

# SENATE

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wise and extravagant expenditure of moneys, and are led to believe that all moneys requisite and necessary for the internal improvement of the various counties should be raised either by the issuance of county bonds, or an increase in the tax rate sufficient to raise the necessary funds. The plan for increasing the tax rate for such purpose appeals to your committee, especially if such extra tax is restricted to the purpose of internal improvements, and is safeguarded against squandering by means of salaries and other devious methods of wastefulness.

### Slap at System.

"Under the present system of raising revenue for internal improvements, a general loan bill is an invitation for the people of each county to grab all they can from the common pot. Theoretically it is wiser to make each county responsible for its expenditures and the payment of its obligations. No one county or municipality should be developed at the expense of another; otherwise there is no incentive for any community to conduct its affairs along the lines of good business policy, when, directly, it must share the burden of extravagance or incompetency of another community which is run by incompetents.

"Under the proposed plan of county taxation the provident counties will not need to increase their taxes, and they should serve as arguments against the extravagant tendencies of other counties.

"When all the land or property holders of each county are directly taxed for their county improvements, inefficient and extravagant Boards of Supervisors will no longer be popular.

"Under loan bills the burden is not personally felt by a large number of our taxpayers as it will be under an increase in the county tax rate as proposed."

The committee majority recommended that the bill be tabled and introduced a substitute bill enabling the counties to increase their tax rate one-fourth of one per cent to provide money for the construction of public works.

### The Substitute Bill.

The bill as submitted provides that in addition to the tax of one per cent collectible under the provisions of Chapter 98 of the Revised Laws, the special tax of not more than one quarter of one per cent can be used by the counties for the construction of new schoolhouses, hospitals, district court-houses, jails, water works, sewers and other public improvements.

Senators Coelho and Brown in the minority report of the Ways and Means Committee, recommended that the bill pass with the title amended to read "an act making special appropriations for public improvements."

The bill, if passed as recommended by the minority, would dispose of the sum of \$613,000, distributed as follows: College of Hawaii, permanent building, \$125,000; Boys' Industrial School, \$12,000; Kapiolani Girls' Home, \$15,000; addition to Normal School, \$8,000. Ar-mory, on condition that the Federal Government restore to the Territory the barracks lot or a sufficient and suitable part thereof for the armory, \$40,000; Hilo Union School, \$65,000; Hilo water works, \$28,000; Kula pipe line, \$100,000; Lahaina Court House, \$25,000; Lahaina Armory, \$7,000; Paia Court House and Jail, \$13,000; alterations, repairs and furniture, Judiciary Building, \$75,000; Honolulu wharf and harbor improvements, \$100,000.

Both reports were laid on the table to be considered with the bill.

### Increases Salaries.

The special committee of the Hawaiian delegation reported favorably on Senate Bill No. 127, amending the County Act. The bill provides for increasing the salaries of the County Clerk of the County of Hawaii, Deputy Sheriff of the district of North Hilo, Deputy Sheriff of the district of South Kohala, and the Deputy Sheriff of the district of Hamakua, all of which the special committee approved.

Makekau wanted to take the bill up at once, but President Smith suggested that because of the accumulation of business all bills should be considered upon the regular order. Makekau withdrew his motion and Chairman Knudsen of the committee of the whole on the direct primary bill submitted his report, recommending that the bill in its amended form pass second reading.

President Smith suggested that the bill be laid on the table, stating that if the report was adopted the Senate would be bound by a reading that hasty action should be avoided.

### Direct Primary Filled.

Quinn moved for the adoption of the committee of the whole report, and Senator McCarthy was next recognized by President Smith and he proceeded to lay the direct primary bill as it appeared before the Senate.

"I have not heard a single Senator express a favorable opinion on this bill," said McCarthy. "We are wasting time with it as it stands, and I move that the committee report and the bill be indefinitely postponed."

proposition bill under any circumstances. He insisted that the time at the disposal of the Senate was limited, and that the appropriation bill—the all important measure before the Legislature—should not be deferred.

Senator Woods suggested that the Senate convene directly at 9 o'clock instead of at the present hour of 10 o'clock.

Senator Robinson moved that the Senate take up the other bills that were pending and dispose of them before considering the appropriation bill. Robinson was supported by Kalama and Senator Quinn declared himself in favor of evening sessions.

