

THE Pacific Commercial Advertiser A MORNING PAPER.

RODERICK O. MATHESON EDITOR

FRIDAY DECEMBER 30

SUGAR.—96 Degree Test Centrifugals, 3.80c. Per Ton, \$76.00. 88 Analysis Beets, 8s. 11 1/2d. Per Ton, \$77.47.

U. S. WEATHER BUREAU, December 29.—Last 24 Hours' Rainfall, .02. Temperature, Max. 76; Min. 67. Weather, unsettled.

FILIPINO IMMIGRATION.

That the members of the planters' association are now thoroughly awake to the situation created through the importation of some twenty-five hundred Filipinos, presumed to be laborers, is a gratifying proof of the general belief that the association has been victimized instead of being a party to the approach of conditions inimical to the well being of everyone here, planters included.

It has been suggested that the last batch of Filipinos landed are substitutes for those selected and billed, men and women put on board the steamer after an examination of the ones originally selected had been made. This is about the best explanation that can be made of the presence in Honolulu of such a group of undesirables, but it is a vicious slam at the Manila agents of the planters' labor bureau. Agents who can have wholesale substitution carried on right under their noses are certainly expensive employes.

That prompt steps are being taken to put a stop to such importations, the Governor, the members of the labor committee of the planters, the territorial health officers and the federal health officers working together, shows that the gravity of the matter is generally recognized, in regard to this last shipment especially.

As it is now, the whole question of Filipino immigration is on trial. The last importation is worse than the former ones, but all have been, to a more or less extent, bad.

The diphtheria epidemic and the smallpox epidemic on Maui have been traced back to recent Filipino arrivals. These epidemics cost the taxpayers of the Territory and are still costing large sums. The epidemic of diphtheria cost, also, the lives of several people.

At Honokaa, within the past week, plague has appeared among the Filipinos.

Amoebic dysentery, hookworm and syphilis are rife among all the Filipinos.

The presence here of the three thousand already landed and scattered throughout the Territory places the general health of the community in danger.

These are not new facts, but have been officially brought to the attention of the authorities here and in Washington. They will be reviewed in the official report Commissioner-General Keefe will make to the secretary of the treasury; they have been included in reports made by the chief of the local federal quarantine service to the surgeon-general of the bureau of health; they have been reported to the Governor and the attorney-general of the Territory.

The planters have spent large sums of money in working up their Filipino labor recruiting business; it would be a hardship upon the association to have to drop the whole business where it is and recall the agents. But, in measuring the health of this community against the dollars invested, which must be found the more important?

"GET TOGETHER."

Within a short time, comparatively, Honolulu will be asked to endorse the candidacy of two announced applicants for the position of collector of the port. One of the candidates is the incumbent, E. R. Stackable, who has filled the position creditably, so far as The Advertiser is aware, and who will be a candidate for reappointment.

The other candidate in the field is D. L. Conkling, at present territorial treasurer, who has been in the employment of the Territory for some years and who has gained promotion to his present responsible position through his efficiency as a public servant.

Both candidates are eligible; either would serve as collector of customs acceptably.

As a general rule, all things being equal, The Advertiser believes that an official who has been tried and proven should be retained in office, but the main question in this pending appointment is the opportunity it affords Honoluluans to get together on something.

Both candidates are believed to be already at work enlisting support and each will undoubtedly ask for the endorsement of the commercial organizations of the city. When the question comes up, each will have advocates, but one is bound to have more than the other. When it comes to a vote, let the minority, whoever the members of it may be backing, bow to the will of the majority and have the endorsement go to Washington as the unanimous endorsement of the business men of the community.

After one has been endorsed, let that endorsement stick.

Otherwise, the way is left open again for the appointment of an outsider.

The news from Portugal that a movement in favor of the deposed King Manuel is on foot among army and navy men is not unexpected. The army and navy made the revolution a success and the officers and men looked for their reward. The new government, formed of idealists, found nothing in the treasury to pay out and could not even increase the pay of the military and men of the navy, while the haul that was looked for from the confiscation of church property proved to amount to very little. Now the army and navy want the king back. If they have to serve on small pay they prefer to present arms to a king rather than to a president.

