

SUGAR
Cane: 4.52c. lb., \$90.40 per ton.
Beets: 15c. 6d. per cwt., \$106.20 per ton.

HAWAIIAN STAR.

WEATHER
Ther. min. 66.
Bar. 8 a. m., 30.16.
Wind, 1m., 10 N.E.
Rain, 24h., 8 a. m., .01.

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AMUNDSEN DENIES CONFIRMATION

SUPREME COURT SUSTAINS STAR IN ITS FIGHT

Bananas Were Cut Without Statutory Justification--Law and Common Sense Maintained Against Officious Doctors

Yesterday afternoon the Supreme Court rendered a unanimous decision against the government, in its position of defending the Board of Health regulation prohibiting the growing of bananas near residences. Chief Justice Robertson writes the opinion of the court, which is given in full below. By examples from other jurisdictions it shows just how the Board of Health exceeded its powers in condemning the banana. Where the health authorities of a certain town insisted on examining the baggage of passengers from uninfected places as well as infected, the court that tried the protest against the action in question declared the authorities exceeded their powers. But where a legislature specifically authorized a municipality to pass an ordinance prohibiting rice culture within its bounds, the

court where the ordinance when passed was tested found that the municipality had not exceeded its powers. Here the Board of Health on the unproved theory that bananas were usual incubators for the yellow fever mosquito, because they retained water for some little time after rain and in isolated cases were said to contain larvae of the mosquito--notwithstanding that the testimony of all the official entomologists was against that position--made a regulation prohibiting the growing of bananas within a certain distance of a dwelling and relied for authority for this action upon the statute which gave it power to make regulations with regard to water in which mosquito larvae breed. In this the board exceeded its powers, according to the court, having utterly

(Continued on page seven.)

Duke Kahanamoku To Swim for States In Olympic Games

CHICAGO, March 8.—Promotion Committee, Honolulu: Duke goes Stockholm. Cable \$200, Merchants' Loan. See Soper. HENDERSON.

the 500-yards event at the same place held a few days later, but of which event no news has been received. Money Needed Quickly. John Soper, of the committee which to compete with such well known swimmers as P. Mallen of Chicago University, William Vosburgh of Illinois University, Dave Suttle and William Healy of the Chicago Athletic Association.



DUKE KAHANAMOKU, Jr. (Kneeling.)

HE DOESN'T BANK SCOTT POLAR CLAIM

(Associated Press Cables to the Star.)
HOBART, Tasmania, March 8.—Captain Amundsen denies confirming the story that Captain Scott discovered the South Pole and says he is uninformed on that point. Captain Amundsen was the only man allowed to land from the Fram and is ready to submit his charts.

CAMPAIGN CLAIM FOR ROOSEVELT.
WASHINGTON, March 8.—Dixon, Roosevelt's manager, says that the arbitration amendments are an endorsement of Colonel Roosevelt's warning against encroaching on the Senate's treaty-making power.

CHECKING A ROOSEVELT SCHEME.
WASHINGTON, March 8.—The Senate District of Columbia Committee has adversely reported the Bristow bill for a Presidential preference primary in the district.

THE PRESIDENT'S CAMPAIGN.
ALLIANCE, Ohio, March 8.—President Taft has begun a three-day Ohio campaign and urges confidence in the government and an effort to avoid class hostility.

MCMANARA RELEASED.
NEW YORK, March 8.—McManara, charged with the robbery of the Westminster, B. C., bank of \$241,000, has been released for lack of evidence.

THE COST OF LIVING.
WASHINGTON, March 8.—Representative Crawford introduces a bill providing \$20,000 for an international investigation of the cost of living.

THE CINCINNATI AT TAKU.
PEKIN, March 8.—The United States cruiser Cincinnati has arrived at Taku. The collier Abarenda is expected there tomorrow.

PRUSSIAN COAL MINERS.
BERLIN, March 8.—The coal miners of Eastern Prussia demand a fifteen per cent increase in wages.

THE MERRITT DISASTER.
MERRITT, March 8.—Seven men are dead and eleven are entombed as a result of the gas explosion.

