMAN AND HEPBURN COMING ON SHERIDAN

Secretary Atkinson Wires That They Will Leave on the Transport Sailing From San Francisco on May 31st.

Governor Carter yesterday received the following cablegram:

WASHINGTON, May 25.—Wyman and Hepburn sail on transport Sheridan, May 31.

(Signed) ATKINSON.

And so two distinguished public men are coming to Honolulu ahead of the Taft party. Surgeon-General Walter Wyman, chief of the Bureau of Public Health and Marine Hospital Service in the Treasury Department, is coming to Hawaii, as everybody knows, to inaugurate the proposed government leprosarium at the Settlement of Molokai. The officials here have been under some anxiety as to just when he was coming, and so Governor Carter cabled Secretary Atkinson on Wednesday to find out, if possible, when General Wyman would be here. The cablegram printed above is an answer to the Governor's message.

The surgeon-general of the marine hospital service is charged with the supervision of the marine hospitals and other relief stations for the cure and care of the sick and disabled seamen from merchant vessels of the United States, lake, river and ocean, and under the act of February 15, 1893, he is charged with the framing of regulations for the prevention of the introduction and spread of contagious diseases, and is also charged with the conduct of the quarantine service.

General Wyman has taken a deep interest in the establishment of the proposed leprosarium, having from the first expressed a purpose to come to Hawaii at the earliest possible moment and inaugurate work upon it himself. Congressman Hepburn of Iowa introduced the bill making an appropriation for the leprosarium, and was largely instrumental in securing its passage. He is, moreover, the Chairman of the House committee on Inter-State and Foreign Commerce, and so can do much in many ways for the Territory, if a proper impression is made upon him.

Mr. Hepburn is the father of Mrs. Chamberlain, wife of the Collector of Internal Revenue for this district.