

Do You Get Color Values?

In the ordinary way of picture taking, yellows will photograph black, and blues will photograph white. Many other colors will act the same way on the plate. But if you use a ray filter you get the proper value in all colors. The ray filter fits over the lens and screens the various rays which affect the photographic plate and gives you much stronger and better results than without it.

HONOLULU
Photo Supply Co.,
FORT STREET.

O A H U
RAILWAY & LAND CO.

TIME TABLE

October 6, 1904.
OUTWARD.

For Waianae, Waialua, Kahuku and Way Stations—9:15 a. m., *3:20 p. m.
For Pearl City, Ewa Mill and Way Stations—7:30 a. m., *9:15 a. m., *11:05 a. m., *2:15 p. m., *3:20 p. m., *5:15 p. m., *7:30 p. m., *11:15 p. m.

INWARD.

Arrive Honolulu from Kahuku, Waialua and Waianae—8:35 a. m., *5:31 p. m.

Arrive Honolulu from Ewa Mill and Pearl City—7:45 a. m., *8:35 a. m., *10:35 a. m., *1:40 p. m., *4:31 p. m., *6:31 p. m., *7:30 p. m.

* Daily.
† Sunday Excepted.
‡ Sunday Only.
The Haleiwa Limited a two-hour train, leaves Honolulu every Sunday at 8:22 a. m.; returning arrives in Honolulu at 10:10 p. m. The Limited stops only at Pearl City and Waianae.
G. P. DENISON, F. C. SMITH,
Supt. G. P. & T. A.

HAWAII SHINPO ON THE PROPOSED LICENSE LAW

Japanese Position on the Plan to Confine the Liquor Business in Hawaii to Citizens of the United States.

The Hawaii Shinpo says:—Some of the advocates of restricting saloon license here to citizens only, say that such a law is not in contravention with the "most favored nation" clause, and that as legislation dealing with the sale of liquor is a police regulation, not covered by the treaty stipulations, no nation can complain of such a law if passed by the Territorial Legislature. We don't believe that the "most favored nation" clause has ever been construed thus. This clause, as we understand it, comes into operation when a special favor is conferred by the local government upon another nation, then all other nations who have most favored nation privilege will come in and receive the same benefit. But this clause is not effective when a nation is put in a disadvantageous position, because in such case no other nation will place in the disadvantageous position. This proposed liquor regulation would be a most unfavorable treatment instead of being a most favored nation treatment. We hold, therefore, the most favored nation clause has nothing to do with the exclusion of all foreigners or a particular alien people from the exercise of trade of liquor selling. But it does not follow that when all nations are placed in equally disadvantageous position, then no party aggrieved has any cause of complaint. If the right of selling liquor is denied to all foreigners, it does not follow that one of them, Japanese, for instance, has no right to complain, provided that it violates the rights secured to them by the Japanese-American Treaty.

Now, the proposed legislation clearly violates the rights of Japanese in Hawaii in that it restricts their right of following legitimate trade, both wholesale or retail in all kinds of products of the territories of the other by wholesale and retail. The treaty provides that "they may trade in any part of the territories of the other by wholesale and retail. The treaty produces, manufactures and merchandise of lawful commerce." While allowing the sale of liquor by the native or naturalized American to disallow it to the Japanese residents is in violation of treaty is self-evident on a glance at this passage. Therefore, whether other nations are equally maltreated or not, the Japanese Government has good reason to complain if such a law be passed, and this without regard to whether other nations may make complaint or not. This independent action on the part of Japan would be imperative in view of the preponderating number of her people residing in this Territory and consequently large interest involved.

