

# GOVERNOR HAS POWER TO CALL OUT UNITED STATES TROOPS

The Governor of the Territory, under the law passed by Congress, has power to call upon the naval and military forces of the United States, located here, to suppress insurrection, to repel foreign invasion---which is a thing no governor of any state can do---and he is the only man besides the President who can suspend the writ of habeas corpus. He can, in his discretion, declare martial law in the whole territory, or any part of it.

Not even Governor Carter seems to have been aware of his own possession of this power, and the commander of the Federal troops here admits that he did not know until yesterday that the Governor had it. Its possession makes the National Guard of Hawaii an absolutely useless luxury.

The Army and Navy regulations of the United States, following the long statement of what the United States troops and ships can and cannot be used for, after saying that nobody can call out these forces, save through the President and in the way regularly provided for such call, continues:

"Excepting, that in HAWAII, the Governor may call upon the commander of the military and naval forces of the United States in the Territory of Hawaii, or summon the posse comitatus, or call out the militia of the Territory to prevent or suppress lawlessness, violence, invasion, insurrection, or rebellion, in said Territory, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the Territory, or any part thereof, under martial law until communication can be had with the President or his decision thereon be made known."

"The killing of the militia appropriation bill in the Legislature has not proved to be the dire disaster which it was at first proclaimed it would be. In fact, the discussion which has been aroused over the demise of politics in uniform has brought to both the Governor and the military authorities here some knowledge that neither possessed, before yesterday. And yet the power that it was intended by Congress should be given to the Governor of Hawaii, power transcending that of any governor of any state in the Union, and in some respects equalling that of the President himself, has merely been in abeyance. The power is in the law, in the Organic Act, Section 67, and in the army and navy regulations. An explicit exception is made in the regulations, in fact, to give this power to the Governor of Hawaii.

"And I did not know before that the Governor had any such power," said Colonel McClellan, commanding the United States army forces in Hawaii, yesterday. "I shall take pains to see Governor Carter at once, and acquaint him with the facts that have been brought to my knowledge. I am greatly obliged to you for calling my attention to this."

The remark was made to Hon. Carl Smith, representative in the House from Hilo, who was largely instrumental in killing the militia bill in the House, and whose studies of the law in the case revealed to him the power possessed by the Governor. As soon as Mr. Smith had satisfied himself that this remarkable power was lodged with the executive, he called upon Colonel McClellan to see whether the commander of the military forces was aware of the state of the law. Colonel McClellan was not aware of the facts. When Mr. Smith called upon him, he said: "I am sorry you took the stand you did upon the militia bill." Colonel McClellan said to the representative, and gave his reasons for saying so, Colonel McClellan had been quoted as saying that he did not know Governor Carter, or the territory officials---officially of course---and was sincerely sorry that the militia had been deprived of support, because of an honest conviction that the territory was thus left without any force that the Governor might call out to suppress disorder in case of emergency. Moreover, Colonel McClellan quoted the army regulations to show Mr. Smith that he was right in his contention.

The gallant Colonel was greatly surprised when Mr. Smith, in turn, turned a page in the book of regulations and showed him the explicit exception giving the Governor power to call out the armed forces of the United States within the Territory.

"These troops could not be stationed here to prevent invasion," said Mr. Smith, "and so I knew that there was some good reason for having them here."

"You surprise me, sir," said the Colonel, "I did not know that."

"Then, Colonel," said the member from Hilo, "in view of this section of the regulations if Governor Carter

were to call upon you to suppress a riot in Hookona, you would obey him as your superior officer?"

"The Governor is not my superior officer, sir."

"But, if you were not to obey him, it would involve an explanation to the Secretary of War, would it not?"

"It would be a very serious matter, sir."

"And you would call out the troops, if the Governor asked for them?"

"We must obey regulations. Yes, I would."

"And if the Governor were to call upon Commander Lucien Young, of the Bennington, for armed help he would be given that help, would he not?"

"He would."

"May I quote you upon this matter, Colonel? Your position has been misrepresented concerning it."

"You may quote me, certainly sir. But, I have not been misrepresented, exactly. I did not say that I did not know the Governor---officially, of course. I shall go into town at once and see Governor Carter relative to this, and have a talk with him upon this regulation, which is new to me."

Colonel McClellan was as good as his word, for he drove into town from Camp McKinley at once. As for Governor Carter, he was very greatly relieved to learn from Mr. Smith, as he did yesterday after the House had adjourned, that there was no real need for the militia in the suppression of disorder. Governor Carter has at his command a very much more efficient force---a force that will be handled for business all the time. Strikers and lawless persons, of whatever nationality, never fool with United States troops but once.