Senator Fairchild said that the Ways and Means Committee had been criticized for not having the appropriation bill ready sooner and that now, after it had been before the Senate for six days, an attempt was made to postpone it.

President Smith again insisted that the appropriation bill should have precedence over all others and stated that unless the Senate ordered otherwise it would go into committee of the whole for consideration of the appropriation bill.

Senator Robinson declined to withdraw his motion to defer the appropriation bill and when it was put to a vote there were only three votes against postponement.

### Introduce Resolutions.

Senator McCarthy introduced a resolution, which was adopted, instructing the Ways and Means Committee to present to the Senate all House and Senate bills relating to the transfer of Territorial functions and income over to the counties, "so that the Senate can act intelligently in the premises."

Senator Coelho introduced a resolution that the Attorney General of the Territory be requested to file with the clerk of the Senate a detailed report of all the expenses "incurred by and through his department for and on account of the prosecution of the case of the Territory of Hawaii versus Abe." Coelho stated that Abe was the Japanese extradited from Japan and later discharged in the United States District Court. Chillingworth stated that expenses in the case were not borne by the Territory, but were paid by the Japanese Association. The actual Territorial expenses in the case, however, are believed to approximate \$900.

Senate Bill No. 54, amending the city and county act so as to enforce advertising for bids on all road work where the amount expended is in excess of \$500, passed second reading.

### On School Savings Banks.

Senate Bill No. 98, establishing savings banks in the public schools of the Territory, was considered on second reading and it produced a lengthy and rather warm debate on the principles involved in the measure.

The amending report of the Education Committee was read, suggesting that the plan be applied solely to the schools of the City and County of Honolulu.

Senator Fairchild expressed himself as being opposed to the idea of the bill.

"It does not appeal to me at all," declared the Senator from Kauai. "It is wrong in principle. If it is not necessary in the country districts there is certainly less reason for it in Honolulu."

Chairman Robinson of the Education Committee, introducer of the bill, came to the defense of the measure. He said that all of the successful commercial schools in the United States have adopted progressive methods, and that the plan proposed would be beneficial in its results.

Fairchild intimated that the placing of additional duties in the hands of the teachers would give them a good reason to ask for more pay.

Senator Smith took the floor in support of the measure and denied that there was any real cause for fearing that the passage of the bill would result in giving teachers a valid claim for more salary. Senator Smith pointed out the benefits that accrued under the Postal Savings Bank in operation before annexation. He said that the same arguments were advanced against the postal savings bank as were now being used against the plan for savings banks in the public schools.

"This bill will teach children the habit of saving," said Senator Smith. "It will assist in inculcating in the minds of the young people of Hawaii a practical idea of economy. It is a step in the right direction. We have not done enough practical work in the education of our children and this is a forward movement that should receive our support."

Chillingworth said that the argument of those against the bill was not worthy of consideration. He said that Senator Fairchild had attempted to convey the impression that there was some provision for bonds required of the teachers handling the money of the children.

Fairchild replied that practical results were being obtained under the present system of instruction in banking methods and commercial practice at the McKinley High School. He also stated that parents would be "bothered and annoyed" through the practical operation of the school banking system proposed.

Chillingworth said that one of the things that the Hawaiian people needed above all else was practical instruction in the habit of saving, an object which he insisted would be obtained by the bill under consideration.

Baker and Harvey did not approve of the bill as it stood, the former moving that it be deferred until Monday.

### Quinn Is Opposed.

Quinn was the next heard from and he proceeded to riddle the modern theories in methods of education. Referring to a remark of Chillingworth that another city school "had its mayor and supervisors," Quinn stated "that the less children know about politics the better for them."

Senator Chillingworth asked his colleague if he "believed" in high schools, and Quinn replied that he did. Coelho raised the point that there was no fixing of responsibility in the handling of the money by teachers.

Fairchild moved to table the bill, but the motion was lost. Makekau then moving to pass on second reading.

Senator Smith denied the statement of Senator Fairchild that the passage of the bill would make four hundred teachers cashiers. He stated that the principals of the schools would be the only ones to have authority to receive money.

Senator Moore declared that if the bill was to become a law it would have to be carried out in a business-like way and provide for the bonding of all teachers receiving money. The motion to pass on second reading was finally put to a vote and carried, nine to six.

