

MAILS
From San Francisco
Wilhelmina, Aug. 31.
For San Francisco:
Lorea, Aug. 31.
From Vancouver:
Makura, Sept. 1.
For Vancouver:
Niagara, Sept. 17.

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CITY OFFICIALS BEST JUDGES OF WHAT "REPAIRS" TO STREET ARE

Judge Stuart Decides Against Petitioner in Test Suit for Injunction to Stop Work on Roadways on Ground of Its Being Really "Construction"—May Be Appealed—Frontage Tax Plan for Improvement Boosted in Decision of Circuit Judge

DECISION GIVEN IN COURT.

The contention of the city and county and other respondents in the injunction suit brought against them by Raymond C. Brown, acting for citizens and taxpayers of Manoa, that certain road work which was being done in Honolulu was in conformity with the statute covering repairs and maintenance of roads, was upheld in a decision of two divisions handed down today by Circuit Judge T. B. Stuart.

A decree will be entered into dissolving the injunction and dismissing the bill. The petitioner may note an appeal to the supreme court, according to Attorney C. H. Olson, his counsel.

The roads in Honolulu mentioned in Mr. Brown's complaint were that portion of Queen street extending from the Nuuanu stream to the Prison road; the approach to the Hackfeld wharf, and a portion of the road at the intersection of Beretania and King streets running west for about 200 feet.

It was alleged by the petitioner that the work done on Beretania street and Queen street, was, and is, construction or reconstruction work and therefore in excess of repairs and maintenance. According to the revised laws of 1915, repair and maintenance work may be done by the city and paid for out of the general fund of the city, while construction or reconstruction work should be let under contract and paid for by assessments against abutting property.

The respondents maintained that the work done by the city and county was not in excess of maintenance and repairs.

Judge Stuart's decision is, in part, as follows:

"As to what has actually been done on the streets, I think that the evidence of the defendants should be received with greater confidence than that of the plaintiff. The plaintiff's witnesses drew their conclusions from simply riding over the roads as they were being built. The defendant's witnesses have a perfect knowledge of what has been done in respect to each of the roads.

"I shall not attempt to quote from the witnesses, but will simply hereafter state my conclusions from all the evidence upon the propositions in dispute."

Judge Stuart then quoted five authorities cited by the plaintiff, and continued, as follows:

"The court holds and so determines and adjudges under the authorities cited and the evidence in this case, that the work upon the two streets named which is objected to, falls within the definition of repair work, and therefore the city should not be enjoined."

SECOND DIVISION.
The second division of Judge

OPINION AS A CITIZEN.

"Having spoken as a court, I may be excused from advancing a few suggestions as a citizen," says Circuit Judge T. B. Stuart, in a typewritten statement which follows the decision handed down by him today in the injunction suit brought by Raymond C. Brown against the city and county the supervisors and other municipal officials.

"I am deeply interested in this question and have looked into the law somewhat outside of the questions involved, and have taken an interest in looking into the condition of the streets since the submission of the question to me."

Judge Stuart's statement is as follows: "In street building, the earth when thrown in position is called the sub-base, and to this is added a layer of three to five inches of large rock which when pressed down, is called the base. Then come in other strata of rock until the surface covering is reached.

"One of the main things in having good streets is having good curbs and ditches on each side of the street. The curbs and ditches cannot be given too much attention, for they protect the work on the street. If the ditches on each side could be made of cement, so much the better, as they give a smooth surface upon which a sweeping machine can operate and throw the dirt again toward the center of the road.

"I believe it to be the general experience in the cities on the mainland that they have never been able to obtain good streets without assisting their construction to the abutting properties. Nothing adds so much to the beauty of a city as good side walks and good streets.

"Honolulu is in rather a deplorable condition in this respect. While the city may be compelled and doubtless is compelled to do repairs, work on it if it can construct its streets in a desirable way, there are many of us who think it should lose no time in reference to every street in the city in improving them according to the assessment plan. While it may take several hundred thousand dollars to make the streets as they should be in Honolulu, there is no question but that it will add many millions to the value of the property in the city. And while a man may complain of his assessments if he looks at it in the proper light, he has never made a better investment than the improving of his property in this respect.

