

JUDGES BLAME OVERDRAFT TO MILEAGE LAWS

Ashford and Stuart Declare Amendment By Legislature Has Increased Expenses

The fact that circuit court trial jurors now are entitled, under an amendment to an act passed by the last legislature, to traveling expenses at the rate of 10 cents a mile if they live more than 10 miles from Honolulu, while in attendance upon the court, is one of the pertinent reasons, if not the principal reason, for the big overdraft in the expenses of the first judicial circuit for the biennial period ending June 30 last.

This is according to First Circuit Judge Clarence W. Ashford and Thomas B. Stuart who, in statements to the Star-Bulletin today, clearly outlined the expenses which have been connected with the trial of both civil and criminal cases and the work of the territorial grand jury, during the last year and a half.

The legislature, during its last session, authorized the board of supervisors to appropriate \$5000 to cover the shortage then existing in court expenses, but by the end of the period an additional overdraft of \$4500.50 was reported. The expenses incurred by the local circuit court was \$28,505.53, as against \$23,000, the statutory allowance.

Courts Unusually Busy.

In their statements to the Star-Bulletin, both circuit judges emphasized the fact that, during the last year and a half, both the criminal and civil divisions of the local circuit court have been unusually busy.

Circuit Judge William L. Whitney said that he had no reason for making any statement in connection with the matter. The expenses of his court have been few, he explained. The jury which is now at work in Judge Whitney's court is the first to be called since last November, nearly one year ago.

Commenting on the overdraft in circuit court expenses, local high court officials have said that if the grand jury speeded up its business somewhat, and if the judges were all careful to avoid the unnecessary attendance of jurors not actually engaged on cases, the expenses could be materially reduced.

Both Circuit Judge Ashford and Circuit Judge Stuart had ready answers for these comments today.

Judge Ashford summed the proposition up as follows:

"Until we can further materially reduce the civil jury calendar, besides keeping up with the criminal calendar, the grand jury and trial jury fees cannot be largely reduced in amount."

Regarding conditions in his court, Circuit Judge Stuart said:

"This division is careful to never call a jury or have one in attendance excepting when jury trials have been formally set, and requiring their presence, and if such trials should go off the books by settlement or otherwise, the jury is immediately excused to a place where their presence would be required again by cases that have been set for trial prior to that time, and the expense of keeping a jury has been stopped."

Judge Stuart went on to say that he has repeatedly called the attention of the attorneys to the fact that the jury should not be kept in attendance except at actual trial of cases, and, he believes, he added, "that the attorneys have tried to conform with this rule as far as they could, but they cannot always say whether a case will be settled before it is actually called for trial."

Discontinuances are often filed, Judge Stuart continued, "when cases are called for trial, and in some cases prevent the assembling of a jury. But that is not the fault of the jury or the fault of the court."

What is the cause for trial?

"The jury and the court must be ready to try the cases as they have been set long prior to such time," he concluded.

In the trial of civil cases juries are paid at the rate of \$5 a day; that is, each member of the sworn panel receives this amount for each day's work.

"In this division has been unusually heavy since I have been on the bench," Judge Stuart went on. "In some cases like that of Fred Makino against members of the sugar planters' association, where the defendants were entitled to 144 peremptory challenges, although they were not all exercised, extra panels have had to be drawn. As a rule we aim to keep about 15 jurors in attendance."

In the Makino case about 40 jurors were excused. At the rate of \$5 a day for each juror the expense in this instance was \$200. Then, there were 13 open sworn, making an additional \$65 and a total of \$135. These jurors who were in attendance on the court for two or three days were paid accordingly.

Mileage Runs Up High.

At the beginning of the last term of the circuit court, which was in December, 1914, the question was brought up regarding what a juror was entitled to for mileage. Judge Stuart was of the opinion that a juror residing more than 10 miles from Honolulu was entitled to mileage coming to court and, if excused, mileage back to his home, but otherwise he was not entitled to mileage to come from his home and return every day during the trial.

The matter was called to the attention of the legislature and, by act 105,

PUBLIC WORK ON OTHER ISLANDS KEEPS HIM BUSY

C. R. Forbes Visits Many Road, Wharf, Harbor and Building Projects on Trip

"I have been on the go about every minute since I left here six days ago," said Charles R. Forbes, superintendent of public works, upon arriving on the Claudine from Maui this morning. Forbes went to Maui from Hawaii, inspections of government work being made on both islands. He states that all of the work is progressing nicely.

