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Muslin  
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# DECIDED A HUNDRED YEARS AGO

NATURALIZATION QUESTION RAISED HERE RULED ON IN 1802.  
SAYS PROSSER—BRIEF OF DEPUTY ATTORNEY GENERAL PROSSER FILED IN SUPREME COURT ON A SUBJECT OF GREAT IMPORTANCE IN ALL ISLAND DISTRICTS.

Deputy Attorney General M. F. Prosser has filed in the Supreme Court a brief which makes a strong plea in favor of the right of the Territorial circuit courts to naturalize aliens. This is the subject in connection with which Governor Carter in his annual report made a recommendation, asking that legislation be given to endow the courts with such power and to ratify their actions during the past five years in attempting to exercise the power. There are hundreds of persons in the islands, who have voted and acted on juries in the capacity of citizens, whose "naturalizations" were only by circuit courts, and the legal effectiveness of such naturalizations is now called in question in the case of Morita Kaizo, who was convicted by a jury composed in part of citizens attempted to be naturalized by a circuit court. In his brief Prosser gives the following:

"By the Act of Congress passed July 13th, 1787, entitled 'An Act to Provide a Government for Territories North West of the Ohio,' such Territory was divided into districts as required by law, and thereafter, by the general Territorial Statute of the United States, all Territories were divided into districts and appropriate courts were established to have jurisdiction in said districts. By the Act of March 26th, 1790, 1 Revised Statutes, p. 163, it was provided 'That any alien, being a free, white person, may be admitted to become a citizen, on application to any common law court.' This was the first Act on the subject of Naturalization, passed by the United States Congress, and was repealed by the Act of January 29th, 1795, Chapter 20, Vol. 1, Revised Statutes, p. 414 whereby it was provided that 'He shall declare upon oath or affirmation, before the Supreme

Superior, District or Circuit Courts of some one of the States or Territories Northwest or South of the Ohio River.' This Act, in its turn, with amendments in the shape of a general enabling act, was re-enacted by the Laws of 1802, Chapter 28, 2 Revised Statutes p. 153, by which Act the power to naturalize aliens was conferred upon the Supreme, Superior, District or Circuit Courts of the States and Territories; but here comes in a remarkable coincidence, showing that the same question which is now before this Supreme Court was raised before Congress as far back as the year 1802. It will be readily seen by reference to the act in question, that the power is conferred upon certain courts by name to naturalize aliens. Under Section 3 of the same Act Congress refers to the very subject which is now before this Court:

"Section 3. And whereas doubts have arisen whether certain Courts of record of some of the States are included within the description of District or Circuit Court Be it further enacted that every Court of record in any individual state having common law jurisdiction and a seal and clerk or private notary shall be considered as a District Court within the meaning of this Act."

"It is respectfully contended by the Territory of Hawaii that the Act of Congress providing for the naturalization of aliens should be liberally construed in favor of giving all courts jurisdiction which come within the general scope of the courts permitted to naturalize aliens by the Act of Congress. The intention of Congress, broadly put, was to confer the right to naturalize aliens upon any Court of record having common law jurisdiction and a clerk and a seal, within the limits of the United States."

## KACK LONG MAKES A VERY LONG KICK

SAYS THAT GAMBLING FLOURISHES AT WAILUA AND IN A COMMUNICATION TO THE STAR MAKES CHARGES.

The following communication has been received through the mail by the Star:

Wailua, Dec. 22nd, 1905.  
Special to the Hawaiian Star, Honolulu.

Dearest Editor.—I am going to inform you some very important gamble news playing at this place and every bank were open twice every day, and every bank to be open at this same time, the first words will open at 2 p. m. and the second words will open between nine and ten o'clock in the evening. The first bank was regular playing at Kaupoo bridge near the pake store, behind the Japanese doctor. The second bank were playing at Kawailoa behind the Chinese fish pond near of the hotel. The third bank playing at Mokulale near the Chinese rice plantation of the new building. Every bank are thirty dollars limited all the chi fa tickets agents had a small books and some mool in his pockets and a pencil in their ears and every one carry a lanterns with them. Mostly every night on the ways they goes.