Supervisor-elect Dwight says that he sees no reason why he should "pull out" in the matter of the chairmanship of the road committee, his claim to which is disputed by Supervisor-elect Low. He fails to explain, however, why he felt justified in "pulling in" for the position, after he and the others had agreed that it should be filled by Low. The explanation as to why the change was made, and at a time when Low was out of the city, has yet to be given.

This paper, in common with the other daily papers of Honolulu, can not hold itself responsible for the inaccuracies that appear in the list of names published as Inter-Island passengers. Should any of our readers care to know why, they are invited to drop into the Inter-Island offices and take a look at the original bookings. The courteous clerks in that office can do almost everything well, except write legibly.

Even if the original invitation made to the ladies of Honolulu to take a fly with the aviators can not be carried out, the invitation made by The Advertiser to the inmates of the city orphanages to go out and watch the bird men has already sent many up to the seventh heaven of anticipation and delight.

Sheriff Jarrett has made the first move toward making the police force nonpolitical. In this he should receive the strong support of the supervisors and of the general public as well.

Who "substituted" mechanics and professional men for laborers when Atkinson was in Harbin?

ARMY WANTS KING MANUEL BACK AGAIN

PARIS, December 29.—Advice received here from Lisbon state that a deeply-laid plot to restore the young Portuguese king, Manuel, to the throne from which he was lately driven, has been discovered in Lisbon by the leaders of the Republican government.

Rumors of disaffection in the army and navy have been current in Lisbon ever since Manuel was deposed and driven into English exile. The military is naturally disposed to favor a monarchy, inasmuch as it makes assured the future of the army and navy, while the socialistic tendency of the republic leaders is against large standing army and navy forces. The government, state the Lisbon advices, doubts the loyalty of the army and navy.

RESIGN OR GET OUT OF FORCE

(Continued from Page One.) Chief McDuffie feels that his record while in office will pull him through, and when asked last night if he had forwarded his application for reappointment to succeed himself, he simply remarked: "Nothing doing; if they want someone else, let them go to it." As Sheriff Jarrett is perfectly satisfied with the big chief, and has also thrown down the gauntlet to the Juven outfit, there is no doubt of what the outcome of the battle will be. The rank and file of the police force are, with a few exceptions, all for Jarrett, and when the members of the different committees are waded out and new men put into their places, all will be harmonious till the police force is put on a civil service basis.

HAWAII OMITTED FROM THE LIST

Codification of Federal Law Makes No Provision for Federal Court.

Is Hawaii entitled to a United States district court and two federal judges? That question, or at least the substance of it, forms part of a query which Federal Judge Sanford B. Dole has just addressed to the department of justice at Washington, owing to a peculiar omission in a recent statement before congress of Hawaii in the list of federal districts and judges.

Either Hawaii is entitled to only one federal judge or to none at all, and possibly is not entitled to a district, thereby eliminating the entire federal court, if a strict interpretation of the revised codification of the statutes is observed and if Representative Moon's motion to carry house resolution 23377 prevails.

On December 7 Mr. Moon of Pennsylvania addressed the house on this matter, stating that he was directed by the committee on the revision of the laws to call up for consideration the bill to codify, revise and amend the laws relating to the judiciary. At his request the clerk of the house read the resolution. During the discussion it was stated that it was a bill which proposed to raise no one's salary, but did reduce the salaries of some incumbents. No new offices are created and some are eliminated. This is what the clerk read.

"Sec. 1. In each of the districts described in chapter five there shall be a court, called a district court, for which there shall be appointed one judge, to be called a district judge; except that in the northern district of California, the northern district of Illinois, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania and the western district of Washington there shall be additional judges in each, and in the southern district of New York three additional judges; provided, that whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one judge in said district; provided further, that the judge for the eastern district of South Carolina shall be the judge for the western district thereof, the judge for the eastern district of Tennessee shall be the judge for the middle district thereof, and the judge for the northern district of Mississippi shall be the judge for the southern district thereof. Each district judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

At no time is Hawaii mentioned in the debate, and neither does Hawaii appear in any part of the revised codification of the laws.

