

SUPREME COURT.

Before the Chief Justice.

Monday, Nov. 6, 1882.

H. REIMENSCHNEIDER vs. CHARLES B. WILSON, SUPERINTENDENT OF WATER WORKS.

THE WATER CASE.

On Saturday last Mr. Reimenschneider, by his counsel, Mr. S. B. Dole, made a new application...

On Monday afternoon the amended petition was heard. Mr. Dole at the outset took exception to the Hon. Judge's ruling of Saturday.

It was agreed between counsel that with His Honor's consent the evidence taken on the first petition should be taken as the basis of the case.

Mr. Wilson was then called and in answer to the Court said that for some time before and about the date at which the water was cut off...

Mr. Preston submitted that on his own evidence Mr. Reimenschneider had knowledge of the state as to hours of irrigation, and that he had violated it.

His Honor, addressing the Attorney-General, said he understood the learned counsel to be contending that a breach of the old regulations had been committed.

The Attorney-General replied in the affirmative and also said Mr. Reimenschneider had through his counsel been offered a renewed supply of water if he would promise to comply with the regulations.

His Honor said that as the case was an important one, and as he took a different view from either counsel, he would give a written judgment in a few days.

This is a petition for a Mandamus to command the respondent to turn on the water from the Government pipes to the petitioner's premises.

The petitioner alleges that he is in possession of a premises on Emma Street, Honolulu, being a private residence, its grounds planted with a variety of trees.

By Section 5 a rate of \$25 per annum is charged for a private water right, if not more than an acre, where water is used for irrigation as well as for domestic purposes.

THE CHINESE QUARTER.

No. I.

A walk through the Chinese quarter in Honolulu of a pleasant moonlit Saturday evening has been an element of amusement in that it will repay the fatigue.

Passing up Nuanun street from King towards Hotel, the first thing that is noticeable is the life and bustle of the street. Almost without exception, the many shops and stores are tenanted by Chinese, and a dozen different kinds of business are carried on.

Also that the notice of October 13th forbidding all irrigation has no binding force as not having received the approval of the Minister of the Interior.

There is on the back of the receipt for the water sold, these words: "The water receipt for water rates is given with full understanding that the party holding the receipt will conform to the rules and regulations issued from time to time, by order of the Minister of the Interior."

The respondent says that during the ten days previous to October 13th the water was low in the lower reservoir and that he could only fill it from the upper reservoir at the rate of one inch per day.

Water is a public necessity and especially in our climate. I am of the opinion that the Government having assumed the duty of supplying the town of Honolulu with water, and having secured by various Acts of the Legislature the right to condemn the necessary land and water for the purpose of the system of water supply.

But the public receiving the advantages of this water supply from the Government, are certain reciprocal duties to it, which are, to pay the rates as long as they are reasonable and to obey such rules and regulations as may be made for the public convenience and protection, provided they are reasonable.

The obligation of the Government to the individual rate-holder is not alone made by the contract, but also by the receipt for the water rate for six months in advance. If it was so then a fulfillment of it could not be enforced by mandamus.

I have indicated that the Government has a right to make reasonable rules and regulations in respect to the Water Works and the supply of water to the inhabitants. The exercise of this authority is necessary for the public benefit, and in order to enable the Government properly to fulfill its obligations to the community at large.

Having found that the Government is entitled to use of water from its pipes, how can it compel obedience to them? Not by the imposition of a money penalty, for this would imply that the Government is to be held liable for the water it supplies without right, and in the absence of a statute giving the Superintendent of Water Works or Minister of Interior the power to enforce it by a deprivation of the offending party of his water privilege.

The regulations of 13th October, suspending all privileges of irrigation, I do not think reasonable or justified under the circumstances. There had been no dearth of sufficiently long continuance to make this a necessity.

By Section 5 a rate of \$25 per annum is charged for a private water right, if not more than an acre, where water is used for irrigation as well as for domestic purposes.

THE CHINESE QUARTER.

No. II.

With all our facilities sharpened through the agency of the Chinese barber we moved on to a cook shop near at hand. Smoked pork was largely in the ascendant; literally, for quans were being carried up into the kitchen by the light of a lantern, we followed it. Out on a platform built high up in the air the long strips of fat meat were carried, and hung over the fire.

Various probes, scrapers, knives, picks and crochets boxes are handled by the tonsoir-optic-antiseptic artist, and with each new operation the fresh inventory of instruments is made good having in charge the organ next in order.

No. III.

Abandoning our chopsticks with a sigh of repletion, we take our leave of our host—the chief cook—declining his proffer of a pipe as we pass out. Not that we are averse to a quiet smoke, but that we are appalled at the idea of inhaling the smoke through what looks like a one-holed flute or bassoon.

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New Advertisements.

Shipping.

For San Francisco. THE SPLENDID STEAMSHIP CITY OF SYDNEY, DEARBORN, Commander.

THE SPLENDID STEAMSHIP ZEALANDIA, WEBBER, Commander.

THE SPLENDID STEAMSHIP LILUOKalani PURSE, KING, Master.

THE SPLENDID STEAMSHIP AMATEUR PURSE, KING, Master.

THE SPLENDID STEAMSHIP SWIMMING RACE, KING, Master.

THE SPLENDID STEAMSHIP SUEZ, KING, Master.

THE SPLENDID STEAMSHIP CUNARD LINE, KING, Master.

THE SPLENDID STEAMSHIP TORCHLIGHT PROCESSION, KING, Master.

THE SPLENDID STEAMSHIP HIS MAJESTY'S BIRTHDAY, KING, Master.

THE SPLENDID STEAMSHIP EXECUTIVE COMMITTEE, KING, Master.

THE SPLENDID STEAMSHIP SECRETARIES, KING, Master.

THE SPLENDID STEAMSHIP JUDGES OF THE RACES, KING, Master.

The Progress of the Press.

The following is an extract from the address of A. Leonard, editor of the Rochester (Minn.) Post, delivered before the Editors and Publishers' Association of Minnesota, at St. Paul.

The newspaper is the natural result of the highest development of the most progressive phase of our modern civilization. It is the culmination of centuries of toil and invention, the bright blossom bursting forth from the forcing process that the business of the world is undergoing.

The paper, as it is today, is the product of the daily mail and telegraph, and it is permeated with all the vim of electricity.

No profession has before it a future so full of changes as ours. It requires but little forecast to realize that the manufacture of newspapers is sure to be entirely revolutionized in the progress of discovery and invention.

The compositor is too old and too expensive. For five hundred years he has stood at his case. If an Edison were given a commission now-day to invent printing, the art would not come forth a merely mechanical one, but a chemical, dynamic, or electric process.

He didn't want to be lynched. A cow pony that looked very much as if it was far gone in consumption, was tied to a lamppost, and standing on the sidewalk in front of Mose Schauburg's emporium, on Astoria avenue.

Office of the Pae Aina. Up to 4 O'clock P. M., Nov. 13th.

JUDGES OF THE RACES. Captain A. FULLER and Captain A. N. TRIPP.

EXECUTIVE COMMITTEE. H. R. MACFARLANE, CAPT. A. FULLER, CAPT. A. N. TRIPP, C. O. BERGER, FLANK BROWN, CHAS. T. GULICK, CHAS. H. CLARKE, J. U. KAWAINUI, J. MOANAUU, J. KEAU, D. KAHANU, W. PINEHARA WOOD, J. A. CUMMINS.

SECRETARIES. J. U. KAWAINUI, Frank Godfrey, Secretaries.

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