I think it will be very sad for the people are living here and spoil our

# MACY ENTERTAINS METCALF JURORS

HACK INSPECTOR SAM MACY PROVES A VERY LIVELY WITNESS  
IN THE CASE OF GODFREY VS. ROWLAND—TELLS McCLANAHAN  
HE DOESN'T PROPOSE TO BE FOOLED BY A LAWYER.

"I ain't comin' here to be caught by no lawyer," said Sam Macy on the witness stand in Judge Robinson's court this morning, while under cross examination by Attorney E. B. McClanahan. Macy made a very lively witness and the court and jury had a lot of amusement when his cross examination was conducted. His testimony was in the case of Frank Godfrey, trustee for Thomas Metcalf vs. Helen Rowland. It dealt largely with the showing the whereabouts of the late Thomas Metcalf at the time when young Metcalf was born, the latter's legitimacy being a main issue in the case. He is suing in ejectment for possession of lands.

McClanahan's cross examination dealt largely with questions of dates on which the witness had met Metcalf in Honolulu and at other places. It was while the attorney was trying to pin Macy down to more definite dates

that he remarked that he "hadn't come to be caught by no lawyer."

At another stage Macy electrified the jurors by turning and telling them they all new a witness whom he had mentioned but could not refer to by name. "Jim," he said "Jim—I can't get the name—you all know him."

The Jim in question was Jim Shaw, who started out as a candidate for the legislature last year, and who, according to Macy, owned the place near which Macy saw Metcalf during the disputed years. After the cross examination was over Attorney Robertson tried to refresh the witness' memory by asking if he remembered what happened to "Jim" in the last campaign.

Macy remembered all that, and also that "Jim" was now in California with the Ellis quintette. By this time most of the jurors knew that Jim Shaw was the man referred to, but it was not till the name Shaw was mentioned that Macy got it. Then he yelled that Shaw was the man.

## BIG CHRISTMAS AT THE ORPHEUM

LARGE AUDIENCE ENJOYS A GOOD PERFORMANCE BY THE BUHLER COMPANY.

Christmas at the Orpheum was a gala day. "For Her Children's Sake" holding the boards both afternoon and evening.

The matinee was a sight to gladden the heart of any one. The place was packed with children all dressed in their best bib and tucker and the auditorium looked like a flower garden.

Each child on entering the theater received a present, every conceivable toy was in the collection and as there were many horns and other noise producing articles there was no need of an orchestra during intermissions.

While the play was in progress however they were as orderly as could be for every one was deeply interested in the story and the acting and such appreciation and applause was seldom heard in any play house.

The piece is more than its name implies, for beside the sacrifice of a mother for her children, there is a great deal of rip-roaring comedy and many a thrilling situation.

In the third act when the little boy saves his mother from a beating at the hands of the villain by shooting him, the audience went wild and the children standing on the chairs were simply frantic with delight and excitement which required at least five minutes to wear itself out.

Miss Fowler as the suffering mother was excellent while Miss Hayward as the adventures was cruelly good, so much so that the audience divided their hatred between her and Tom Lowell, the villain of the play. They were both killed however much to the delight of all the children, and the grown-up ones as well.

Miss Chandler took the part of Bobby, the little boy, and her pettiness came in good play for she made a charming little boy—but the delight of all was little Baby Winton who took the part of Rosie, Bobby's little sister.

This little Miss was a perfect fairy in look and manner spoke her lines like a veteran, and looked as sweet and dainty as a beautiful doll.

The children fairly fell in love with her and no doubt there will be a demand for her picture that will even exceed the craze for Mr. Buhler's photograph.

Mr. Auerbach and Miss Orendorf kept the audience convulsed with laughter every time they appeared on the stage. Mr. Earl, Mr. Drum and Miss Wharton were all good and even the beautiful white horse used in the circus scene came in for his share of admiration. In the evening the house was again packed and the play gave as much satisfaction as in the afternoon.