"The time within which he has to make payments is extended over several years. Everything is made as easy to the property owner as may be. The city authorities have the right to fix and require certain specific work and to decree that the price for it shall not run above a figure named by them, and bidders for the work cannot ob-

(Continued on page two)

SUBMARINE MAY REACH SURFACE TOMORROW NIGHT

Last of Six pontoons Safely Submerged Today and Made Fast to Lost Sea Wasp

WILL BEGIN EXPPELLING WATER EARLY SUNDAY

Air Hose Must Not Kink, Strain on Cables Must Be Equal and pontoons Must Rise Evenly

Tomorrow night should see the F-4 brought to the surface. That is, if everything goes right—if the air hose does not kink—if the pontoons do not rise unevenly—if the strain on the chains does not become too unequal.

This important development in the salvage work of the ill-fated submarine, which sank March 25, was made public today by Lieut. Comm. I. A. Furer, naval constructor, who although he did not desire to place any definite date on the completion of the big task, said the submarine should be raised and towed into drydock by Monday or Tuesday, provided no further delays develop.

Today Lieut. Comm. Furer, Lieut. K. B. Crittenden, commander of the "F" submarine flotilla, and their 29 workmen, sank the last of the six lifting pontoons, each of which has a raising power of more than 50 tons.

"We got the last pontoon down this morning, and will start blowing them out tomorrow morning," said Lieut. Comm. Furer at noon today, a few minutes after he and Commander Crittenden had returned from the barce Reclamation, anchored over the wreck. Both officers wore overalls and work-shirts and were sunburned from work in the hot sun.

"The submarine will not come up right away after we start blowing out the pontoons," added the naval constructor. "We have to go very easily at first, in get the strain adjusted just right, and to be sure that the pontoon will get the same amount of air. We may even have to stop now, but we will get the strain equal, before we can put any real pressure into the pontoons."

This afternoon the naval barge containing the compressed air apparatus was towed out to the barce. There are 24 torpedo tanks filled with air at a pressure of 2750 pounds to the square inch each. The air is expanded through expansion pipes and the pressure in each of the 12 air hoses is 3.4 of an inch in diameter, leading to the pontoons 45 feet below the surface. As the water pressure where the F-4 lies is only 20 pounds, this should force the water out easily.

Lying on the bottom, the F-4 weighs 260 tons. Her weight out of water is 360 tons. When the upward pull from the emptied pontoons reaches 260 tons the submarine should begin rising, and should come to the surface with a rush when a few more tons of lifting power are added.

That the submarine will not be brought clear to the surface for towing in to drydock, was stated by Naval Constructor Furer. "In order to get into the inter-island drydock," he said, "we will have to reduce the draft to 25 feet or less, so that the entire outfit, barge, pontoons and all, doesn't draw over 25 feet of water."

Divers Agraz and O'Brien worked about the wreck today, while Evans and McMillan did the diving yesterday.

BRITAIN CREDITS WILSON WITH VICTORY IN STAND ON GERMAN SUBMARINE WAR

SUBMARINE IN IRISH SEA IS KEEPING BUSY

Germans Tell of Exploits, Denying It Attacked Passenger Liner and Sailing Liner Used Gun in Attempt to Sink Diver

The following cablegrams from German official sources were received today:

German Admiralty Reports: On August 16 a German submarine destroyed by gunfire a bensol factory, including bensol tanks and coke furnaces, near Harrington, on the Irish sea. The works were blown up and a high blast resulted.

"The allegation in English papers is untrue that the submarine shelled open towns of Harrington, Farnon and Whitehaven.

"The same submarine on August 16 was shelled in the Irish sea at long distance by a big passenger steamer, apparently of the Royal Mail Steam Packet Company. Although the submarine had not attacked the steamer it is expressly stated that the English merchant steamer used its guns for attack, not defense.

"The British admiralty on August 27 made it known that a German submarine was completely destroyed and sunk off Ostend by a British naval aeroplane. This news is untrue. The submarine indeed was attacked by the aeroplane but returned uninjured to its harbor."