CHIHUAHUA SITUATION.
MEXICO, March 8.—The situation in Chihuahua is serious. (Morning Cable Report on Page Twelve.)

TO DO AWAY WITH MOSQUITO MENACE IN KAPIOLANI PARK

In connection with the mosquito campaign a very important improvement will be made at Kapiolani Park which will not only destroy a possible mosquito menace, but add greatly to the beauty of the park. In this connection Governor Frear, accompanied by Deputy Attorney General Lymer of the legal department of the Board of Health, and Judge Henry E. Cooper, paid a visit to the park yesterday afternoon. The stream which once wound its way through the park had its waters diverted by a Chinese rice grower and now but a small amount of water trickles along its thickly overgrown bed. It is now proposed to clear away this vegetation and remove the foot or two of soil which covers the coral foundation and then divert enough water from the Manna stream to make a beautiful stream out of what is now but an unsightly scar. Gates will be constructed at the maffal end of the stream to retain the water until the stream is filled, and then they will be opened to allow the water to flow through. In this way there will never be an opportunity for the larvae of mosquitoes to breed in the stream. The improvement proposed will be started within a few days under the supervision of Alexander Young, who has already done many things to make the park more attractive. The work will be done by some of the prisoners who are now employed in the Board bed. It is now proposed to clear away this vegetation and remove the foot or two of soil which covers the coral

KEARNS JAM AND CHUTNEY FACTORY BEING INCORPORATED

The business of Mrs. Annie A. Kearns, who for the past ten years has operated the Honolulu Jam and Chutney Factory, is to be incorporated, under the same name. Papers of association will probably be filed with the territorial treasurer today. The company will be capitalized at \$25,000, with privilege of increasing to \$500,000. All of the stock has been subscribed. The officers, who are also the principal stockholders, are W. R. Castle, president; Mrs. Annie A. Kearns, vice-president and manager; R. C. Soarle, secretary, and R. Rosenberg, treasurer. The new company plans to greatly enlarge the business, and to that end has already secured a lease on property on lower Alakea street, upon which a two-story factory building will be erected at once. When this is completed the present plant on Beretania street will be moved, and with a large amount of additional equipment to be added will then be in position to handle orders of any size. Mrs. Kearns' business has grown so rapidly in the past few years that it has outgrown the capacity of her present plant, and hence the necessity for enlargement. Attorney W. A. Kinney's brief for Delegate Kuhio in his complaint against Governor Frear has been received in Honolulu. The Democratic leader, discussing the availability of the governor for useful service to the people of Hawaii, says "that so urgent and imperative is the necessity of counterbalancing the rising tide of Asiatic ascendancy" (Continued on page Five)

KAIMUKI IMPROVEMENT CLUB PASSES A RESOLUTION ON PARKING KALAKAUA AVENUE

Kaimuki, Wai'alae and Palolo improvement Club met yesterday at 7:30 p. m. in Chinese vacant store near end of car line. Officers present, H. G. Davis, president; W. K. Macpherson, treasurer. D. Logan was called to act as secretary. The following candidates were proposed and elected by unanimous vote: Jet Grigsby, Jules P. Rego, C. H. Miller, G. F. Alfonso, C. H. Jennings, O. Bannister, Ray H. Rietow. Emil A. Berndt reported progress from the committee on roads, etc. D. Logan presented a draft of by-

laws from a special committee of the directors, consisting of Ed Towse, Secretary J. H. Fiddes and D. Logan, which was considered section by section and with amendments made referred back to the committee with directions to present galley proofs of the revision at next meeting for final consideration before printing. E. H. Boyen made an oral report from the finance committee on the Floral Parade float of the club. There was likely to be a balance over, he stated. Mr. Towse moved that the balance, (Continued on page six.)

