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MRS. AFONG LOSES ON THE DEMURRERS

JUDGE ROBINSON DECIDES FIRST ROUND IN FAVOR OF THE CONTESTING CHILDREN—THE CASE WILL BE HEARD ON ITS MERITS AND FURTHER FACTS ABOUT THE NUANU VISIT WILL BE FORTHCOMING.

Judge Robinson this morning gave an opinion on the demurrer of the majority of defendants in the Afong case. The opinion overrules the demurrers. The suit was an action brought by Mrs. Carrie B. Riggs, one of the Afong daughters, against her mother, Mrs. Julia Afong, and other brothers and sisters of respondents. The suit was brought in equity, the complaint filing a bill to declare a trust of certain Afong property and for an accounting. With the exceptions of Mrs. Nancy B. McStocker, Mrs. J. A. Magoon and Mrs. A. S. Humphreys, sisters of the complainants, the other members of the family interposes demurrers.

The opinion is, in part, as follows: "The bill alleges, among other things, the making, execution and delivery by Chun Afong, the husband of the respondent, Julia Afong, and the father of the complainant and of certain of the other respondents, of two certain trust deeds, the one dated October 17th, 1889, and the other dated July 30th, 1890. Copies of the deeds mentioned and referred to are attached to the bill, made a part thereof, and marked, respectively, exhibits B and A. The deed dated July 30th, 1890, is, in terms, not in substitution for but supplemental to the deed dated Oct. 17th, 1889.

"The deed dated Oct. 17th, 1889, between Chung Afong, party of the first part, Julia Afong, his wife, party of the second part, and John Alfred Magoon, party of the third part after stating that upon the sale by the party of the first part of the Pepeekeo Sugar Plantation, so called, situate in the district of Hilo, in the island of Hawaii, in said Kingdom, said party of the second part released her dower right herein upon the promise of the purchaser that, with the assent and by the request and direction of the party of the first, the sum of two hundred thousand dollars, part of the purchase money should be invested in two thousand shares of the par value of one hundred dollars each, of the capital stock of the Pepeekeo Sugar Co., a Hawaiian corporation, and such investment has now been made in the name of the party of the third part to be held by him and his successors upon the trusts and subject to the powers and provisions hereinafter declared concerning the same," recites "that the said Chung Afong, in consideration of the promises and of his natural love and affection for his said wife and her children by him begotten, and in further consideration of the covenant of the party of the third part, doth hereby ascend," etc.

"The deed dated July 30th, 1890, between the said Chung Afong, Julia Afong and William F. Allen, parties of the first, second and third parts respectively, after stating the same to be supplemental to the indenture dated Oct. 17th, 1889, repeats the recital in the first deed as to the investment of the sum of one hundred thousand dollars in two thousand shares of the capital stock of the Pepeekeo Sugar Co. and recites "that the said Chung Afong, in consideration of the promises and of his natural love and affection for his said wife and her chil-

dren by him begotten, and in further consideration of the covenant of the party of the third part hereinafter contained, doth hereby assent," etc., contains the following provision:

"Third. After the decease of the said Chung Afong, as well as when he shall be absent from the Hawaiian Islands, and during his said absence or bankruptcy or insolvency, or failure suitably to maintain, support or provide for the said Julia Afong or any of her children by his begotten, the trustee shall pay the income of the trust funds to said Julia Afong, if living, for the support of herself and her said children, and if she be not then living, the trustee shall pay the said income in equal shares to all of the children of the said Julia Afong begotten by the said Chung Afong and to the lawful issue of any deceased child, such issue taking by right of representation the share which the parent, if living would have taken, until the youngest surviving child of Julia Afong begotten by Chung Afong shall reach the age of twenty-one years, and then to pay, transfer and deliver the trust funds and all, if any, the unapplied income thereof in equal shares to the said children and lawful issue of any deceased child, such issue taking by right of representation the share which the parent, if living would have taken. And if there shall be but one such child and no such issue or only one child of such issue then living then the whole to such one child.