### On Third Reading.

Senate Bill No. 103 passed second reading on the adoption of the report of the Judiciary Committee. President Smith took the floor and expressed doubt on some of the provisions of the bill. It relates to the rights of heirs and the duties of executors and administrators.

A communication was received from the Board of Supervisors of the City and County of Honolulu, asking that the Legislature memorialize Congress in an effort to have the present Post-office building turned over to the municipality upon the completion of the new Federal building.

On the motion of Senator McCarthy for the appointment of a special committee to confer with a similar committee from the House on the action of the Legislature in connection with the resolution, President Smith named Chillingworth, Quinn, and McCarthy.

### Need Patrol Boats.

A rather humorous report was submitted by the special committee of the Hawaiian delegation on House Bill No. 167, prohibiting the taking of fish with nets in the bay of Hilo. The report says:

"Your committee finds that the bay of Hilo is four miles long and one and a fourth miles broad, and believe that if this bill should become law a large fleet of patrolling vessels would be necessary to enforce the same. Your committee therefore recommends that the bill be laid on the table."

"If, however, a majority of the members of the Senate do not agree with the members of this committee, and this bill should become law, your committee recommends the insertion of a suitable amount in the appropriation bill to provide for its enforcement."

The report was adopted, ending the life of the measure.

The Public Health Committee reported unfavorably on House Bill No. 164, relating to the custody of insane persons and the appointment of a board of lunacy. The committee majority, Coelho and Harvey, recommended that the bill be referred to the committee of the whole, Fairchild believing the bill should pass in its original form.

Senate Bill No. 117, making penalties lighter for tax delinquency, was passed on second reading after the Senate had been enlightened as to its intent by its introducer, Senator Robinson, and Fairchild. Robinson declared that the prevailing delinquency penalty was too severe and was supported in his argument by the Senator from Kauai.

Senate Bill No. 128 was taken up and passed on third reading upon the motion of Senator Makekau. It carries an additional appropriation of \$1000 for the benefit of Circuit Judge Parson's court at Hilo, an item of finance which was overlooked in its regular order.

The Judiciary Committee submitted a report on Senate Bill 138, the measure amending the purchasing agent act which, becoming operative upon its adoption, implicated the matter of territorial expenditures in such a way that a practical halt had to be called in purchases until the Governor should name the purchasing agent authorized by the provisions of the bill. The Judiciary Committee recommended that the act be amended so as to become effective on July 1, 1909, and that a section be inserted legalizing all purchases made after the third day of April, the date upon which the purchasing agent became a legal necessity through the Governor's signature being appended to Act 62, Session Laws of 1909.

House Bill 143, providing for a library of Hawaii and carrying an annual appropriation of \$10,000—necessary to secure the gift of a building from Andrew Carnegie, was considered with the favorable report of the Education Committee. It was the sense of the Senate that any bill carrying such a large appropriation should receive the consideration of the Ways and Means Committee and it was referred to that committee.

### The Appropriation Bill.

The existence of an appropriation bill was finally recognized when Senator Kalama moved that Senate Bill 132, the Ways and Means Committee's bill, and House Bill No. 74, be taken up in the committee of the whole. Makekau moved that Senate Bill No. 49, the appropriation bill submitted by the Governor, be taken up for joint consideration with the other two bills. He was supported by Senator McCarthy who said that the bill introduced by the Ways and Means Committee was more in the nature of a report upon the bill submitted by the Governor. The motion to take Senate Bill 49 from the table was carried and the committee of the whole began business with Senator Knudsen in the chair and three versions of an appropriation bill before it for consideration.

Under the heading of "The Governor," the first item taken up was that of the office of Adjutant General of the National Guard of Hawaii, to be a salaried position by reason of the additional duties imposed on the office by the National Guard reorganization Act, passed by the present Legislature. The Governor had the Adjutant General down for \$225, but this cut to \$200 by the House of Representatives. Senator Fairchild moved to pass the item as it stood in the Governor's estimate. With the understanding that Adjutant General Jones will remain in his present office, Senator Kalama asked how much that gentleman received for his work in the Judiciary department. Fairchild replied that he thought it was \$150 a month with nearly that much more from outside work. He said that Col. Jones would devote all his

time to the office of Adjutant General when a salary was attached to it. Kalama moved to pass the item as in the House Bill, \$200 per month.

### Against a Cut.

Senator Smith objected to making the salary less than \$225 per month. He argued that if the Territory was going to have a National Guard it should have an efficient one with a capable man at the head. He said that the heads of all the departments received \$225 per month.

