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## BIG LOCAL FIRMS COMBINED HILO MAY ALSO HAVE AN ELECTION CONTEST

### Y. M. C. A. MAKES MORI A MEMBER

The directors of the Honolulu Y. M. C. A. held a meeting last night and voted unanimously to elect Mori, the Japanese vice consul, to membership in the association. This morning the president and general secretary of the association called on Mori, to notify him of the action taken. Mr. Mori expressed his appreciation of the action taken by the directors, and he is now a full fledged member of the Y. M. C. A.

of the association and the newly elected member was a pleasant one. Mr. Mori told the representatives of the association that he deprecated the discussion caused by his application, and that he had tried to keep the matter out of the newspapers. The rejection of Mori's application, by the membership committee a couple of weeks ago, caused much discussion and a strong demand for reversal of such action was met by the directors at their meeting last night.

### E. O. HALL & SON ABSORBED BY THEO. H. DAVIES & CO.

The entire interests of the Hall family in the business properties of E. O. Hall & Son, including the ownership of the Associated Garage in Merchant street, have been purchased by Theo. H. Davies & Company, Ltd.

This means that the big house of Hall & Son becomes practically a branch of Theo. H. Davies & Company, for the reason that the Hall interests form a majority of the stock in the former concern.

As the deal was a straight purchase of the stock, the control has already passed to Davies & Company with the transfer of the stock, and has not to wait for any set date or period.

Although the exact purchase price of the stock is withheld, it may be stated that the total par value transferred is slightly more than \$150,000.

It is learned from the offices of Theo. H. Davies & Company that no change will be made in the management of E. O. Hall & Son's store at the corner of Fort and King streets. It is probably safe to assume, however,

that there will be some changes in the board of officers and directors. For instance, T. Seymour Hall will retire from the office of secretary of Hall & Son and manager of the Associated Garage, and H. MacIntyre will retire from the office of auditor. The officers certain to remain are: E. O. White, president; C. H. Atherton, vice president; Edwin H. Paris, treasurer and manager. In all probability A. W. T. Bottomley and Henry Holmes will be added to the directorate.

The money received by W. W. Hall, Limited (being the heirs of the late William W. Hall) will be invested in good interest bearing bonds, the amount being sufficient to provide a substantial yearly income to the estate. It is stated that the large and valuable Hall homestead in Nuuanu valley will also be sold in the near future and the sum realized from it added to the principal from the stock sale.

(Continued to Page 5.)

### A HILO ELECTION CONTEST THREATENED, WITH THE PARTIES POSITIONS EXACTLY REVERSED

A Hilo contest over a place on the board of supervisors depends upon the rulings made by the Supreme Court in the pending contest over the mayorality of Honolulu. E. H. Austin, Republican, elected on the face of the returns, as supervisor for the district of South Hilo, is said to occupy about the same position that Fern does in the Honolulu contest, and his nearest opponent, M. S. Pacheco, is waiting to see what happens as to Lane and Fern.

Austin was elected by a lead of only five votes over Pacheco. According to evidence which has been gathered there was one precinct in South Hilo where the voting was allowed to continue until twenty minutes past five, and enough votes were cast, it is claimed, to have changed the result after five o'clock. The precinct gave an Austin majority, hence if its vote

should be thrown out Austin would fall behind Pacheco.

The case is exactly like the one in Honolulu, except that the positions of the political parties are reversed. If the Republicans here succeed in throwing out the Kakaako precinct vote because of ballots cast after five o'clock, the Democrats and Home Rulers can do the same in Hilo precinct, for the same reason.

Judge Carl Smith, who was campaign manager for the Republicans on Hawaii, is said to have been one of those who strongly urged that the Lane-Fern contest be brought. It may now develop that if the contest is successful it will be at the cost of a Republican supervisor whom Smith worked hard to elect.

Hilo Republicans, it is stated, are not at all enthusiastic over the contest being brought in behalf of Lane.

### ELECTION CONTEST STARTS; HARTWELL SUGGESTS A POINT

Proceedings were begun in the Supreme Court this morning before Chief Justice Hartwell and Judges Perry and De Bolt in regard to the alleged irregularities in the election in the Kakaako voting booth.

George A. Davis appeared for John C. Lane, and W. W. Thayer for Mayor Fern.

The court announced that it was ready to hear argument on the matter. Attorney Davis submitted a mo-

tion that the demurrer filed by the defendant be stricken out.

Attorney Thayer objected to the motion on the ground that only a written motion should be entertained. An argument ensued, and the court ruled that the motion should have been written. An adjournment was granted until two o'clock to permit of the written objection being filed.

In addition to Davis, A. F. Judd appeared for the petitioner, and with W. W. Thayer, C. W. Ashford appeared for the respondent.

Chief Justice Hartwell said: "We have read the pleadings in the Lane and Fern contest and are ready to hear argument on the demurrer. For myself I hope the argument will be very full upon the subject of a statutory contest—whether this case of a violation of the election laws presents a statutory contest, and whether the statute confines contests to decisions of Boards or Inspectors concerning the validity of ballots; that, of course, involving the question whether the alleged keeping of the booth open too long and counting the ballots after five o'clock, is to be regarded as a decision of the Board of Inspectors on the validity of the ballots, and in that connection I will ask you to present your view of the statute which requires that the polls shall be open at eight o'clock in the morning and keep open until five o'clock in the afternoon, unless all voters shall have sooner voted, and then

(Continued on Page Eight.)

