

Legislative Assembly, SESSION—1884.

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FOURTY-NINTH DAY.

MONDAY, July 7, 1884.

The House met at 10 a. m. Minutes of the previous meeting were read and approved.

PETITIONS.

Mr. Kamakahi presented a petition from district of Makawao praying that, after the Assembly is prorogued, the Ministers visit and inspect all the islands, and see where the money is to be expended for roads, bridges, and other internal improvements. Referred to Minister of Finance.

Mr. Rowell presented two petitions, praying that lepers be sent to their homes, and cared for there by their friends. Laid on the table. Also from a number of residents in the district of Waimea, that \$122 be paid them for work done on the roads during the past few months. Referred to Judiciary Committee. Also, from the same district, that the road tax be kept in the district, and placed in the hands of the road supervisor or school agent. Referred to Committee on Internal Improvements.

Dr. Mett Smith presented a petition from Mr. S. N. Castle, praying that there be no expenditure for carriage hire for the representatives. Referred to Judiciary Committee.

Mr. Kalua, Chairman of a Select Committee, reported on the item of \$25,000 in the Appropriation Bill for the pay of mail-carriers; that, after consultation with the Postmaster-General, they recommend it be increased by \$1000, and a further sum of \$500 be inserted for letter boxes, making a total of \$26,500 for mail-carriers. Report accepted, and laid on the table.

Mr. Aholo presented a minority report relating to the bill to facilitate the carrying of mails between Hawaii and United States; that the words \$2000 be stricken out, and \$1500 inserted in the same place, and the bill pass to engrossment. The report was laid on the table until majority report is presented.

Mr. Cecil Brown read, for the first time by its title, a bill relating to bankruptcy proceedings. Referred to Printing Committee.

Mr. Philipo reported a bill to amend Sections 38, 45, 47, 58, and 67 of Chapter 43 of the Laws of 1883, as printed. Ordered to be distributed.

Mr. Kalua offered a resolution, that the Minister of Finance instruct all tax assessors to deduct \$800 from all parties liable to taxation. Also that the Board of Health appoint a doctor for the district of Lahaina. Referred to Sanitary Committee.

Mr. Dole gave notice of a bill to facilitate collection of taxes.

Mr. Aholo gave notice of a bill relating to foreign letters.

Mr. Lihikalani gave notice of a bill relating to opium.

The Attorney-General read, for the first time, a bill to amend Chapter 89 of the Penal Code, relating to gaming. Read a second time by its title, and referred to Judiciary Committee. Also a bill relating to the roaming at night of minor children. Read a second time by its title, and referred to the Judiciary Committee.

Mr. W. O. Smith gave notice of a bill relating to the recovery of personal property, and a national loan. Also read for the first time a bill relating to the appointment of a Police Justice of Makawao. Read a second time by its title, and referred to Judiciary Committee.

Mr. Kalua offered a resolution that His Majesty's Ministers state the policy they intend to follow for the purpose of increasing the revenue of the country. Carried.

Mr. Frank Brown moved that the Minister of the Interior give particulars of a certain sale of land in Honolulu. Carried.

Mr. W. O. Smith moved that the Minister of the Interior place before the Assembly a full statement of all applications for Government lands and buildings from April 1st, 1882, to the present time.

Mr. Cecil Brown offered as an amendment "Whether such properties were advertised according to law." The resolution, as amended, was carried.

Mr. W. O. Smith moved that the President of the Board of Health state whether any orders have been given during the past two days, instructing the Government physicians where they shall purchase their drugs. Carried.

The Attorney-General read, for the first time, a bill to enlarge the jurisdiction of Police Courts in certain cases relating to assaults and battery on police officers. Read a second time by its title, and referred to Judiciary Committee. He also gave notice of a bill relating to the Police Justice of Honolulu.

At noon the House took a recess for one hour and a half.

Mr. Kawakahi gave notice of a bill to fix certain water rights at Waikane, Maui.

Also, of a bill to amend Section 592 of the Civil Code.

Also, of a bill to provide for the appointment of a Police Magistrate at Waikane, Kauai.

Mr. Kawakahi gave notice of a bill rela-

ting to the duties to be paid on opium. Also with reference to the smuggling of opium.

Mr. Rowell gave notice of his intention to introduce a bill to provide for a leper hospital at Kalalau, Hawaii.

Mr. Dole, Chairman of the Judiciary Committee, reported on a bill relating to fisheries, introduced by the Hon. Member for Waialua, and are of the opinion that the bill if passed would conflict with the rights of owners of private fisheries. They recommend that the bill be laid on the table. Report adopted.

