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BAND CONCERT TOMORROW

Owing to the non-arrival of the transport Thomas this morning the Constabulary band concert will not be given until tomorrow afternoon at the Orpheum theater. There will also be a concert in the evening when the popular request program will be presented. There were a number of suggestions for the arrangement left at the office of the morning paper this morning and a majority of the numbers asked for will be rendered. The band is one of the best in the United States and the soloists are competent in every way. The delights of the audience may well be anticipated after what the organization has done on the mainland. It appeared before large audiences and there was always a demand for repeat concerts. The highest praise has been accorded it by critical musicians and as Honolulu has some real musicians who appreciate the efforts of real musicians the affair at the Orpheum will be a treat. The Denver Post, in commenting upon the work of the band, said in part:

"The faults of the band, and they are few, are largely temperamental, for the technique of the islanders is almost flawless. This very flawlessness, in fact, is a chief offense, for it suggests the school just as Captain Loving's painfully precise direction suggests the teacher. But when it is remembered that these 86 men have only been grouped for eight years, and that many of them had absolutely no knowledge of music or instruments, it is hardly fair to comment upon a very natural adherence to rules and regulations."

"As for their temperamental faults, they were principally apparent in the 'Tannhauser' overture. This huge number, at once the ambition and despair of all musicians, was nobly given, and yet it lacked the understanding that one feels so strongly in the rendition of German players and conductors. The mysticism of Wagner, the subtle employment of themes and motifs, and the swelling majesties of his orchestration, are mentally beyond the Filipinos, and while they played in strict accordance with the score, the soul of the composition eluded them. Not so in the avil chorus, that amazing mass of color. Here the ardor of the islanders found free expression, as also in the 'Dance of the Hours' and Strauss' 'Pizzicato Polka.' The skill of these dark skinned artists with the strings, and their mastery of daintily brilliant effects in pizzicato compositions, is not so much a matter of wonder when one reflects that the Oriental's music has always found expression in stringed instruments. And, by reason of their frequent crudity, the fingers have generally acted as keys for the release of the melody."

"It is this—the inheritance of centuries—that makes the band so marvelous in its execution of composition that had only the strings in view. Few symphony orchestras have ever shown greater skill and taste, and while Captain Loving's brass and wood-winds are more than praiseworthy, it is in the strings that genius lies."

"The soloist of the evening was Mr. Henry Robert Perkins, who gave the Toreador's song with good, ball-filling effect. Mr. Perkins sang this at a recent symphony concert, and last night twice repeated the refrain for encores. Surely the great field of composition affords some other, and equally happy medium for his voice."

SCOTT LOSES CASE

M. F. Scott's exceptions from a verdict for plaintiff in the second trial of B. F. Dillingham's suit against M. F. Scott, defendant, and Kona Development Co. and F. B. McStocker, garnishees, are overruled in an opinion of the Supreme Court by Justice Perry.

In a former decision, on a writ of error, the court reversed the judgment of the First Circuit Court, jury waived, for the plaintiff and ordered a new trial. M. F. Prosser and W. B. Lymer (Kinney, Ballou, Prosser & Anderson on the brief) for plaintiff; M. F. Scott, defendant, in person. The law of this second decision is thus stated in the syllabus:

"The declaration held to sufficiently allege (a) an express promise by an accommodation party to a promissory note to save the other accommodation party harmless in the transaction and (b) a consideration for the promise.

"A party cannot be heard to complain of the giving of instructions requested by himself.

"When the law is sufficiently stated in the instructions given, the refusal of additional instructions is not error.

"The promise to save the maker of a note harmless from any claim on the note is an original undertaking and not within the statute of frauds."

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 He worked for eighteen hours a day
 With perseverance plucky.
 And when at last he won success
 The world said he was lucky.
 —Houston Post.

MONEY TO BANKS.
 Territorial Treasurer D. L. Conkling has deposited from the Loan Fund the following sums: With the Bank of Hawaii, \$100,000; with Bishop & Co., \$45,000. This money has accrued from the sale of \$200,000 bonds, the remainder of the total going into the reserve fund. The deposits draw interest at the rate of 2 per cent., the law providing that it shall draw not less than 2 nor more than 3 per cent. The money may be returned to the Government or may be withdrawn by the government at any time.

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