It will be repeated again tonight and tomorrow for the last time. If there is any efficacy in a hit, the house should be packed.

## THE SALVATION ARMY CHRISTMAS TREE.

The newsboys of the city filled the Salvation Army hall last evening at 5 o'clock, and while they listened to a short program arranged for them, they feasted their eyes on a beautifully trimmed Christmas tree, gotten up for their benefit. The boys were exceedingly well-behaved and seemed to understand and appreciate the spirit that prompted the kind people of Honolulu to make it possible for the Salvation Army to supply them with the Christmas treat so dear to the heart of every child.

After each boy had received his toy, apple, orange and a box of candy, he marched out, and soon the hall was empty, but in a little while to be filled again by a crowd of people who heartily enjoyed the program, which consisted of Christmas songs, recitations and drills by the children. Each one present was remembered with a little gift, and many of the boys who were far away from home and friends were reminded that here in Honolulu there are those who are interested in them.

In every way the Christmas Tree was a great success, and the Salvation

## CHICAGO BACK FROM HILO TRIP

CRUISER MADE PORT LAST WEEK AFTER MEETING THE IROQUOIS OFF KAUNAKAKAL.

The cruiser Chicago returned Saturday shortly before noon, from her special cruise to the other islands. She left Honolulu last Tuesday afternoon for Hilo, arriving the following in the forenoon. Admiral Goodrich and party escorted by Governor Carter, passed the day driving about Hilo and on Thursday, visited the Volcano. The party returned to the vessel Friday afternoon from the Volcano, and left for Kaunakakal which was reached early Saturday morning.

The U. S. S. Iroquois was in waiting off Kaunakakal and the Admiral and six officers were transferred to the Iroquois to be taken ashore for a day's sport at the American Sugar Company's ranch. Governor Carter did not accompany them for the hunt but returned on the Chicago to Honolulu, as did Dr. Rossett of the Naval Station. The Chicago is to sail tomorrow night for San Francisco.

## LAWTON ARRIVED TODAY WITH MAIL

NAVAL TRANSPORT ARRIVED FROM SAN FRANCISCO WITH TWO DAYS' MAIL.

The naval auxiliary Lawton arrived this morning from San Francisco two days' later mail from the mainland. She left San Francisco December 18, which was two days later than the S. S. Manchuria sailed. The Lawton struck two days of heavy weather after leaving San Francisco, but the remainder of the trip was pleasant.

She brought one passenger for this port, Second Lieut. Jeter R. Horton of the Marine Corps, who has been assigned to duty at Midway to relieve the present commandant at that place. Commander C. F. Pond, who was formerly the master of the U. S. S. Iroquois, is the commander of the Lawton for this trip, as Commander Winder was unable to make the trip. Commander Pond is the aide to the commandant of the navy yard at Mare Island.

Lieutenant Commander Shane who has been with the Lawton for a number of trips is still the navigating officer.

Christmas was celebrated aboard the vessel yesterday by plenty of local hits and a fine dinner. The Lawton will sail for Guam and Cavite on Friday. The sailing hour has not been set.

## INJURED BY THE CARS.

A native man was struck by an electric car at the corner of King and Liliha streets this afternoon about 1:30 o'clock. He was hurt about the head and was sent to the Queen's Hospital for treatment. The fender saved the man from being killed.

## ALWAYS ANALYTICAL.

"The successful people nowadays are the reformers," remarked the patriotic citizen.

"Yes," answered Senator Sorghum "I believe that reform is actually getting around to a basis where it can be made to pay."

## THE FOOT BALL PLAYERS.

My envy their prowess does not command;

On their triumphs I look askance.

'Tis better to cheer from the big grandstand,

Than to ride in the ambulance.

Army extends its hearty thanks to all for their help, which has enabled them to make so many happy at this Christmas time.

## REID LAVISH IN ENTERTAINMENT

AMERICAN EMBASSADOR TO LONDON HAS SECURED A HIGH PLACE IN HEARTS OF BRITONS.