German Admiralty Reports: On August 25 a small German submarine shelled and partly destroyed a Russian signal station at a cape south of Kishna, on Dageo island, Baltic sea. At the same time other German small cruisers successfully shelled the signal station at Andraesburg, likewise on Dageo island. No enemy forces were discovered."

OLD COURT HOUSE LOT BRINGS DOUBLE UPSET PRICE AT AUCTION

Owing to the uncertainty of the auction date, due to the illness of Land Commissioner J. D. Tucker, only a small crowd attended the public sale of government lots which was conducted on the steps of the capitol building this noon. Walter Engle, assistant to Mr. Tucker, welded the hammer and on only one lot was the competition keen. This is a lot at Pearl City known as the old court house lot. The upset price on it was \$300, but after considerable bidding it went to Chang Chau for \$615.

The following lots were sold: Three acres at Kiholo, North Kona, Hawaii, to Robert Hind, \$76; Lot 544, Pensacola extension, Makiki, Honolulu, to A. N. Campbell, \$790; Lot 545, Pensacola extension, no bid and sale postponed to September 4; Kalia, Honolulu, school lot, to Fred Harrison, \$800; Pearl City old courthouse lot, to Chang Chau, \$615.

PALAMA TEAM AGAIN ROLLS UP BIG SCORE AGAINST GYMNASIUM

[Special Star-Bulletin Wireles] WAILUKU, Maui, Aug. 28.—Another big victory for the Palama Settlement basketball team from Honolulu was chalked up last night, when the visitors rolled up a score of 62 to 24 against the Wailuku Gymnasium team.

At the end of the first half Palama had rolled up a score of 34 to 13, and instead of leading in the second half went on and made 23 more points against 6 for the Gymnasium. This made two games straight for the visitors, with the third scheduled for tonight.

BASEBALL RESULTS

NATIONAL LEAGUE
At Brooklyn—First game, Brooklyn 2, Pittsburg 1. Second game, Brooklyn 3, Pittsburg 2.
At New York—New York 2, Chicago 0.
At Boston—Boston 2, Cincinnati 0.
AMERICAN LEAGUE
At Detroit—First game, New York 1, Detroit 0. Second game, Detroit 6, New York 2.
At Cleveland—First game, Boston 5, Cleveland 3. Second game, Boston 3, Cleveland 1.
At Chicago—Philadelphia 4, Chicago 2.

TUCKER IS IMPROVING

A report from the Beretania street hospital late this afternoon was to the effect that the condition of Joshua D.

BRITISH COLONIES TO BE ASKED FOR LARGER SUPPLY OF SOLDIERS

Andrew Bonar Law, former Opposition leader in Parliament, now secretary of state for the colonies in the new coalition ministry, Bonar Law is preparing to address the colonies urging greater enlistment of men. Australia and Canada are sending men constantly to the front but more are needed.



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C. P. R. STEAMER NOW EXPECTED TO BE RETURNED

(Hawaii Shipno by Federal Wireles) VANCOUVER, B. C., August 28.—The Canadian Pacific Steamship Company expects that the crack liner Empress of Japan, which was taken by the British government for use soon after the war broke out, will be returned to the company soon. The steamer will be delivered back at Hongkong.

GEN. PERSHING HURRIES FROM MEXICAN BORDER TO BURY WIFE AND CHILDREN

[Associated Press by Federal Wireles] SAN FRANCISCO, Cal., August 28.—Brig. Gen. J. J. Pershing, whose wife and three children were suffocated to death on Thursday night, is expected to arrive here tomorrow from the Mexican border, where he has been commanding troops.

JAPAN PROMOTES TWO OF HER NAVAL HEROES

(Special Cable to Hawaii Shipno.) TOKIO, Aug. 23.—Vice-Admiral Shinamura, hero of the Russo-Japanese war as chief assistant to Admiral Togo, has been appointed to the rank of admiral. Vice-Admiral Kato, hero of the fight between the German and Japanese fleets in the Sea of Japan, has received the same promotion. Admiral Kato is at present minister of the navy.