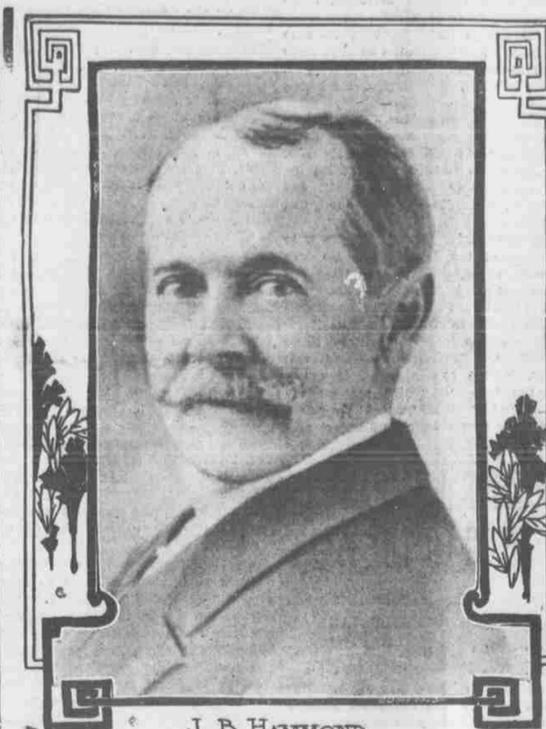
"Counsel for the demurring respondents contends that the direction to the trustee, contained in the third paragraph of the trust deed dated July 30th, 1890, that he 'shall pay the income of the trust funds to said Julia Afong, if living,' constitute an absolute gift of such income to the respondent, Julia Afong, and that the words immediately following, 'for the support of herself and her said children,' are merely precatory in character and impose upon the recipient no legal obligation to apply any part of such income towards the support of the children. * * * Counsel for the complainant, on the other hand, contend that the words used imply a trust for the maintenance and support of the said Julia Afong, and the children of her, the said Julia, begotten by him, the said Chung Afong.

"In the case at bar, both of the trust deeds must be considered together, as the deed dated July 30th, 1890, in express terms, is supplemental in and not in substitution for that dated October 17th, 1889, in order to arrive at the intent of the grantor in the making, execution and delivery of both deeds and upon such consideration I am unable to reach any other conclusion than that in the direction to the trustee, therein named, to 'pay the income of the trust funds to said Julia Afong, if living, for the support of herself and her said children,' the grantor intended that his children should be the direct beneficiaries of his county, jointly with their mother, in the application and use of such income.

"In my judgment, such intent is

(Continued on Page Five.)

TYPEWRITER INVENTOR PRONOUNCED INSANE



J. B. HAMMOND.

J. B. Hammond, who invented one of the first commercial typewriters, has been by a New York court declared insane and has been sent to an asylum. He is said to have squandered a fortune and to be in a mental condition where he cannot take care of himself. He still has a large estate.

however, and is in no danger of want. Mr. Hammond has always been in close touch with his employees and is a true friend of the workingman. He was born in Boston in 1839 and is a graduate of the University of Vermont, class of '61. His first typewriter patent was taken out in 1880.

KAMEHAMEHA DAY GENERAL HOLIDAY

BUSINESS CONCERNS WILL OBSERVE THE DAY—SPORTS AND PICNICS TO TAKE PLACE.

Most business concerns will close tomorrow in celebration of Kamehameha Day, and there will be numerous diversions for making the day pass pleasantly for everybody.

The two most important affairs for the day will be the luau and regatta which will be held on Kalia Bay by the Kamehameha Athletic Club. There will be various forms of aquatic sports indulged in, including various forms of canoe racing, which will begin at 9:30 o'clock in the morning, and the polo match to be played at Moanalua, with numerous other diversions in way of novel races and other sports.

A number of pa-u riders will also take part in the affair. These sports will begin at 1:30 o'clock in the afternoon. Besides these affairs there will be a number of smaller ones, including a picnic given by the Sunday school of the Central Union church at the Oahu College grounds from 10 to 4 o'clock; and a picnic by the Methodist church Sunday school at the County beach place, Waikiki.

There will be a number of other private outings to various places, including a number of yachting parties.

FROGS AS A DELICACY

The Royal Annex Cafe is the one place in Honolulu where you can get frogs served properly. Frogs and imported "Wursburger" make a good combination "it is said."