SPLENDID CHANCE FOR BOYS IN NEW INDUSTRIAL SCHOOL

Superintendent W. T. Pope, of the Department of Public Instruction, spent considerable time yesterday on the matter of securing boys for the proposed agricultural school to be opened in co-operation with the Kahuku plantation company at Kahuku. "I am sorry that the matter is not moving faster," stated Mr. Pope, "but there seems to be a disposition to question the good faith of the proposition. In fact some of the boys whose parents had agreed to their going have since backed out. However, I think we shall be able to get the fifty required for making a start." Mr. Pope stated that he had personally seen a number of families who are considering permitting their boys to enter the school, and he believes that at least a few recruits will be secured as a result. A number of boys now in the industrial school at Wai'alae, who have shown good character and proper inclinations, will also possibly be permitted to enter the new institution. Mr. Pope is very enthusiastic of the idea. He states that it will not only enable the boys who take advantage of the opportunity to secure a good schooling in the common branches during the half day which will be daily devoted to this, but also to be

come proficient in the art of sugar cane propagation. "These boys," said Mr. Pope, "will have every opportunity of learning all the plantation methods of planting, irrigating and cultivating cane, and will be in position at the end of three years to hold good paying positions as lunas or sub-managers at salaries of \$100 per month or over. Besides this they will receive pay for their work during the course of their training, and at the end a division of the surplus from the contract price of the cane which they will cultivate. The institution will be run on businesslike lines, giving the boys every opportunity to become acquainted with business methods. It is distinctly not a money-making scheme on the part of the plantation people, but they are hoping to do something which will benefit the islands, and at the same time produce a high grade of men for the better places on a plantation." Governor Frear spent several hours yesterday afternoon in making an inspection of Kapiolani Park in company with the park commissioners. The development of this most beautiful of Honolulu's parks is said to be progressing rapidly and in a very satisfactory manner.

DOLE SUSPENDS HIS RULING

Judge Dole this morning, temporarily, granted the motion made yesterday by United States District Attorney Breckons to strike from the (Continued on Page Eight.)

DR. CURRIE ELECTED AS GOAT OF THE BANANA BURLESQUE

The Attorney General's department and the Board of Health are accepting the decision of the supreme court, in reference to the banana cutting crusade, with good grace. In fact everybody mixed up in the matter seems to be feeling decidedly relieved. Nobody was found about either department this morning who seemed disposed to argue the merits of the case or even to uphold the extravagant course of the special Citizens' mosquito committee. In fact one or two intimated that they had never had any real sympathy for the cause. As was to be expected, Dr. Currie, who is no longer here to bear his share of the burden of responsibility, was in a few instances made the "goat" to the extent of saying that he was the real instigator of the deep, dark plot to destroy the succulent banana. Attorney General Alex. Lindsay and Deputy Attorney General Sutton, the latter of whom actively conducted the case for the Board of Health, both declared this morning that they coincided in opinion with the supreme court decision, and had no complaint to make. "We never believed we had a leg to stand on," declared Lindsay in talking about the matter this morning, and Deputy Sutton echoed the sentiment. "But the Board of Health wanted a decision one way or the other, and of course we put up the (Continued on Page Eight.)

Money to Fight the Fly On the Other Islands

Both Hawaii and Maui are to receive financial assistance in combating the Mediterranean fruit fly. Hawaii, which already has the pest, will get \$3500, while Maui, which thus far has escaped, will get \$1000 for the purpose of inaugurating a precautionary inspection system. The money for this purpose is to come from the Territorial conservation fund, and was voted at a meeting of the committee on allotment of this fund, held this morning in the governor's office. At this meeting were present, besides Governor Frear, J. P. Cooke and Marston Campbell, members of the committee, and also W. M. Giffard, the new president of the Bureau of Agriculture and Forestry, and C. S. Judd, the former president of the board. Dr. E. V. Wilcox, a member of the committee, was unable to be present. In making the allotments the committee decided that it is well worth the effort to try to prevent the destructive insect from reaching the only island still free from it, while in the case of Hawaii, where the fly has obtained a foothold in the Kohala district, it is hoped that by stringent measures it may be kept in check and possibly from reaching the coffee growing sections of Hamakua and Kona, where it is believed that its introduction would spell the ruin of this important industry.