CHERRY DANCERS ARE ALLOWED TO GO ASHORE

(Nippu Jiji by Federal Wireles) SAN FRANCISCO, Aug. 28.—Sakura cherry dancers, 23 in number, who were detained by immigration officials at Angel Island, were released today on bonds furnished by Kyosunkaisha, the promoting firm. The bonds are for \$500 each, and are good for six months' time.

WRESTLERS BEGIN WORK

(Hawaii Shipno by Federal Wireles.) SAN FRANCISCO, Aug. 23.—The wrestling matches between members of the party which passed through Honolulu recently, began yesterday in Dreamland Rink.

Tucker, commissioner of public lands, is improving. Mr. Tucker has been at the hospital for the last few days, suffering from heart trouble.

ARABIC INCIDENT EXPECTED TO HAVE MOMENTOUS EFFECT; RUSSIANS ENTRENCH CAPITAL

PETROGRAD GETTING READY FOR A POSSIBLE SIEGE, THOUGH SLAVS THANK ENEMY CAN'T THREATEN IT FOR MANY MONTHS—RUSSIAN LINE IS PIERCED AT ZLOTA LIPA RIVER, NAREW TAKEN—OSSOWETZ SURVIVORS DECLARE THE GERMANS LOST FIVE TIMES AS MANY AS DEFENDERS—ITALIAN FRONT IS DIVIDED

[Associated Press Service by Federal Wireles]

LONDON, Eng., Aug. 28.—The British press credits President Wilson and the United States with securing a significant diplomatic victory since the Arabic sinking. Germany's assurances that full satisfaction will be given the United States and that it was not her intention to attack American citizens are taken as evidence that Berlin is willing to modify her submarine warfare.

In fact, the Arabic incident, coming on top of the stand taken by the United States on the destruction of the Lusitania, is expected to have a momentous effect on the entire program of submarine warfare.

Russia Won't Conclude Separate Peace, Declare Highest Officials

[Associated Press Service by Federal Wireles]

LONDON, Eng., Aug. 28.—The highest Russian officials deny absolutely that Russia has any thought of negotiating for a separate peace with Germany and Austria on account of the recent Russian reverses. It is pointed out that Russia entered into the solemn compact to stand with the Entente Powers until victory should be won, and that she has no intention of violating this pledge.

The Russian army engineers are busily engaged in entrenching the capital and preparing for possible defense against German attack, but it is not thought likely Petrograd could be reached for many months, if at all. The capital is believed safe until late in the autumn.

Ossowetz Survivors Say Germans Lost Hugely in Attack on Fortress

DVINEK, Russia, Aug. 28.—Survivors of Ossowetz, the Russian fortress in Poland taken by the Germans a few days ago after hard fighting, are here recuperating. They declare that the Germans in their determined charges lost five times as many men as there were in the Ossowetz garrison.

The Germans stormed the fortress daily. They are said to have poured no less than 2,000,000 shells upon it before the garrison evacuated.

German and French Aeroplanes in Air-Battle Over Paris; One Falls

PARIS, France, Aug. 28.—Four big German aeroplanes which attempted to aid this city today were badly defeated and one of them brought to earth.

When the quartet of German planes sailed up in the sky, a squadron of French machines went out to meet them. The French keep 15 aeroplanes always ready to fly over Paris and repel enemy birdmen. In the air-battle today two of the German machines escaped soon after the firing commenced. A third was shot, took fire in the air and fell, its two aviators being killed in the fall. The fourth machine, which was hovering over Montmorency and dropping bombs, was fired on and escaped, pursued by French machines.

German Conqueror to Govern Poland

AMSTERDAM, Netherlands, Aug. 28.—Gen. von Beseler, the conqueror of Antwerp and of Novogeorgievsk, has been named governor-general of the occupied territory in Poland.

Big Gold Shipment Sent to New York

VANCEBORO, Me., Aug. 28.—A shipment of \$25,000,000 in bonds and \$19,000,000 in gold from London to New York passed through here today on a special train from Canada. Elaborate precautions were taken not only on the train but all along the route to prevent any attempt to stop the train or blow it up. The bonds and cash were landed at Halifax by a British battleship.