This discovery is due entirely to the defeat of the two military appropriation bills in the House. When the appropriation for the band had the attention of the House, the members from the outside districts directed their best fire against Territorial support for that institution. Carl Smith and Rice of Kauai led the attack, and when the item was formally killed, Rice did not wait for the adjournment, but left for home. Smith, who remained, was willing to give the militia ten thousand dollars---but when an attempt was made to saddle the militia bill with the item for \$33,000 for the band he bucked, killing the militia bill to keep the band off the pay roll. And after he killed the militia bill, his investigations of what might result from the situation led to his discovery that the militia was an absolutely useless luxury.

## TWO JAPANESE WERE STABBED AT LAHAINA

The High Sheriff received the following wireless telegram yesterday:

LAHAINA, May 27.—Surio, a woman and Takahashi, a man, both Japanese, were stabbed and seriously wounded this morning at Lahaina. The act was committed by one Sasaki, who afterwards attempted suicide. He is in custody. The tragedy had nothing to do with the strike.

BALDWIN.

## GOVERNOR ENDORSED

The Republican Committee Takes Bit in its Teeth.

"Be it resolved, by the Republican county committee of the county of Oahu, in meeting assembled, that representing the Republican party of the county of Oahu, we deplore the fact that the Republican County Convention of the Island of Oahu failed to endorse the energetic and wise policy of President Roosevelt, the recognized head of the National Republican party and of our Republican Governor, George R. Carter, (the President's representative in Hawaii), who has assisted in every way possible to give this Territory an honest, economical and efficient administration, reflecting credit on the Republican party;

"And, as the duly elected representatives of the Republican party of the County of Oahu, we hereby, on behalf of the party, endorse not only the administration President Roosevelt, but the administration of Governor George R. Carter, and heartily pledge our support to that administration, recognizing George R. Carter to be the head of the Republican party of the Territory of Hawaii."

That sweeping resolution was passed at the first meeting of the county committee of the county of Oahu chosen at the Republican county convention, which convention failed to endorse the administration of President Roosevelt and of Governor Carter---and which then nominated for the first place on the county ticket a man who boasts that he made his fight as an anti-administration man. What Arthur Brown, Republican and anti-administration candidate for Sheriff will do now, remains to be seen. It is his move. But it is well to bear in mind that he would not have been nominated for Sheriff, at least on the first ballot, if every delegate in the convention had voted.

The passage of the resolution is pretty conclusive evidence, at all events, that the administration men in the Republican party have not laid down, and do not intend to permit themselves to be walked upon, notwithstanding the fact that they were out-generalled in the convention. In fact, the administration men are on top. And, as has been said, the move is up to the anti. That resolution forms, in effect, a part of the county platform of the party. It is stated in the resolution itself to be passed to cover a matter neglected in the County Convention.

There was a full attendance at the Republican Headquarters on Fort street when the committee was called to order last night. The first business, of course, was organization, and it was effected speedily. Lorrin Andrews was chosen chairman, Judge Hookano, vice chairman; Zeb Lyon, secretary; and John Waterhouse, treasurer.

It was agreed to select an executive committee to meet every night, the

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## POEPOE AT THE HEAD

A Fusion Ticket Was Named Last Night.

The Democratic-Home Rule ticket is as follows:

- Sheriff, J. M. Poepeo (H. R.);
- Deputy Sheriff (Honolulu), D. Kahaleaahu (Dem.); Supervisor-at-Large, A. Fernandez (Dem); Supervisors for Honolulu, H. T. Moore (Dem); J. A. Akina (H. R.); D. M. Kupihea (H. R.); County Clerk, B. N. Kahalepuna (Dem.); County Attorney, E. M. Watson (Dem.); Treasurer, P. H. Trent (Dem.); Auditor, J. P. Makainai (Dem.).

With the naming of J. M. Poepeo to run as sheriff on a fusion ticket of the Democrats and Home Rulers the Democratic County Convention came to a close last night. The principal thing done was to endorse the action of the joint Democratic and Home Rule committee which had agreed upon the essential points of fusion during the day and evening.

A turbulent spirit was manifested all through the meeting and Democrats, generally, seemed to regard the ticket proposed as about the weakest political thing that had ever been born. Several Democrats arose to say that they had been jobbed by the Home Rulers in getting places on the county ticket, and also, that the best material in the Democratic ranks had refused to run for office. Both features had contributed to a weak ticket.