In Hilo the superintendent held a meeting with the Hawaii Loan Fund Commission at which it was stated that plans and specifications are ready for the Hamakua road, and that the dormitories and kitchens for the prisoners who are to work on the Keamoku road are about complete. The prisoners will probably be taken over on Wednesday, November 3.

"All of the activities on both Hawaii and Maui are going well," says Forbes, "in both road work and wharf work. Bids will be called for on November 2 for the Waiolana reclamation project.

"The shed at Kihio wharf is well under way and we are about ready to call for tenders on the molasses pipe line, which will carry molasses from a tank at the market end of the shed to steamers at the other end of the wharf. The tank is now complete and will be furnished with a 1500-foot pipe 10 inches in diameter, which will greatly facilitate the handling of the cane juice."

Approve Kihio Road.

Mr. Forbes arrived in Maui on last Monday night, and the following morning went to the Hahaione district, the Makawao road and the Kihio wharf. At a meeting of the Maui Loan Fund Commission on the previous evening it was decided to approve the plans and specifications for the Kihio road.

Olinda reservoir data is expected to arrive here from the engineers on next Saturday's boat, following which plans and specifications will be drawn up in the local office. Bids for the Kula sanatorium will be opened on Saturday.

"At Lahaina," says Forbes, "I secured plans and soundings for the dredging of the harbor, and these I will submit to the harbor board as soon as enough members get back into the territory for a quorum. I was again impressed with the need of a west breakwater at Kihio."

Kihio's water tanks have been built and a settling box is now being designed for the valley, to be ready next week. Bids for Kihio road will be opened on November 6.

CLARK RETAINED ON LETTER OFFER BY R. W. SHINGLE

Charles Clark has been retained in the road department not by City Engineer Whitehouse but by Robert W. Shingle, chairman of the road committee of the board of supervisors, apparently with the tacit consent and willing acquiescence of other supervisors.

The city engineer said yesterday that he had retained Clark and transferred him from the foremanship of the Hahaione road work to the foremanship of city patching. However, Clark has a letter dated October 15 and signed by Shingle which states that Shingle, in the absence of Whitehouse from his office, would offer Clark the new job and instructing him to quit the old one.

The supervisors on October 5 formally expressed their opinion that Clark should be dismissed from all city road work, as a result of his joy-ride in a city auto, ending in considerable damage to the vehicle. Nothing was done until October 15, when Shingle wrote the letter, Clark accepting the new job at \$125 a month.

As the matter now stands, the city fathers are officially on record as insisting on Clark's discharge. Unofficially, they have allowed his retention, one of them making the offer of another job for the road overseer.

Supervisor Shingle left for the coast yesterday morning before it became public that he had played a prominent part in Clark's retention. A few days previously he had declared that personally he was going to do nothing about it—that it would all be left to Whitehouse.

Which was an act to amend, it was determined that jurors were entitled to mileage at the rate of 10 cents a mile both going and coming, and whether they came from their homes and returned each day, or whether they remained in Honolulu during the trial. This, of course, applies only to jurors residing more than 10 miles from Honolulu.

Capitalists of Cleveland and Canton, Ohio, closed an \$80,000,000 contract to supply the Russian army with 3,000,000 rifles.

People Say To Us

"I cannot eat this or that food, it does not agree with me." Our advice to all of them is to take a

Recall Dyspepsia Tablet

before and after each meal. 25c a box. Benson, Smith & Co., Ltd.

FOUR OF HAWAII'S ANCIENT HEIAUS TO BE RESTORED

C. R. Forbes Will Call for Contracts for Work Within Next Fortnight

Four of Hawaii's ancient heiaus or sacred temples are to be restored, according to Superintendent of Public Works Charles R. Forbes, who returned this morning from a trip which included both Hawaii and Maui, and during which a careful study of the old ruins was made.

Two weeks' time is necessary in order to draw up plans for the restoration work, and following this the contracts will be awarded at once. It is the plan of the superintendent to have the work carried through without delay.

"I want to put the old temples back as near as I can to their original shape," says Forbes, who has listened to the tales of ancient Hawaii from the lips of some of the oldest inhabitants of the Big Island, "for they are surely among the finest relics we have of the days that have gone forever."

Plans now to rebuild the walls of the stones that have fallen away, making them up straight and neat, and putting the whole thing in as good shape as possible. Having finished this part of the work, I intend to put an iron fence around each of the heiaus that will be restored, in order that they may be protected in future years.