Montenegrins Defeat Austrian Force

LONDON, Eng., Aug. 28.—The Montenegrin army has won a sharply-contested victory from the Austrian force which is endeavoring to drive the Montenegrins from Dalmatia.

Italian Armies in Two Campaigns

LONDON, Eng., Aug. 28.—The Italian front has been divided in order to press the two simultaneous campaigns, one against the Trent country and the other against Trieste.

Russian Line Pierced; Narew Falls

LONDON, Eng., Aug. 28.—The Russian line has been pierced by the Teutonic forces at the Zlota Lipa river. Narew has been taken. Additional Telegraph Despatches on Page 17

ALLOW GERMAN SHIPS TO STAY TIED AT DOCKS

Harbor Commission Rescinds Order to Move Out or Pay Regular Tonnage Rates

The German refugee steamers in the local harbor were given permission to remain tied up at the docks at the prevailing rental of \$10 a day each for an indefinite period, at a special meeting of the harbor commission today.

A month ago the commission decided to order the steamers out of the harbor to relieve the congestion. Hackfeld & Company, local agents, pleaded for two weeks time in which to consider ways and means of obtaining coal for the steamers, in the event that they were compelled to move.

At the end of the period the agents were unable to get coal and asked for another extension of two weeks. This was granted and an order was made by the commission that, taking effect on August 31, the regular tonnage rates would apply on all of the German vessels if they continued to remain in the harbor. The tonnage rates would fix the cost for each vessel at from \$70 to \$100 a day.

"Inasmuch as the Pacific Mail steamers will shortly drop this harbor as a port of call and also as the steamer Sierra is off the run," said Commissioner McCarthy, "I move that the order to apply tonnage rates to the German steamers be suspended until such time as Hackfeld & Company can secure coal for the ships, or until renewed congestion forces us to have these boats moved outside."

The motion was made by Colonel McCarthy, seconded by Commissioner Bodge and carried unanimously. Commissioner Wakefield was not present and Secretary Church is on the mainland. Chairman Forbes presided.

MAIL SERVICE TAKES UP FIGHT OVER MCGREGOR'S

Asks Harbor Board to Extend Time of Dismantling Wharf—Request is Refused

The Inter-Island Steam Navigation Company has carried its fight against the action of the harbor commission in ordering the dismantling of McGregor's Landing on Maui to the postal department, and now the railway mail service and the harbor commission have "locked horns."

At a meeting Wednesday the harbor commission flatly refused to grant the plea of the Inter-Island and maintain the landing. It ordered that the temporary permit extended by the commission to the Inter-Island to use McGregor's Landing be canceled on September 1 and on that date the wharf to be dismantled and abandoned. The Inter-Island has a contract with the government to carry mail for the next three years to McGregor's Landing, and on this ground it appealed to the postoffice department.

As a result, Assistant Superintendent of the Railway Mail Service Thomas J. Flavin wrote a letter to the harbor commission urging that the Inter-Island's permit be allowed to condition of McGregor's Landing is amended at Washington, D. C., which would take about two months' time. Flavin stated, "The letter was read at a special meeting of the harbor commission today. Chairman Forbes has drafted a letter to be mailed in answer to Mr. Flavin's request.

It states, in part: "The unsafe condition of McGregor's Landing is well known to the officials of the Inter-Island Steam Navigation Company, and our decision to dismantle and abandon the same was arrived at only after thorough and mature deliberation. In justice to the public we cannot possibly grant further use of this landing after September 1, 1915, on which date it will be dismantled."

POLICE SPOIL HONEYMOON BY NABBING GROOM

Married on Saturday, Arrested on Wednesday on Desertion Charge is Wessler's Luck

Fortune played a fickle hand with Bernard Wessler, recently of New York City. Bernard longed for a touch of South Sea romance so he enlisted in the army and then followed a series of events which would be beyond the imagination of the author of "Perils of Pauline" or "The Exploits of Elaine."

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