Also, in the matter of a petition from Kalibi, relating to water rights, and recommend it be laid on the table, to be considered with two bills now before the Assembly on the same subject. Report adopted.

Also, on a bill relating to voters, recommending it be laid on the table. Report adopted.

Also, on a bill to amend section 1476 of the Civil Code, relating to tenant's rights, recommending it be laid on table. Report adopted.

Also, on a bill relating to appeals, introduced by the Attorney-General, recommending that for "Supreme Court in Banco," "Appellate" Court be substituted, recommending its passage. Report adopted, and bill passed to engrossment as amended. To be read a third time on Thursday next.

Also, on a petition from some Chinamen relating to passports to be granted to Chinamen leaving the Kingdom, and recommend the said petition be indefinitely postponed. Report adopted.

Also, on a resolution to remit the sum of \$300, amount of bail forfeited on account of an absconding prisoner. The Committee are of opinion that the remitting of this amount would produce more distress than by not so doing. They recommend it be laid on the table.

Mr. Keau spoke in favor of the money being remitted.

Mr. Cecil Brown favored the adoption of the report of the Committee, as they were in possession of information that the bondsmen received a money consideration for becoming bail.

The Attorney-General said he would support the report of the Committee. He introduced the bill by request, but he felt in no wise bound to support it. He was assured at the time the bill was handed to him that there was no money consideration paid to the bondsmen, but after what he had heard stated by the Hon. Member for Koolaula he had changed his opinion. Report of Committee adopted.

Also, on a bill relating to Hawaiians leaving the Kingdom. Three members of the Committee were in favor of the bill being laid on the table, and two were in favor of the bill passing.

Mr. Godfrey Brown moved the minority report be adopted.

The whole report was laid on the table to be considered with the bill.

Also, on a bill introduced by the Hon. Jas. Keau, to provide for a permanent settlement on Mrs. Kinimaka. The Committee not seeing any reason for passing this bill recommend it be laid on the table.

Mr. Keau moved the report of the Committee be indefinitely postponed. Report of Committee adopted.

ORDER OF THE DAY.

Consideration of the Appropriation Bill in Committee of the Whole. Mr. J. S. Walker in the Chair.

Mr. Kalua moved to refer the items referring to salaries of Superintendent of Public Works, Civil Engineer, and their incidentals and traveling expenses to the Finance Committee. In his opinion one man might be found to fill both offices at a less salary than the two combined.

Mr. Nawahi said that if this Ministry remains in office there is no use in passing these appropriations, as the Ministers ignore the recommendations of the Superintendent of Public Works. It is useless to employ skilled men to furnish plans and specifications if they are not followed.

Mr. Gibson favored the items being referred to the Finance Committee.

Items referred accordingly. Mr. Kalua asked for an explanation of the item, "Superintendent of Water Works and Clerk of Market."

The Minister of the Interior stated that it was the intention to combine the two offices in one person.

This item and two following ones were referred to the Finance Committee.

Mr. Cecil Brown moved to strike out the item of salary for Jailor for Oahu Prison, as there was no such person.

Mr. W. O. Smith drew attention to the sanitary state of the jail, and also to the want of system and responsibility. He considered the Ministers were responsible for this state of affairs. He reviewed the visiting physicians' report at length. The Deputy-Marshal, who is said to be in charge of the jail, does not sleep there. He ventured to state that no one—not even the Minister of the Interior—knew who was in charge of the jail at night-time. He called upon the Minister of the Interior to inform the Assembly why the jail was run without a head jailor?

The Minister of the Interior said that at the time of the death of the late jailor certain alterations in the jail were contemplated, such as remodeling, occupation of

prisoners, &c., which could not be carried out without Legislative sanction. This would necessitate workshops, &c. If it were thought best to teach the prisoners trades, it would be necessary to employ suitable lunas. In view of the radical changes to be made, the jail was carried along up to the time of the Legislature, with the hope that something definite would be arrived at during the session.

Mr. Smith said there was no item in the Appropriation Bill for the contemplated changes. The explanation given was unsatisfactory to him, and he had no doubt it was so to others also. He considered there ought to be a complete radical change in the management of the jail, also in the Marshal's department throughout the Kingdom.

Mr. Kalua said he was in favor of an item for salary of Jailor, but he had been told by one lately released from the jail that the guards were in charge. The Deputy-Marshal, Mr. Dayton, merely goes there for a short time each day, walks into the office and turns over some books, and goes home again to sleep. He was also informed that the prisoners, after returning from their daily labor, gamble for money which they have earned during the day. Prisoners are often kicked and beaten for trivial offences. The late turnkey, Mailihi, would knock a man down and render him insensible in one blow. He repeated many other instances of certain irregularities that go on inside the jail walls.