Fairchild said that he was at first doubtful about the wisdom of a salary of \$225 being attached to the office of Adjutant General, but after a conversation with Major Dunning he had become convinced that it was little enough for the office. He added that Major Dunning stated that an Adjutant General in the various states would be in receipt of a higher salary. He also stated that in the event of trouble he understood that the Federal government would have to rely to a great extent upon the citizen soldiery.

Senator Chillingworth said that he had gone into the question thoroughly and that to maintain the National Guard at a high standard of efficiency it was essential that a capable officer give his whole time to the work. Senator Robinson said that he was not convinced that the work of the Adjutant General's office would require all the time of one man. Harvey thought \$200 was enough.

Senator Chillingworth read from the report of the Adjutant General, showing the amount of business handled by his office, all necessary through an observance of the United States government's regulation governing the National Guard. Senator McCarthy said he was doubtful at first, but had about become convinced that \$225 a month was not too much for a man capable of fulfilling the duties of an Adjutant General. He supported Fairchild's motion that the item pass as in the Governor's estimate. The motion carried. The items under the same head of \$75 for a clerk and assistant; \$40 for a janitor and armorer and \$12,000 for expenses were passed as in the House bill and Governor's estimate.

### Territorial Secretary.

The items under the heading of the Secretary of the Territory were passed without much comment. Senator Robinson thought that the items of \$10,200 for clerks, assistants, stenographers and messengers should be segregated, but there was no serious effort to question it. The expenses for the Governor's and Secretary's offices were passed at \$4200, as was also the item for printing, binding, indexing and advertising of \$1560, making a total of \$15,960.

Under the heading of elections, the committee approved the item of \$13,000, as in the Governor's estimate, in place of the \$10,000 recommended by the Ways and Means Committee. The \$13,000 was approved on the motion of Senator McCarthy, who pointed out that additional expenses of registration would be caused by the provisions of the new election bill passed by the Senate.

### The Archives.

The appropriation for the archives department was deferred on the motion of Senator Baker. The House cut the salary of the librarian from \$150 to \$125, leaving an item of \$2160 for the expenses of copying, translating, printing and binding.

The Senate Ways and Means Committee bill recommended an appropriation of \$5000 for the archives department without segregation, leaving it to the discretion of the librarian. Senator Smith argued against any reduction in the appropriation for the department. He said that it was performing an important duty to the public and that it was essential that the documents should be properly and intelligently cared for. Coelho also rallied to the defense of the archives, stating that he had found an old paper in Mr. Lydecker's charge that had prevented the perpetration of a gross injustice in a land dispute, and by which the homes of several Hawaiians were saved from falling into the hands of the wrongful claimants. He added that such instances were numerous, proving the practical utility of the archives department. Senator McCarthy also insisted that it was a public duty to provide the archives department with a sufficient appropriation to allow it to do its work efficiently.

### Permanent Settlements.

The permanent settlements was the next item considered, that of the \$15,000 biennial appropriation for the benefit of ex-Queen Liliuokalani being the first in order. Coelho moved that the ex-Queen's pension be increased to \$650 per month. There was no second to the motion, and the item passed as it stood.

The Senate indorsed the settlement of \$400 for Mrs. Emma Barnard; Mrs. Kamakani Simeona, \$400; Mrs. Mary Stoltz, \$400; and Mrs. Mahelona, \$400. The last settlement, the only new item, that of \$400 for the benefit of Mrs. John Kea, produced a debate, following Senator Fairchild's motion to strike it out. Fairchild maintained that it would be establishing a bad precedent to provide pensions for the widows of deceased officers.

"As a rule I am opposed to the idea of pensions," said Senator Smith, "but this case is different, and I feel deeply about it. John Kea was in the office of the Attorney General since 1884, and no public servant could have been more faithful or constant in the performance of his duty. I have been told by Sheriff Henry that John Kea really died of a broken heart when he found that his salary had been cut in the appropriation bill. It was not so much the loss of the money that he felt, but the fact that it should come after all the years of public service and devotion to duty."

Senator McCarthy stated that because of John Kea's unassuming manner and retiring disposition he had never received in the public services the pay his work was entitled to.

"In the year 1890," said Senator McCarthy, "I know that John Kea was receiving but \$75 per month, when men in less responsible positions than his were getting from \$125 to \$150 a month."