The federal officials are not losing any real gray matter over the matter, feeling that somewhere in the tight places of the departments at Washington will be found the authority for making Hawaii a federal court district for not only one judge, but two.

The districts as described in chapter five of the revised codification sets forth all the States, but does not mention Hawaii or Alaska. In the tabulated list Hawaii is not mentioned, and in the detailed statement of what districts shall be constituted in each State, naming the counties and boundaries, the details take in Alabama and run through the entire list, ending with Wyoming. But not a word about Hawaii.

Therefore Judge Dole's query to Washington as to the status of the "district of Hawaii."

APPROPRIATION ASKED FOR NEW WHARVES

Owing to the growing commerce of the port of Honolulu it is considered necessary by Superintendent of Public Works Campbell to have another wharf similar to Alakea street built. The probable cost of this and several other matters round about the waterfront which badly need attending to, will run into about \$500,000, and it is planned to ask the new legislature to grant the appropriation of this amount.

The trouble about the Alakea wharf is that although it is large enough to accommodate two vessels of the Mongolia type, trouble commences when it comes to a matter of unloading. About 3500 tons of freight is the capacity of the wharf's storage room, so that when the second vessel starts in to take out stuff there is some sort of a middle.

Other places are also going to ask for appropriations to fix up new wharves with. The legislature is to be asked for \$300,000 to construct the proposed new wharf at Hilo and a sum of \$50,000 for a wharf at Kahului. Subject to the beginning of the construction work by the Kona and Kaa Railroad another sum of \$80,000 is to be asked for a wharf at Napoona. At a recent conference held by the Kona-Kaa and West Hawaiian railroads they agreed to an equitable division of the rights of the proposed wharf.

JARRETT DOES NOT FAVOR ANY CHANGE

"I have no intention of making a clean sweep in my office department," stated Sheriff Jarrett yesterday morning. "This will be welcome news to the seventy-three men now under his direction as some of them thought that there might be something doing mighty soon. Jarrett as yet had no talk with the members of the new board and so does not exactly know how matters stand. He pointed out that there might be a few minor changes in the force but that as far as the clerks and court officials were concerned he could not see any need to make changes in the staff. He has hopes that the new board will come across with sufficient to enable him to put more men on the streets and especially more mounted patrolmen."

SUPREME COURT ON LANDLORD AND TENANT

A decision was rendered by the supreme court yesterday in the case, submitted on agreed facts, of Mary A. Richards against Carl Outai and others. It was a dispute over a lease by plaintiff to defendants, made January 21, 1907, of the Kahuwela lodgings for fifteen years at a rental of \$1500 a year. C. R. Hemenway was attorney for the plaintiff and J. A. Mageon for defendants. The following syllabus of opinion shows the points decided: "Under a lease the lessor agreed to pay 'the taxes levied' on and the lessee 'all other charges' of the demised premises. Held, that sewer rates are payable by the lessee. "Judgment in an action of assumption for instalments of rent under a lease bars an action for the amount of sewer rates which accrued during the same period and which the lessee by the same instrument obligated themselves absolutely to pay. The right of action in such a case is single and indivisible. "An agreement by lessee to 'supply' to the lessor 'free of charge all water required for buildings and grounds' expressly reserved under this lease, construed, under the circumstances of the case, require the lessee to pump water sufficient for the buildings in the same manner that it was being furnished at the date of the execution of the lease. "The lessee's rights under a letter quoted in the opinion held to be non-assignable."

FREAR MAY CABLE ABOUT THE FILIPINOS

(Continued from Page One.) Inspector Brown stated some days ago that the other fifty per cent. would not be allowed to land, the rules regarding desirables being violated in their cases.

Tenney Does Not Approve.

"There is something rotten in Denmark in Manila," said E. D. Tenney, president of the Hawaiian Sugar Planters' Association yesterday when questioned as to any knowledge the planters' association had regarding the misfit shipment of Filipinos now undergoing quarantine.