At one stage of the proceedings Chairman Turrill was abused for having cast, as a member of the joint committee, the deciding vote in favor of a Home Rule candidate for Supervisor---Akina---as against Effinger, a Democrat. But this was explained away by a member of the committee, who upheld the entire committee action with the statement that in a previous tie vote the chairman had voted against the Home Rulers. Then McClanahan, forgetful of his humble position as a delegate, arose, took the gavel, metaphorically, out of Turrill's hands and put a motion to the convention himself. This action all but started a small-sized run for the doors.

A full account of the convention will appear in Monday's paper.

## COUNTY ACT IS HAMMERED BY HIGHTON

Before the Supreme Court yesterday the County Act test case was started on argument. Henry E. Highton, after some preliminary doings, went at the enactment hammer and tongs. He elaborated some of the main propositions in the complaint of W. R. Castle and held the forum until noon, when the hearing was continued until 10 o'clock Monday.

M. F. Prosser, Deputy, represents the Attorney General along with Henry E. Cooper, a member of the County Act Commission, in the official defense of the Act.

A. G. M. Robertson, at the opening of the session, announced that he also appeared for the Act, having been retained by J. C. Quinn, a candidate for election as county supervisor. He wanted the hearing deferred to give him time for preparation.

Former Judge Geir also put in an appearance as amicus curia for certain persons and joined in the request for a continuance, saying he desired to raise the question of the court's jurisdiction.

# RUSSIANS SINK AMERICAN BOAT IN FORMOSAN SEAS

Passage of Four Czar's Ships Through the Kuriles---Rojestvsky's Progress Pleases St. Petersburg.

(ASSOCIATED PRESS CABLEGRAMS.) TOKIO, May 28.—Rojestvsky sunk an unknown American steamer off Formosa on the 21st. The crew were saved.

RUSSIAN SQUADRON SIGHTED. TOKIO, May 28.—Four Russian warships passed through the Kurile Straits on the 25th going westward.

ST. PETERSBURG ENTHUSIASTIC. ST. PETERSBURG, May 28.—The news of Rojestvsky's progress has aroused enthusiasm. A report that he had defeated Togo was accepted by many as true.

AFTERNOON REPORT. ST. PETERSBURG, May 27.—Admiral Rojestvsky's health is good. There is no confirmation of the report of a naval fight.

TOKIO, May 27.—Admiral Rojestvsky's fleet has been sighted in the Korean Straits steaming in double column with the battleships to starboard. Admiral Togo cannot be located. There is a strict censorship. The public is elated and absolute confidence prevails in the success of Togo.

## CORNELL DEFEATS HARVARD.

BOSTON, May 28.—Cornell defeated Harvard in the eight-oared race.

## COSSACKS AND JEWS COLLIDE.

LODZ, Russia, May 28.—The Cossacks and Jews collided here. Three were killed and many wounded.

## CORRUPTION GETS A BLOW.

PHILADELPHIA, May 28.—Public sentiment has forced the Republican organization to abandon the gas lease.

## DEFEATS NORWEGIAN HOPES.

CHRISTIANA, May 28.—King Oscar has declined to sign the bill giving separate consuls to Norway. The cabinet has resigned.

## GERMAN YACHT AHEAD.

NEW YORK, May 28.—The German yacht Hamburg was leading the ocean race when the St. Paul sighted the fleet on the 24th.

## HELD UP A TRAIN.

MISSOULA, Mont., May 28.—Bandits held up a train near here and looted a safe.

## YESTERDAY'S NEWS.

SANTIAGO, May 27.—The Chilean cruiser Presidente has foundered in the Gulf of Ancud.

CHICAGO, May 27.—The building trades will withdraw their support from the teamsters in their strike.

NEW YORK, May 27.—The steamship Campania while in mid-ocean was simultaneously in communication by wireless telegraph with Europe and America. This is unprecedented in the annals of steamship wireless telegraphy.

## THE CONDITIONS IN AMERICAN SAMOA

Writing from the Island of Tutuila, Samoa, a friend of the Army and Navy Journal gives a gratifying account of conditions at the United States naval station at the remote American outpost in the Pacific. The new commandant of the station, Commander Charles B. T. Moore, U. S. N., has already won the cordial friendship of the natives, in whose welfare he takes a lively interest, the industries of the island are prosperous, and all hands realize that American control is a growing force for peace and progress in the territory. This information is merely corroborative of reports previously received from other sources concerning the situation in Tutuila, all of which show clearly enough that American interests in Samoa are in trustworthy and capable hands.