Wants Historical Tablets.

"I believe also," says Superintendent Forbes, "that a large tablet should be placed near each of the restored structures, telling in full the history of the heiau and the surrounding territory. Many of the Hawaiians with whom I have talked have offered to take care of the places when once we get them in condition."

Grass will be planted about the heiaus following their restoration, and everything will be done to make them attractive without taking away any of the look they had in ancient times.

Mayor Lane, who is an enthusiastic worker for the project, says that it may be possible to get ideas of the old-time appearance of the temples from some of the oldest inhabitants of the islands, though it is likely that those who actually saw them are very few. Old histories will have to be relied upon in case no persons can be found to give information on the subject.

Concrete foundations placed here and there at places, especially favorable for the heiaus, the center of Kihio, formed in the rock in harmonious with the surrounding scenery, and at the same time afford a comfortable resting place for those who wish to look into the building of the heiaus, this is another one of the ideas that is working in the mind of Mr. Forbes, following his trip to the islands.

UNITED STATES QUOTE HELPLESS, SAYS GOVERNOR

(Continued from page one)

is absolutely helpless, first, because it has no adequate merchant marine for its overseas commerce; second, because it has no navy of sufficient power to protect its legitimate commercial rights, nor is it able to preserve and guard, free from dictation, its most important home manufactures.

"It would have been a sorry day for the territory of Hawaii had your honorable chamber by word or effort advanced the still further discouragement of our American merchant marine and put off the day that is sure to come, that inevitably must come, when we again take our position as the equal of any maritime nation on the seas of the world."

"I am not wise enough to tell you how it will be brought about, but I believe I am clear in the horizon that it must be done irrespective of cost and that, whatever the cost, it will be the only means of preserving our national manhood, vigor, progress, self-respect and the respect of other nations."

"Any nation that trails in the wake of others, emasculated by wealth and lack of practical patriotic purpose, cannot, in the periods of the world's history, long hold an honorable or lasting place."

"Again you are to be felicitated on a initiative as strictly American this outpost of the merchant marine of the United States of America."

Hearty applause followed the reading of Governor Pinkham's communication. After the committee's report had been adopted, members of the chamber were urged to attend the hearing at the Charter Convention this evening, and then the meeting was adjourned.

Charged with running down Private H. M. Johnson of the provost guard and with driving an automobile without a license, Yoshikawa, a Japanese, was committed to the circuit court this morning by Judge Monsarrat. Yoshikawa's machine struck Johnson while he was crossing the street near the Oahu railway depot. Johnson was badly bruised, but is not seriously injured.

CHARTER FIGHT IS LUNCH TOPIC AT ROTARY CLUB

Prunes and the charter convention received an equal amount of discussion at the luncheon at the Rotary Club this noon. The prunes were received from the San Jose Rotary Club and were served at the luncheon today. San Jose requested the Honolulu Rotary Club to make the dish part of the program on Prune Day.

The charter convention was discussed by William Thompson. The speaker gave a brief summary of the various charter propositions submitted, touching upon the Aoki and Murray charters and the minority and majority reports. He stated that the minority report embodied more of the ideas that have been successful in the past and cited many cities in the country that now are using the short ballot.

Mr. Thompson said that the search club proposition was not fair to the individual, as the main fault was in the lack of education among the electorate. "Each side must give up their pet ideas and compromise on something worth while," said the speaker. S. S. Paxon presided at the meeting.

REV. D. C. PETERS PRESIDENT OF FEDERATION

Rev. D. C. Peters was elected president of the Inter-Church Federation yesterday afternoon at a meeting held at the Y. M. C. A. Mr. Peters will succeed Dr. Doremus Souder in the chair.

Other officers elected were: James Wakefield, vice-president; Lloyd Kilian, secretary; L. Tenney Peck, treasurer. The newly elected members of the federation are Rev. Akiko Akana, Rev. N. C. Schenck and Rev. L. L. Loofbourow.

At the meeting the members decided to ask all of the Protestant churches of the city to send representatives to the federation, and it was proposed that not only English speaking churches be admitted to membership, but others as well. The plans for the observance of the Billy Sunday revivals were mentioned, but nothing definite was given out at the meeting.