### KAHUKU RANCH DEED IS VALID

The Supreme Court this morning rendered its decision in the appeal by Emilie L. D'Herblay v. Charles G. Macomber.

Plaintiff alleged that Samuel Norris on September 23, 1892, had executed in her favor two promissory notes, payable after his death. She claimed the sum of \$66,240 as the principal and interest of these notes. Norris, who died on July 14 last, executed to the defendant a deed for the Kahuku ranch and personal property. Plaintiff claimed that Norris had no other property subject to execution; that she was without a remedy at law; and that unless the defendant were restrained he might dispose of the property, which would cause the plaintiff irreparable injury. Plaintiff asked that the deed be adjudged fraudulent; that a temporary injunction be issued restraining the defendant from disposing of or encumbering the property; that a decree be issued declaring the plaintiff entitled to payment of the notes out of the proceeds of the property; that a receiver be appointed; that the property be sold and her claim paid out of the proceeds of the sale.

The judgment said the crucial question was: Had a court of equity jurisdiction to recognize a promissory note as a valid claim against the estate of a decedent and power to subject property, fraudulently conveyed by the deceased grantor, to the satisfaction of such claim? In the court's opinion the question had to be answered in the negative. To permit a court of equity to assume jurisdiction in the matter, the judgment continued, and pass upon the genuineness of the notes, would be an invasion of the constitutional rights of a trial by jury. Plaintiff had not had her claim allowed by the administrator, nor had she otherwise established the fact that she was a creditor of the estate. Therefore, she had no standing in a court of equity.

The case viewed from its inception supported the doctrine that in the absence of an established claim, lien or trust, the judgment concluded, a court of equity, in a case like the one under consideration, had no jurisdiction. The order appealed from was affirmed.

The Kahuku ranch property is now being advertised for sale. It is over 180,000 acres, on the slopes of Mauna Loa, and was crossed by the last big lava flow from the mountain side.

### CHINA MAY REJECT THE AMERICAN LOAN (Associated Press Cable to The Star.)

PEKING, November 29.—Objections against the proposed borrowing of fifty millions in America, and it is now stated that the loan, which was supposed to have been practically arranged, may be rejected.

CHIHUAHUA, November 29.—A thousand rebels are in force in this vicinity and they are in control of the railroad system in the state of Chihuahua.

COLICAN, Mexico, November 29.—Several Mexicans have been sentenced to be hanged for the murder of an American.

### FORT STREET TO BE PAVED

Fort street is to be paved with bitulithic pavement, from Queen street to King street, before December 28.

At a meeting this afternoon the board of supervisors authorized a contract for the work to be made with the Honolulu Bitulithic Paving and Concrete Co., the price to be \$4500 and come out of the regular appropriation for roads in Honolulu district. The company makes a concession on the

terms of the formerly vetoed contract for paving Fort street from Queen to Beretania in offering to pay \$1.25 a cubic yard for crushed rock at Mollahi quarry.

It is stipulated that the work be completed before December 28.

The vote was five to two—Aylett, Cox, Kane, Logan and Quinn being for the contract and Ahia and McClellan against it.

### BRITISH START FOR SOUTH POLE

Port Chalmers, New Zealand, November 29.—The Terra Nova, with Captain Scott and his party on board, has sailed for the antarctic region. Scott's expedition is bound for the South Pole, and an effort is to be made to eclipse the brilliant dash that Sir Ernest, then Lieutenant Shackleton made about two years ago. At that time Sir Ernest Shackleton was very successful, and the result of his observations, and those made by Professor David of the Sydney University, have been of great value to scientific circles.

### MUSICAL EVENT THIS EVENING

Tonight is the night set for the violin recital to be given at Hawaiian Opera House by Mrs. Arthur Burdette Ingalls, assisted by Mrs. Riley Harris Allen, soprano and Miss Elsie Werthmueller, accompanist. Owing to the fact that the recital is being given under the auspices of the Kilo-hanna Art League and that half the proceeds are to be applied toward a new building fund for the league, a very representative gathering of league members is expected at the recital.

The recital will undoubtedly prove to be the most delightful musical event of many seasons as Mrs. Ingalls returns to Honolulu fresh from many months painstaking study abroad and Mrs. Allen will be heard in Honolulu for the first time.

Those too late to procure tickets from Bergstrom Music Co., during the day can obtain them at the opera house box office. Tickets 50c, 75c, and \$1.

### NO PAY

At its meeting today the board of supervisors tabled the proposition to pay the inspectors of election for their services in addition to the fee they received from the Territory. The absence of legal obligation and the state of the treasury were the reasons for refusing the extra pay, the amount of which would be over \$800.

### TANTALUS AUTO PROTEST

Judge Robertson's protest against the repeal of the county order prohibiting automobiles on Tantalus road was communicated to the board of supervisors today by the mayor with a recommendation that a public hearing on the matter be held. Accordingly it was referred to the road committee with directions to call a meeting of all interested.

A. H. Dondero, of Dondero & Lansing, the progressive real estate firm, returned in the Wilhelmina from a visit to the Coast.

### NEW RICE MILL

The K. Yamamoto Rice Mill is the largest as well as the finest in the islands. All machinery is of the very latest pattern. The famous Tengu Rice is cleaned at this mill. With the large cleaning capacity they are able to handle considerable outside particular work which they guarantee.

### SUREST DEFENSE.

This is the season when sickness stalks through the land in the form of pneumonia. The surest defense against the disease is Chamberlain's Cough Remedy. For sale by all dealers, Benson, Smith & Co., agents for Hawaii.

### Banister's



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