But the advocates of the restrictive legislation say that the proposed law is a police regulation, which is expressly placed beyond the control of the treaty. Is it a police regulation? This is the crux of the discussion. What are the characteristics of a police regulation? They are (1) equality and universality of application; (2) reasonableness of regulation; and (3) it must have for its object the promotion of public welfare, elevation and encouragement of public morality, protection of public health, improvement and better enjoyment of public comfort and public convenience. An eminent author quotes a judge thus. By the general police power of the State, persons and property are subject to all kinds of restraints and burdens, in order to secure the general comfort, health and prosperity of the State. And Chief Justice Marshall has the following to say on the limitation of this undefined and comprehensive power inherent in every state: "If, therefore, a statute purporting to have been enacted to protect the public health, the public morals or the public safety, has no real or substantial relation to those objects, or is a palpable invasion of rights secured by the fundamental law, it is the duty of the court to so adjudge, and thereby give effect to the Constitution." Thus in San Francisco the employment of females in saloons is forbidden, and in Stockton higher license is charged for saloon employing waitress than other saloons, the former being \$150 while the latter is only \$30. These regulations are reasonable regulations for the preservation of social order and social decency. On this ground apparent discrimination between classes are upheld. But if the employment of female of certain nationality or certain color of skin or of hair be forbidden, or higher license fee for such employment be charged then it is certain that such a law would be declared void, because such regulation is unreasonable, in not having any connection with the preservation of order or morality. Let us quote the learned author again. He says: "But it must not be understood that the legislative discretion in granting or withholding a license to do any kind of business, is unlimited and is uncontrolled by any fundamental principles of justice and impartiality towards individuals, the constitutional principles of equality and uniformity as to all parties, who come within the operation of the law, must be strictly observed. A discrimination against a part of such a class, by the confinement of the regulation or license to that part, and the exemption

of the other members of the same class from its obligations, would make the law for that reason unconstitutional unless there was some justifiable reason for the discrimination, and of this the courts are the final judge." And he cites the following instances: "A law which required a license of hawkers and peddlers in general, but excepted from its provisions 'any manufacturer, mechanic, nurseryman, farmer, butcher . . . selling, as the case may be, his manufactured articles, or products of his nursery or farm or his wares' etc. State v. Wagner, 69 Minn. 206. There does not seem to be any substantial reason why this distinction should be made. So likewise in a North Carolina case, an act was held to be unconstitutional which imposed a license fee of \$1,000 upon any one who was engaged in the business of hiring labor in certain counties of the State to be employed outside of the State. State v. Moore, 113 N. C. 537." To exclude the Japanese or Japanese and all other aliens from exercising the trade of liquor vending would be obnoxious to the principle of equality and universality of application, therefore on this ground alone the proposed restriction is illegal and void. But what purpose,—what public purpose does it serve to prohibit the alien from selling the liquor, if the citizens are allowed to sell? The number of liquor dealers would not be decreased nor of drunkards, by this restriction. The demand regulates the supply. If all aliens do not become converted into prohibitionists all at once, as by magic, at the passage of the law, the demand for sake and other spirits and liquor would not decrease. If they do not, the demand will remain the same as before and the citizen liquormen will increase to meet the demand. What public purpose would such a law subserve? What social order would it preserve? How the morality would be protected? The proposed law then is not a police regulation, in that it does not subserve any legitimate public purpose; it is impartial in operation; and lastly it is unreasonable being without any relation to the suppression of crime or vice.

Our conclusion is that the proposed exclusion of all alien from saloon business is not police regulation, which is paramount of treaty stipulations; and that, therefore, it cannot be upheld, if passed. And as it is in clear violation of treaty stipulation which guarantees to the Japanese the right to "trade in any part of the territories of the U. S. by wholesale or retail, in all kinds of produce, manufactures, and merchandise of lawful commerce," the proposed liquor license law, if passed, would be unconstitutional, null and void.

CHINESE EXCLUSION ACT DECISION

An interesting decision under the Chinese Exclusion Act was rendered on Saturday by U. S. Judge Sanford B. Dole. It was to the effect that the law bearing on conspiracy to land Chinese unlawfully in the United States applied to a case of conspiring to land Chinese already in Hawaii on the mainland.

Such a case is alleged against Wong Koek Yee and others, who are charged with attempting, through false identification papers, to effect the landing of a Chinese from Honolulu in San Francisco.

Defendants entered a demurrer on the ground that the statutes making conspiracy to land Chinese in the United States a criminal offense did not apply to the landing of Chinese from the Hawaiian Islands in the United States although such migration of Chinese hence to the mainland was forbidden by Congress. Judge Dole overrules the demurrer, holding that any person who aids or abets the landing on the mainland territory of the United States, from any vessel, any Chinese person of the class referred to from the insular possessions of the United States, is constructively guilty of a violation of the statute which says "that any person who shall aid or abet the landing in the United States, from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor," etc.