NEW YORK, December 9.—Robert J. Wynne, American Consul-General at London and former Postmaster-General, has arrived here in answer to a subpoena requiring him to testify in the Postoffice scandal.

Wynne said London was in raptures over the lavishness of Ambassador Reid's entertainments.

"It was a difficult thing for any man to go to London as Ambassador after Choate," he added, "but Reid has gone in for entertaining in such grand style as to captivate London."

"No Ambassador has spent so much money as Reid. He has a town residence outside Hyde Park which is so big it has no number. It is called Dorchester Park, and the residence is located in the center of what is an immense tract of land for London proper. He has a country residence called West Park. It is owned by Lord Cowper, and the grounds are filled with all sorts of game. It is a reproduction of the Palace of Versailles. West Park is one and a half hours by motor car from London, being at Amptill, Surrey.

"Few Kings have any better residences than Reid. When it is considered that every country in the world but America furnishes its Ambassadors with a home, the extent of what Reid is doing to keep up the reputation of American hospitality may be appreciated."

## FOOTBALL IN CALIFORNIA

(Continued from page one.)

able that the other colleges and schools of the Pacific Coast will follow the lead of Stanford and California. At any rate, when they play us on our grounds they will be compelled to play our form of the game."

In all the intercollegiate football contests between Berkeley and Stanford no serious accident has ever occurred, outside of sprains and bruises which sometimes necessitated the player's removal from the field. What is known as "dirty playing" has been practically unknown here. Dr. Jordan stating that he recalls but one instance of it.

Then why have the two universities gone to work to reform the game? Much excitement and condemnation of football was aroused by the death of Von Bokelen at San Jose in a game of football between high schools, and it is primarily—though not entirely—for the benefit of younger players that the two leading universities of the Pacific Coast have acted as they have. Dr. Jordan aptly expresses it thus: "It is undoubtedly true that the immature preparatory school player is more liable to injury from mass plays than the trained college athlete. Hence our desire to amend the game, for I think it will be readily conceded that the presence of the preparatory had to imitate his college brother will prevent the adoption of a different game by the secondary schools."

CHRISTMAS AT AHIPIU.  
(Communicated.)

Her Majesty Queen Liliuokalani was the guest of honor at a successful Christmas tree party given by Mr. and Clara Fernandez delighted the children grandchildren and great-grand children and to a large number of their intimate friends at their mansion Ahipuu, Nuuanu valley on Christmas Eve.

After an appropriate speech of welcome to Her Majesty, cleverly delivered by Master Thomas Cummins Jr., several recitations and songs were rendered by a few selected young members of the party, and the Misses Adelaide and Mrs. John Adams Cummings to their diance by their accompaniment on the piano and in playing some of their carefully studied selections.

Santa Claus made the usual recommendations to the little ones, and was very lavish in his distribution of gifts to big and small; no one was forgotten all got their share of presents, even the absent on a wave thought of and it was a truly refreshing sight to see every one present happy and contented.

Refreshments were served on the broad lawn and all those present voted their thanks to the genial host and hostess who had planned this beautiful festa for their benefit.

## A FANCY DRESS CELEBRATION

Mr. and Mrs. J. P. C. Hagens entertained at dinner Christmas Eve in a somewhat novel way. The guests of whom there were sixteen, were all in fancy dress costume. Several of the costumes worn were costumes that were worn at the coronation of King Kalakaua, or on occasions when Hawaiian Royalty was represented at coronations or jubilees of European crowned heads. The Princess Kalaniana'ole wore Kapiolani's coronation gown. Last evening the same guests in the same costumes were the guests of the Princess Kalaniana'ole who had as her guest of honor the ex-Queen Liliuokalani. Dancing followed dinner each evening.

## LUCK AND NO LUCK.

Grover Cleveland has had great luck as a duck hunter this season. But somehow the combination between ducks and political popularity appears to have been broken.