"I do not understand how these people came here," added Mr. Tenney, "as I have understood that our agents in the Philippines are acting in conjunction with the officials of the Marine Hospital and Public Health Service, and that all Filipinos leaving the Philippines for Honolulu would be given a careful medical examination."

"The only way I can work this out is that there have been substitutions. I have been given to understand that the people are not so badly diseased and undesirable as reports have led us to believe, but, of course, there are some who may be objectionable."

"Don't believe for a minute that the planters' association want to import undesirable people here for laborers. That's expensive. Its cold dollars and cents with us, and we want the best we can get."

"If people are unfit or undesirable the expense falls upon us and already we have sent a number of Filipinos back to Manila. We don't want to bring objectionable people to Hawaii. I certainly hope we may learn the real reason soon."

Mr. Tenney, in his statement, certainly showed that he did not approve of the importing into the Islands of people who might become a public charge. He is as interested in bringing people free from disease, or those likely to spread it, as any one else. He showed, in his interview, that he did not approve of the bringing of diseased, maimed and unfit workers here.

Serious Question, Says Governor.

"This matter presents a very serious question," said Governor Frear in an interview covering the results of his visit among the quarantined Filipinos. "The planters undertook sometime ago to have all the Filipinos coming here, examined by officials of the Marine Hospital Service, before they left for Hawaii. Apparently, the work has not been very effective. Either they have not examined them, or others have been substituted for those examined, for we are certainly getting in a large number of diseased people, who would necessarily fail to pass an examination if there had been one."

"Of course, there are a variety of diseases among them, and some of the people are too young, and some are very old. One is pretty nearly blind, four or five are imbeciles and a good many have trachoma and a number of other diseases. Some have tuberculosis."

"That can not be allowed to go on, if it can possibly be prevented. I am sure the planters do not want it, as it would be expensive and it would not help their reputation. I know that the planters all take a deep interest in the welfare of the Islands, too much so to want to run any such risks, because the labor question is an exceedingly difficult one to the planters, who are really up against it for good laborers. It is a difficult thing to get sufficient field laborers, but notwithstanding all this difficulty I am sure the planters do not want to import diseased persons."

"The epidemic on Maui, I am told, has been traced to Filipinos among recent arrivals. Of course, the public health is a consideration of first importance and very great precautions must be taken to keep out the variety of diseases. There is danger of diseases being introduced from both the Orient and Mexico and Central America."

"Secretary Mott-Smith is taking up these matters at Washington with the surgeon-general of the Marine Hospital Service to get as complete cooperation as possible between the federal and territorial officials. The federal officials have always cooperated with us just as far as they could."

"It remains to be seen what can be done to keep out these people. They are diseased, many of them, and are undesirable. The government regulations provide for keeping out diseased plants as menaces to the plant life of the Islands. Diseased animals are thoroughly examined before being shipped at all."

"Attorney-General Lindsay is looking into these questions now. Unless the planters could find some way to effectually safeguard the public health in this matter we must find some way by legislation, either by congress or by the legislature."

"It seems to me the planters ought to be able to find some effectual method, although that is a very difficult subject to handle."

CONSUL REFUSES TO ANSWER THEM

(Continued from Page One.) Chinese in the Territory of Hawaii, owing to the fact that the consul is reported as having declared officially to the Peking government that ninety per cent of the Chinese people here are revolutionaries and enemies of the peacock throne.

Fear the Mailed Fist.

The relations between the consul and the Chinese people are daily becoming more and more strained, as each succeeding mail from China brings back reports of additional charges which the consul has made against the people here, until they have come to regard him, not as their consul, acting for them with their home government, but as one spying upon them and reporting only as to whether or not they have revolutionary tendencies. Not that the classification of them as revolutionaries hurts the local people, but their relatives in China are selected for vengeance, for when the official hand of China falls upon their hapless relations it is with the mailed fist, and death may be the result of an official visitation.

Drew on Imagination.