### Item Is Deferred.

The Senate was ready to approve the item at once, but after asking whether Kea left children, Senator Makekau moved to defer. He stated

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that a matter was involved of which he did not wish to speak publicly. He stated, however, that he supported the settlement. The motion to defer was carried.

The Attorney General's Department was next taken up. The House bill made a material cut in the appropriation recommended by the Governor, dropping the second deputy at \$200 per month, assistant clerk at \$75 per month and assistant stenographer at \$75. The Senate approved the appropriation as passed on by the House, a total of \$29,400 in place of the \$37,800 recommended by the Governor. Senator Fairchild read a letter from Governor Frear, in which the chief executive asked that more liberal treatment be accorded the Attorney General's Department and that it be not crippled by a too stringent reduction in its appropriation.

The Ways and Means Committee bill included an item of \$200 for the salary of the Attorney General, and included "deputies, clerks, stenographers, expenses," under one appropriation of \$22,800.

Senator Smith objected to a reduction in the appropriation for the department. He said that its duties were highly important and that it should receive careful attention. Senator Chillingworth moved that the item of \$11,400 for expenses in the House bill be increased to \$16,200. The motion was seconded by Senator Smith and lost.

### Defer High Sheriff.

Action on the items under the heading of High Sheriff, prisons and jails was deferred, the bill as submitted by Chairman Fairchild of the Ways and Means Committee taking for granted that the jails were to be turned over to the counties under the general plan of county transfer. Coelho stated that intelligent consideration of the appropriation bill was almost impossible until it was known what the Legislature intended to do with the plan of placing duties now in the hands of the Territory within the jurisdiction of the counties.

The Senate approved the appropriation for the Auditor's department as recommended by the Governor. Senator McCarthy stated that the House had dropped the deputy auditor and reduced the expense appropriation on the understanding that the Auditor would be relieved of some of his duties, but that Auditor Fisher stated that the duties had all been reinserted after the department's appropriation had been reduced on the understanding that certain work would be transferred. The Senate indorsed McCarthy's stand, and approved biennial salary appropriations of \$6600 for the Auditor, \$4800 for deputy auditor, \$9600 for clerks and \$3600 for expense. When the Treasurer's department

was reached, Coelho moved that the committee rise so the members could accept the invitation to inspect the Japanese cruisers.

When the Senate came to order, President Smith suggested that adjournment be taken until 9 o'clock this morning, allowing an extra hour for routine work. Palmer Woods suggested 7:30 a. m., but the motion for the adjournment to the usual hour of 10 o'clock was carried.

# HOUSE

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by themselves. He knew the bill was full of errors but did not want to see it killed immediately without a discussion and study of it.

Cohen moved to defer the third reading until April 19, and another one was made to defer until Monday, the last by Kawewehi, who said he would have the errors picked out of the bill by that time. His motion carried.

One provision of the bill, as drafted, gives the polling booths and ballot boxes the right to vote in the new counties.

House Bill 184, Kaleiopa, which abolishes the Court of Land Registration, came up on the order of the day for its final reading, but was deferred until today. Rice pointing out some mistakes in the drafting of the bill.

House Bill 185, Kaleiopa, giving the Circuit Judges in Chambers original jurisdiction in all cases under the Juvenile Court Act, and providing that the Chief Justice may nominate any Circuit Judge to sit in such cases, for the same reasons as that advanced for 184, was deferred.

### Boost Bill Delayed.

House Bill 189, Waiwaleo, which boosts a few Maui county official salaries, was read a third time. Under it the sheriff will get \$2100 a year, the county clerk \$1800, the auditor \$1800, the treasurer \$1800, the deputy sheriff of Lahaina and the deputy sheriff of Makawao, \$1200.

Moanuali took advantage of the bill to offer an amendment boosting salaries generally on the island of Hawaii. This was resented by Rice, who told Moanuali to put in a bill of his own and leave the Maui bill alone. His amendment was tabled.

Nawahine had an amendment to offer, this being to raise the pay of the Maui county attorney to \$2100 from \$1800. Rice wanted to know why he had signed the committee report the day before to pass the bill as it stood and wanted now to amend it. Nawahine stated that he had forgotten about the county attorney until then.

The bill passed as amended. Senate Bill 83, Chillingworth, to establish a law uniform with those of (Continued on Page Three.)