SACHS CLEARANCE SALE

The annual clearance sale of the Sachs Dry Goods Co. will begin on Wednesday, June 12, 8 a. m. This will be the greatest money saving sale of the year, don't miss it.

WITH OR WITHOUT

Domestic or imported beer served with lunch or dinner at Scotty's Royal Annex Cafe. If you prefer another beverage, you can be supplied. Dine with us and grow fat.

Delicious pies and cakes. Candy fresh every day. New England Bakery.

THE DEMAND IS STEADY

There is no dead or shopworn stock among the candies of the Alexander Young Cafe. The demand is steady, and the factory supplies it daily.

The best cup of Hawaiian Coffee in the city. New England Bakery and Cafe.

SCUDDER FAVORED

COMMITTEE WILL RECOMMEND HE BE OFFERED THE PASTORATE OF CENTRAL UNION.

A call has been issued for a meeting of the members of Central Union church Wednesday evening, June 12th, at 8:15 p. m. The report of the committee appointed to take steps towards the calling of a pastor will be presented at the meeting.

The notices sent to the members of the church states that the committee will recommend that a call be extended to Rev. Doremus Scudder, Dr. Scudder is at present the secretary of the Hawaiian Evangelical Association, which position he has filled most acceptably for several years. It is understood that Dr. Scudder would accept a call to the pastorate of the church if same was extended to him, believing that the position would broaden his field of work.

SUMMER DIARRHOEA IN CHILDREN

During the hot weather of the summer months the first unnatural looseness of a child's bowels should have immediate attention, so as to check the disease before it becomes serious. All that is necessary is a few doses of Chamberlain's Colic, Cholera and Diarrhoea Remedy followed by a dose of castor oil to cleanse the system. Sold by all dealers. Benson, Smith & Co., agents for Hawaii.

NO TAX DECISIONS

No decisions were given this afternoon by the tax appeal court. The court did not hold session today.

STEVEDORES WANT TO HEAR WHISTLES

COMPLAIN THAT A-H. S. S. CO.'S BOATS ARE SLIGHTED AND THEY ARE INCONVENIENCED.

The stevedores want to know why it is that the big whistle of the Hawaiian Electric Co. does not always blow when a steamship of the American-Hawaiian S. S. Co. is sighted, though it is blown the regular three times to announce the approach of any other vessel.

One suggestion is that the A-H. boats do not always carry the mail, but this cannot be the real explanation for the S. S. Hilonian arrived Saturday afternoon and had no mail and yet she was given the usual three toots.

Stevedores have made inquiries in the matter, for they depend almost altogether on the whistle to learn of the approach of a steamship. They keep pretty straight track of what vessels are due and when the whistle is blown, if it is a freight carrier that is coming, they hustle to the wharf where she will dock and get ready to handle the freight.

When Luc S. S. Nevedan arrived the other day there were no stevedores on hand to handle her cargo for the reason that no whistle had been blown to announce her approach and it became necessary to keep the telephone and a number of hacks busy to round up the stevedoring gang.

It is up to the whistle to blow itself.

TO SAIL ON ALAMEDA

Both the Alameda and Hilonian are booked full for the coast. The Alameda has so far booked 117 Portuguese in the steerage. There are more to come.

There were some reports supposed to have been brought by returning Portuguese in the last Alameda that conditions were not such on the mainland as to encourage emigration from here, but there have evidently been contra reports in which those going away are more interested, for the number would not indicate that they were afraid to venture into new fields.

The Sierra carries no women in her steerage so some of those going up in the Alameda are people who could not get passage in the Sierra.

CONSUL MOVING

After Wednesday of this week (June 12th) the Imperial Chinese Consulate will be located in its new quarters in the property of Mrs. Anna Wright, corner of King and Sheridan streets, which has long been known as "Little Britain" from the fact that it was formerly occupied for many years as the British Consulate.

For the past eight years the Chinese Consulate has been located in the Mehrten property, corner of Beretanda and Young streets, which property has recently come into possession of the Territory through the Lanai land deal. The new quarters of the Consulate are being put in shape, and Consul General Chang Tuo Fan and his force will have very convenient place when they get moved in and settled.

SAY SCHMITZ IS INNOCENT

(Associated Press Cable to The Star.)