BIG TAX APPEAL CASES ON KAUAI

Abram Lewis, Jr., returned from Kauai yesterday morning, having successfully conducted on that island the tax appeals of H. M. von Holt, trustee of the Knudsen estate, and of the Maake Sugar Co. In the Knudsen case the return was made at \$140,000, but the assessor raised it to \$393,000. The taxpayer appealed and the board, after hearing the evidence, sustained the appeal. The Maake Sugar Co. returned its property at \$1,000,000. A return of \$1,600,000 was made by the assessor, from

FURNITURE CHEAP

Increased business has forced us to add another store to our large Young Building furniture establishment. This gives us a frontage of 93 feet on Bishop street and depth of 68 feet. We are handling a large quantity of furniture and in this way are setting the pace on prices. We buy in large quantities and thus get our goods from the manufacturers cheaper. We ship in large quantities and are thus enabled to take the cheapest freight rates. This is of interest to you as it means we can sell the goods to you at bedrock prices.

LOW PRICES NOW

The summer months in Honolulu, particularly the months of June and July, are usually dull as far as furniture is concerned. Now, we have been importing large quantities of goods which have reached us during the last month; the steamer "Nebraskan" brought in a big lot. This rather takes even our 15,000 square feet of show room and warehouse space. We wish to brighten up June and July business this year and also to reduce stock. On this account we are going to cut our profits and move the goods. This means low prices. Come in and tell us of your wants, we can save you some money. There is not one home in Honolulu that is fully furnished—that is not one but what needs an article or two to fill out. What does your home need?

GOOD FURNITURE

We may be able to tell you. Perhaps you need new feather pillows or mattresses for your beds, and possibly a new bed would be better and more sanitary than the one you have now? Another chair for bedroom, diningroom or kitchen? A new dining set or some odd pieces for your parlor? New shades for your windows?

In bedroom sets we have some really dainty pieces in Mahogany, Curly Birch, Birdseye Maple and Golden Oak and many odd bureaus in all kinds of woods.

We have everything you need in the house furnishing line. Furnish your home better and reap big enjoyment dividends thereon.

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"The Three Big Young Building Furniture Stores."

Who's Your Tailor?

We have just completed arrangements with one of the largest and most reliable "Merchant Tailoring" establishments in the United States, by which we are prepared to take your orders for suits, trousers, etc.

We have now on hand and ready for inspection, 500 samples of woollens, from which to select.

Your measurement will be carefully and properly taken, and the garment delivered within a very reasonable time.

The large line of patterns which we show, reduces to a minimum the possibility of meeting every other man wearing a suit of similar design to yours.

We will make any style of suit for you from "Full Dress" to a Golf Outfit.

For those who are unable to spare the time required to have their garments made up, we have on hand the biggest and best stock of the famous "Stein Bloch" ready-to-wear clothing that we have ever carried.

We have also added a handsome line of the famous Paragon Trousers in outing and business patterns.

It is only a pleasure to us to show you what we have; your inspection is invited.

M. McInerny, Ltd.

AN EXPENSIVE JOKER.

While on their way to luncheon recently, two Philadelphia business men were stopped by a prominent physician, who gravely made certain inquiries touching a nervous indisposition of one of the pair—a patient long under his care.

When the two had resumed their course, the younger made some observation in regard to the extremely pomp-

ous and owl-like solemnity of the doctor. "Looks as if he had never thought of anything funny during his whole life," said the business man.

"His sense of humor is rather restricted," returned the other, "though I have found that he has two jokes."

"Only two?"
"Yes. The first one is to tell you to try a different climate. Joke number two is, cease to think of your ailment. Price for either joke, five dollars."

It Adheres!

There is only one paint that will adhere satisfactorily to galvanized surfaces. That paint is GALVANUM, which is in general use among the builders of the mainland. It is a well-known fact that ordinary paints as used on wood and steel do not adhere satisfactorily to galvanized surfaces. GALVANUM is guaranteed to be effective and may be used on all galvanized iron work with the best of results.

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