At the meeting Wednesday night a copy of a report alleged to have been sent to China by Consul Liang was read. It came back from China and has been printed in one of the local Chinese newspapers. In this report Consul Liang is alleged to have become a narrator of stories not based on facts, but on imagination. The report, as read, stated that the consul had prevented an attempt on the life of Prince Hsun when that dignitary passed through here a few months ago. The consul stated, so the report went on, that, due to the vigilance of one of the guards he had employed, a Chinaman named Lum Wan had been caught in an attempt to get near the person of the prince, and that upon Lum Wan had been found an iron bar and a revolver, or some weapon of attack. Lum Wan had been disarmed and the attempt on the prince's life nipped.

The local Chinese laugh at the story and state there is absolutely no truth in it, and that the consul is detailing such a story to gain favor with the officials.

American Citizenship Menaced.

The society also discussed another phase of the consul's report. That related to the consul's alleged recommendation that Chinese who are American citizens be denied the usual rights of subjects of the Emperor of China, should they go there from Hawaii, unless they have been properly certificated by the local consul as all right, which designation means that they are not revolutionaries. This has aroused the ire of the progressive Chinese of the city, adding more converts to the cause against the consul.

McBride Took Pen in Hand.

The consul replied within the twenty-four hours. The consul did not write, but had his attorney, Claudius McBride, draft the letter. Claudius wrote in English and used the prescribed legal phraseology to make himself clear. He did not attempt to write in Chinese, although the consul was a little afraid that if the committee which wrote him, received a reply from a consul, written in English, it might be considered an insult, according to Chinese standards of etiquette. However, he was willing to take a chance on the English letter, which was drafted and mailed yesterday afternoon. The letter follows:

Consul Absolutely Refuses.

"Honolulu, December 29, 1910. "The United Chinese Society, Honolulu.

"Gentlemen:—Referring to a communication this day received by Hon. Liang Kwo Ying, Chinese Consul for Hawaii, signed by Mr. Yee Larn Fon, or Mr. Yee Chin, in which certain information is requested from the consul and in which he is given twenty-four hours within which to reply, I have to state as follows: That it will be unnecessary for the committee to wait twenty-four hours for answer to the letter in question, for the reason that no answer will be forthcoming for the following, among other, reasons: "First, Mr. Liang Kwo Ying, in his position as Chinese Consul and as an individual, will absolutely refuse to answer any communication under a vague threat with a time limit set on his answer."

"Second, Mr. Liang Kwo Ying refuses to answer any communication touching upon his duties as consul or otherwise unless the same is addressed to him by somebody in authority."

"Third, Mr. Liang Kwo Ying absolutely refuses to answer the letter in question for the reason that he is not permitted, by reason of the official position he holds, to divulge official reports or communications of his consulate without proper authority so to do."

"Fourth, Mr. Liang Kwo Ying refuses to answer the letter in question because it has no bearing on official matters of the Chinese consulate."

Must Go Over His Head.

"In reference to a purported article published in some paper in China, I have the following to say: Without affirming or denying the matters therein purported to be set forth, I have to say that Mr. Ying will absolutely refuse at all times to divulge official communications of his consulate unless instructed so to do by somebody having authority so to instruct him. If your society desires any information about the official acts of the present consul, it is your privilege to procure the same from some one having authority to disclose it."

"Mr. Ying, I feel sure, will take pleasure in answering any communications addressed to him as consul concerning official business and which are unaccompanied by any threats or time limits. Very respectfully,

"C. H. McBRIDE, "Attorney for Mr. Liang Kwo Ying."

More Damage Suits.

A new suit for damages will be filed today on behalf of the consul against one of the principal members of the Chinese committee opposing the consul in the present controversy. It will be for about \$100,000, and will probably specify that the consul felt himself damaged because of the big circulars which were issued prior to the last mass meeting and posted upon the walls of Chinatown.

In addition it is said that other suits are in contemplation, all of the con-

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All of which does not tend to make the consul more popular. Even some of his former best friends have deserted his cause and are now lined up with the progressive Chinese of the community.