Item passed as in the bill.

Mr. W. O. Smith moved the item "Support of prisoners" be referred to a select committee. He said that, notwithstanding all the suggestions that have been made about prisoners working within the prison walls, no attempt or experiment had yet been made. The only answers received are: "Its no use"—"Cannot change the present system." He characterized the present system of the old and young out together on the streets as outrageous in the extreme. He referred in highly complimentary terms to the Reformatory School and its management. Every offense renders one liable to fine and imprisonment. For not having a light on your carriage you are liable to imprisonment. He believed in making an experiment in the support of prisoners. He moved the item be referred to a select committee.

Mr. Gibson seconded the motion. He pointed out that the Government might do well to accept the services of the Hon. Member for Waikua as a prison reformer, and benefit by his experience in that connection. Item passed as in the bill.

Mr. Hitchcock moved "Pay of Road Supervisors" be referred to a select committee. Carried.

The committee rose, and the President appointed on the Special Committee Messrs. Hitchcock, Rowell, Gardner, Kaulia, and Kuanamano.

Third reading of a bill to amend Chapter 34 of the Session Laws of 1882 relating to the suppression of diseases amongst animals. Passed.

Table with 2 columns: Item, Amount. Includes Mail Carriers (\$25,500), Incidentals Post Office (33,500), Postal Money Orders (10,000), Marine Telephone Station (1,500), Salary Jailor of Oahu Prison (3,600), Guard of Oahu Prison (7,000), Support of Prisoners (60,000). Total \$176,100.

The House adjourned at 4.30 p.m. until 10 a.m. on Tuesday.

VARIGNY'S "FOURTEEN YEARS IN THE SANDWICH ISLANDS."

As already stated Varigny arrived at Honolulu in February, 1855, having made the passage from San Francisco in the schooner Restless. The fourth Kamehameha had just come to the throne, his predecessor having died on the 15th of December, 1854. Of the latter part of the reign of that monarch our author speaks in the following terms:

"Of a character naturally good, easy, and somewhat feeble, Kamehameha III had, as age advanced upon him, appreciated the difficulties of his position, and the ill-disguised covetousness of which his Kingdom was the object on the part, above all, of the United States. For the latter, in fact, the philanthropic question had come to be a political question. After making loud talk of the devotedness, the self-abnegation, and the disinterestedness of the American missionaries, a pretense was made to found on this a national title to exercise, under the cover of an insidious pretention, an authority which must in a future more or less near, end in an annexation. Already for a long time past the missionaries were accused of seeking this end. I believe that in the beginning the accusation was unjust, but am also of the opinion that it ceased to be so, especially at the epoch of which I speak.

"The hatred against the Catholic missionaries on the one hand, and on the other the ill-feeling raised against France by the too absolute ways of

our officers, who, in their relations with the King and chiefs, had been altogether without care to consider national susceptibilities, all this, joined with the fear of seeing these complications end in an occupation with a strong hand by a French squadron, as at Tahiti, led the members of the American mission to see no safety except in an immediate annexation to the United States. Under the shelter of the flag of the Union, they could pursue and achieve their work of propagandism with nothing to fear from national jealousies or from their rivals, and they considered that if they had much to gain by such a change, the natives had nothing to lose in exchanging a nationality little known and despised for the title of citizens of the United States.

"These intrigues darkened the last years of the reign of Kamehameha III, and public opinion pointed to the American missionary party as having taken the initiation and direction of them. They, on the other hand, denied the charge. They asserted that the idea of the cession of the Kingdom to the United States emanated from the King, and had no other origin than the fear of seeing his Kingdom participate in the fate of Tahiti. Whatever may be the truth among these diverse assertions; a petition bearing numerous signatures, among which appeared those of the principal chiefs of the missionary party, had been presented to the King, recommending this measure to him as the only one by which a forcible taking possession by France could be evaded. A treaty of cession had actually been prepared, and the Hawaiian Kingdom was about to disappear, when Kamehameha III, on the 15th of December, 1854, died suddenly without having signed the document. It is in evidence that the excesses into which he was drawn in order to obtain from him the signature which he, under one pretext or another, postponed, hastened his end, and that the discreditable means to which recourse was had, thus turned against their contrivers."