SAN FRANCISCO, Cal., June 10.—The prosecution in the trial of Mayor Schmitz has rested. Abe Ruef was not called by the prosecution. The defense opens by claiming to be able to prove Schmitz innocent.

UNIONS TAXED FOR STRIKERS

SAN FRANCISCO, Cal., June 10.—It is planned to assess all Unions for the support of the strikers.

BACK TO THE WASH

(Associated Press Cable to The Star.) SAN FRANCISCO, Cal., June 10.—The laundry strike has been settled by a compromise.

IRON WORKS STILL SHUT

(Associated Press Cable to The Star.) SAN FRANCISCO, Cal., June 10.—The machinists are causing delay in the opening of the Iron Works.

COUNTY ACT NOW IN FORCE

DECLARES FRED BECKLEY—ACT IS TO TAKE EFFECT FROM AND AFTER ITS APPROVAL.

Are we a City or are we not a City? Fred W. Beckley, former Speaker of the House, thinks we are a City. That is, according to the strict letter of the recent Municipal Act, passed by the last session of the legislature.

In its amended form the act provides that the officers of the new City and County of Honolulu shall be elected in November, 1908, and they shall hold office for two years, ending December 31, 1911. The evident intent of the bill is, therefore, to have the new act go into effect on January 1, 1909. But Beckley with his lynx eyes has discovered a condition that puts the law under a certain cloud. Section 152 of the Act provides that it shall take effect from and after the date of its approval. It was approved April 30, 1907. So, according to Beckley's contention, the new municipal act should be in effect now. If any one cares to test this point, some interesting proceedings will result.

Evidently this mistake occurred through an oversight. In amending the bill the members of the legislature failed to cut out this particular provision and now an anomalous condition results. One section of the Act provided for the Act to go into immediate effect, while another section makes no provision for the administration of the new form of government before January, 1909.

BISCUITS OF FINE QUALITY

K. Yamamoto, the wholesale merchant on Hotel street, is sole agent for the "Banzai" brand of biscuits. This biscuit is very superior in quality and is recommended very highly as an article of diet. Ring up Main 399.

A MATTER OF HEALTH

ROYAL



BAKING POWDER

Absolutely Pure HAS NO SUBSTITUTE

A Cream of Tartar Powder, free from alum or phosphoric acid

ROYAL BAKING POWDER CO., NEW YORK.

28 PEOPLE DROWNED

(Associated Press Cable to The Star.) BARBADOS, June 10.—Twenty-eight persons have been drowned in the sinking of the French schooner La Jouse.

TESTIMONY UNSHAKEN

(Associated Press Cable to The Star.) BOISE, Idaho, June 10.—The story told by Orchards in the trial of Haywood for the murder of Governor Steunenberg has been unshaken on cross-examination.

PRESIDENT AT FAIR

(Associated Press Cable to The Star.) JAMESTOWN, Va., June 10.—President Roosevelt today addressed the National Editorial Association. The President also opened the Georgia State building.

THE ABBOT WINS. CINCINNATI, O., June 10.—The Abbott wins the Latonia derby.

CONVENIENT

Very convenient to have on hand a supply of spirits, wines or beer. The Criterion Jobbing Dept. has the best stock in town. Phone Main 36.



HO! THERE

Every woman should stop and consider where she can buy her footwear advantageously.

HERE—We have Something New. A fine hand welt oxford tie of Soft Vici Kid. Plain toe, Short Vamp and Cuban heel. Blucher pattern. Just the shoe for walking. Price \$3.50.

MANUFACTURERS' SHOE CO.

1051 Fort Street. Phone Main 24.

BOILING EGGS YOU'VE GOT TO WATCH THE HOUR GLASS

You can't go out in the garden and pick pees. You've got to stay right there and watch those grains of sand fall.

No more can you manage an estate properly if you have a lot of other business to attend to.

May we manage your estate? This is our BUSINESS.

Hawaiian Trust Co., Limited
Fort Street

Walk Over Shoes

IMMENSE NEW STOCK IN ALL STYLES.

\$4.50 \$4.00 \$5.00

Ladies Sorosis Shoes

BLACK AND TAN, TINTED CANVAS BALS.

\$3.50 \$4.00 \$5.00

L. B. Kerr & Co., Ltd
ALAKA STREET.