FOR RENT.  
Waikiki Beach.....\$40.00  
1246 Kinau St.....27.50  
1111 Kinau St.....30.00  
Emma Street.....35.00  
Lunalilo Street.....50.00  
Lunalilo Street.....81.25  
Waikiki (Dewey Ave.).....15.00  
Alapai & Prospect Sts.....35.00  
College Hills (furnished).....45.00

FOR SALE.  
Makiki District:  
Kinau Street.....\$2,000.00  
Keoanokua Street.....3,500.00  
College Hills (corner Lot)  
Kamehameha Avenue.....1,100.00  
College Hills:  
Beekwith Street.....1,000.00

Henry Waterhouse Trust Co., Ltd  
Corner Fort and  
Merchant Streets,  
Honolulu, - - - - - Hawaii.

## Classified Advertising

For Rent  
Cottage to Rent. 1111 Kinau street, corner Pensacola. \$30.00 per month. Inquire W. C. Atwater, Hawaiian Electric Co.

## SHIPPING INTELLIGENCE

ARRIVING.  
Sunday, December 24.  
Am. ship Kenilworth, Colly, 48 days from Newcastle at 4 p. m.  
Monday, December 25.  
U. S. N. T. Lawton, Pond, from San Francisco at 8:30 a. m.

DEPARTING.  
Tuesday, December 26.  
U. S. A. T. Buford, for Guam and Manila at 5 p. m.  
Thursday, December 27.  
U. S. Collier Saturn, for Midway, to sail.

U. S. Cruiser Chicago, Badger, for San Francisco about 4:30 p. m.  
S. S. America Maru, Geisz, for San Francisco, probably sail in afternoon.

Friday, December 28.  
U. S. N. T. Lawton, Pond, for Guam and Manila, to sail.

PASSENGERS.  
Arriving.  
Per U. S. N. T. Lawton, December 25, from San Francisco—Second Lieut. Jeter R. Horton.

Departing.  
Per Stmr. Kinau, December 26, for Hilo and way ports—G. H. Robertson, George A. Brown and wife, C. A. Vickery, H. Jennings, D. D. Hendricks and wife, Mr. Terrill, James T. Taylor, Mrs. W. A. H. Connor, H. Duden, C. H. Brown, E. Mable, S. Perser, H. H. Monastet and wife, John T. Baker, J. Cumming, G. A. Cool, Joe Brito and wife and 3 children, Miss Aileen Simpson, Miss Nora Holden, J. A. Scott and wife, D. H. Case, wife and child, Miss Davies, Miss K. Jennings Miss Renwick M. A. Rycroft, J. P. Mendonca, Miss Severance.

HILO.  
Arriving December 25, Am. bark St. Katherine, Saunders, 18 days from San Francisco.

HALEIWA.  
The Haleiwa Hotel, Honolulu's famous country resort, on the line of the Oahu Railway, contains every modern improvement and affords its guests an opportunity to enjoy all amusements—golf, tennis, billiards, fresh and salt water bathing, shooting, fishing, riding and driving. Tickets, including railway fare and one full day's room and board, are sold at the Honolulu Station and Travel & Company for \$5. For departure of trains, consult time table.

On Sundays, the Haleiwa Limited, a two hour train, leaves at 8:22 a. m.; returning, arrives in Honolulu at 12 p. m.

## NEW ADVERTISEMENTS.

### Notice to Stockholders

OF THE  
HONOLULU RAPID TRANSIT & LAND COMPANY.

Notice is hereby given that the stock books of the Honolulu Rapid Transit & Land Company will be closed to transfers from the 28th to the 30th days of December, 1905, both dates inclusive. By order of the Board of Directors, GEORGE P. THELEN, Secretary.

### ANNUAL MEETING.

The annual meeting of stockholders of the Kona Bottling Works Co., Ltd., will be held at the office of the Company, Honolulu, Hawaii, January 9th, 1906 at 10 a. m.

L. S. AUNGST, Secretary.

### HONOKAA SUGAR COMPANY.

Notice is hereby given that the Stock Books of the Honokaa Sugar Company will be closed to transfers from the 26th to the 31st inclusive.

W. LANZ, Secretary, Honolulu, December 22, 1905.

Want Ads in The Star bring quick returns. Three lines three times for cents.