As we have already remarked, the key note of the historical part of this book is Varigny's strong feeling of antagonism to American influence, and especially the influence of that section of the community which was then known as the "Missionary Party." This name has come down to our own times, and though we do not often see it in print, or hear of it in public speech, it is nevertheless still a "household word" in Hawaii, and still has a meaning in our politics. "Circumstances alter cases," is a very old maxim, and it is a fact that from 1854, when the periodical advents of the whaling fleet, and some demand for commodities from the rising settlements of California, were the sole moving forces of Hawaiian commerce and the sole basis of Hawaiian prosperity, to 1884, when the whaling fleet is not, and California supplies us with the necessities of life instead of importing them from the Islands, when our local production of sugar and rice are the mainstay of the country, circumstances have greatly changed. But in regard to social and political tendencies this maxim is far from being an axiomatic truth; circumstances modify them without altering their fundamental characteristics. Thus it is that at this day, amidst a totally new set of circumstances, the old forces are still at work. There is still, notwithstanding the fact that many are loth to acknowledge it, a "Missionary party," and there is still a party antagonistic to the church, strongly contemning and despising it, yet nevertheless fearing it on account of its strength, its unity, and the social bonds which hold it firmly together. There is still a talk about the probable evanescence of Hawaiian independence, though now, as then, it is not of an open nature; there is still a party, a few of whom are avowedly and rest secretly "annexationists." There is still a party profoundly opposed to "American influence," and to everything that threatens Hawaiian independence; and still a King, who, under any pressure of circumstances, would pat off and put off the cession of his Kingdom. But in the meantime circumstances have profoundly modified the personnel, the tactics, and the immediate aims of these parties. It is no longer the fear of some other

foreign domination that is at work, it is impatience at the domination of the Hawaiians. There is no longer anything to threaten the independence of the Hawaiian Kingdom from without; it is the forces that are at work within that are revolutionary. Nevertheless the same political maxims which were the guide of Hawaiian statesmen in days gone by remain paramount in importance today. The conflicting elements must be harmonised, wise and sound statesmanship, recognising changed circumstances, existing antagonisms and the reasons which underlie them, recognising necessities which are new and growing, must guide the councils of the nation with a firm hand. The party which believes in, and centers its hopes in the independence of the country must never relax its hold on power. While this guiding principle directs the course of the Government and the Legislatures, troubles far worse than those that seemed to be impending in 1854, may be encountered and weathered as safely as have all those which have had their place in the eventful history of this little country.

With this preliminary comment, the object of which has been to indicate the cogent fact that the history of the past is necessarily full of lessons for the present, we proceed to give a translation of all the more important parts of Varigny's history of the political events of which he was actually the witness, and in the more important of which he took a part. He proceeds as follows:

"With Kamehameha III, ended the transition period. The struggle between the ancient barbarism and the new-born civilization ended in the triumph of the latter. A king—active, imbued with European ideas—enters upon the scene, impatient to break with the old traces of the past, and to free himself from the yoke of the missionaries, and the tutelage of the great chiefs. In the pages which precede I have been obliged to consult sometimes tradition, sometimes archives that are incomplete; from now I rely on my notes and my memories. I have seen, I have known the personages and the events of which it remains for me to speak—it is the history of to-day and that of yesterday which I proceed to tell.

"Kamehameha III, old before his time, worn by the excesses of a dissolute youth, and the conflicts of a reign of twenty-nine years, was but forty-one years of age when he died. He left no direct heir; but, long before, he had adopted as his son and successor his nephew the Prince Alexander Liholihohi, younger son of Kekuanooa and of Kinau, herself the daughter of Kamehameha I.

"Born on the 9th of February, 1834 the new Hawaiian Sovereign was but twenty years old when the premature death of his uncle called him to the throne. As is the case with almost all the nobles, he was of tall stature; but obesity, another characteristic of the noblesse, did not disfigure his slender and supple form. His features were regular, the forehead high, a charming smile. His lively and intelligent eyes brightened a thoroughly engaging physiognomy. His manners were those of an English gentleman of ancient lineage—a style and bearing which he voluntarily affected. Liberal to his inferiors, he always kept them at a distance. His intellect was rather quick than broad, more superficial than profound. The imaginative faculty held sway over him; he formed conceptions quickly, but easily changed his mind, and the mobility of his imagination destroyed the fixity of his plans. His brother Prince Lot, his elder by two years, and afterwards King under the name of Kamehameha V., presented a striking contrast to him. Less gifted by nature, but more serious, more given to reflection, Prince Lot had all the qualities which were lacking in Kamehameha IV., but himself lacked the gift of pleasing which, with this latter, made up for all failings. The most tender and the most sincere affection united these two brothers, and, notwithstanding that he was the elder, Prince Lot had seen, without the faintest sentiment of jealousy, his younger brother called by the partiality of their uncle to inherit the throne. He was perfectly resigned to be but his first subject, and his conduct never belied this sentiment for an instant.

(To be continued.)