BY AUTHORITY. ORDINANCE NO. 94

AN ORDINANCE TO AMEND ORDINANCE NO. 12 OF THE CITY AND COUNTY OF HONOLULU, TERRITORY OF HAWAII, BEING ENTITLED "AN ORDINANCE REGULATING THE CARRYING OF PASSENGERS FOR HIRE IN LICENSED VEHICLES, PROVIDING THE RATES OF FARE FOR THE CARRYING OF PASSENGERS IN SUCH VEHICLES, AND PROVIDING FOR PUNISHMENT FOR VIOLATIONS OF THE PROVISIONS OF THE ORDINANCE," AS AMENDED BY ORDINANCES NO. 36, NO. 54 AND NO. 73 OF THE CITY AND COUNTY OF HONOLULU, BY AMENDING SECTION 9 THEREOF.

Be it Ordained by the People of the City and County of Honolulu: Section 9 of Ordinance No. 12 of the City and County of Honolulu, as amended by Ordinance No. 36, No. 54 and No. 73 of the City and County of Honolulu is hereby amended to read as follows:

Section 9. The following standards are hereby designated and set apart for motor vehicles licensed for the carrying of passengers:

- (1) East side of Bishop street, between Merchant and King streets.
- (2) West side of Bishop street, between Merchant and King streets.
- (3) Walkiki side of Bethel street, between Hotel and King streets, for four motor vehicles.
- (4) South side of Waiolana Road, between Twelfth Avenue and Koko Head Avenue, for five motor vehicles.

Section 2. This Ordinance shall take effect from and after the date of its approval, introduced by

ROBERT HORNER, Supervisor. Honolulu, October 5, 1915. Approved this 21st day of October, A. D. 1915.

JOHN C. LANE, Mayor, City and County of Honolulu, T. H. 6300-Oct. 21, 22, 23.

MORE MEN THAN WOMEN HAVE APPENDICITIS

Surgeons announce more men have appendicitis than women, although the difference is not great. Honolulu people will be glad to know that appendicitis is prevented by taking only twice a week ONE SPOONFUL of buckthorn bark, glycerine, etc., as mixed in Adler-Ka. Most medicines act only on lower bowel; Adler-Ka acts on BOTH lower and upper bowel.

THE QUICK action is astonishing. Just ONE SPOONFUL is so powerful and cleanses so THOROUGHLY it relieves almost ANY CASE constipation, sour or gassy stomach. ONE bottle has relieved mild cases of appendicitis. The INSTANT action is surprising. Although powerful it works GENTLY and NEVER gripes. The Hollister Drug Co.

COL. A. M. HUNTER WILL SUCCEED COL. RAFFERTY

Most of Officers in Coast Artillery on Oahu Will Go Home By Next May

Col. Alfred M. Hunter will leave San Francisco February 5 on the transport Logan, and shortly after his arrival in Honolulu will relieve Col. William C. Rafferty as commander of the coast artillery in Hawaii.

Col. Rafferty, who is popular here both with the army and civilians, has finished his three years' service and will go back to the mainland. No positive orders have been issued to Col. Rafferty, and he has no intimation of where his next station will be. He will leave early in May.

Col. Hunter has been on duty at Fort Winfield Scott. His headquarters will be at Fort Kamehameha. Many changes in the staff of the Coast Artillery Corps may be expected within the next few months and a still more radical change will be made in the early days of spring. In fact, according to army officers, the Coast Artillery Corps will not have left many familiar faces by the latter part of next May.

The cause of the many changes will be the expiration of the three-year period of service. Most of the coast artillery officers on Oahu came here at about the same time, three years ago, and under the War Department rule that men go home after three years' service on the islands, the officers here will be ordered back to the mainland and new men will take their places.

Several of the companies now here may go home in a body before next summer, it is said, and their places will be taken by other companies of coast artillery.

MUSICIANS WILL PLAY AT POPULAR

Music lovers of Honolulu are looking forward with interest to the appearance of the Popular theater of the Australian Concert Company in a series of high-class musical selections. The artists are Miss Agnes Pirrell, dramatic soprano; Richard Gordon, lyric tenor; and Wm. Conway, pianist. Their engagement opens on Saturday evening. There will be only one show a night, the musical trio giving an hour of music.

Hearing of a charge of assault on a Japanese by A. S. Lister, which has been pending in the police court for many weeks, was again postponed today. The case was set for October 28, when it will go to trial if witnesses are all present and the attorneys ready.

The jurymen, counsel and defendants in the Scully-Chilton conspiracy case were given a rest today, there being no further trial of the action for the reason that Circuit Judge Ashford was called to sit on the supreme bench.

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